
STATUTORY INSTRUMENTS

2014 No. 941

HIGHWAYS, ENGLAND

The Traffic Management (Norfolk County Council) Permit Scheme Order 2014

Made - - - - 31st March 2014

Coming into force - - 6th May 2014

The Secretary of State for Transport having approved the Norfolk County Council Permit Scheme under section 34(2) of the Traffic Management Act 2004⁽¹⁾ makes this Order in exercise of the powers conferred by sections 34(4) and (5) and 39(2) of that Act.

Citation and commencement

1. This Order may be cited as the Traffic Management (Norfolk County Council) Permit Scheme Order 2014 and comes into force on 6th May 2014.

Interpretation

2. In this Order—

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

“specified streets” has the meaning given by regulation 8 of the Traffic Management Permit Scheme (England) Regulations 2007⁽²⁾.

Commencement of Permit Scheme

3. The Norfolk County Council Permit Scheme comes into effect on 6th May 2014.

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

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

(1) 2004, c.18.
(2) [S.I. 2007/3372](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Transport

31st March 2014

Robert Goodwill
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Article 2

THE NORFOLK COUNTY COUNCIL PERMIT SCHEME

2. **Objectives and Benefits of the Permit Scheme**

- 2.1. Any activity undertaken in a street has the potential to cause disruption. They can reduce the width of the street available to traffic, pedestrians and other users, and can also inconvenience businesses and local residents
- 2.2. The scale of disruption caused is relative to the type of activities being undertaken, the capacity of the street, the duration and timing of the works and the methods employed to carry them out. Works on those streets where the traffic flow is close to, or exceeds, the physical capacity of the street will have greatest potential to cause congestion, disruption and delays.
- 2.3. The objective of the TMA is to enable the management of the traffic network to ensure expeditious movement of traffic (including pedestrians, cyclists and other vulnerable road users) as required under the TMA Network Management Duty.
- 2.4. Under a permit scheme it is intended to enable more effective co-ordination to empower the Local Highway Authority to minimise disruption from both street and highway works.
- 2.5. **The Permit Scheme Objective**
- 2.5.1. The strategic objective for the Permit scheme is to provide a capability to manage and maintain the local highway network for the safe and efficient use of road space, whilst allowing Promoters access to maintain their services and assets.
- 2.5.2. The principle of the Permit Scheme is to improve the planning, scheduling and management of activities so that they do not cause unnecessary traffic disruption to any road user. It will help Norfolk County Council meet their network management duty under the TMA. Coordination of activities through the Permit Scheme will enable differences between those competing for space or time in the street, including traffic, to be resolved in a positive and constructive way.
- 2.5.3. The sub- objectives of the Norfolk Permit Scheme are;-
- To proactively manage the local highway network to maximise the safe and efficient use of road space.
 - To improve the quality and timeliness of information and compliance with highway legislation from all activity promoters.
 - To improve the information available to the public to help provide and inform reliable journey times.
 - To ensure the safety of those using the street and those working on activities that fall under the scheme, with particular emphasis on people with disabilities.
 - To protect the structure of the street and the integrity of the apparatus in it.
 - To enable the provision of essential services necessary to deliver local

- 2.7.4. This could include the consideration to the environmental impact of activities, for example where works involve excavating activities under the canopy of a tree, emphasis will be applied to the Promoter to adhere to the appropriate Code of Practice requirements when excavating.
- 2.7.5. Another example could be the minimising of any impact where permission for the storage of materials or plant is required, outside of the main activity. The locations of these storage areas can create difficulties for traffic flows, businesses and deliveries.
- 2.7.6. The Permit Scheme has been prepared to accommodate the undertaking of street and road works while delivering the statutory duties.
- 2.7.7. Works will always need to be carried out by Promoters, but people will be more understanding if they perceive that the activities are being managed by the Permit Authority and Promoters in ways that minimise impact. These quality of life factors are of particular relevance on the minor, more residential roads.

- 3.8.5. The greater the disruption an activity is likely to cause; the earlier the application for a permit must be made. Promoters should recognise statutory application periods are a minimum and whenever possible provide longer periods of notice. This benefits both the Permit Authority and the Promoter - if modifications are required, the earlier the Permit Authority informs the Promoter, the easier it will be for them to comply.
- 3.8.6. Promoters should take into account the space needed for both the works and the storage of plant or materials when assessing the likely disruption an activity might cause. Where storage outside of the working space, including where appropriate in another street; is required the Promoter should consider impact not only on traffic disruption, but also the impact on the local environment. Conditions may be applied when storage of plant or materials could cause disruption or network congestion.
- 3.9. **Collaborative Working**
- 3.9.1. Collaborative working within the Permit Scheme not only includes trench sharing between Promoters, but also provides opportunity for cooperation and coordination between Promoters with respect to concurrent activities on a single street. The primary objective of collaborative working is to coordinate activities so that they take place within the same set of traffic management or tailored traffic management by different works within the same street.
- 3.9.2. In addition to considering activities on a single street, when assessing an application for a permit the Permit Authority may also consider planned works nearby including planned works on a trunk road, if applicable, following consultation with the Highways Agency. The Permit Authority may seek opportunity for nearby works, on another street, but affecting the same traffic flow, to take place at alternative or similar timings in order to minimise the overall effect to traffic flow.
- 3.9.3. The Permit Scheme recommends and encourages Promoters to consider collaborative working when possible. It is accepted that there are often issues in such arrangements with regards to contractual, CDM and site management requirements, but where possible every opportunity should be sought to minimise the disruption to users of the highway.
- 3.9.4. No permit fee will be charged for any permit where the works are carried out with collaborative working involving more than one other Promoter and/or trench sharing. This is conditional on the correct collaboration type being notified in accordance with the latest version of Electronic Transfer of Notices "EToN".
- 3.10. **Forward Planning**
- 3.10.1. Forward planning information on large-scale and potentially disruptive activities is included in the permits register at the earliest opportunity. This will enable Promoters to:

- 4.8. Any changes made to the KPI's included with the Code of Practice will also be adopted by the Permit Authority in monitoring the Permit Scheme.
- 4.9. The KPI's are described in greater detail in Appendix I of this document.

5. **Common Elements with NRSWA**

- 5.1. To facilitate working across highway authority boundaries, the Permit Scheme uses the same or similar definitions or requirements as used in the NRSWA notice system for:
- a) Registerable activities/works;
 - b) Categories of activities/works (Major, Standard, Minor and Immediate);
 - c) Street gazetteers, including street referencing by means of Unique Street Reference Number (USRN) and Additional Street Data (ASD);
 - d) Street reinstatement categories as defined in the Specification for the Reinstatement of Openings in Highways;
 - e) The distinction between main roads and minor roads, where such distinctions are relevant; and
 - f) Streets designated as protected, having special engineering difficulty or traffic sensitivity.
- 5.2. The Permit Authority will be set up to receive applications, issue and receive notices and otherwise communicate electronically. All such communications relating to works on the highway will be made using the Electronic Transfer of Notifications (EToN) system where ever possible.
- 5.3. All streets maintained by or on behalf of Norfolk County Council are included within the Permit Scheme; these are the "specified streets" as set out in the Regulations. Trunk roads and motorways for which the Highways Agency is the highway authority are not included in the Permit Scheme. For clarification, the Permit Scheme includes all streets within the city of Norwich.
- 5.4. Privately maintained streets are not included in the Permit Scheme, but will be added if they are subsequently adopted by the Permit Authority and shown as maintainable within the street gazetteer.
- 5.5. **Street Gazetteer**
- 5.5.1. The Permit Authority will also operate and maintain a Street Gazetteer including a list of Unique Street Reference Numbers (USRN) and Additional Street Data (ASD).
- 5.5.2. Every highway authority has a Street Gazetteer which forms part of the National Street Gazetteer ("NSG"). This is held centrally on behalf of all local highway authorities by a custodian.
- 5.5.3. In relation to permits, the term "street" refers to an individual USRN. Details about the Street Gazetteer, and the ASD associated with each street on the Street Gazetteer are maintained on the street works register.

5.6. **Streets with Special Designations and Controls**

- 5.6.1. Streets designated under NRSWA with special controls, protected streets, streets with special engineering difficulty and traffic-sensitive streets, will have the same designations under the Permit Scheme.

5.7. **Reinstatement Categories**

- 5.7.1. The reinstatement categories of streets used in the Permit Scheme are the same as the reinstatement categories under NRSWA.
- 5.7.2. The reinstatement category, as given in the ASD must be treated as definitive. If Norfolk County Council has not entered reinstatement categories for streets on the NSG, the streets will all be treated as category 4 for the purposes of the Permit Scheme and for overrun charges and other elements of NRSWA.

7. Types of Permit

- 7.1. The Permit Scheme contains different classes of permit and establishes the requirements specified in Chapter 10 of the Code of Practice.
- 7.2. The Permit Scheme has been designed so that:
- a) In relation to category 0, 1, 2, and traffic sensitive streets, the planned commencement date and finishing date for the activity are the start date and end date respectively on the permit. The permit is not valid before the start date on the permit and ceases to be valid once the end date has passed.
 - b) On category 3 and 4 streets that are not traffic sensitive, permit start and end dates allow for flexibility in the start of the activity, but once the activity is started it must be completed within the activity duration period specified in the permit. The starting window is five working days for major and standard activities and two working days for minor activities. This is in line with the validity period within the NRSWA notice system.
- 7.3. **Provisional Advance Authorisation (PAA)**
- 7.3.1. Within the Permit Scheme under Regulation 11 of the 2007 Regulations, a Provisional Advance Authorisation must be obtained as part of the application process for certain classes of permits. PAA's are a means of enabling significant activities to be identified, co-ordinated and programmed in advance, by allowing activities to be provisionally "booked in" by the Permit Authority pending the subsequent decision on whether, and with what conditions, to issue a permit for the activities. They are in many ways equivalent to advance notices issued under s54 of NRSWA.
- 7.3.2. The Permit Scheme incorporates a requirement for PAA's in relation to major works, but not in relation to other work. The PAA application must be submitted not less than three months in advance of those activities or as agreed with the Permit Authority. The information required in support of an application for a PAA is equivalent to that required in support of an application for a permit although very detailed information may not be known at this early stage.
- 7.3.3. It is recognised that in accordance with the Technical Specification for ETON where a major activity does not involve asset activity a PAA cannot be generated and therefore in such circumstances a permit application will be made in the first instance.
- 7.3.4. In circumstances where a PAA has been granted, but a full permit has not yet been issued and proposals change, the Promoter must inform the Permit Authority of the proposed changes and the Permit Authority will indicate whether or not a new application for PAA or permit must be made by the Promoter.

- 7.3.5. This reflects the importance of ensuring that PAA's can be properly considered and issued in the expectation that a permit will ultimately be issued for the activities. The purpose of the PAA is to allow the Promoter to advise that they have work to undertake and would like to provisionally reserve workspace on the highway, although it must be made clear [Regulation 11(5)] that the issue of a PAA does not guarantee that a permit will subsequently be issued. In keeping with this purpose, the Permit Scheme requires an application for a PAA to specify proposed start and end dates for the relevant activities, although there is sufficient flexibility to enable the dates to be reasonably adjusted when a permit is ultimately issued.
- 7.3.6. For major works the Promoter will be required to provide the final detailed information supporting the permit application at least 10 days before the activity is due to commence
- 7.3.7. The co-ordination process is a key tool in meeting the objectives of this permit scheme. As such, all PAA's will attract a fee but this shall be refunded when the corresponding major works permit request has been approved, providing there are no changes to the proposals & no subsequent permit variation request is made.

9. How to Make a Permit Application

- 9.1. Any Promoter as prescribed in the 2007 Regulations who wishes to perform or carry out an activity on a street within an area covered by the Permit Scheme must first obtain a permit from the Permit Authority. This permits the Promoter to carry out the specified activity, at the specified location, between the dates shown and agrees the conditions which are attached.
- 9.2. The timings of applications will vary according to the proposed activity. Early applications will allow the Permit Authority to give better advice to the Promoter in relation to the use of conditions, requirements and to deliver more effective coordination especially in the cases of major works.
- 9.3. Permit applications, wherever possible, must be made electronically using the EToN system, but where this is not possible, they may also be made by alternative means, i.e. by fax, email, post or hand delivery.
- 9.4. The definitive format and content of both paper and electronic permit applications is given in the Technical Specification for EToN, and all applications must comply.
- 9.5. The description of activities must be in plain English without any industry specific jargon. A standard description used consistently, with added text for exceptions, will allow quicker analysis resulting in clearer information to assist the Permit Authority to co-ordinate activities. Both the Utility and Norfolk County Council works promoters are encouraged to agree standard descriptions and durations locally that can be used.

9.6. The Application Process

- 9.6.1. A permit application process starts when the Permit Authority receives the application not when it was sent. In most cases when using EToN this process should be almost instantaneous and the precise time that the application was received is defined by the time of the electronic acknowledgement returned by the web services at the receiving site.
- 9.6.2. Where a permit application has failed three times by EToN and the notice or application cannot be sent for reasons such as server failure, notification can be given by fax or telephone for immediate activities with a formal EToN application sent as soon as reasonably practical. Where the activity falls into Major, Standard or Minor an application can be made by other electronic means such as email or fax.
- 9.6.3. It is assumed that notices or applications sent by fax have been received when transmitting equipment records satisfactory completion of transmission. Applications may also be made, by post or by hand, but it should be borne in mind the postal service may not guarantee that the application will be received by the Permit Authority on the next working day. For certainty once operation of the EToN system is restored a retrospective application should be sent through to the Permit Authority so that works are recorded correctly on the street works register.

10. Content of Permit Applications

- 10.1. All permit applications received by the Permit Authority must contain the required level of information in order for the Permit Authority to properly assess the application. Details such as duration, location, timings, method and traffic management provisions must be indicated on applications as follows:-
- a) The Street - An application shall relate to proposed activities in one street only. A street for these purposes must correspond to a USRN.
 - b) Detailed Description of Activity and Collaborative Promoters - For all works a detailed description of the activity, clearly setting out what the works are and their purpose must be provided to allow the Permit Authority to assess its likely impact. Where collaborative working is proposed the Promoter must provide a detailed description of the collaborative scheme of works.
 - c) Contact Details – each application must provide contact details of the Promoter's appointed representative who can deal with any problems occurring during the activity. This must include out-of-hours contact details for the Promoter. Where collaborative works are to be performed, the identity of the lead Promoter must also be provided.
 - d) Location - Promoters must give an accurate location using a spatial feature (point, line or polygon) covering the extent of the works area based on National Grid References (NGR's). Ideally, using a polygon which accurately identifies the space identified needs to cover all the area used by the activity, including for storage of materials, working space, safety zone, provision for pedestrians and traffic management (as applicable). The more detailed the provision of this information will enable better understanding of the implications of the works and lead to fewer rejected applications..
 - e) Duration - Each permit application including PAA's, must include proposed start and end dates of the works (the date from which the Promoter requires the road space until the road space is no longer required). The dates included on the permit are calendar days, not working days. Details of the times of day when the activity is to be carried out must also be provided, including any proposal to work at night. If the Promoter proposes to undertake activity on weekends or Bank Holidays to speed up the activity and reduce disruption, this must be included with the application. This information will be taken into account when considering whether to require conditions to be added to the application.
 - f) Illustration - Promoters should provide an illustration of the activity with their permit application, where they consider there is potential for disruption due to the position and size of the activity. Illustrations provided should be based on an extract of the plan held by the Promoter showing the location of their apparatus at the site in question. Promoters are encouraged to provide illustrations in appropriate cases. Where the Permit Authority requires an illustration which is not submitted as part of the application, the application will be refused with a request for the illustration to be provided.

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use of 24 hour portable traffic signals must also be provided. The processing costs associated with the above orders or approvals are not within the scope of the permit fees and will be separately applied.

i) Inspection Units - To ensure consistency the Permit Authority require permit applications to include the provisional number of estimated inspection units appropriate to the activity, in accordance with the rules laid down in the latest NRSWA Inspections Code of Practice and The Street Works (Inspection Fees) (England) (Amendment) Regulations 2004.(or any overriding future legislation or guidance).

j) Site Depth – A Permit application requires a Promoter to provide their best estimate of the excavation depth as part of the application. This estimate may be expressed as a range, but should nonetheless provide a meaningful indication of the nature and extent of activity involved.

k) Reinstatement Type - The application must, wherever possible, indicate whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both.

l) Proposed Conditions –Promoters are encouraged to support their applications with suitable conditions should they find that the location, type of work to be undertaken, road category or any other site based circumstance require consideration.

The approach adopted by the Technical Specification for EToN, is based on the Promoter including conditions in their permit application.

If the Permit Authority does not agree with the condition(s) applied or requires additional conditions then it can either

1. Refuse the request with an inclusion of a comment to reflect the change required. This will require a new permit application to be submitted by the Promoter. or
2. Respond to the request using a permit modification request

The Permit Authority will consider all permit applications on an equal basis, The choice of response will depend upon the version of EToN being used by the promoter.

10.2. **Form of the Issued Permit**

- 10.2.1. A permit will be issued in accordance with the Technical Specification for EToN. A permit application will be generated by the Promoter and granted by the Permit Authority, unless the application is deemed to have been granted where no refusal has been issued within the specific period. The permit will contain all relevant conditions so that there is no ambiguity about the validity and terms of the permit.

- 10.2.2. In accordance with Regulation 12 of the 2007 Regulations and the Technical Specification for EToN, each permit will have a unique reference number. A permit is issued to the promoter for every permit that is granted.
- 10.2.3. For all permits it is a requirement that where there are any other linked permits, references to those other linked permits must also be included with the permit.
- 10.2.4. Where remedial works are to be carried out following completion of permitted works a separate permit is required. This new permit must cross-reference the original activity, by raising the remedial works permit application using the same works reference as the original works.
- 10.2.5. Where a Promoter makes a permit application or variation to a permit application as a result of the Permit Authority's action, e.g. where the Permit Authority has imposed a variation, it is recommended a comment is included to this effect within the application. If applicable, reference to another relevant permit application can also be included.
- 10.2.6. In line with Statutory Guidance 71, the Permit Scheme requires all granted permits to be placed on the permit register and copied to any undertaker, authority or other relevant body that has asked to be informed about activities on a particular street.

11.8. Minimum Application Times - Minor Activities

- 11.8.1. A permit application for minor activities is required three days before the proposed start date.

11.9. Minimum Application Times - Immediate Activities

- 11.9.1. In order not to prevent activities that are necessary for emergency or urgent reasons, the Permit Scheme provides that these works may proceed without a permit given their nature. Promoters must apply for a permit within two hours of the immediate activity commencing or, in the case of the works commencing out of normal working hours, within two hours of the start of the next working day.
- 11.9.2. In all instances of an Immediate Activity, the Promoter must telephone the Permit Authority immediately after works commence on such streets where such a requirement is designated by the Permit Authority (as indicated in the ASD for that Permit Authority). This is a standard condition for the Permit Scheme.

11.10. Non Compliance with the Minimum Application Times

- 11.10.1. Early Starts
- 11.10.2. Where it is not possible for a Promoter to adhere to the minimum permit application periods the Permit Authority may consider applications where mitigating circumstances justify this failure. Permission to allow a Promoter to submit such an application is solely at the discretion of the Permit Authority and will only be given exceptionally.
- 11.10.3. Where a permit application is granted, thereby providing such permission, it will be recorded by the Permit Authority. Where permission is not granted the permit application will be refused. It is recognised that some early starts will be required to achieve a positive outcome to potential collaborative working arrangements.

11.11. Variations and Extensions

- 11.11.1. To vary or extend a permit, a permit application must be made by the Promoter a minimum of two days before the permit expires or at a point when the existing permit has more than 20% of its duration to run, whichever is the longer.
- 11.11.2. Where the Promoter fails to apply for a permit variation or extension within the relevant time limits, the Permit Authority may consider applications to vary or extend permits where the Promoter is able to provide mitigating circumstances justifying the failure to adhere to the relevant timings.
- 11.11.3. We may in exceptional circumstances allow a promoter to submit a late variation to extend the duration of the permit. The Permit Authority will take into account the need to avoid the Promoter leaving the project site unnecessarily. Late applications will be granted solely at the discretion of the permit authority.

11.12. Agreement Process

- 11.12.1. In situations where a Promoter cannot comply with the minimum permit application times, they must initially contact the Permit Authority to discuss the application and the associated justification. At such time the Permit Authority may agree for the permit application to be submitted.
- 11.12.2. In circumstances where the Permit Authority will accept such a permit application, the Promoter should then submit a relevant application to the Permit Authority – providing the detail and justification within the application - in order to obtain a formal grant for the early start, variation or extension to the permit.

11.13. Maximum Response Times

- 11.13.1. Appendix F of the Permit Scheme sets out the time limits within which the Permit Authority will respond to permit applications. It is essential that the Permit Authority replies to permit applications within the given response times. If it fails to do so, the permit is deemed to be granted in the terms of the application.
- 11.13.2. A "response" for the purposes of the Permit Scheme means a decision to grant, refuse or issue a permit modification request, in accordance with the "Statutory Guidance". Where there are reasons why the permit cannot or should not be granted in the terms applied for (e.g. because of insufficient or obviously incorrect information or because of a clash with other activities), the response indicating that a permit will not be granted in those terms will explain the reasoning. This will enable Promoters to make a revised and compliant application.
- 11.13.3. Temporary Traffic Signal Applications must be made using notice type 2700 – Temporary Traffic Signal Application in accordance with the latest version of EToN. Providing that a complete application has been received a response granting the approval will be given by the Permit Authority using notice type 2800 – Temporary Traffic Signal Application Response in accordance with the latest version of EToN, within the response period for the permit application.

11.14. Response Times - Major and PAA's

- 11.14.1. In respect of major activities the maximum response time for issuing a PAA is one calendar month from the date of receipt of the application. In respect of a permit application, the maximum response period is five days from the date of receipt of the application.

11.15. Response Times - Standard Activities

- 11.15.1. In respect of applications for a permit for standard activities, the maximum response time is five days from the date of receipt.

11.16. Response Times - Minor Activities

- 11.16.1. In respect of applications for a permit for minor activities, the maximum response time is two days from the date of receipt.

12.3. Permit Issue and Deemed Permit

- 12.3.1. Where the Permit Authority is satisfied with the permit application having considered all relevant matters set out in the application and all other material considerations, including ensuring the statutory duties to co-ordinate and to manage the network and that the Permit Scheme objectives are met, it will issue a permit to the Promoter within the response time.
- 12.3.2. The permit will cross reference the details provided in the application, including any associated documentation such as drawings, and any conditions imposed by the Permit Authority. Section 10 of this document specifies details and requirements of permit contents
- 12.3.3. Where the Permit Authority fails to meet the response times, the permit is deemed to be granted and in such terms only as reflected in the application. In such circumstances there will be no fee charged.

12.4. Refusal of Permit Applications

- 12.4.1. Whilst the Permit Authority cannot refuse legitimate activities, it can refuse a permit application if elements of the proposed activity, such as timing, location or conditions are not acceptable when measured in accordance with the relevant factors as referred to in Sections 9 and 10 of this document. In such cases the Permit Authority will contact the Promoter as soon as possible and within the response period specified in Appendix F of this document, to explain precisely why the application is not satisfactory and which aspects need modification.
- 12.4.2. A Promoter may cancel an application by an electronic works notice at any point prior to the Permit Authority granting, or refusing the permit application. No fee will be charged for the cancellation or withdrawal of an application under these circumstances.
- 12.4.3. There is no legislation requiring a Promoter has to respond to a works comment within specific time limits, however the application period continues where queries arise. Time limits are provided for reply because both the Permit Scheme and the Code of Practice state that if agreement cannot be reached in the time available, the Permit Authority will have no option but to refuse the permit.

12.5. Examples of Reasons for Refusal

- 12.5.1. The following provides examples of matters that are likely to lead to applications being refused or subject to requests for further information or modification:
- a) Overlapping Activities - Where other activities are scheduled to take place in the same street, or other streets affected by the proposed activity, at the same time, the Permit Authority will work the affected works promoters to explore the opportunity for collaborative working. However, if this is not possible or beneficial the permit authority may refuse a permit for the period requested but propose to grant it for different times. Information about other activities is available to the Promoter through the Permit Register, in such situations the Promoter must contact the Permit Authority to discuss acceptable options before applying for a

permit. In appropriate cases the Permit Authority will encourage collaboration between Promoters.

b) Timing and Duration – A Promoter must ensure when making an application for a permit that the proposed duration of the activity takes into account both the legitimate need to complete the activity in an efficient and economic manner and the legitimate interests of other users of the highway. The Permit Authority may query the proposed duration, for example on the grounds that:

i. it can be completed more expeditiously or, that realistically, not enough time has been allowed; or,

ii. that the specific dates and times proposed may clash with other proposed activities or events which occupy road space, in such a way as to be likely to cause an unacceptable level of disruption.

c) Location of Activity - A permit must specify the location where the activity is to take place. The Permit Authority may refuse to issue a permit due to the proposed location of the activity. This is a similar power to that under Section 56A of NRSWA i.e. where the location of a proposed activity is unacceptable to the Permit Authority because the street in which the works are proposed is already heavily congested with underground services, or has an important traffic function, yet does not warrant protected street status.

Refusals on this basis would only apply:

i. In relation to the installation of new apparatus - it cannot be used to require existing apparatus to be moved, or

ii. Where disruption would be reduced by installing the apparatus in an alternative street where it is reasonable to use the alternative street or a different location within the same street.

13.7. Variation at Permit Authority's Initiative

- 13.7.1. In accordance with Regulation 15 (3) the statement of policy as to the circumstances in which the Permit Authority will vary permits on its own initiative is set out below (the issue of revocation of permits is addressed separately in Section 14).
- 13.7.2. One of the main features of Permit Scheme is that it effectively allows road space to be "booked" by Promoters for their activities.
- 13.7.3. Once a permit is issued it will provide the Promoter with reasonable confidence that the road space will be available for them. Nevertheless, even where a permit has been issued by the Permit Authority, circumstances beyond the Permit authority's control may require a review of the permit and may lead them to conclude that the permit or its conditions require changing.
- 13.7.4. Such changes will be the exception and will only happen when the new circumstances could not have been reasonably foreseen or where the impact is significant. Examples of such circumstances include:
- problems which would lead to traffic being diverted onto the road where an activity was underway or about to start, but the permit had been issued.
 - Roads closed by floods or burst mains;
 - a dangerous building or structure;
 - an unexploded bomb;
 - a significant traffic disruption has ensued;
 - Additional activities have come to light in the same street (or nearby) that will now conflict with the planned activity.
- 13.7.5. If the consequent disruption cannot be suitably mitigated, it may then be necessary to vary the permit for the activity e.g. by changing the time or manner of working.
- 13.7.6. In such circumstances the Permit Authority will contact the Promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements of those involved. The aim of those discussions is to try to reach an agreement and see if a variation is a feasible option.
- 13.7.7. If agreement is reached, the Permit Authority will issue an Authority Imposed Variation to the Promoter. The Promoter may then, either cancel the existing permit and apply for a new permit in those terms; or they may apply for a permit variation. The latter will be more appropriate if the Promoter needs to reconsider elements of its plans within the parameters agreed with the authority.

- 13.7.8. If agreement cannot be reached, the Permit Authority will revoke the permit. The Promoter would have the option of invoking the dispute resolution procedure where it disagrees, set out in Section 19 of this document.
- 13.7.9. No fee is payable for either the permit variation, or a new permit for the original planned activity if appropriate, as a result of a variation initiated by the Permit Authority. If at the same time the Promoter seeks a variation which is not the result of the circumstances causing the Permit Authority's action, a variation fee would be payable, subject to the exemptions in Section 15 of this document.

- 15.5.5. All the Permit Scheme fee levels are at or within the current Regulations and Statutory Guidance maxima.
- 15.5.6. The permit Fees for the Norfolk Permit Scheme are shown in Appendix H of this document. These fee levels will also be published on Norfolk County Council's website.
- 15.5.7. It is possible for both charging categories to be relevant to a single USRN. To ensure the correct permit fee is always applied, spatial data is required in accordance with 10.1 d) of the Permit Scheme.
- 15.6. **Circumstances where no Fee will be Charged**
- 15.6.1. No fee will be charged in the circumstances described below:
- a) Cancellation of a permit - prior to the Permit Authority 's determination, a Promoter cancels a permit application;
 - b) Refusal of Permit or Variation - when an application for a permit or variation is refused;
 - c) Revocation of Permit – where a permit is revoked on the Permit Authority's initiative and the Promoter had to apply for a new permit; there would be no fee for the new permit, except where the original permit is revoked as a consequence of any action or omission on the part of the Promoter.
 - d) Variation of Permit at the Permit Authority's initiative - for permit variations initiated by the Permit Authority, unless at the same time the Promoter seeks variations which are not the result of the circumstances causing the Permit Authority's action - in that case a variation fee would be payable.
- In addition, if the Promoter decides to cancel the existing permit as a result of the Permit Authority imposed variation; any new permit for the originally planned activity would not be subject to a fee.
- e) Deemed Permits - where the Permit Authority fails to respond to an application for a permit or variation, within the relevant response time and the permit is subsequently deemed to be granted.
 - g) Coring Activity - any coring activity where the scope of the specified works is limited to the breaking up of any street. Where a coring activity scope of work covers additional criteria - as defined within Section 6.2(b) to (f) (inclusive) of the Permit Scheme - the permit for this activity would be subject to a fee.
 - h) Permits for Collaborative Works - where at least two or more Promoters intend to collaborate their works within the same site over the same period they should submit applications in accordance with the Technical Specification for EToN & ensure that the appropriate 'collaboration type' is defined . In such circumstances none of the permits will attract a permit fee.

If work cannot be arranged for the same period that results in one of the works only being partially completed during the collaborative period then a reduction in permit fee will be calculated on a pro-rata basis calculated using the number of working days where collaborative working took place to the number of days it did not.

i) Highway Authority Works -permits required by the highway authority.

j) Phasing of Works to Lessen Risk and Inconvenience to Highway Users - where temporary reinstatement is required by the Permit Authority e.g. to minimise risk to the public and allow safe passage and the Permit Authority request the Promoter submits a new permit application for the remaining works, no fee will apply for the permit application.

m) Any work on a fire hydrant will attract no fee.

15.6.2. Where a Promoter expects a permit or variation would not be subject to a fee it is recommended that they include a comment to this effect within their application. If applicable reference to another permit, for example in circumstance where the Permit Authority has imposed a variation, within the new application would be encouraged.

15.7 **Circumstances where Fees may be Reduced**

15.7.1 a.) Where a promoter completes a minimum of 'x'% of all of their works to a first time permanent reinstatement standard over the 1 year period and where the same promoter achieves less than a 'y'% failure rate in Norfolk's coring programme over the same 1 year period the promoter will receive a discount of 10% off all permits of every type of the permit charges for the following 1year period.

Periods run from 1 April to 31 March.

First time permanent work applies to all completed works with an excavation, excluding works where all sites are within the verge. Where multiple sites exist all sites must have been made to a permanent standard in phase 1 of the works. More detail is provided in Appendix I.

In the first period of operation 'x' will be equal to 85% and will increase by 1% each subsequent period to a maximum of 95%.

In the first period of operation 'y' will be equal to 10% and will decrease by 0.5% each subsequent period to a minimum of 5%.

15.7.2 b) Advance Coordination- All Forward Planning Information requests will attract no fee. All PAA's will attract a fee but this shall be refunded when the corresponding major works permit request has been approved, providing there are no changes to the proposals & no subsequent permit variation request is made.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

16.2. **Condition Types**

16.2.1. The conditions Norfolk County Council can apply to permits, referred to as “types” (listed below) are detailed in Regulation 10 of the 2007 Regulations.

2007 Regulations	HAUC (UK) permit guidance 2013/01
<ul style="list-style-type: none"> • Timing and duration of activity; 	<ul style="list-style-type: none"> • Date Constraints
	<ul style="list-style-type: none"> • Time Constraints
<ul style="list-style-type: none"> • Road space; 	<ul style="list-style-type: none"> • Road Occupation Dimensions
	<ul style="list-style-type: none"> • Traffic Space Dimensions
<ul style="list-style-type: none"> • Traffic management provisions; 	<ul style="list-style-type: none"> • Road Closure
	<ul style="list-style-type: none"> • Light Signals and Shuttle Working
	<ul style="list-style-type: none"> • Traffic Management Changes
<ul style="list-style-type: none"> • Methodology for carrying out activities; 	<ul style="list-style-type: none"> • Work Methodology
	<ul style="list-style-type: none"> • Material and Plant Storage
<ul style="list-style-type: none"> • Consultation and publicity; 	<ul style="list-style-type: none"> • Consultation and publicity;
<ul style="list-style-type: none"> • Environmental conditions. 	<ul style="list-style-type: none"> • Environmental

There are two types of conditions, standard and local.

Standard conditions are ones which may be applied to works at any location depending on the circumstances and you could conceivably have some that apply to all works and others as and when necessary.

Local conditions are specific to a location and are to manage a specific issue.

Our intent is to adopt the National Model Conditions as our standard conditions. This will reduce the admin burden on utilities.

To achieve this we shall therefore adopt the suggested National Model Condition (NMC) Texts in full including the referencing. We recognise that these conditions may change and develop over time. Any future changes to the national model condition texts will be automatically incorporated into our scheme.

The initial conditions for the Norfolk Permit Scheme will be those identified in the HAUC UK Permit Advice note 2013/01.

However, we also require 5 additional standard conditions. These will be

referenced as NFKXX so they can be easily identified.

Of these, certain conditions apply to all permits. Given the constraints of EToN, there is therefore no need for the permit applicant or permitting authority to formally attach the National Model Conditions 1, 2, and 3 to individual permit applications or granted permits. However in line with evolving practice reference can be made to the model condition number. The Permit Authority may take reasonable actions in accordance with Part 5 of the Permit Regulations if any of these conditions are breached. It should be noted that only the conditions that are relevant to the work type apply. Therefore:

NMC1 applies to all permits

NMC 2 applies to all works on category 0, 1 2 and Traffic Sensitive roads.

NMC 3 applies to all works on non traffic sensitive 3 and 4 roads

All the standard conditions both 'NMC' and 'Norfolk' will be detailed on our website. The standard conditions are detailed in Appendix D for planned works and those standard conditions for immediate activities Appendix E of this document.

- 16.2.2. Conditions applied to a permit by the Permit Authority will be pertinent to the objectives of the Permit Scheme, including the reduction of congestion and disruption, recognising the needs of other users of the highway and the integrity of the highway itself.

16.3. Applying a Condition to a Permit

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

- 16.3.2. For the application of permits, the main principle behind the Technical Specification for EToN is that when the Promoter submits an application to the Permit Authority they enter the content of the permit, *for example the timing, duration and work methodology*. The Permit Authority cannot amend the content of a permit, including the conditions attached.

- 16.3.3. If the Permit Authority does not agree with the condition(s) applied or requires additional conditions the application may be either:-

1. Refused with the inclusion of a comment to reflect the changes required.
2. Responded to with the issuing of a Permit Modification Request

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

- 16.3.4. Promoters are encouraged to consider the inclusion of conditions on their permit during the initial application. By doing so, the likelihood of the Permit Authority refusing a permit, with a subsequent re-application could be minimised.
- 16.3.5. Where a Promoter recognises that multiple conditions should be used, or as indicated by the Permit Authority, all multiple conditions should be included on the permit application.
- 16.4. **Conditions upon Immediate Activities before Permit Issued**
- 16.4.1. By virtue of the 2007 Regulations, activities that are necessary for emergency or urgent reasons (i.e. immediate activities) can commence and continue for an initial stage without requiring a permit to be obtained first. The Permit Authority has the power under Regulation 13 to impose conditions in such circumstances upon immediate activities for the period between starting work on site and receiving a permit.
- 16.4.2. Until a permit is issued following an application for an immediate activity, a Promoter will be required to work within the terms of their application; for example if the application refers to specific working hours then the Promoter must work within those hours.
- 16.4.3. For Immediate Works the display of the correct Permit reference number is required by 10.00am on the next working day after the works have started on site. This condition takes into consideration the requirement of the Promoter to submit an application for an immediate activity, in addition to displaying the required reference number.
- 16.4.4. Promoters must make application to the Permit Authority for any Temporary Traffic Regulation Order for immediate works by the end of the next working day, even if work on site has been completed.
- 16.4.5. A list of conditions for immediate activities is included in Appendix E of the Permit Scheme and will be published on Norfolk County Council's website.
- 16.5. **Model Text for Conditions**
- 16.5.1. The Permit Scheme allows for the Promoter and the Permit Authority to reference model text for conditions within their permit.
- 16.5.2. The use of model text for conditions will provide opportunity for expediency in the permit application and to mitigate any EToN limitations in the practical application (description) of conditions - especially in the use of multiple conditions.
- 16.5.3. The model text for conditions is suggested text for conditions which the Permit Authority expects to apply or to be applied to permits. When referencing a model text for condition, either the Promoter or the Permit Authority should make reference to the relevant model text reference number and/or the specified text. For expediency a reference to the model text number and any associated content can be applied. For example, a model text for condition reference NMC4 may specify "NMC4 08.00-17.00 weekdays, 09.00-12.00 Sat".

- 16.5.4. Norfolk County Council will publish a list of uniform model text for conditions on their website.
- 16.5.5. During the operation of the Permit Scheme, the Permit Authority and/or Promoters may identify further model text for conditions that can be applied to support the operation and objectives of the Permit Scheme. Prior to bringing these into effect, the Permit Authority proposing the change will discuss this text with the Promoters at the appropriate forums.
- 16.5.6. To ensure there are no errors or misunderstandings in the application of model text for conditions, any published model text will not be superseded. New model text will be given a unique number (applied in numerical order).
- 16.5.7. When applying the use of model text for conditions both the Promoter and Permit Authority must ensure that there is no ambiguity within the description or understanding of the condition. The Promoter is encouraged to contact the Permit Authority during the application stage to clarify any interpretation or application of conditions, if needed.
- 16.6. **Publication of Conditions**
- 16.6.1. All Permit Authorities will publish and maintain a list of the standard conditions, conditions upon immediate activities before the permit is issued and model text for conditions for the Permit Scheme on their website.
- 16.7. **Conditions Available on Site**
- 16.7.1. The Permit Authority recognises the importance for the Promoter work-force to have access to the permit detail, including conditions when carrying out the planned activity. It is recommended the Promoter ensures this information is available on site, but also recognises there may be an administrative burden to comply with a standard condition to have this information available, upon request.
- 16.7.2. Work undertaken in breach of a condition, or without a valid permit, on the basis of lack of knowledge from the Promoter work-force will not be accepted by the Permit Authority as any form of mitigation for such failure.
- 16.8. **Conditions for Timing and Duration of Activity**
- 16.8.1. This condition should only be attached to permits where it is necessary to limit the times of day that works are undertaken because the highway needs to be clear outside of these times. For instance the permit may be valid for 3 days but the site can only be occupied between the hours specified on the days specified.

Environmental concerns must be taken in consideration when using this condition.

It should be noted that it may be possible to have more than 1 start and stop time i.e. if you are only permitted to work outside T/S times, in which case the text can be suitably amended.

- 16.13.2.2. In order to be beneficial such an exercise has to be carried out well before the activity commences. The need for such an exercise will be identified at either the permit or PAA application stage in order to ensure that the Promoter has sufficient time to carry out any related exercise. In respect of permit applications for major works where advance publicity is required, the permit application may have to provide evidence that the exercise has been carried out.
- 16.13.2.3. The effect of planned activities to a Public Transport provider, such as bus company, has to be taken into consideration when the Permit Authority considers the permit application. These providers require consultation on the planned works to provide alternative services in order to minimise the impact of works. A condition may be applied as a result.
- 16.13.2.4. Where the Promoter seeks a variation or extension to a permit, the permit authority may apply a further condition for consultation and publicity (if the circumstances justify it). In these circumstances, the Permit Authority must act reasonably and such conditions will be local to the site and the activity.
- 16.13.3. Display of Permit Numbers and Other Related Signage
- 16.13.3.1. For all planned works a Permit Reference Number must be prominently displayed at all times on site for each phase of the works. Displaying this information will assist in identification of the site for the Permit Authority and members of the Public. It is a standard condition of this Permit Scheme that the activities hereby permitted shall not be carried out unless a site information board(s) is displayed on the site at all times for the duration of the works. This must be displayed in a prominent place at all times so that it may be read easily by the public, clearly displaying the correct Permit/Linked permit/remedial permit* reference number .
- 16.13.3.2. Where immediate works have started, it is accepted that the permit reference number may be unavailable and therefore cannot be immediately displayed on site.
- For Immediate Works the display of the correct Permit reference number is required by 10.00am on the next working day after the works have started on site.
- This condition takes into consideration the requirement of the Promoter to submit an application for an immediate activity, in addition to displaying the required reference number.
- 16.13.3.3. Standard conditions relating to the display of the Permit Reference Number are to assist inspections, particularly in relation to the checking of conditions with which Promoters are required to apply and also to help identify the site for members of the public who may report queries to Norfolk County Council or Promoters.
- 16.13.3.4. In certain circumstances the location of planned works may have an impact to local business, especially within the footprint of the activity. In these circumstances a condition related to specific signage may be applied.

16.14. Condition for Environmental Factors

- 16.14.1. The Permit Authority may apply a condition for an environmental factor when considering the impact of the proposed activity to the local environment, including local residents and the highway infrastructure.
- 16.14.2. Promoters must contact, the Environmental Health Officer (EHO) of the local authority in whose area the works are to be carried out, when drawing up proposals that involve carrying out works during environmentally sensitive hours. That is, hours outside of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on a Saturday (see Section 60, Control of Pollution Act 1974). This should ensure that wherever possible, and at reasonable cost, the requirements of the EHO's can be met.
- 16.14.3. The Permit Authority may need to impose environmental conditions to protect residents or people working, as well as schools, close to the proposed activities from disturbance particularly as a result of noise. This can be done by imposing conditions limiting the times of day when the permitted activities can take place.
- 16.14.4. The Permit Authority may also need to impose environmental based conditions where there is concern about maintaining the site in a clean and tidy condition, including removal of any spillage of materials on the public highway, during and on completion of the works. In such circumstances a condition requiring action at the end of any working period to ensure that waste, whatever the source, must not be left on site may be applied.

16.15. Imposing Conditions upon Highway Authority Works Permits

- 16.15.1. Standard conditions will be imposed upon all permits regardless of Promoter. In addition, the Permit Authority will impose conditions upon a permit in respect of works to be carried out by or on behalf of a highway authority in the same form and for the same reasons for any Promoter.
- 16.15.2. In addition, in accordance with Regulation 10 (3) of the 2007 Regulations conditions on such permits may also require the highway authority to consult with any person who has apparatus likely to be affected by the works and require the highway authority 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.

17. **Inspections**

- 17.1. The procedures for dealing with all aspects of inspections under the Permit Scheme, with the exception of those related to overrun charges under Section 74 NRSWA and permit condition checks, will reflect the procedures set out in the current Code of Practice for Inspections.
- 17.2. The three types of inspections used within the Permit Scheme include:
- a) Sample Inspection
 - b) Defect Inspection
 - c) Investigatory Inspection
- 17.3. Inspections under the Permit Scheme will follow the sample inspection methodology for assessing and carrying out all category A, B and C inspections which are those that are:
- a) Undertaken during the progress of the works;
 - b) Undertaken within the six months following interim or permanent reinstatement; and
 - c) Undertaken within the three months preceding the end of the guarantee period.
- 17.4. In addition, inspections under the Permit Scheme will include processes for dealing with any defective signing and guarding and for reinstatements; improvement plans; together with any costs that may be recoverable, e.g. sample inspections fees from the Promoter.
- 17.5. **Section 74**
- 17.5.1. These inspections are related to works that should have been completed by a due date or have been notified as having done so.
- 17.5.2. The Permit Authority will run the overrun charging scheme alongside the Permit Scheme under Section 74 of NRSWA as set out in section .20.
- 17.6. **Permit Conditions**
- 17.6.1. Adhoc inspections will check for compliance with permit conditions specified in individual permits which are not included in any other inspections procedures.

- 18.9. **Regulation 18 of the 2007 Regulations – Discretionary Unauthorised Works Notices**
- 18.9.1. Using its discretionary power under Regulation 18(1) of the 2007 Regulations, Norfolk County Council, may instead of proceeding by way a criminal sanction route, issue a FPN notice. This discretionary power may be used where a person undertakes works without a permit for which a permit is required to have been obtained or breaches a permit condition. Norfolk County Council will only issue such a notice where it is considered to be an appropriate response in the circumstances and not as a matter of course.
- 18.9.2. Where such a notice is issued it will require the person to take such reasonable steps as are specified in the notice. This may include removing the works, to remedy the breach or to minimise or discontinue any obstruction to the street connected with the works. The notice may also propose remedial action which must be undertaken within a specified set timeframe.
- 18.10. **Failure to take Remedial Action**
- 18.10.1. Where a notice is issued under Regulation 18(1) of the 2007 Regulations and the relevant person has not taken the remedial action within the timeframe, Norfolk County Council may under Regulation 18(3) of the 2007 Regulations take such steps as it considers appropriate having regard to the original non-compliance, at the cost of the Statutory Undertaker. The policy to be applied in such circumstances is that failure to comply with a Regulation 18 Notice within the relevant period will normally lead to such action being taken on the part of Norfolk County Council.
- 18.11. **Other Offences under NRSWA**
- 18.11.1. Any offences relating to sections of NRSWA which run in parallel to Permit Schemes will continue to apply. These include offences relating to reinstatements, overrunning works and failure to send appropriate notices.
- 18.12. **Revocation of Permit**
- 18.12.1. Whilst it is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake works in breach of a condition, as a further alternative to taking criminal action in such circumstances against the Statutory Undertaker the Permit Authority may under Regulation 10(4) of the 2007 Regulations revoke the permit. This use of this power is addressed in Section 14 of this document.
- 18.13. **Keeping of Records**
- 18.13.1. Norfolk County Council will keep records of all sanctions under the Permit Scheme. This information will be made available to any Permit Scheme working group and facilitated by HAUC.

19. **Dispute Resolution**

- 19.1. The TMA provides wide powers to devise a suitable dispute resolution procedure and to identify the stages of the permit application process at which it can be invoked. There are no prescribed statutory dispute resolution procedures as yet and the approach taken therefore is to build on arrangements which already exist through the Highways Authorities and Utilities Committee (HAUC UK) at local and national level for resolving disputes and are set out in the Code of Practice.
- 19.2. The Permit Authority and Promoter are expected to use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure. This might, for instance, be achieved by referring the issue to management for settlement.

19.3. **Incidence of Dispute Resolution**

- 19.3.1. Two stages of the permit process provide for dispute resolution:
- a) A Promoter applies for a permit; the Permit Authority confirms it will only issue the permit with conditions attached or with different dates to the application. The Promoter believes one or more of these conditions are unreasonable or unrealistic. The two parties are unable to resolve their differences; or
 - b) A Promoter who has been issued with a permit and has started work realises that they will no longer be able to comply with the original permit. The Promoter therefore applies to the Permit Authority for the permit to be varied or extended. The two parties are unable to reach agreement on any variation or whether any variation should be allowed.
- 19.3.2. The Permit Authority and Promoter should try, where ever possible, to resolve their disagreements between themselves. However, it is recognised that occasionally this may not be possible.

19.4. **Appeals Procedure**

- 19.4.1. The dispute resolution procedure for appeals under the Permit Scheme may be by dispute review, adjudication or arbitration.

19.5. **Dispute Review**

- 19.5.1. If agreement cannot be reached locally on a matter arising under any part of the Permit Scheme the dispute will be referred for review on the following basis:
- a) Straightforward issues - Where the two parties consider the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of a regional HAUC (that is those not representing parties directly involved in the dispute) for review. That review should take place within five working days from the date of referral. Both parties are recommended to accept the result as binding.

- 20.3.2. The Permit Authority must state in the notice:
- a) the reason for issue;
 - b) its effect;
 - c) alternative routes (where applicable); and
 - d) the date and duration of the notice.
- 20.3.3. The Permit Authority must also notify the emergency services statutory consultees and any other Permit Authority with roads that may be affected. This should be done on, or before, the day the notice is issued.
- 20.4. **Temporary Orders**
- 20.4.1. A temporary traffic order is generally required for planned activities in a street (and may be created where operations under a temporary notice have established the need for the closure to remain in place beyond the legal period for a temporary notice). If a Temporary Order is required, the Promoter should notify the Permit Authority at least three months in advance. This will allow the authority time to consult, and to obtain approvals and advertise the order.
- 20.4.2. Activities that require a temporary traffic order are automatically classed as major works and require at least three months' notice for applying for a PAA, initially, and the temporary traffic order.
- 20.4.3. The Promoter must submit all the information needed to justify a road closure with the application for a temporary traffic order.
- 20.5. **Maintenance of Statutory Undertakers' Apparatus**
- 20.5.1. Statutory Undertakers have a duty, under Section 81 NRSWA, to maintain apparatus in the street to the reasonable satisfaction of the street authority, having regard for the safety and convenience of traffic, the structure of the street, and integrity of apparatus in it. Bridge, sewer and transport authorities also have an interest, so far as any land, structure or apparatus they own is concerned.
- 20.6. **Practical Considerations**
- 20.6.1. Although NRSWA gives Street Authorities certain default powers to inspect and carry out emergency works, neither street authorities nor Statutory Undertakers expect the need to arise. However, should it happen, then (without impeding any immediate emergency action) the matter will be referred to the agreed dispute resolution procedure.

- 20.6.2. The Street Authority will notify the Statutory Undertaker if surface apparatus is found to be defective or the cause of significant surface irregularity, or where an unexplained subsidence or other disturbance of the road surface occurs. This will be done in accordance with the protocols set out in the Technical Specification for EToN. The Street Authority may arrange a site meeting by agreement with the Statutory Undertaker.
- 20.6.3. If the fault identified by the Permit Authority is for or as a result of previously un-attributable activities by Statutory Undertakers, and a Statutory Undertaker subsequently accepts responsibility for that activity, the Statutory Undertaker must retrospectively submit all the required notifications for the original works, before submitting any permit application for the remedial works.
- 20.6.4. If the problem is agreed to be the Statutory Undertaker's responsibility, they must take immediate action to investigate and initiate any necessary remedial works, in accordance with the following principles:
- a) Dangerous defects – requires an immediate response;
 - b) Non-Dangerous – requires a response within the timescales agreed with the street authority.
- 20.7. **Dangerous Occurrence or Defects**
- 20.7.1. Apparatus that requires an immediate response or remedial works to avoid injury or damage to persons or property shall be considered dangerously defective.
- 20.7.2. Norfolk County Council may execute any emergency action required to safeguard the public, for example, by fencing off the location from traffic and the general public.
- 20.7.3. Non-Dangerous defect or occurrence requires a response within the timescales agreed with the street authority. Non-Dangerous defective apparatus is apparatus which requires attention to comply with specifications or remove nuisance; or has the potential to escalate to "Dangerous" in the near future.
- 20.7.4. The decision on whether an occurrence is Dangerous or Non-Dangerous will, by necessity, be made on site. The relevant street authority will make the decision objectively. It should not be challenged unreasonably.
- 20.7.5. A Statutory Undertaker may reduce the time for response, to meet operational needs for example, but must not exceed the agreed timescales. It is important that only the responsible Statutory Undertaker, or a specialist contractor working on its behalf, investigates suspected damaged or defective apparatus, excluding manhole covers and frames.
- 20.7.6. Norfolk County Council will carry out investigations or remedial works (using appropriately trained and experienced persons) only in an emergency, or where the Statutory Undertaker is unable or unwilling to use their own operatives or specialist contractor.

20.13. Parking Restrictions

- 20.13.1. A Traffic Regulation Order imposing waiting restrictions on a particular street should contain an exemption for Statutory Undertakers to maintain their apparatus. A Street Parking Places Order does not contain such provision. Promoters should check whether any further dispensation is required when they make their permit application.
- 20.13.2. It will be a standard condition of a permit that where parking restrictions or suspension of a Traffic Order are required the necessary Temporary Traffic order or approval permitting a vehicle to park will be in place before the activity, or relevant part of the activity, starts on site.

20.14. Storage of Materials

- 20.14.1. Promoters must ensure materials are not placed where they would cause an obstruction to road users. The location of any storage outside the designated working space must be with advance agreement of the Permit Authority. These storage areas will require a separate licence under section 171 Highways Act 1980.
- 20.14.2. This is especially important if materials are stored away from the working space, but are still deposited on the highway.

20.15. Apparatus Belonging to Others

- 20.15.1. There may be other apparatus where activities are planned. Section 69 NRSWA requires those carrying out activities must ensure that the owners of any other apparatus can monitor the activity and measures to reasonably protect the other apparatus are followed. Failure to do so is a criminal offence.

20.16. Assessing the Impact of Activities

- 20.16.1. All activities in the highway have a disruptive effect on traffic. An assessment of any effects is undertaken by Norfolk County Council as part of the process of the permit application process where deemed necessary.

20.17. Disruption Effect Score

- 20.17.1. The Disruption Effect Score is based on a measure of congestion resulting from a restriction on the highway. It is derived from a number of simple factors that should be easily established for any given activity.
- 20.17.2. The nature of traffic flow and the relationship between flow, capacity, and delay are highly complex and subject to a variety of factors. Three specific factors can be used to provide an indication of congestion: the total width of a road; the extent to which the activities reduce the available width; and the traffic flow. Appendix G of this document contains further detail on the application of the Disruption Effect Score.

20.18. **Impact Assessments**

- 20.18.1. Assessment of the impact of activities on walking, cycling, public transport and general traffic may be included, together with the disruption effect score, in the information considered for a permit application. The assessment is a broad indicator of the likely disruptive effect of the proposed activity.

20.19. **Use of Impact Assessments**

- 20.19.1. The impact assessment will be used within the co-ordination process to prioritise activities according to their potential for causing disruption. The assessment may also be used to provide public information on the disruptive effects of activities.

20.20. **Environmental Issues**

- 20.20.1. Where works are planned near any conservation areas, culverts, water courses, trees with preservation orders, basements, bridges, monuments or any other location where environmental factors may be of concern, Promoters are strongly advised to liaise with the authority's relevant departments to ensure that environmental officials along with any necessary authority officers are notified when drawing up their proposals. This should ensure that wherever possible, and at reasonable cost, their requirements can be met.
- 20.20.2. Promoters considering the burying of plant and apparatus that is currently above ground should contact any other Promoter with similar apparatus in order to ascertain whether they would share the underground facility.

20.21. **Overrun Charging Scheme – Section 74 NRSWA**

- 20.21.1. Norfolk County Council will operate a scheme for overrun charging under Section 74 NRSWA alongside the Permit Scheme. Section 74 schemes are not compulsory. An authority does not require Secretary of State approval to operate a Section 74 scheme.
- 20.21.2. "Section 74 Regulations" are currently applied by the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations. Any enactment which amends, applies, consolidates or re-enacts the provisions of these Regulations shall be constructed as a reference to the Regulations by virtue of that subsequent enactment. The operation of the overstaying regime however is modified under the Permit Scheme to incorporate the process of setting and modifying the duration of the activity (or "works" in Section 74 terms) through the permit application, approval and variation processes.
- 20.21.3. Activities carried out by a Promoter on behalf of a highway authority or by the highway authority themselves are not subject to Section 74 overrun charges. However, under the Permit Scheme, Promoters of such activities will be required to follow the same procedures as Promoters who are Statutory Undertakers.

22. Street Works Registers and National Street Gazetteer NSG

- 22.1. In accordance with Part 7 of the 2007 Regulations the Permit Authority will maintain a register in connection with their Permit Scheme. Each Permit Authority will maintain its own local register for their geographic area. The Register will include information on all streets other than those streets that are the responsibility of another authority
- 22.2. The Permit Authority will also maintain a street works register required under Section 53 of NRSWA for any private streets and for historic information.
- 22.3. Details in respect of registers are also shown in Chapter 3 of the Code of Practice and requirements for NRSWA registers are contained in the Code of Practice for Co-ordination of Street Works and Works for Road Purposes and Related Matters.
- 22.4. The statutory requirements for maintaining the two registers will be met in such a way that the information can be combined easily to aid the coordination of activities and to provide information to road users.

22.5. Form of Registers

- 22.5.1. The registers will be kept on an electronic system. In accordance with The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 requirement, the Permit Registers will use Geographic information System (GIS) by October 2008/April 2009. Permit registers will follow this requirement to ensure consistency between all holdings of street related data. Each register will be maintained against the same digital map base to ensure consistency between all holdings of street-related data. This common geographical dataset will be vector based, nationally consistent, maintained and seamless, with changes published on a regular update cycle.
- 22.5.2. The Permit Authority will ensure that all information held in the permit register is referenced to the Unique Street Reference Number (USRN). The Permit Authority will follow the requirements in the Technical Specification for EToN for the street works register.
- 22.5.3. The permit register will include:
- a) vector objects (polygons, lines and points) representing real-world geographical features and boundaries, each with well-defined lifecycles and royalty-free unique identifiers suitable for referencing; and
 - b) road centreline geometry objects, each with royalty-free unique identifiers, which reference the road surface and form a complete and fully consistent topological network with no breaks or misalignments at administrative boundaries.

- 22.5.4. The minimum specification of the common map base is as follows:
- a) Scale Urban areas: 1:1250;
 - b) Rural areas: 1:2500;
 - c) Remote areas: 1:10000;
 - d) Accuracy Urban areas: $\pm 1.0\text{m}$;
 - e) Rural areas: $\pm 2.0\text{m}$;
 - f) Remote areas: $\pm 4.0\text{m}$;
 - g) Coverage: National and seamless, exhausting space over all land areas;
 - h) Geometry Types: Point, Line and Polygon;
 - i) Classification: Objects classified by physical form; and
 - j) Update Cycle: every 6 months
- 22.6. **Content of Registers**
- 22.6.1. The Norfolk Permit Scheme register will record:
- a) copies of all PAA's, permit and permit variation applications submitted to the Permit Authority relating to registerable activities in any street;
 - b) copies of all permits and PAA's given by the authority, including conditions attached as well as all variations to permits and conditions, including any permits "deemed" to be granted;
 - c) copies of all revoked permits, refused PAA's and refused permits, together with the reasons for such refusals;
 - d) copies of all notices, consents and directions served by a street authority under Sections 58 or 58A of NRSWA;
 - e) copies of all notifications served by a Promoter / Statutory Undertaker under Sections 58 and 58A of NRSWA;
 - f) copies of all notices given under Section 74 of NRSWA;
 - g) description and location of activities for which plans and sections have been submitted under Schedule 4 of NRSWA (streets with special engineering difficulties);
 - h) particulars of notices given by any relevant authority under Schedule 4 NRSWA;

- 22.9.3. Norfolk County Council and Promoters must obtain full copies and updates of the street data from the NSG Custodian's website.
- 22.9.4. Under this system each street has a Unique Street Reference Number (USRN). The Permit Scheme provides for the same system to be used, along with the Additional Street Data linked to those streets.
- 22.9.5. USRN's can refer to a whole street (as identified on the ground) or, if the street is long, to part of a street between significant junctions. Under the Permit Scheme a "street" refers to that length of road associated with a single USRN, i.e. to part of a whole street where a street is subdivided.
- 22.9.6. It is the responsibility of the highway authority (which in the case of the Norfolk Permit Scheme is the Permit Authority), either individually or jointly with others, to create, maintain and publish street gazetteer data for all streets within their geographical area, whether or not they are the street authority for any particular street.
- 22.9.7. The specification for street gazetteers is set out in British Standard BS 7666. The Standard specifies three levels of detail; the highest, level 3 includes the geospatial representation of the centre-line of the street as well as the end points. With the degree of attention which will be exercised by the Permit Authority, accurate locations will often need the centre-line information if the impact of activities is to be properly assessed.
- 22.10. **Additional Street Data (ASD)**
- 22.10.1. Additional Street Data (ASD) refers to other information about streets held on the NSG Custodians website alongside the NSG data. Highway authorities, Promoters and other interested and approved parties may obtain copies and updates to this data from the Custodian.
- 22.10.2. Norfolk County Council will provide the following information for the ASD alongside NSG data:
- a) the Primary Notice Authority for each street;
 - b) whether the street is publicly maintainable, prospectively publicly maintainable, or private;
 - c) whether the street, or part of the street, is covered by the Permit Scheme or NRSWA notification regime, which the Permit Authority is or street authority is and details of shared streets if this applies.
 - d) any other authorities and Promoters with an interest in the street;
 - e) the street reinstatement category;
 - f) designations of protected streets;
 - g) designations of streets with special engineering difficulty; and

- h) designations of traffic-sensitive streets.
- 22.10.3. Norfolk County Council may also provide the following information for the ASD which is optional:
 - a) whether the street is subject to early notification of immediate activities;
 - b) where possible, streets on which it might be expected that conditions relating to the non-use of that street for new apparatus, but not the maintenance of existing apparatus, may be used; and
 - c) other features of the street, such as structures, environmental areas, parking restrictions, priority lanes, special surfaces, standard surface and special construction needs etc.
- 22.10.4. Designations may cover only part of a street or vary along a street. The relevant detail should/will be recorded in the ASD.
- 22.11. **Responsibility for Creating and Updating ASD**
- 22.11.1. Where the street authority is also the highway authority, it creates the ASD together with the NSG.
- 22.11.2. Where the street authority is not the highway authority, it may create and submit its own ASD to the NSG Custodian. This will be referenced to the highway authorities' gazetteers. Organisations that fall into this category are:
 - a) The Highways Agency (which manages the motorway and trunk road network in England)
 - b) Network Rail (which is the street authority for level crossings between the barriers).
- 22.11.3. Any other authority, Promoter or interested party must send their records to the NSG Custodian to ensure that their interest in a street is logged. The interest records should/will be entered into the ASD maintained by the highway authority.
- 22.11.4. This is particularly appropriate to neighbouring authorities in the exercise of their network management duty. The NSG Custodian will administer this process.
- 22.12. **Use of ASD and Level 3, Street Gazetteer**
- 22.12.1. All Promoters are advised to use the level 3 gazetteer and this ASD information when making their permit applications.
- 22.12.2. Promoters must ensure that they make their permit application to the Permit Authority.

23. Monitoring and Evaluation

- 23.1. The objectives of the Permit Scheme are set out in Section 2 of this document.
- 23.2. In accordance with the 2007 Regulations, Norfolk County Council will seek to evaluate the Permit Scheme so as to measure whether the objectives are being met.
- 23.3. Specific guidance is provided by the Department for Transport in respect of the objective of ensuring parity of treatment, under Regulation 40 of the 2007 Regulations, for all types of work and Promoter.
- 23.4. Norfolk County Council accepts that the operation of the Permit Scheme would be subject to the Council's own audit process to assess regulatory compliance, together with the efficiency and the effectiveness of the scheme. This process would complement and not supersede any additional measures agreed at regional or national forums, or those introduced through revised legislation.

23.5. Non-Discrimination: Parity Treatment

- 23.5.1. A key principle and objective of the Permit Scheme is that it treats all activities covered by the Permit Scheme equally. The 2007 Regulations provide for permit schemes to include both street works by statutory undertakers (as defined in NRSWA) and highway works (as defined in Section 86 (2) NRSWA) as works for road purposes. Although the term "specified works" is used generically in the 2007 Regulations, "activities" is used in the Permit Scheme to encompass both types of works and anticipates subsequent sets of Regulations which may extend the scope of permit schemes to other activities on the street.
- 23.5.2. Whilst not all activities require a permit, Promoters are strongly recommended to check Norfolk County Council's street works register to ensure that all opportunities to work in a collaborative way with other promoters are taken & to avoid directly conflicting with other planned works.
- 23.5.3. Permits for all qualifying street works and works for road purposes, and all applications (which can only be made by licensed undertakers or highway authorities), will be treated in a non-discriminatory way, as required in Regulation 40 of the 2007 Regulations. In effect the highway authority's activities and their applications will be treated in exactly the same way as those of a licensed undertaker's with regard to co-ordination and the setting of conditions.
- 23.5.4. In order to show that Norfolk County Council is operating the Permit Scheme in a fair and equitable way each Officer responsible for making any decision related to a permit application will be separated from the highway activities of the authority.
- 23.5.5. In addition Norfolk County Council will apply a set of Key Performance Indicators (KPI's) developed by the DfT and set out in the Code of Practice. Norfolk County Council must report against these KPI's on an annual basis, together with any measurement of the Permit Scheme objectives.

25. **Permit Fee Payment**

- 25.1. All Promoters, except on behalf of highway authority works, will be required to pay the appropriate fee for a permit to Norfolk County Council under the Permit Scheme. Where the Promoter does not comply with the terms of the permit, a penalty may be applied using a Fixed Penalty Notice. This penalty will become payable to Norfolk County Council. Norfolk County Council may retain the permit fees and FPN penalties separately for accounting purposes.
- 25.2. In most cases the Statutory Undertaker will already have arrangements in place for payments to Norfolk County Council in relation to NRSWA e.g. for inspection or for section 74 overrun charges. These arrangements can be used for permit fee payments provided there is transparency over precisely which permit a payment is for. In any event, Norfolk County Council will provide flexibility over how payments are made, although electronic payments are the preferred option.
- 25.3. **Payment Options**
- 25.3.1. The range of payment options available are:
- a) by electronic payment using the Bankers Automated Clearing Services ("BACS"): the Statutory Undertaker must contact Norfolk County Council, Finance Department;
 - b) by the Norfolk County Council website;
 - c) by post to Norfolk County Council Finance Department at the relevant address.
- 25.3.2. For BACS payment, the Statutory Undertaker must support payment with details of the permit references covered by the payment and the amount being paid in relation to each.
- 25.3.3. When paying by telephone or via an e-payment system, the Statutory Undertaker must quote details of the permit references covered by the payment and the amount being paid in relation to each.
- 25.3.4. When paying by post, the payment must be accompanied by a list of the permit references covered by the payment and the amount being paid in relation to each.
- 25.3.5. Where the Statutory Undertaker makes payment using a credit/debit card, they must ensure Norfolk County Council can accept payment by that card. It's important that the Norfolk County Council is informed which permit fee is being paid. This will not only provide an audit trail, but will also ensure that payments can be made quickly and with the minimum of queries.
- 25.3.6. While the use of electronic payment methods is strongly encouraged, in the event of a systems failure a Statutory Undertaker may use any of the other options available.

- 25.3.7. The Statutory Undertaker must set up payment facilities, provide contact details and agree methods of payment with the Norfolk County Council's Finance Department.
- 25.4. **Permit Fee Payment and Reconciliation**
- 25.4.1. There is no specific legislation regarding the reconciliation and invoicing arrangements for permit fees, however it is recognised the internal financial arrangements of Norfolk County Council and Statutory Undertaker do differ and some flexibility must be provided for this process.
- 25.4.2. As a standard process for permit fee payment and reconciliation it is expected that an account for a specified period will be produced, containing the permit fees to be charged for that period. Each account will have a reference number which can be used as the reference for any payment, instead of the individual permit numbers.
- 25.4.3. Norfolk County Council will submit this account to the relevant Statutory Undertaker to provide an opportunity for them to reconcile the charges to be invoiced for the specified period, prior to the generation of an invoice for payment.
- 25.4.4. Norfolk County Council will confirm with each Statutory Undertaker the invoicing arrangements together with the frequency of the account reconciliation and/or invoicing. This section contains a standard payment and reconciliation model, including (a) the information to be provided within the account issued to the Statutory Undertaker; and (b) the reconciliation and invoicing process.
- 25.4.5. The following standard procedure for the reconciliation and payment of permit fees is recommended:
- a) An account of the permit fees to be charged for during the specified period will be produced by the Permit Authority and submitted to the Promoter to review for reconciliation. Two accounts during the period will be produced (1) a mid-period account; and (2) a full account at the period end.
 - b) There will be a period after receipt of the mid-period account to enable the Statutory Undertaker to liaise with the Authority to confirm fees and charges.
 - c) There will be a period of 10 days after receipt of the full account to confirm fees and charges for the entire period.
 - d) During both of the reconciliation periods it is the Promoter's responsibility to liaise with Norfolk County Council if they have any comments or queries on the content of the account.
 - e) Once the reconciliation period is complete, a full invoice for the full period will be issued.

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Appendix A – Glossary

Term	Explanation
Above Ground	Any works which do not involve the breaking up or opening of the street or tunnelling or boring under it.
Activity	Means street works as defined within part 3 NRSWA except for works under licence such as Section 50 NRSWA and works for road purposes as set out in Section 86 NRSWA.
Apparatus	Has the same meaning as in Section 105 NRSWA ("apparatus includes any structure for the lodging therein of apparatus or for the gaining access to apparatus").
Appeals	Where disagreement remains unresolved between the Promoter and the Permit Authority about a Permit Authority's decision or actions, the Promoter may appeal using the procedure in Section 19 of this document.
Arbitration	Has the same meaning as 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").
ASD	Additional Street Data (ASD) means other information held on the National Street Gazetteer Custodians website alongside the NSG adjudication.
Bank holiday	Has the same meaning as in Section 98 (3) of NRSWA, ("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	A bar hole is used to detect and monitor gas leaks.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).
Bridge	Includes the entire meaning specified 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	Has the same meaning as in Section 88(1)(b) NRSWA, ("the authority, body or person in whom a Permit Scheme bridge is vested".

Bridleway	Has the same meaning as in Section 329 Highways Act 1980, "(a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway").
Carriageway	Has the same meaning as in Section 329 of Highways Act 1980, ("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".
Central Register	A central register is a register covering two or more street authority areas that is maintained by one single authority, the 'register authority'. For example, a central register could include all authorities in a metropolitan or county area.
Code of Practice (for Permits)	The means the Traffic Management Act 2004 Code of Practice for Permits (March 2008), as published by the Department for Transport. Referred to as the "Code of Practice "within the Permit Scheme.
Co-ordination Meetings	Quarterly meetings to co-ordinate work within the highway authority's geographical area and neighbouring authorities roads.
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.
Cycle track	Has the same meaning as in Section 329 of the Highways Act 1980, ("a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot").
Day	Unless explicitly stated otherwise the reference to day means a working day.
DfT	Department for Transport.

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Disability	Has the same meaning as defined in Section 105(5) NRSWA, "Section 28 of the Chronically Sick and Disabled Persons Act 1970 ("the 1970 Act") (power to define "disability" and other expressions applies in relation to the provisions of this Part as to the provisions of the 1970 Act").
Disability Equality Duty	<p>Has the same meaning as in Section 49A of the Disability Discrimination Act 1995, inserted by the Disability Discrimination Act 2005 which requires that</p> <p>"(1) Every public authority shall in carrying out its functions have due regard to—</p> <p>(a) the need to eliminate discrimination that is unlawful under this Act;</p> <p>(b) the need to eliminate harassment of disabled persons that is related to their disabilities;</p> <p>(c) the need to promote equality of opportunity between disabled persons and other persons;</p> <p>(d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;</p> <p>(e) the need to promote positive attitudes towards disabled persons; and</p> <p>(f) the need to encourage participation by disabled persons in public life.</p> <p>(2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other provision of this Act.</p>
Distribution Network Operator (DNO)	Operator of an electricity distribution network.
e-government	The Government objective to deliver efficiency savings while improving the delivery of public services by joining up electronic government services around the needs of customers.
Emergency works	Has the same meaning as in Section 52 NRSWA, ("works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property").
EToN	Electronic Transfer of Notifications

	(temporary prohibition or restriction on roads) is required; or street works, other than immediate street works, which have a planned duration of 11 days or more".
Major bridge works	Has the same meaning as in Section 88 (2) NRSWA, ("works for the replacement, reconstruction or substantial alteration of a bridge").
Major highway works	Has the same meaning as in Section 86 (3) NRSWA, (" 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) reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by Section 64 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 Highways Act 1980; (f) works carried out in exercise of the powers conferred by Section 184 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".
Major transport works	Has the same meaning as in Section 91(2) NRSWA, ("substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking").
Material consideration	A consideration which relates to the carrying out of registerable activities and the impact of those activities. The weight to be accorded to any material consideration will depend upon the circumstances of the case.
Minor roads	Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.

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Minor works	Means those street works other than immediate works or major works where the planned duration is three days or less.
National Grid Reference (NGR)	Location reference using nationally defined eastings and northings.
National Land and Property Gazetteer (NLPG)	Gazetteer providing a national reference of land and property related Data 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.
Nationally Consistent Street Gazetteer (NSG)	Means 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	Means the duty imposed upon the local traffic authority under Section 16 TMA to manage their road network. The duty must be undertaken with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following overriding objectives: (a) securing the expeditious movement of traffic on the authority's road network; and (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
Notice management system	Notice management systems receive electronic street works notices and are used by street authorities to manage them together with other relevant information.
NRSWA	New Roads and Street Works Act 1991.
NSG	National Street Gazetteer.
NSG Custodian	The body appointed to manage the NSG on behalf of the local highway authorities.
ODD	Operational District Data.
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.
Ordnance Survey Grid	A spatial location based on the geospatially referenced national grid owned by the Ordnance Survey.
OSGR	Ordnance Survey Grid Reference.

Schema (XML)	Schemas express shared vocabularies allow machines to carry out rules made by people. They provide means for defining the structure, content and semantics of XML documents.
Sewer	Has the same meaning as in the Water Industry Act 1991.
Small Openings and Small Excavations	All openings with a surface area of two square metres or less.
Special Engineering Difficulties (SED)	Has the same meaning as in Section 63 NRSWA, and refers to streets or parts of streets associated with structures, or streets of extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property.
Specified works	Means registerable activities and comprises both street works and works for road purposes as described in the Permit Scheme.
Standard works	Standard works are those street works, other than immediate works or major works, which have a planned duration of between four and ten days inclusive.
Statutory Guidance	Means the Traffic Management Act 2004 Statutory Guidance for Permits (March 2008).
Statutory right	Has the same meaning as in Section 105 (1) NRSWA, ("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	Has the same meaning as in Section 48 (4) NRSWA, and 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".
Street	Has the same meaning as in Section 48 (1) NRSWA, and includes 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	Has the same meaning as in Section 49 (1) NRSWA.

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Street managers	Has the same meaning as in Section 49 (4) NRSWA, and where 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	Has the same meaning as in Section 48 (3) NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street".
Street works licence	Has the same meaning as in Section 50 (1) 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).
Technical Specification for EToN	Means the NRSWA (1991) Technical Specification for the Electronic Transfer of Notifications (EToN).
Traffic Regulation Order	Means an Order made under section 1,6,9 or 14 of the Road Traffic Regulation Act 1984.
The "Regulations" or "Regs"	Means the Traffic Management Permit Schemes (England) Regulations 2007 SI 2007 No. 3372.
TMA	The Traffic Management Act 2004.
Traffic	Has the same meaning as in Section 105 (1) of NRSWA, and includes pedestrians and animals.
Traffic authority	Has the same meaning as in Section 121A of the Road Traffic Regulation Act 1984.
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works".

Appendix B – Appendix B – Dis-applied Sections from the NRSWA(1991)

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

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Appendix C - Modifications to NRSWA (1991)

The 2007 Regulations modify the following sections of NRSWA to accommodate the issuing of permits rather than the exchange of notices.

NRSWA Section		Change	Permit Regulations – Revised Arrangements
Section 58	Restriction on works following substantial road works	Modified	The authority's ability to issue permits with start and end dates replacing directions to start works covered in NRSWA S58 (5) to (7) - The 2007 Regulations provide the equivalent of S58A powers by allowing authorities to take into account whether Promoters responded to the S58 notice by submitting an application for their planned activities
Section 58A	Restriction on works following substantial street works	Modified	Schedule 3A is modified to work in conjunction with permits
Section 64	Traffic Sensitive Street	Modified	Permit regulations provide the requirement for notifying permit applicants the proposals for to designate streets as traffic sensitive
Section 69	Works likely to affect other apparatus in the street	Effectively extended	Permit regulations create an equivalent requirement on highway authority promoters
Section 74	Charge for occupation of the highway where works are unreasonably prolonged	Modified	Permit regulations make provision to operate S74 powers in parallel with Permits
Section 88	Bridge, bridge authorities and related matters	Modified	Modified to work in conjunction with permits
Section 89	Public sewers, sewer authorities and related matters	Modified	Modified to work in conjunction with permits

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Section 90	Provisions as to reinstatement of sewers, drains and tunnels	Modified	Modified to work in conjunction with permits
Section 93	Works affecting level crossings or tramways	Modified	Modified to work in conjunction with permits.

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Appendix E –Conditions Upon Immediate Activities

Our intent is to adopt the National Model Conditions as our standard conditions. This will reduce the admin burden on utilities.

To achieve this we shall therefore adopt the suggested National Model Condition (NMC) Texts in full including the referencing. We recognise that these conditions may change and develop over time. Any future changes to the national model condition texts will be automatically incorporated into our scheme.

The initial conditions for the Norfolk Permit Scheme will be those identified in the HAUC UK Permit Advice note 2013/01.

Of these, certain conditions apply to all permits. Given the constraints of EToN, there is therefore no need for the permit applicant or permitting authority to formally attach the National Model Conditions 1, 2, and 3 to individual permit applications or granted permits. However in line with evolving practice reference can be made to the model condition number. The Permit Authority may take reasonable actions in accordance with Part 5 of the Permit Regulations if any of these conditions are breached. It should be noted that only the conditions that are relevant to the work type apply. Therefore:
 NMC 1 applies to all permits
 NMC 2 applies to all works on category 0, 1 2 and Traffic Sensitive roads.
 NMC 3 applies to all works on non traffic sensitive 3 and 4 roads

However, we also require additional standard conditions. These will be referenced as NFKXX so they can be easily identified. Of these one can be applied to immediate activities.

The Norfolk Permit standard conditions will be detailed on our website.

Scheme Reference	Description	Condition
There is currently one standard condition, in addition to the National Model Condition texts for immediate works.		
NFK101	Visible signage associated with Temporary Traffic Regulation Orders. Removal of all :-'road closed ahead', 'road closed', 'access only', 'access only as far as ...' & any legal enforcement signage for temporary weight, speed or height restrictions must be	Associated TTRO signage must only be visible to the users of the highways when the TTRO is in force & in operation.

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	completed within a reasonable time once the TTRO is no longer needed for that day or for the works.	
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Calculation of Disruption Effect Score

The following algorithm is used to calculate the Disruption Effect Score:

$$\text{Disruption Effect Score} = [(Px100)/(1600x(W-S)/3.65)]$$

Use of Disruption Effect Score

The disruption effect score has a number of specific uses including:

- i. Derivation of the Traffic Impact Assessment,
- ii. Objective based prioritisation of activities for co-ordination, and
- iii. Performance indicators

Impact Assessment

The impact assessment is a broad indicator of the potential disruption that could arise from an activity on the highway;

Disruption Effect Score	Impact
Greater than or equal to 75	Severe
Greater than or equal to 50 and less than 75	Moderate
Greater than or equal to 25 and less than 50	Slight
Less than 25	None

Impact on Buses

The impact assessment for bus traffic is assessed for defined bus routes only and is derived as follows:

Disruption Effect Score Factor	Impact
Greater than or equal to 75	Severe
Dedicated bus lane closed	Severe
Greater than or equal to 50 and less than 75	Moderate
Dedicated bus lane diverted	Moderate
Greater than or equal to 25 and less than 50	Slight
Less than 50	None

Impact on Pedestrians

The impact assessment for pedestrian traffic is derived as follows:

Factor	Impact				
	Footway Hierarchy Category				
	1a	1	2	3	4
Closure	Severe	Severe	Severe	Severe	Moderate
Complete Diversion	Severe	Severe	Severe	Moderate	Slight
Partial Diversion	Severe	Severe	Moderate	Moderate	Slight
Narrowing >50%	Severe	Severe	Slight	Slight	None
Narrowing <50%	Severe	Moderate	Slight	None	None

A 'complete diversion' of a footway is where a new route for pedestrians has been established, for example where there is a requirement to cross the road to use the opposite footway. A 'partial diversion' of a footway is where the route for pedestrians is diverted around the activity's site but remains on the same side of the road. In addition, the impact of any activities on footways associated with urban transport facilities will be considered as 'severe'. For the purposes of this section these are any activities on footways that are within 100 metres of an entrance to a bus, tube, railway or tram station.

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Appendix H – Permit Fees

Norfolk County Council		
Reinstatement category of street	Road Category 0-2 or Traffic-sensitive	Road Category 3-4 and non traffic-sensitive
Provisional Advance Authorisation	£105	£24
Major Activity greater than 11 days duration or requiring a TRO	£203	£71
Major Activity between 4 & 10 day duration	£99	£25
Major Activity up to 3 day duration	£52	£10
Standard activity	£99	£25
Minor Activity	£52	£10
Immediate activity	£52	£10

Permit Variation Fees

For permit variations, the Permit Authority will charge:-

- .£45 for major and standard activities on category 0, 1 and 2 streets and category 3 and 4 streets that are traffic-sensitive;
- .£35 for minor and immediate activities on category 0, 1 and 2 streets and category 3 and 4 streets that are traffic-sensitive;
- £35 for major activities on category 3 and 4 non traffic-sensitive streets.
- £10 for standard activities on category 3 and 4 non traffic-sensitive streets.
- £5 for minor and immediate activities on category 3 and 4 non traffic-sensitive streets.

Appendix I – Key Performance Indicators (KPI's)

Every authority wishing to implement a permit scheme must indicate how it intends to demonstrate parity of treatment for promoters in its application. In this Appendix we have expanded upon the details in Section 4 to give greater information on the components within the KPI's. The intention is to provide these broken down into promoter organisation each month

The DfT's Code of Practice for Permits 2008 contains seven KPIs, which could be used for this purpose.

There are 2 mandatory KPIs that each permit scheme must include.

KPI 1 The number of permit & permit variation applications received, the number granted & the number refused.

- A The total number of permit & permit variation applications received, excluding any applications that are subsequently withdrawn.
- B The number granted as a percentage of the total applications made.
- C The number refused as a percentage of the total applications made.
- D The number deemed as a percentage of the total applications made

KPI 2 The number of conditions applied by condition type.

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

Authorities should select at least two other KPI's, which they consider will demonstrate parity across their scheme. Of these the Permit Authority will adopt KPIs 3, 4 and 5 to demonstrate parity of treatment between their own road works and streets works undertaken by statutory undertakers.

KPI 3 The number of approved extensions.

- A The total number of permits issued.
- B The number of requests for extensions shown as a percentage of permits issued.
- C The number of agreed extensions shown as a percentage of extensions applied for.

KPI 8 First Time Permanent Reinstatements

- A The total number of permits granted that have an excavation type of 14 or 15 or 18 & where phase 1 has not been cancelled & where the works are not wholly within the verge (all sites).
- B The total number of permits granted where all sites were registered as being made permanent at the completion of phase 1. This figure will not include works that are wholly within the verge (all sites).
- C The total number of first time permanent reinstatements as a percentage of permits granted with an excavation type of 14 or 15 or 18.
- D The date range for this measure will be the 1 year period between 1 Apr & ending 31 Mar.
- E The actual start date will be used to determine which period each works relates to.

KPI 9 Coring Results

- A The total number of core samples successfully tested for thickness & correct use of surface and binder courses.
- B The total number of cores samples that did not comply shown as a percentage of cores successfully tested.
- C Only reinstatements that visually appear to comply with the current Specification for the Reinstatement of Openings in Highways will be selected for sampling.
- D Reinstatements for sampling will be selected by the Permit Authority.
- E Core sampling & testing will be completed by a UKAS accredited laboratory, appointed by the Permit Authority, that is accredited for the taking & analysis of the core samples.
- F The total number of non complying reinstatements shown as a percentage of all cores successfully tested.
- G The date range for this measure will be the 1 year period starting 1 Apr & ending 31 Mar.
- H The date the reinstatement was registered as being completed will be used to determine which period each works relates to.

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Document Control Sheet

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Revision	1.3 Submission
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Control Date	

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EXPLANATORY NOTE

(This note is not part of the Order)

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

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

Article 3 gives effect to the permit scheme, which will come into effect on 6th May 2014. The permit scheme referred to in this article is set out in the Schedule to the Order.

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

A copy of the Norfolk County Council Permit Scheme is deposited and can be inspected at the offices of Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2DH and is available to inspect on the Council's website <http://www.norfolk.gov.uk/TMApermits> .