



Department for Transport

Mark Prior
Head of Transport

Jeff Elliott, Highway and Traffic Manager
Highway Operations, Transport

Brighton and Hove City Council
Room 300, 3rd Floor
King's House
Grand Avenue
Hove
BN3 2LS

DEPARTMENT FOR TRANSPORT
GREAT MINSTER HOUSE
33 HORSEFERRY ROAD
LONDON
SW1P 4DR

DIVISIONAL ENQUIRIES: 0300 330 3000

Web Site: www.dft.gov.uk

Our Ref: GT51/002/0009/18
Your Ref:

27 October 2014

Dear Mr Prior & Mr Elliott,

TRAFFIC MANAGEMENT ACT 2004, and TRAFFIC MANAGEMENT PERMIT SCHEME (ENGLAND) REGULATIONS 2007

APPLICATION FOR PERMIT SCHEME FROM BRIGHTON AND HOVE CITY COUNCIL

I am directed by the Secretary of State for Transport to say that consideration has been given to the application under Part 2 of the Traffic Management Permit Scheme (England) Regulations 2007 ("the Regulations"), 24 July 2014 by Brighton and Hove City Council ("the Authority"), for the Secretary of State to give approval, under section 34 of the Traffic Management Act 2004 ("the TMA"), to a permit scheme submitted to him by the Authority, and to make an Order under section 35 of the Act giving effect to an approved scheme.

The Secretary of State's consideration has taken into account the information supplied by the Authority according to section 33 of the TMA and regulation 4 of the Regulations. His decision relates to the version of the Brighton and Hove City Council Permit Scheme submitted on 24 July 2014, together with amendments received 09 October 2014, and the accompanying statement of objectives, objective measures and evaluation procedures received on 24 July 2014. He has also taken into consideration the signed Memorandum of Understanding supplied by the Authority and dated 24 July 2014 together with the signed confirmations that your Scheme will adopt only the wording of the HAUC (England) ratified permit conditions, including numbering, and will offer discounts to work on 'Traffic Sensitive Streets' that are completed wholly outside of traffic sensitive times, dated 24 July 2014.

Summary of the Secretary of State's decision

The Secretary of State considers:

- that the Authority has provided sufficient evidence that the consultation on its proposed Scheme met the requirements of section 37 of the TMA and section 3 of the Regulations;
- that the proposed Scheme meets the requirements of the TMA and the Regulations, and that due account has been taken of the Secretary of State's Statutory Guidance for Permits, issued in March 2008 and the Additional Advice Note issued in January 2013;
- that the statement of costs and benefits supplied by the Authority on 24 July 2014, makes a reasonable case that the proposed Scheme, on the balance of probabilities, would deliver in relation to the highway network managed by the Authority, benefits exceeding its costs;
- that the Authority's proposals for evaluating the proposed Scheme following implementation are satisfactory in principle; and
- that the Authority's proposals for charging fees for Permits under the Scheme reflect a reasonable assessment of the likely costs of operating the Scheme.

The Secretary of State has therefore approved the Scheme and is content to make an Order giving effect to the proposed Scheme.

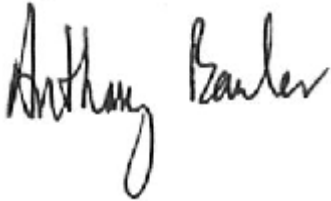
Next steps

The Secretary of State's consideration of this decision reflects the Department for Transport's understanding of the Authority's proposals, as derived from the documents listed above. If the Authority should decide that any further amendments to the 24 July 2014 version of its Scheme are required, including changes to fees or conditions, prior to the Scheme implementation date, it should notify the Department straight away as this could necessitate further consideration. The Authority is reminded that approval by the Secretary of State of the Scheme includes approval of the Authority's proposals for charging permit fees. The fees for permits set out in the scheme are the maximum that may be charged by the Authority for the specified permits, provisional advanced authorisations, and permit variations. Any proposal to change these maximum fees should be considered as a proposal to vary the Scheme, and this would therefore require a further application to the Secretary of State.

The Authority is invited to respond, within one month of this letter, to advise if it will proceed to implement the Scheme, as set out in the version 24 July 2014, and to nominate a date for an Order to come into force. The coming-into-force date must be the same date as the start of the Scheme. The Authority would therefore need to ensure that all preparations for the introduction of the Scheme, including the four weeks notice to interested parties required by regulation 17 of the Regulations, are completed by that date. The nominated date should be no earlier than fourteen weeks from the date you

send your response. We invite the Authority to discuss its preferred date informally with DfT officials, in advance of its response to this letter.

Yours sincerely

A handwritten signature in black ink that reads "Anthony Boucher". The signature is written in a cursive style with a large initial 'A' and a long, sweeping tail on the 'h'.

Anthony Boucher
Head of Traffic Division
Department for Transport