

PERMIT SCHEME FORMAL CONSULTATION REPORT

Title: Proposed Brighton & Hove Permit Scheme (B&HPS) formal consultation responses and report
Date: 7th March 2014
Authors: Jeff Elliott, Highway and Traffic Manager
Jason Setford-Smith, Consultant, 07944 298 029

1 Introduction

The formal consultation regarding the proposed Brighton & Hove Permit Scheme (B&HPS) ran for a period of twelve (12) weeks beginning on the 12th December 2013. The deadline for receipt of responses was no later than 5pm on 7th March 2014.

It was stated in the consultation covering letter that 'all responses received by the 7th March 2014 will be taken into consideration and, if Brighton & Hove City Council consider it to be appropriate, amendments will be made to the draft Permit Scheme.

The draft Scheme Document and accompanying covering letter was issued to 82 key stakeholder organisations and individuals, including local neighbouring Highway Authorities, Utilities, road user representative groups, current IT suppliers and non-government organisations. The list is provided within this document. Some organisations had a number of consultees within them and if known those individuals were contacted directly.

A total of 229 individual comments on the proposed Permit Scheme were received by the deadline.

Additional comments from EToN developers and legal representatives have been added to the comment list so there is transparency regarding all changes to the scheme document.

A list of comments received and potential response or amendments are provided in this document.

1.1 List of Consultees who responded by the deadline

1. Solent and South Downs Environment Agency (EA)
2. Surrey & Sussex Police (SSP)
3. Brighton & Hove Bus and Coach Company (B&HBCC)
4. Southern Water (SW)
5. South East Joint Utilities Group (SEJUG)
6. Southern Gas Network (SGN)
7. National Joint Utilities Group (NJUG)
8. Carillion Telent (CT)
9. Balfour Beatty (BB)
10. Openreach (O)

1.2 Consultees who responded after the deadline

No responses were received after the deadline.

2 Consultation Distribution List

Internal Contacts		
1	Head of Legal (Highways)	carl.hearsum@brighton-hove.gov.uk
2	Head of Environmental Health	tim.nichols@brighton-hove.gcsx.gov.uk
3	Head of Planning (or equal individual)	martin.randall@brighton-hove.gov.uk
4	Civil Contingencies Manager (runs SAG)	robin.humphries@brighton-hove.gcsx.gov.uk
5	Transport Committee Chair	Pete.West@brighton-hove.gcsx.gov.uk
6	Transport Committee Deputy Chair:	Ollie.Sykes@brighton-hove.gcsx.gov.uk
7	Transport Committee Opposition Spokesperson	Graham.Cox@brighton-hove.gcsx.gov.uk
8	Transport Committee Opposition Spokesperson	Tony.Janio@brighton-hove.gcsx.gov.uk
9	Transport Committee Group Spokesperson	Gill.Mitchell@brighton-hove.gcsx.gov.uk
10	Transport Committee Group Spokesperson	Alan.Robins@brighton-hove.gcsx.gov.uk
11	Transport Committee Member	Emma.Daniel@brighton-hove.gcsx.gov.uk
12	Transport Committee Member	Ian.Davey@brighton-hove.gcsx.gov.uk
13	Transport Committee Member	Christopher.Hawtree@brighton-hove.gcsx.gov.uk
14	Transport Committee Member and Leader of the Conservative Group	Geoffrey.Theobald@brighton-hove.gcsx.gov.uk
15	Leader of the Green Group and the Council	Jason.Kitcat@brighton-hove.gcsx.gov.uk
16	Leader of the Labour Group	Warren.Morgan@brighton-hove.gcsx.gov.uk
17	Independent	Christina.Summers@brighton-hove.gcsx.gov.uk
Bus Operators		
18	Brighton & Hove Buses – Mike Best	mike.best@buses.co.uk
19	The Big Lemon – Tom Druit	tomdruitt@thebiglemon.com
20	Compass Travel - Andrew Mckinnon	amckinnon@compass-travel.co.uk
21	Stage Coach - Colin Ashcroft	colin.ashcroft@stagecoachbus.com
22	Heritage Coaches - Chris Martin	c.martin@heritagecoaches.f9.co.uk
Central Government		
23	Department for Transport	barbara.king@dft.gsi.gov.uk
24	Highways Agency – Dave Clark	dave.clark@highways.gsi.gov.uk
25	Environment Agency	enquiries@environment-agency.gov.uk
Emergency Services		
26	ESFRC Fire and Rescue Service	brian.dudman@esfrs.org or dexter.allen@esfrs.org
27	Sussex Police	simon.nelson@sussex.pnn.police.uk or Mark.DUNN@sussex.pnn.police.uk

28	SECAMB Ambulance Service	james.pavey@secamb.nhs.uk
29	Transport Police	gary.ancell@btp.pnn.police.uk
30	Royal Sussex Hospital	natasza.lentner@bsuh.nhs.uk
IT and Systems Suppliers		
31	Mayrise / Yotta	Nick.Bond@yotta.co.uk
Passenger Transport		
32	Network Rail	jamesd.taylor@networkrail.co.uk
33	Passenger Focus	info@passengerfocus.org.uk
Representative and Interest Groups		
34	Automobile Association	Customer.Services@theAA.com
35	British Motorcyclists Federation (BMF) South	dgphowe@btinternet.com
36	British Cycling	info@britishcycling.org.uk
37	Freight Transport Association	sdarrington@fta.co.uk
38	Guide Dogs Association for the Blind	guidedogs@guidedogs.org.uk
39	Joint Authorities Group	manager@jaq.uk.org
40	Sussex Safer Roads Partnership	phil.henty@westsussex.gov.uk
41	Brighton & Hove Chamber of Commerce	admin@businessinbrighton.org.uk
42	Brighton and Hove Federation of Disabled People	geraldine.desmoulins@bhfederation.org.uk or jon.hastie@thefedonline.org.uk
43	Road Haulage Association	l.white@rha.uk.net
44	Royal Automobile Club	secretary@royalautomobileclub.co.uk
45	Royal Association for Deaf People (RAD)	info@royaldeaf.org.uk
46	Royal Blind Society	derekrbs@aol.com
47	Taxi/Black Cab/Mini Cab Owners Martin is Head of Taxi Licensing so will ensure the document is on the taxi forum agenda	martin.seymour@brighton-hove.gcsx.gov.uk
48	B&H Transport Partnership	simon.newell@brighton-hove.gov.uk
Surrounding Local Authorities		
49	East Sussex County Council	roger.williams@eastsussex.gov.uk
50	West Sussex County Council	peter.atkins@westsussex.gov.uk
51	Southampton	John.Harvey@southampton.gov.uk
52	Portsmouth	Barry.Rawlings@portsmouthcc.gov.uk
53	Isle of Wight	iain.thornton@IOW.gov.uk
54	HA Area 4 rep	martin.wright@highways.gsi.gov.uk or peter.phillips@highways.gsi.gov.uk
55	Kent CC	Andrew.Westwood@kent.gov.uk
56	Surrey CC	matthew.jezzard@surreycc.gov.uk
57	Hampshire CC	ian.ackerman@hants.gov.uk
Utility Companies		

58	British Telecom PLC	dave.patrick@openreach.co.uk
59	BskyB Telecom Services	nrswa@sns.bskyb.com
60	Cable and Wireless	osm.enquiries@atkinsglobal.com
61	National Grid (GAS Distribution)	plantprotection@uk.ngrid.com paul.z.gerrard@uk.ngrid.com
62	Verizon Business	osp-team@uk.verizonbusiness.com
63	Virgin Media	paul.hobbs@virginmedia.co.uk
64	National Joint Utilities Group	info@njug.org.uk
65	UK Power Networks	customer.relations@ukpowernetworks.co.uk
66	Southern Gas Networks	customer@sgn.co.uk
67	Southern Water	customerservices@southernwater.co.uk
S50 Contacts		
Note: The Section 50 applicants over the last 12 month period have been listed.		
68	Dragon Infrastructure Solutions Ltd	info@dragonis.net
69	Drivepoint Contractors	info@drivepointcontractors.co.uk
70	AWH Utility Services Ltd	info@awh-utilityservices.ltd.uk
71	A R Bradley Groundworks Ltd	info@arbradley.co.uk
72	Burrie Groundworks Ltd	info@burriegroundworks.com
73	Ansa Utilities	info@ansaltd.com
74	Future Utility Solutions Ltd	info@fegroup.co.uk
75	Blockbusters Contracts Ltd	info@blockbusters.co.uk
76	BLU-3 Ltd	jane.brunton@blu-3.co.uk
77	Westridge Construction	enquiries@wcluk.co.uk
78	Hailsham Roadway Construction	enquiries@hailshamroadways.co.uk
79	Bellway Homes	se-sales@bellway.co.uk
80	A M Construction Southern Ltd	info@amconsouthern.co.uk
81	O'Halloran and O'Brien Ltd	info@ohob.co.uk
82	Plumbridge Contractors Ltd	info@plumbridgecontractors.co.uk

3 General Comments

Org	Suggested amendment / clarification / comment / question	Response / action / recommendation
EA	<p>Although the Environment Agency is classed as a statutory undertaker for certain purposes we do not generally have plant equipment or pipelines situated in the public highway. Our consent as a regulator may be required if you are intending to carry out work within 8 metres of a Main River as defined in the Water Resources Act 1991 or within 16 metres of the Tidal Thames.</p>	Noted
SSP	<p>I am aware that you have been consulting with other Highway Authorities in the south east and that your proposed scheme is broadly similar to those already in operation or currently being worked up. The scheme does not have specific implications for the police and therefore we have no real points to raise at this time. No doubt issues as they arise from other sources, i.e. yourselves as the permit authority or from any promoter, will be subject of discussion at future HAUC meetings where appropriate.</p> <p>I can therefore confirm that at this time Sussex Police have no objections to the proposed scheme as outlined.</p>	Noted
B&HBCC	<p>As an organisation operating up to 300 vehicles throughout the city every day, 24 hours a day, 7 days a week, and transporting approximately 1 million people per week, we are naturally very interested in this proposal as part of our own commitment to keep the city moving. Overall, we give it our significant support.</p> <p>We would be pleased to participate in any further consultation as required.</p>	Noted and thank you
SW	<p>Will B&HCC be having a trail before Permit Fees are introduced? Suggest this be 3 months as a minimum to allow the Scheme to bed in.</p>	<p>Yes, there will be a trail period to test systems etc. This is expected to last for 1 month.</p>
SEJUG	<p>SEJUG would like stakeholder engagement from now until the Scheme has operated for at least one year.</p>	This will provided to stakeholders
BB	<p>One of our principle concerns is that as a national company we now work in every permit area in the UK each has its own set of variables, conditions and fees this creates a very confusing picture and also places a significant administration burden open those</p>	Comments noted

	<p>managing the permits in those areas. The multi schemed environment also creates risks where operatives routinely work in one or more areas particularly where slight differences in conditions and other requirements are applied. We would therefore urge Brighton & Hove to look at existing schemes across the UK and endeavour to redevelop your proposal to one of them thus reducing the risk of unintended issues and confusion arising. Balfour Beatty is concerned that we have yet another permit scheme application which covers all streets within the authority area we strongly believe that the Schemes should be focused only on the busiest streets (strategically significant streets) as this will enable both the Council and works promoters to focus on working together to plan those works which are likely to cause the most disruption, rather than a blanket approach.</p> <p>The above said Balfour Beatty would, if the council still chooses to apply permits to 100% of streets, like to see Brighton and Hove to grant permits for category 3 and 4 roads by default (unless the Permit Authority is aware of special circumstances), and for those permits to be at zero fee levels. This is change does have precedence and is actively encouraged in the Traffic Management Act 2004 (Part 3 - permit schemes) – Additional Advice Note - for developing and operating future Permit Schemes, issued in January 2013. Balfour Beatty notes that as currently drafted the scheme applies permit fees to Category 3 & 4 streets, when DfT's Guidance encourages authorities to focus fees on only the busier streets, and we urge Brighton & Hove to reconsider this specific approach.</p>	<p>The fees for Permits for category 3 and 4 roads reflect the additional cost of increased coordination and has been identified when completing the DfT fees matrix.</p>
BB	<p>Balfour Beatty remains sceptical about the benefits allegedly provided by permit schemes having worked in all of the areas currently operating a variety of permit scheme types we have seen no tangible evidence that such schemes provide anything above and beyond those benefits available from a properly managed and enforced noticing regime. With the exception of Northampton it has been very difficult to get data from any existing permit authority to evidence any improvement in many of the areas they originally outlines for improvement or indeed any evidence that the objectives set in their scheme proposals have been met. Within the Brighton & Hove geographical area there are now four permit schemes. All of these schemes are slightly different in their make up and condition requirements thus leading to more administrative burden, confusion and risk. We would therefore urge Brighton & Hove to reflect on its need for a permit scheme at all or at the very least the possibility of running a mirror of the Northampton Scheme which is the closest to the objectives and principles outlined in</p>	<p>Comments noted</p>

	<p>the Draft Permit Scheme.</p> <p>Balfour Beatty would also like to participate in any future consultations or workshops prior to implementation and final design of this scheme. We have had a wealth of experience in the setting out of schemes and have successfully implemented all the current schemes within our business. Recently we participated in the early design workshops of the East of England Scheme which ensured that all aspects of the practical application of the scheme were looked at thus making implementation easier for all concerned.</p>	
O	<p>We strongly believe that the Scheme should be focused only on the busiest streets (strategically significant streets) as this will enable both the Council and works promoters to focus on working together to plan those works which are likely to cause the most disruption, rather than a blanket approach.</p> <p>However if the council still chooses to apply permits to 100% of streets, Openreach urges Brighton and Hove to grant permits for category 3 and 4 roads by default (unless the Permit Authority is aware of special circumstances) and for those permits to be at zero fee levels.</p> <p>We wish to point out that there are only Standard and local conditions allowable in permit schemes and ask for clarity and use of Model conditions.</p> <p>We have been unable find any documentation on the Brighton & Hove City Council website relating to proposed local conditions and there is no mention of any proposed local conditions within the permit scheme consultation. Therefore Openreach assumes that no local conditions will be brought forward as part of the scheme, without further consultation.</p>	<p>The scheme is focused on the most significant streets but requires Permits on all streets so the coordination needs of the whole City are met.</p> <p>The fees for Permits for category 3 and 4 roads reflect the additional cost of increased coordination and has been identified when completing the DfT fees matrix.</p> <p>Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing.</p>

4 Scheme Document comments

Org	Document Section	Suggested amendment / clarification / comment / question	Response / reply / recommendation
-----	------------------	--	-----------------------------------

Section 1 & 2: Foreword and Introduction			
Legal		<i>Contents</i> <i>This is too long. Either reduce considerably or convert to index</i>	Agreed. Contents reduced to 1 level.
Legal	1	<i>FOREWORD</i> <i>Not relevant to SI (presume this will not be included)</i>	Agreed Removed from application version.
Legal	2.1.1	<i>Scheme (not Schemes)</i>	Correct, the typo will be corrected.
Legal	2.1.4	<i>To our(incomplete sentence)</i> <i>This represents a big challenge (remove this sentence)</i>	A typo that will be corrected. Agreed, deleted
Consultant	2.2.5 + 6	SG 94 requires the Draft to include that the scheme has taken into account 'any major known projects such as Cross Rail, Olympics, TIF projects, Thames Gateway projects etc'. In accordance with Regulation 4 (g) the Permit Scheme needs to include the date when the permit scheme is going to start operation. Words can be added, New 2.2.5 and 2.2.6	Agreed, sections added. 2.2.5 The scheme has taken into account any major known projects such as Cross Rail, Olympics, TIF projects, Thames Gateway projects etc. 2.2.6 In accordance with Regulation 4 (g) it is intended that the Permit Scheme is going to start operating in April 2015.
Legal	2.3.5	<i>Delete as not applicable</i>	Text to be changed to DfT supplied text.
EToN	2.5.2	<i>Even Organisers that are now classed as promoters will have to electronically comply with the EToN Technical specification. How is this to be achieved?</i>	'as well as other instigators of possible congestion issues such as Event Organisers.' REMOVED
Legal	2.5.2	<i>This definition does not match para 6 to 8 of the guidance. It should not be used</i>	Text to be changed to DfT supplied text.
EToN	2.6.1	<i>This appears to conflict with section 2.7.1. One states it will provide and alternative, the other states it will operate alongside the noticing system.</i>	'sections of' added

SW	2.6.3	SW would like to see what conditions will be imposed. Consultation will be required on any proposed conditions. As per DfT letter of 18/12/14 - "no conditions should be introduced that already exist in other legislation and NO condition can exceed legislation"	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing.
SEJUG	2.6.3	Regarding any conditions that will be imposed, SEJUG would like to draw B&HCC's attention to the DfT letter dated 18/12/14, which states - "no conditions should be introduced that already exist in other legislation and NO condition can exceed legislation"	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing.
SGN	2.6.3	This does not fit with the DfT letter dated 18/12/14, which states - "no conditions should be introduced that already exist in other legislation and NO condition can exceed legislation"	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing.
NJUG	2.6.6	<p>NJUG is disappointed that the Brighton & Hove City Council Permit Scheme will apply to all of the roads under its control.</p> <p>We acknowledge that the DfT's January 2013 Traffic Management Act 2004 (Part 3 - permit schemes) – Additional Advice Note - for developing and operating future Permit Schemes allows Councils to apply permits to all roads, but we would like emphasise that that the Guidance also explicitly encourages local authorities to focus on only the busiest (strategically significant) streets. Other Councils, e.g. Northamptonshire, have decided to follow this more cost effective approach to implementing a permit scheme.</p> <p>We strongly believe that administering a permit scheme for 100% of the network creates an administrative burden for both the Permit Authority and all works promoters and we argue that this will not be sufficiently balanced by improvements in reducing disruption or more effective network management.</p> <p>We continue to believe that the current Noticing regime, combined with voluntary co-operation and co-ordination can deliver the same results as a permit scheme, but at a much reduced cost to the local authority and utilities.</p> <p>NJUG already encourages the sharing of major utility and highway</p>	The Permit fees reflect the additional costs incurred by Brighton & Hove City Council in administering Utilities' Permits.

		<p>authority planned works up to two years in advance, enabling authorities to co-ordinate works more effectively, and utilities to flex their works where appropriate.</p> <p>Local authorities also have a range of measures with which to manage utility street works, including S74 overstay charges, which even before the last increase were resulting in 99% of all works being completed within the agreed timescales; fixed penalties; S58 - restricting works after major road resurfacing works; and under Noticing an authority can still dictate when works take place. NJUG's strong preference is therefore for authorities and utilities to work together to plan the works to ensure accurate noticing, minimal disruption and no / minimal works overrunning. Bristol City Council's new Code of Conduct is an excellent example on how to reduce congestion within the current NRSWA framework without introducing a financially burdensome permit scheme for both the authority and the utilities.</p> <p>We accept that Brighton & Hove City County Council is committed to implementing a scheme. However, we urge Brighton & Hove City County Council to apply its permit scheme to 'Strategically Significant Streets' only, as recommended by Government. If this is not possible, permits for category 3 and 4 roads should be granted by default (i.e. 'deemed' unless the Permit Authority is aware of special circumstances) and zero fee levels.</p> <p>NJUG believes that such a targeted permit scheme combined with voluntary efforts to enhance co-operation – would meet the Council's objectives at least equally as well as the scheme set out in the consultation document, but at much less cost to all work promoters and to the Council itself.</p>	
BB	2.6.6	<p>Balfour Beatty is disappointed that the Brighton & Hove City Council Permit Scheme will apply to all of the roads under its control.</p> <p>Whilst we acknowledge that the DfT's January 2013 Traffic Management Act 2004 (Part 3 - permit schemes) – Additional Advice Note - for developing and operating future Permit Schemes allows Councils to apply permits to all roads, but we would like to emphasise</p>	<p>The Permit fees reflect the additional costs incurred by Brighton & Hove City Council in administering Utilities' Permits.</p>

	<p>that the same document also explicitly encourages local authorities to focus on only the busiest (strategically significant) streets of its network. Other Authorities such as Northamptonshire have decided to follow this more cost effective approach to implementing a permit scheme. In our experience it is schemes such as Northampton which have proven the more successful in achieving their objectives while also driving better co-ordination and reducing disruption. In our experience the administering of a permit scheme for 100% of the network creates an administrative burden for both the Permit Authority and all works promoters and we argue that this will not be sufficiently balanced by improvements (directly attributable to the existence of a permit scheme) in reducing disruption or more effective network management. We continue to believe that the provisions within the current Noticing regime, combined with self regulatory measures as outlined in our executive summary can deliver the same results as a permit scheme, but at a much reduced cost to the local authority and utilities. We are currently involved in a number of projects under the Highway Maintenance Efficiency Programme which are building platforms for better co-ordination and co-operation with improved communication. Indeed in North East Lincolnshire a Charter has been drawn up by all utility companies the Highway Authority and contractors which will cement this strategy without the need to move to a permit scheme. Local authorities also have a range of measures with which to manage utility street works, including S74 overstay charges, which even before the last increase were resulting in 99% of all works being completed within the agreed timescales; fixed penalties; S58 - restricting works after major road resurfacing works; and under Noticing an authority can still dictate when works take place. Our strong preference is therefore for authorities and utilities to work together to more effectively co-ordinate and share best practice to encourage improvements in other aspects such as notice quality and on site compliance and quality. Balfour Beatty is focusing its efforts on front end planning of works and ensuring where appropriate all stakeholders including the customer, client and Highway Authority are engaged as early as possible even at design stage so when it comes to undertaking the physical works everyone understands what is</p>	
--	--	--

		<p>happening and why and for how long. This has required a step change in parts of our business but we would prefer to change within than have change forced upon us in the guise of these permit schemes. Bristol City Council's new Code of Conduct is an excellent example on how to reduce congestion within the current NRSWA framework without introducing a financially burdensome permit scheme for both the authority and the utilities.</p> <p>The above said Balfour Beatty would, if the council still chooses to apply permits to 100% of streets, like to see Brighton and Hove to grant permits for category 3 and 4 roads by default (unless the Permit Authority is aware of special circumstances), and for those permits to be at zero fee levels.</p>	
O	2.6.6	<p>Openreach is disappointed that the Brighton & Hove City Council Permit Scheme will apply to all of the roads under its control.</p> <p>We accept that Brighton & Hove City County Council is committed to implementing a scheme. However, we ask that Brighton & Hove Council consider applying its permit scheme to 'Strategically Significant Streets' only, If this is not possible, permits for category 3 and 4 non T/S roads should be granted by default (i.e. 'deemed' unless the Permit Authority is aware of special circumstances) and zero fee levels.</p>	The Permit fees reflect the additional costs incurred by Brighton & Hove City Council in administering Utilities' Permits.
EToN	2.7.1	<i>Item 5. What is the meaning or definition of main roads and minor roads when they appear to have been covered in item 3 and 4 of this section.</i>	The distinction between main roads and minor roads where such distinctions are relevant REMOVED
Legal	2.7.1	<i>Suggest that definitions need to be brought together into one place in the document. They are currently fragmented</i>	The document style is designed to make reading as easy as possible.
EToN	2.8.1	<i>Refers you back to section 4.34 below but this section does not exist.</i>	See section Error! Reference source not found. 4 below REMOVED
EToN	2.8.2	<i>Refers to Section 58, why is Section 58a omitted.</i>	Agreed, 58a added.

EToN	2.8.3	<i>The Highway Authority Promoter will follow similar procedures, what are the definition of similar procedures, are they not the same for the specified timing and duration of works. Surely they should be defined.</i>	Similar REMOVED
Section 3: Objectives of the Permit Scheme			
EtoN	3.1.1	<i>All activities on highways can reduce the width. Does the use of the word can mean are allowed to or have the potential to.</i>	Text changed
SEJUG	3.1.5	SEJUG disputes that a Permit Scheme will reduce congestion on the road network. Was this proven to be the case in the CBA? How will this be quantified? How will a safer environment be promoted (as a Permit Scheme does not relate to Section 65 NRSWA)?	The objective is to reduce disruption to the network as congestion is a natural result of traffic volumes. A range of KPIs will monitor the effectiveness of the scheme post implementation.
SGN	3.1.5	The B&HCC Permit Scheme will not reduce congestion on the road network. Where is the evidence? A permit scheme does not have the benefit to produce a safer environment. (Section 65 NRSWA)?	The objective is to reduce disruption to the network as congestion is a natural result of traffic volumes. A range of KPIs will monitor the effectiveness of the scheme post implementation.
NJUG	3.1.5	NJUG disputes that a Permit Scheme will necessarily reduce congestion on the road network and would like to be advised if this was demonstrated in the Cost Benefit Analysis, and if so, how any reduced congestion will be quantified. NJUG would also like further information on how the Council envisages that a safer environment will be promoted, as a Permit Scheme does not directly relate to Section 65 NRSWA. We therefore suggest that whilst a safer environment should be an objective for all, we are not aware of any evidence that demonstrates that permit schemes particularly contribute to it.	The objective is to reduce disruption to the network as congestion is a natural result of traffic volumes. A range of KPIs will monitor the effectiveness of the scheme post implementation.
BB	3.1.5 & 3.1.6	We welcome the principles behind the performance improvements to be derived from the implementation of the scheme however there are three questions we would pose in regard to these measures:- 1. What historical statistical data is available on each of these measures in order to present a base line to demonstrate improvement once the scheme has been implemented?	The objective is to reduce disruption to the network as congestion is a natural result of traffic volumes. A range of KPIs will monitor the effectiveness of the scheme post implementation.

		<p>2. If no historical data is available to base line current and past performance how will Milton Keynes be able to demonstrate that the scheme is successful in achieving these improvements?</p> <p>3. How will each of these improvements be measured and what will be the source of the data?</p>	
Section 4: Scope of the Permit Scheme			
EToN	4.2.1	<i>You state in section 2.5 “For consistency, the generic term ‘activities’ has been used rather than “works” to reflect the fact that the Scheme may eventually cover more than street and road works in subsequent Regulations. These are the specified works as set out in the Regulations. Then in 4.2.1 state that (activities being the specified works as set out in the Regulations).</i>	(activities being the specified works as set out in the Regulations). REMOVED
NJUG	4.3.1	NJUG is disappointed that Category 3 and 4 non traffic-sensitive streets are included, and not just ‘Strategically Significant Streets’ as encouraged by Government, and would like to know what benefits could be gained from their inclusion. NJUG would like to see their removal from the Permit Scheme altogether, or at the very least no fees to reflect the more limited disruption that these works cause as acknowledged and recommended by current Government guidelines.	Noted
Consultant	4.3.2	Statutory Guidance paragraph 19 requires that ‘the permit authorities street gazetteer is upgraded to level 3’ which you have. It is advisable that under paragraph 4 of the draft (Scope of the Permit Scheme), the following sentence or phrasing is used: The Permit Authority will create, maintain and publish the Street Gazetteer to Level 3.	Agreed, new section added. 4.3.2 The Permit Authority will create, maintain and publish the Street Gazetteer to Level 3.
EToN	4.4 to 4.7	<i>This makes no provision of activities proposed on Private and Provisional streets. See permits code of practice 3.2, 7.2.1, 4.2.3</i>	Private street reference included.
Legal	4.6	<i>NON MAINTAINABLE HIGHWAYS</i>	4.6 DELETED

		<i>Not needed as 4.4.1 and 4.5.1 say the same thing</i>	
Section 5: Activities Covered by the Scheme			
SW	5.1.2	All activities involving opening of the carriageway... of a traffic sensitive street. To meet the definition of a registerable activity under NRSWA, this should be termed traffic-sensitive streets at traffic-sensitive times.	Agreed, text added
SEJUG	5.1.2	All activities involving opening of the carriageway... of a traffic sensitive street. To meet the definition of a registerable activity under NRSWA, this should be termed traffic-sensitive streets at traffic-sensitive times. Omission of this renders the proposed scheme outside of the scope of the Permits CoP. SEJUG suggests that 1 to 6 be removed and replaced with a –f from 7.3.4 of the Co-ordination of Streetworks CoP.	Agreed, text added
SGN	5.1.2	The items 1 to 6 should be removed and replaced with sections a to f from 7.3.4 of the Co-ordination of Streetworks CoP.	Agreed, text added
NJUG	5.1.2	To meet the definition of a registerable activity under NRSWA, NJUG suggests this should be termed streets at traffic-sensitive times as streets can only become traffic-sensitive at certain times as defined by regulation. Omission of this renders the proposed scheme outside of the scope of the Permits Code of Practice. NJUG suggests that 1 to 6 be removed and replaced with the words from a –f from 7.3.4 of the Co-ordination of Street Works Code of Practice.	Agreed, text added
BB	5.1.2	To meet the definition of a registerable activity under NRSWA, we suggest this should be termed streets at trafficsensitive times as streets can only become traffic-sensitive at certain times as defined by regulation. Omission of this renders the proposed scheme outside of the scope of the Permits Code of Practice. We would also suggest that this section is renumbered to reflect the layout of from 7.3.4 of the Co-ordination of Street Works Code of Practice.	Agreed, text added
O	5.1.2 (3)	This is different from the description of specified works under the	Agreed, text added

		<p>Regulations as defined in the Code of practice for Permits 9.1.1 (2).</p> <p>Openreach suggests that 1 to 6 be removed and replaced with the words from a –f from 7.3.4 of the Co-ordination of Street Works Code of Practice.</p> <p>The wording also conflicts with NRSWA s64</p>	
Section 6: Exempt Activities			
EToN	6.2.1 (2)	<p><i>“Pole testing involving excavation requires registration and therefore needs a permit; as would be the case with other excavations, when one or more of rules 2 – 6 above apply. However, in all circumstances the work must be registered using section 70 (3) under NRSWA for the purpose of reinstatement inspections within 10 days of completion.”</i></p> <p><i>If this has been taken from the permit codes of practice then it appears you have removed the word only from “only requires registration” and you state that rules 2 – 6 apply. Rules 2 – 6 are not in your document and if you are referring back the code of practice then you have used different terminology.</i></p>	<p>Pole testing involving excavation requires registration and therefore needs a permit; as would be the case with other excavations, when one or more of rules 2 – 6 above apply. However, in all circumstances the work must be registered using section 70 (3) under NRSWA for the purpose of reinstatement inspections within 10 days of completion. DELETED</p>
EToN	6.2.1 (2)	<p><i>Although you have removed the word only from this paragraph and removed the pole testing reference from 5.1.2A, we assume this is because you require permits for all pole testing, we are not convinced this will be legally enforceable as the permits code of practice overrides your permit scheme document.</i></p>	<p>Pole testing involving excavation requires registration and therefore needs a permit; as would be the case with other excavations, when one or more of rules 2 – 6 above apply. However, in all circumstances the work must be registered using section 70 (3) under NRSWA for the purpose of reinstatement inspections within 10 days of completion. DELETED</p>
B&HBCC	6.2.2	<p>we would request that for these activities not requiring a permit that specific mention is made for any vehicles involved in such work to be parked considerately and not impede traffic flow and also a condition put in that the work should be undertaken at less traffic-sensitive times wherever practicable.</p>	<p>This requirement is part of relevant primary legislation</p>
SW	6.2.2	<p>suggest this be extended to ‘lifting and replacing manhole or chamber</p>	<p>No, lifting can be part of a longer occupation of the</p>

		covers....'	highway that may require Traffic management.
Consultant	6.3.2	This paragraph uses terminology which is now not relevant, namely "Mandatory" or "Immediate" conditions.	6.3.2 DELETED
Section 7: Permits - General			
EToN	7.3.1	<i>Only one application per street, the wording seems to imply only one application is only allowed on one street, not an application must only be for one street.</i>	Agreed, text changed
Legal	7.3.4	<i>For consistency with NRSWA, a street will correspond to a USN This is not needed</i>	For consistency with NRSWA, a street will correspond to a USRN. DELETED
SEJUG	7.4	Suggest 'Multiple Stage Activities' be renamed 'Multiple Phase Activities' for consistency with the ETON Technical specification & Co-ordination of Streetworks CoP. Practitioners are familiar with the term 'phase', not 'stage'.	Section reworded
SGN	7.4	Suggest 'Multiple Stage Activities' be renamed 'Multiple Phase Activities' for consistency with the ETON Technical specification & Co-ordination of Streetworks CoP. Practitioners are familiar with the term 'phase', not 'stage'.	Section reworded
NJUG	7.4	NJUG suggests 'Multiple Stage Activities' be renamed 'Multiple Phase Activities' for consistency with the ETON Technical Specification & Co-ordination of Street works Code of Practice. Practitioners are familiar with the term 'phase', not 'stage'.	Section reworded
BB	7.4	We suggest 'Multiple Stage Activities' be renamed 'Multiple Phase Activities' for consistency with the ETON Technical Specification & Co-ordination of Street works Code of Practice. Practitioners are familiar with the term 'phase', not 'stage'.	Section reworded
O	7.4.1	Openreach suggests 'Multiple Stage Activities' be renamed 'Multiple Phase Activities' for consistency with the ETON Technical Specification & Co-ordination of Street works Code of Practice	Section reworded

EToN	7.4.4	<i>Should this not read encouraged instead of required as you do not always know that the works will be carried out in phases.</i>	7.4.2 DELETED
Legal	7.5.2	<i>This paragraph needs rewriting.</i>	Agreed, reworded.
EToN	7.5.2 + 7.5.4	<i>These appear to contradict each other as unconnected activities are treated differently</i>	'single' added for clarification.
SEJUG	7.5.3	SEJUG do not agree with this statement. If, for example, a cover and frame renewal could be carried out 50m either side of the proposed works then this should be allowable under 1 permit. 7.5.3 & 7.5.4 do not equate with each other as 7.5.4 says additional work may be carried out whereas 7.5.3 does not.	This concept has been explored but rejected because if works other than those described on the permit (even if in the same street) are requested and they are registerable activities and involve an incursion into the highway, they require another permit under the regulations.
NJUG	7.5.3	NJUG does not support this statement. NJUG believes it would be best to undertake as much activity as reasonably possible whilst occupying the street. If, for example, a cover and frame renewal could be carried out 50m either side of the proposed works then this should be allowable under a single permit. 7.5.3 & 7.5.4 do not equate with each other as 7.5.4 says additional work may be carried out whereas 7.5.3 does not.	This concept has been explored but rejected because if works other than those described on the permit (even if in the same street) are requested and they are registerable activities and involve an incursion into the highway, they require another permit under the regulations.
BB	7.5.3	We disagree with this principle as it actually conflicts with all of the key objectives of the scheme as outlined in 3.1.5. It makes absolute sense for a utility to undertake as much work as possible within the scope of a single permit application even if that work is not directly associated with the original application details. For example under a major works permit with a TTRO it would be absolutely counter productive if additional works not connected with the original works schedule were not carried out these could include apparatus repairs, service connections, meter installations etc. Surely the objective of a permit scheme is to minimise disruption not to generate revenue from additional permit fees.	This concept has been explored but rejected because if works other than those described on the permit (even if in the same street) are requested and they are registerable activities and involve an incursion into the highway, they require another permit under the regulations.
O	7.5.3	Openreach believes it would be better to undertake as much activity as reasonably possible whilst occupying the street. A frame and cover	This concept has been explored but rejected because if works other than those described on the permit

		renewal could be carried out 50m either side of the proposed works then this should be allowable under a single permit.	(even if in the same street) are requested and they are registerable activities and involve an incursion into the highway, they require another permit under the regulations.
SEJUG	7.6.3	SEJUG does not agree that a Permit fee should be charged in this case. This is an Authority imposed variation and therefore at no charge.	The statement is correct and will remain. 'will' will be changed to 'may' regarding charging.
SGN	7.6.3	The statement suggests it is an authority imposing a variation and therefore no charge.	The statement is correct and will remain. 'will' will be changed to 'may' regarding charging.
NJUG	7.6.3	NJUG does not agree that a permit fee should be charged in this case. This is an Authority-imposed variation and therefore should be at no charge.	A Permit fee may be charged for the new Permit depending on circumstances.
BB	7.6.3	This is an Authority-imposed variation and therefore should not have either a permit variation fee or a fee for any subsequent permit that may be required to complete the original works.	A Permit fee may be charged for the new Permit depending on circumstances.
O	7.6.3	We do not agree that a permit fee should be charged in this case. This is an Authority imposed variation and therefore should be at no charge.	A Permit fee may be charged for the new Permit depending on circumstances.
O	7.8.4	This is not always known as a secondary promoter may be identified following the submission. This implies that if it is not known and confirmed then it can't happen	<p>Estimates of works duration are required from the Secondary Promoter before submitting a PAA or Permit.</p> <p>7.8.6 'The Primary Promoter will excavate the trench and install its own apparatus with the Secondary Promoter(s) installing their apparatus in the same trench.' DELETED</p> <p>7.8.7 'The Primary Promoter will backfill and reinstate the trench unless it has previously been agreed with the Permit Authority and the Secondary Promoter(s) that the Secondary Promoter(s) will carry out the</p>

			reinstatement. In which case, the responsibility for the reinstatement will rest with the Promoter who undertook this work. 'DELETED
EToN	7.9.1	<i>EToN reference number is a Works Reference Number</i>	Agreed, text changed
EToN	7.10.1	<i>This does not make sense. What are you trying to achieve.</i>	7.10 DELETED
EToN	7.10.2	<i>This does not make sense. What are you trying to achieve.</i>	7.10 DELETED
SW	7.11.2	Southern Water will not be able to comply with the 1st sentence of this paragraph. Due to a variety of reasons SW Contractors (Clancy Docwra etc) will not find out until the day the permit is due to start that works cannot commence (e.g. parked car over area of proposed works). It will therefore make it impossible to achieve this. Suggest this be removed (as happened under SEPS consultation).	Permits code of practice text added..
SEJUG	7.11.2	SEJUG does not agree with the 1st sentence of this paragraph, and strongly suggest the 1st sentence be removed. Due to a variety of reasons promoters will not find out until the day the permit is due to start that works cannot commence (e.g. parked car over area of proposed works, staff sickness etc).	Permits code of practice text added.
NJUG	7.11.2	NJUG does not agree with the first sentence of this paragraph, and strongly suggests it is removed. Unforeseen circumstances sometimes arise where works cannot commence, which promoters may not find out until the day the permit is due to start (e.g. parked car over area of proposed works, staff sickness or major emergency requiring a significant diversion of resources such as the recent floods etc.)	Permits code of practice text added.
CT	7.11.2	Start and End dates – cancelling a PA the day before works are due to start on site This would be extremely difficult to follow operationally and Carillion Telent would not support this proposal as an effective way to manage cancellations. Often works need to be cancelled beyond Carillion Telents controls which are often not detected until the start date of the PA for example turning up on site and a parked vehicle is locate over	Permits code of practice text added.

		the proposed work location, reactive works at another location subsequently taking priority over planned works etc.	
BB	7.11.2	Balfour Beatty would suggest a minor change to the first sentence of this paragraph to "If the activity cannot commence on the proposed start date, the Promoter should where possible inform the Permit Authority by telephone no later than the preceding day." This minor change allows for those unforeseen circumstances which sometimes arise where it is found that works cannot commence on the day the permit is due to start (e.g. parked car over area of proposed works, staff sickness or major emergency requiring a significant diversion of resources such as the recent floods etc.)	Permits code of practice text added.
O	7.11.2	We believe that unforeseen circumstances sometimes arise where works cannot commence, which promoters may not find out until the day the permit is due to start (e.g. parked car over area of proposed works, or other immediate works). Please consider deleting the first paragraph.	Permits code of practice text added.
SEJUG	7.11.4	This contradicts 7.11.1 – is it an offence or a s74 overrun for the promoter to work once the permit has ceased to be valid?	Permits code of practice text added.
NJUG	7.11.4	NJUG suggests that this contradicts 7.11.1 and would like clarification on whether it is considered an offence warranting a fixed penalty or a S74 overrun for the promoter to work once the permit has ceased to be valid.	Permits code of practice text added.
SGN	7.11.4	This contradicts 7.11.1 – is it an offence or a s74 overrun for the promoter to work once the permit has ceased to be valid?	Permits code of practice text added.
BB	7.11.4	This paragraph seems to conflict with 7.11.1 and we would therefore ask for additional clarification as to whether in such circumstances it is considered an offence warranting a fixed penalty or a S74 overrun for the promoter to work once the permit has ceased to be valid. There has been some precedent (London Borough of Enfield .v. Virgin Media) recently set for such matters where it was deemed that a FPN for working without a permit could not be applied if a permit was in	Permits code of practice text added.

		place at the time works started and lapsed.	
SEJUG	7.12	SEJUG suggests that a paragraph be included to encourage early starts.	The Permit Authority will consider all Promoter's requests
NJUG	7.12	NJUG would welcome an additional paragraph to be included encouraging early starts.	The Permit Authority will consider all Promoter's requests
NJUG	7.12.4	NJUG suggests the inclusion of "but would not be withheld unreasonably" as this would encourage dialogue.	Agreed and the wording will be added.
BB	7.12.4	We suggest a minor change to the wording of this section to "Requests for early starts may or may not be agreed by the Permit Authority at their discretion but would not be unreasonable refused providing the Promoter can satisfy the Permit Authority as to the necessity for any proposed early start." 10.15 of the Permit Code of Practice states that such permission should not be unreasonable refused. This should be incorporated under this section.	Agreed and the wording will be added.
O	7.12.4	To encourage communication and dialogue openreach suggests the inclusion of "but would not be withheld unreasonably" within the paragraph.	Agreed and the wording will be added.
Section 8: Permits - Types			
SEJUG	8.2.2	This implies that a PAA is for all works. Suggest clarification that a PAA is for major works only.	'Major activities' added
SGN	8.2.2	A PAA should only be required for major works.	'Major activities' added
NJUG	8.2.2	This implies that a Provisional Advance Authorisation (PAA) is required for all works. NJUG suggests clarification that a PAA is for major works only.	'Major activities' added
O	8.2.2	Provisional Advance Authorisation (PAA) is required for major works only; this paragraph implies that it is required for all works. Openreach seeks clarity on this.	'Major activities' added

Consultant	8.2.4	In accordance with SG 36 if the scheme requires a PAA for major works then the promoter should be required to provide the final detailed information in support of its application for a permit at least 10 working days before the activity is due to commence.	Noted
EToN	8.2.7	<i>I can find no mention of when you pay for a PAA, on application of the PAA or on permit application.</i>	Granting a PAA text added
SEJUG	8.2.8	SEJUG suggests this paragraph be expanded to identify what could have specifically changed to result in any potential permit refusal. For example, if Promoter A has a granted PAA, and promoter B has immediate works which would result in Promoter A's permit being refused, then the Permit Authority should let Promoter A know as soon as possible that the Permit may be refused. This will aid co-ordination and Network Management Duty.	The statement is correct and will remain.
NJUG	8.2.8	NJUG suggests that this paragraph be expanded to identify what could have specifically changed to result in any potential permit refusal. For example, if Promoter A has a granted PAA, and promoter B has immediate works which would result in Promoter A's permit being refused, then the Permit Authority should let Promoter A know as soon as possible that the Permit may now be refused. This will aid co-ordination and fulfilment of the local authority's Network Management Duty. NJUG asks for the following words to be added to the end of the sentence "if circumstances change drastically an explanation will be provided".	The statement is correct and will remain. Agreed, the suggested words will be added.
BB	8.2.8	We suggest that this paragraph be clarified as to what eventuality could result in any potential permit refusal. We would also like clarification of what happens to any fee paid for a PAA which is later refused as we would expect a full refund of any fees if a permit was refused by the permit authority after a legitimate and correct PAA was served.	The statement is correct and will remain. Agreed, the suggested words will be added.
O	8.2.8	Please add to the end of the sentence "if circumstances change	The statement is correct and will remain.

		drastically and an explanation will be provided." to ensure clarity.	Agreed, the suggested words will be added.
SEJUG	8.3.1	Remove the word 'final'. These will not be final details, as final details will not be received until s70 Registration details are received.	'of the' has been added
SGN	8.3.1	Final details will not be received until s70 Registration details are received.	'of the' has been added
NJUG	8.3.1	NJUG suggests the removal of the word 'final', as final details will not be received until S70 Registration details are received.	'of the' has been added
BB	8.3.1	Balfour Beatty are puzzled by the inclusion of the word "final" in this paragraph as final details are not submitted until the registration stage of the works and are not part of a permit application.	'of the' has been added
O	8.3.1	The initial permit contains information that is the best available at the time, the final details are only known at registration. suggest delete "final" as it is confusing.	'of the' has been added
Consultant	8.3.2	SG 39 requires that 'the information stipulated by the scheme to support an application for a PAA should be equivalent to, and certainly should not exceed, that required in support of an application for a permit'.	Agreed, new section added. 8.3.2 The information required to support an application for a PAA should be equivalent to, but should not exceed, that required in support of an application for a Permit.
SEJUG	8.3.3	SEJUG would like clarification if this statement is ASD related?	No, it is if a relevant Authority or a person having apparatus in the street to which the application relates requires a copy.

Section 9: Permits - Classes

O	9.2.1	<p>Openreach suggests rewording this so that major activities are those which:</p> <p>a) are part of a scheme which is planned or known about at least 6 months in advance of the proposed start date, but only includes activities on the affected streets and locations within that scheme that have been identified at least 6 months advance stage as likely to require permits; or</p>	<p>The text reflects the desire to have a charging structure that allows for charges to be based on duration.</p> <p>See - Traffic Management Act 2004 (part 3 - permit schemes)</p> <p>ADDITIONAL ADVICE NOTE - for developing and operating future Permit Schemes, January 2013.</p>
---	-------	---	--

		<p>b) require a Temporary Traffic Regulation Order (i.e. not a temporary traffic notice) under the Roads Traffic Act 1984 for any activity, other than immediate works, that take place in traffic sensitive streets at traffic sensitive times; and</p> <p>c) have a duration of 11 days or more, other than immediate activities.</p>	Section 23
SW	9.2.2	Major Activities that do not require a TTRO and are works between 4 to 10 days are not major activities – they are standard activities. Up to 3 days are also not major activities, they are minor activities. This requires amendment and clarification.	<p>This is in-line with new guidance.</p> <p>The text reflects the desire to have a charging structure that allows for charges to be based on duration.</p>
SEJUG	9.2.2	SEJUG suggests this be removed and does not understand the logic of this paragraph. For example, Major Activities that do not require a TTRO and are works between 4 to 10 days are not major activities – they are standard activities.	This is in-line with new guidance
SGN	9.2.2	This paragraph does not make sense. Major Activities that do not require a TTRO and are works between 4 to 10 days are not major activities – they are standard activities.	This is in-line with new guidance
NJUG	9.2.2	NJUG suggests this paragraph is removed as it is not required within the permit scheme. Additionally, ‘major activities’ that do not require a TTRO and take between 4 to 10 days are not major activities – they are standard activities.	This is in-line with new guidance
BB	9.2.2	This paragraph is incorrect and unnecessary 9.2.1 defines major works (except where the duration of 10 or more days has been omitted). Additionally, ‘major activities’ that do not require a TTRO fall outside of a strategic programme and take between 4 to 10 days are not major activities – they are standard activities.	This is in-line with new guidance
O	9.2.2	What is the purpose of this section as it doesn't add anything and is not referred to elsewhere, Openreach suggest deleting this paragraph	This is in-line with new guidance
NJUG	9.2.4	NJUG suggests that the last sentence should read ‘the applicant must explain the reasons for any variation’ rather than ‘justify’.	Agreed

O	9.2.4	We suggest that the last sentence should read ‘the applicant must explain the reasons for any variation’ rather than ‘justify’.	Agreed, change made.
SW	9.2.5, 9.3.3, 9.4.3, 9.5.6	Will there be a list of separate conditions for consultation, or are these referring to conditions throughout the body of the consultation document?	There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model Condition Text in Permit Schemes will be used.
EToN	9.3.1	<i>Standard Activities are those activities, other than immediate, minor or major activities. There is no need for minor you can’t have a minor with a duration of > 3 days</i>	other than immediate, minor or major activities, DELETED
EToN	9.4.1	<i>Minor Activities are those activities, other than immediate, standard or major activities, Standard can’t be 3 days or less</i>	other than immediate, standard or major activities deleted
SW	9.5.2	This should not be the case for all immediate activities –this should be linked to B&HCC’s supersensitive streets that are particularly susceptible to disruption only. These should be flagged up as such on the NSG. Southern Water will not be able to comply with this on every street in B&HCC’s Network. This also contradicts 13.4.1 of the document.	Text added ‘immediately if identified on the NSG’.
SEJUG	9.5.2	This should not be the case for all immediate activities – there is a mechanism already in place on the NSG where only supersensitive streets are flagged up for this purposes. Therefore this should be linked only to B&HCC’s supersensitive streets that are particularly susceptible to disruption only. These should be flagged up as such on the NSG. SEJUG believes this to be unmanageable & unworkable for every street in B&HCC’s Network.	Text added ‘immediately if identified on the NSG’.
NJUG	9.5.2	NJUG believes contact by telephone to be unmanageable & unworkable for every street in B&HCC’s Network. This should not be the case for all immediate activities with excavation in the Highway as there is a mechanism already in place on the National Streets Gazetteer (NSG) where only supersensitive streets are flagged up for this purposes. Therefore NJUG strongly suggests this should be linked	Text added ‘immediately if identified on the NSG’.

		only to B&HCC's supersensitive streets that are particularly susceptible to disruption. These should be flagged up as such on the NSG.	
BB	9.5.2	This requirement is impractical if applied to every street in B&HCC's Network. This should not be the case for all immediate activities with excavation in the Highway as there is a mechanism already in place on the National Streets Gazetteer (NSG) where only supersensitive streets are flagged up for this purposes. Therefore we strongly suggest this requirement should be linked only to B&HCC's supersensitive streets that are particularly susceptible to disruption. If this requirement is to remain we would insist on speaking to an actual person rather than a machine to confirm that our activity has been properly recorded therefore provision would have to be made for 24hour coverage.	Text added 'immediately if identified on the NSG'.
O	9.5.2	To apply this to all streets is unreasonable and resource hungry on both sides and should be linked to the Early Notification of Immediate Activities tab on the NSG for strategic routes. Openreach would welcome more detail on a) how the permit authority proposes this to work on a practical level and b) where the contact number of the permit authority will be provided during out of hours working? We also suggest that that there is a need for an auditable process to ensure compliance with the scheme.	Text added 'immediately if identified on the NSG'.
SW	9.5.4	Southern Water do not agree to this and believe it to be impracticable to gain a reference number which must be stated on the Permit application, for all immediate works. This would put Southern Water at risk of breaching its statutory duties under the Water Industry Act.	Section reworded for clarity.
SEJUG	9.5.4	SEJUG do not agree to this and believe it to be impracticable and is not a requirement under the Permits CoP. Where does it state in legislation that all immediate works need a reference number which must be stated on the Permit application?	Section reworded for clarity.
SGN	9.5.4	This is an unnecessary burden on Statutory Undertakers and it is impracticable and is not a requirement under the Permits CoP.	Section reworded for clarity.

NJUG	9.5.4	NJUG believe this process to be impracticable and indeed it is not a requirement under the Permits Code of Practice. Moreover, with advances in technology, permitting is becoming real-time, with immediate permit applications and permits being sent from hand-held terminals.	Section reworded for clarity.
O	9.5.4	The Authority could breach their own scheme if they fail to comply with this paragraph. There is no need for this paragraph.	Section reworded for clarity. 9.5.5 'Failure to do so may constitute as an offence and result in the Permit Authority taking action against the Promoter' DELETED as unnecessary.
Section 10: Permit Applications			
EToN	10.1.6	<i>Should read Permit Application Modification Request not modification to an application</i>	Change made
SEJUG	10.1.6	This should encompass new ETON 6 Permit rules which will be in place on 1 st April 2014, and allow for a Permit modification request, thereby negating the need to refuse a Permit application.	Agreed, the wording will be changed in-line with ETON 6 and any subsequent changes
NJUG	10.1.6	NJUG strongly suggests this should encompass new ETON 6 Permit rules which will be in place on 1st April 2014, and allow for a Permit modification request, thereby negating the need to refuse a Permit application. NJUG suggests that an additional comment stating that the permit would not be unreasonably refused is also required here.	Agreed, the wording will be changed in-line with ETON 6 and any subsequent changes
BB	10.1.6	We strongly suggest this should paragraph should encompass the new ETON 6 Permit rules which will be in place on 1st April 2014, and allow for a Permit modification request, thereby negating the need to refuse a Permit application. We would also suggest an additional comment stating that the permit would not be unreasonably refused be added.	Agreed, the wording will be changed in-line with ETON 6 and any subsequent changes
O	10.1.6	Openreach advises the scheme should encompass new ETON 6 Permit rules and allow for a Permit Application Modification Request, thereby negating the need to refuse a Permit application. We also suggest that an additional comment stating that the permit would not	Agreed, the wording will be changed in-line with ETON 6 and any subsequent changes

		be unreasonably refused is also required here.	
Legal	10.1.7	<i>Delete, not needed</i>	DELETED
Legal	10.2.1	<i>a paper application will be acceptable</i> <i>Obtained from where and submitted to who?</i> <i>Consider separating the electronic system from the paper alternative in the document</i>	Obtained from the Council and returned by the Promoter. Text added.
BB	10.3	If the Highway Authority system fails, then it is the Highway Authority's responsibility to put faxed information on EToN not the promoter.	The Promoter must input this information.
SEJUG	10.3.1	3rd bullet point should be removed. If the Highway Authority system fails, then it is Highway Authority responsibility to put faxed information on ETON.	The Promoter must input this information.
SGN	10.3.1	SGN does not agree. If the Highway Authority system fails, then it is Highway Authority responsibility to put faxed information on ETON.	The Promoter must input this information.
NJUG	10.3.1	NJUG suggests that the 3rd bullet point should be removed. If the Highway Authority system fails, then it is the Highway Authority's responsibility to put faxed information on EToN.	The Promoter must input this information.
O	10.3.1	The scheme needs to consider that email is an electronic form of communication and requires insertion in bullet point 1.	Agreed, 'email' added. 'to the contact number provided on the relevant section of www.brighton-hove.gov.uk ' DELETED
SEJUG	10.3.2	Does this point comply with the ETON Technical Specification?	Agreed, 'also' added. 'to the contact number provided on the relevant section of www.brighton-hove.gov.uk ' DELETED
NJUG	10.3.2	NJUG would like clarification as to whether this point complies with the EToN Technical Specification.	Agreed, 'also' added. 'to the contact number provided on the relevant section

			of www.brighton-hove.gov.uk ' DELETED
Legal	10.3.3	<i>The officer Who is this? Are they in the definitions</i>	Officer changed to 'Permit Authority'
Legal	10.5	<i>USE OF PLAIN ENGLISH Delete – see 12.2</i>	DELETED
Eton	10.5.1	Should read works promoter not Permit authority	Text changed to reflect the requirement.
Legal	10.6 + 10.7	Delete these as information is covered elsewhere	Agreed, DELETED
Legal	10.8	This is an expansion of 8.3.4 and could be referred to in the that section.	Text changed to reflect the requirement.
EToN	10.8.1 + 10.8.2	Should read Permit Application Modification Request not modification to an application	Text changed
Eton	10.10.2 + 10.10.3	Permit Variation Request should read Modified Application	Text changed to reflect the requirement.
SEJUG	10.11	Refusal of Application – SEJUG has concerns that refusal of a permit, could result in a contravention of Utility statutory duties, and could result in failure to comply with other legislation. SEJUG also suggests that this section be amended to encompass ETON 6 Permit Modification requests.	The statement is correct and will remain. Wording will be added in-line with ETON 6 and any subsequent changes
SGN	10.11	The refusal of a permit, could result in a contravention of Utility statutory duties, and could result in failure to comply with other legislation. To be amended to encompass ETON 6 Permit Modification requests.	The statement is correct and will remain. Wording will be added in-line with ETON 6 and any subsequent changes
SW	10.11	Refusal of Application - Southern Water has concerns that refusal of a permit, could result in a contravention of Southern Water's statutory rights, and could result in failure to comply with other legislation (the Water Industry Act etc). For non major activities on minor roads,	The statement is correct and will remain. Wording will be added in-line with ETON 6 and any

		<p>Southern Water suggests the permit be deemed to be accepted in all cases, so that it mirrors as closely as possible the works being dealt with under the noticing regime. Southern Water fears that there is a danger a permit could be refused for a non-valid reason. Has the new ETON 6 Permit rules (enforced from 1st April 2014), which allow for a 'Permit modification request' as opposed to Permit refusal been taken into account?</p>	<p>subsequent changes</p>
NJUG	10.11	<p>NJUG has concerns that refusal of a permit, could result in a contravention of utility statutory duties, and could also result in failure to comply with other legislation. Additionally, NJUG suggests that this section be amended to encompass ETON 6 Permit Modification requests.</p>	<p>The statement is correct and will remain.</p> <p>Wording will be added in-line with ETON 6 and any subsequent changes</p>
CT	10.11	<p>Refusal of application & 22.3 Mandatory KPI 1 - Carillion Telent are committed to ensure right first time PA's or at least right second time following a refusal. To enable improvements to be made within processes of all utility companies and their contractors we need to receive a level of analysis on a TBD basis (monthly/ every period) to determine the main reasons for refusals so that improvements can be made internally to improve permit granted rates.</p> <p>Attached a copy of the data TfL produces on a period basis and sends out to works promoters which includes clear refusal reasons. Whilst circa 25 refusal codes may be a little excessive Carillion Telent would suggest Brighton and Hove look at producing something similar in their area to drive good quality permit applications.</p>	<p>The statement is correct and will remain.</p> <p>Wording will be added in-line with ETON 6 and any subsequent changes</p>
O	10.11	<p>Openreach has concerns that the refusal of a permit, could result in a contravention of utility statutory duties, and could also result in failure to comply with other regulated requirements. Additionally Openreach advises the scheme should encompass new ETON 6 Permit rules and allow for a Permit Application Modification Request, thereby negating the need to refuse a Permit application. We also suggest that an additional comment stating that the permit would not be unreasonably</p>	<p>The statement is correct and will remain.</p> <p>Wording will be added in-line with ETON 6 and any subsequent changes</p>

		refused is also required here.	
EToN	10.12.1	<i>This should read that a section 58 or 58A is in force.</i>	Agreed. Text changed (Now section 10.9 due to earlier deletions)
EToN	10.12.1	<i>Promoter must make an application for the Permit Authority's consent specifying the grounds on which the consent is sought. How is this to be carried out, there is no functionality within EToN to request consent.</i>	Via discussion and meetings.
SEJUG	10.13.6	There will be instances where a fee will not be payable. Suggest the 'will' be changed to 'may'.	The statement is correct and will remain. (Now section 10.10 due to earlier deletions)
SGN	10.13.6	There will be instances where a fee will not be payable. Suggest the 'will' be changed to 'may'.	The statement is correct and will remain.
NJUG	10.13.6	There will be instances where a fee will not be payable. NJUG suggests 'will' is changed to 'may' to cater for circumstances where the fee may not be payable by the Promoter.	The statement is correct and will remain.
Section 11: Information Required in a Permit Application			
SW	11.1.1	Not all of these points are applicable for every permit – for example, illustration should apply only to Major activities, or for works on the Network where it has been flagged up as being particularly susceptible to disruption.	Wording will be changed
SEJUG	11.1.1	Not all of these points are applicable for every permit – for example, illustration should apply only to Major activities, or for works on the Network where it has been flagged up as being particularly susceptible to disruption. 'Must' supply is too onerous for every activity and is therefore a burden to industry.	Wording will be changed
SGN	11.1.1	This is a burden to industry. Some of these areas should only apply to major works.	Wording will be changed
NJUG	11.1.1	NJUG asserts that use of the word 'Must' is misleading, as not all of	Wording will be changed

		these points are applicable for every permit – for example, illustration should apply only to Major activities, or for works on the Network where it has been flagged up as being particularly susceptible to disruption. NJUG suggests rewording to indicate this.	
BB	11.1.1	The use of the word ‘Must’ within this paragraph is misleading, as not all of these points are applicable for every permit – for example, illustration should apply only to Major activities, or for works on the Network where it has been flagged up as being particularly susceptible to disruption.	Wording will be changed
O	11.1.1	The use of the word ‘must’ is misleading, as not all of these points are applicable for every permit – for example, illustration should apply only to Major activities, or for works on the network where it has been indicated on the ASD as being particularly susceptible to disruption.	Wording will be changed
SW	11.2	There is no requirement in the ETON Tech Spec for supplying out of hours contact & secondary promoter contact details in ETON. This is above current legal requirements. Southern Water can only comply with the ETON Tech Spec.	Wording will be changed so requirement is if number is different
SEJUG	11.2	There is no requirement for supplying out of hours contact & secondary promoter in ETON. SEJUG promoters can only comply with the ETON Technical specification.	Wording will be changed so requirement is if number is different
SGN	11.2	There is no requirement for supplying out of hours contact & secondary promoter in ETON.	Wording will be changed so requirement is if number is different
NJUG	11.2	There is no requirement for supplying out of hours contact details & secondary promoter details in ETON. NJUG promoters can only comply with the ETON Technical Specification.	Wording will be changed so requirement is if number is different
Section 12: USRN			
Legal	12.1.1	<i>Delete these as information is covered elsewhere</i>	Agreed. Text modified
EToN	12.1.1	A single Street can't have more than one USRN, I know what you are trying to say here but the wording is incorrect.	Single DELETED

SW	12.3.4	This is over and above current legislative requirement. Southern Water suggest this be removed.	Wording will be changed so requirement is 'if required'
SEJUG	12.3.4	Works Activity Footprint (WAF) is not required. This underwent consultation in early 2011 and was not agreed by HAUC(UK) to be a requirement. SEJUG does not agree therefore to supply this information.	Wording will be changed so requirement is 'if required'
SGN	12.3.4	Works Activity Footprint (WAF) is not required. This underwent consultation in early 2011 and was not agreed by HAUC(UK) to be a requirement.	Wording will be changed so requirement is 'if required'
NJUG	12.3.4	NJUG would like to highlight that Works Activity Footprint (WAF) is not required. This underwent consultation in early 2011 and was not agreed by HAUC(UK) to be a requirement. NJUG does not therefore agree it is a requirement to supply this information and urges its removal.	Wording will be changed so requirement is 'if required'
BB	12.3.4	The Works Activity Footprint (WAF) is not a requirement under regulation or the Code of Practice. This underwent consultation in early 2011 and was not agreed by HAUC(UK) to be a requirement. BB does not therefore agree it is a requirement to supply this information and suggests this paragraph is removed	Wording will be changed so requirement is 'if required'
O	12.3.4	We would like to highlight that Works Activity Footprint (WAF) is not required.	Wording will be changed so requirement is 'if required'
SEJUG	12.5	'Must' should be removed. SEJUG would like justification as to why an Illustration 'must' be sent with PAA & major permit applications.	The statement is correct and will remain
O	12.5.1	Openreach questions whether it is reasonable or practicable for an illustration to accompany every PAA & major works application, as it will place a large administrative burden on works promoters and could have CDM implications if the Permit Authority requires any changes. Suggest removal of the word 'must' and insert ' on strategic significant streets' should'.	The statement is correct and will remain. PAA & major works must be accompanied with an illustration so effective coordination can be performed. 'should' DELETED
BB	12.5.1 &	The provision of documents with an application is currently unavailable through ETON until Eton 6 comes on line in April 2014. It may also be	The statement is correct and will remain.

	12.5.2	impractical to provide illustrations on some work types where the full scope is unknown until work commences. Therefore all drawing illustrations be accepted on face value and validated when works commence, permits should not be unreasonably refused for absence of illustrations where the works description adequately outlines the works or where there is lack of clarity from the permit authority on the technical nature of any illustration.	PAA & major works must be accompanied with an illustration so effective coordination can be performed. 'should' DELETED
NJUG	12.5.2	NJUG would like justification as to why an Illustration 'must' be sent with PAA & major permit applications. NJUG suggests 'Must' should be removed.	This 'must' be sent if the activity is significant in terms of potential disruption due to the position and size of the activity
SW	12.6.1	Technique may not be known in every instance up front – suggest 'where known' be added.	It is the 'planned' technique that is required This information should be provided in the 'Works Description' Section until there is an appropriate field within EToN. DELETED
SEJUG	12.6.1	'Must' should be removed. Technique may not be known in every instance up front – suggest 'where known' also be added.	It is the 'planned' technique that is required
SGN	12.6.1	Cannot be 'must' as Technique may not be known in every instance.	It is the 'planned' technique that is required
NJUG	12.6.1	NJUG suggests that the word 'Must' should be removed, or at least qualified by "proposed" as the final technique may not be known in every instance before works commence.	It is the 'planned' technique that is required
O	12.6.1	We suggest that the word 'must' should be removed, or replaced by "proposed" as the technique may not be known in every instance before works commence.	It is the 'planned' technique that is required
BB	12.7.1	This provision does make sense however it has not been made clear if any payment for a TTRO application made at the time of the PAA would be refunded if the permit application is later refused as per the provision set out in 8.2.8 of the draft scheme.	There is no refund as separate departments and processes
SEJUG	12.8.1	SEJUG believes the field already exists within ETON.	'This information should be provided in the 'Works Description' section until there is an appropriate field within EToN'. DELETED

NJUG	12.8.1	NJUG believes the field already exists within EToN and suggests 'must' is replaced with 'should' as it may not always be possible.	'This information should be provided in the 'Works Description' section until there is an appropriate field within EToN'. DELETED
EToN	12.9.1	<i>How is this going to be enforced, where is it going to be entered on the New Activity.</i>	'wherever possible' This is a requirement of the DfT
Section 13: Permit Conditions			
BB	13.1.4	These conditions must be included in the consultation process and must follow the guidance issued by HUAC (UK) and the recent official letter Robert Goodwill MP which states "no condition should include matters already covered in legislation and cannot exceed legislation."	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
O	13.1.4	Replace 'Mandatory' with 'Standard'	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.

SEJUG	13.1.14	As stated above, any conditions that will be imposed, SEJUG would like to draw B&HCC's attention to the DfT letter dated 18/12/14, which states - "no conditions should be introduced that already exist in other legislation and NO condition can exceed legislation"	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
NJUG	13.1.14	Regarding any conditions that will be applied, NJUG would like to draw B&HCC's attention to the DfT letter dated 18/12/13, which states - "no condition should include matters already covered in legislation and cannot exceed legislation."	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
SW	13.1.14	Any proposed 'mandatory conditions' must be consulted on, and as per recent DfT requirements "no conditions should be introduced that already exist in other legislation and NO condition can exceed legislation"	There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model Condition Text in Permit Schemes will be used.
SGN	13.1.14	Please refer to the DfT letter dated 18/12/14, which states - "no conditions should be introduced that already exist in other legislation and NO condition can exceed legislation"	There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model

			Condition Text in Permit Schemes will be used.
NJUG	13.2	NJUG suggests renaming this from “Mandatory Conditions Applied to all Permits” to “Standard Conditions Applied to all Permits”	The word Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.will be removed
SEJUG	13.2.4	Extending potential FPN’s to breaches of Section 65 of NRSWA is outside the scope of a Permit Scheme, and therefore contravenes existing NRSWA / TMA legislation. Minimum widths stipulated in the Safety at Streetworks CoP (2013) should apply, as an ‘absolute minimum width of 1.3m’ contravenes s65 NRSWA. DfT letter dated 18/12/14 reinforces this.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
NJUG	13.2.4	Extending potential FPN’s to breaches of Section 65 of NRSWA is outside the scope of a Permit Scheme, and therefore contravenes existing NRSWA / TMA legislation. Indeed Under Secretary of State for Transport Robert Goodwill’s recent letter to the South East Permit Scheme stated that condition should “not exceed or conflict with legislation”. Minimum widths stipulated in the HAUC(UK) Safety Code	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the

		<p>of Practice (2013) should apply, as an 'absolute minimum width of 1.3m' contravenes s65 NRSWA and cannot be enforced.</p>	<p>conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.</p>
BB	13.2.4	<p>The revised Safety at Street Works and Road Works Code of Practice makes clear guidance for the provision of walkways and maintaining footways for pedestrians it states:-</p> <p>You should always try to enable pedestrians to remain safely on the footway if at all possible. Ideally, the footway should be a minimum of 1.5 metres wide for temporary situations but if this cannot be achieved, the existing footway can be reduced to an absolute minimum of 1 metre unobstructed* width. Where the existing footway is narrower than 1 metre, you are not required to provide an alternative footway wider than the existing footway, but you should consider whether this is possible.</p> <p>If it is not possible to maintain safe pedestrian access on the footway and a safe off-carriageway alternative cannot be found, you should provide a walkway in the carriageway. In general a minimum 1.2 metre width of walkway should be provided (this allows for a visually impaired person being guided), with an absolute minimum of 1 metre unobstructed* width. It is recommended that a wider walkway be provided if it can be done without resulting in a road closure or a reduction to shuttle working.</p> <p>Balfour Beatty has been involved in the development of this revision for the past 6 years and continues to assist the DfT in its implementation. All of the concerns contained with the paragraph of the scheme were considered and the above was the result. To maintain a walkway of 1.3m is impractical in most urban situations and would result in impeding traffic flows and potentially increasing the requirement for additional traffic control measures to accommodate walkways of this size. Extending potential FPN's to breaches of Section 65 of NRSWA</p>	<p>Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.</p>

		is outside the scope of a Permit Scheme, and therefore contravenes existing NRSWA / TMA legislation. Indeed Under Secretary of State for Transport Robert Goodwill's recent letter to the South East Permit Scheme stated that condition should "not exceed or conflict with legislation". Minimum widths stipulated in the HAUC(UK) Safety Code of Practice (2013) should apply, as an 'absolute minimum width of 1.3m' contravenes s65 NRSWA and cannot be enforced.	
O	13.2.4	By instructing this in the Permit Scheme openreach believes the scheme contravenes existing NRSWA 1991 Act legislation, as this is covered under s65 and the Safety at Streetworks Code of Practice 2013	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
SW	13.2.4	If the Safety at Streetworks CoP stipulates a one metre minimum of footway, then the Permit condition should relate to one metre, not 1.3 m. As per recent DfT requirements "no conditions should be introduced that already exist in other legislation and NO condition can exceed legislation"	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.

SGN	13.2.4	Permit Schemes should not be used for breaches of Section 65 of NRSWA. The minimum width of 1.3m' contravenes s65 NRSWA. DfT letter dated 18/12/14 reinforces this.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
CT	13.2.4	Mandatory conditions applied to all permits - Carillion Telent does not support the increase of the minimum allowable width for a footway to increase from 1 meter as per the Safety CoP to 1.3 meters under this permit scheme. Other permit schemes nationally have increased the minimum allowable width to 1.2 meters which is what Carillion Telent will also agree to in this scheme to promote consistency amongst the permit schemes on a national level.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
SEJUG	13.2.5	Pedestrian Ramps in yellow – as this is now a legal requirement of s65 NRSWA (as per the Safety at Streetworks CoP (2013) then why is this stipulates as a condition of the Permit Scheme? This should be removed.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated

			into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
NJUG	13.2.5	NJUG wishes to point out that Pedestrian Ramps in yellow is not a legal requirement of s65 of NRSWA (as it is not required by the current Safety Code of Practice 2013) and cannot be enforced, as it may be a hazard. Therefore NJUG strongly suggests that this condition should be removed.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
BB	13.2.5	Pedestrian Ramps in edged yellow are not a legal requirement of s65 of NRSWA (as it is not required by the current Safety Code of Practice 2013) or any other legislation or standard indeed it has not been proven that yellow does in fact assist the visually impaired. It is usually the contrast in colour which has the most effect so black or white against an opposite colour background is generally better. We strongly suggest that this condition should be removed.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
O	13.2.5	By instructing the use of pedestrian ramps, openreach believes the Authority is creating an agreement inconsistent with the provisions of	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard

		the 1991 Act (s 65 & s100)?	conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
SW	13.2.5	Pedestrian Ramps in yellow – this should be removed as is already a legal requirement.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
SGN	13.2.5	Pedestrian Ramps in yellow – as this is now a legal requirement of s65 NRSWA (as per the Safety at Streetworks CoP (2013) and is not required as a condition.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed

			changes, but will inform stakeholders of their implementation date for use within our permit scheme.
SEJUG	13.2.6 & 13.2.7	SEJUG has concerns regarding supplying this additional information. It is not within scope of the ETON Technical Specification, and text field of the Permit application is limited by ETON to 500 characters only. In addition, 13.2.7 should not apply to every works, and should be works specific.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
NJUG	13.2.6 & 13.2.7	NJUG has concerns regarding supplying this additional information. It is not within scope of the ETON Technical Specification, and the text field of the permit application is limited by ETON to 500 characters only. In addition, 13.2.7 should not apply to every works, and should be works specific. The text is also too ambiguous to be a condition.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
O	13.2.6 & 13.2.7	This is not within scope of the ETON Technical Specification, with the text field of the permit application being limited by ETON to 500 characters only. In addition, 13.2.7 should not apply to every works, and should be works specific. i.e. SSS identified in the Gazetteer	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the

			conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
B&HBCC	13.2.7	we would request for 'bus routes' to be included in the list of impacted items.	Brighton & Hove City Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
CT	13.3	Standard conditions applied to permits as required - Other new proposed permit schemes are starting to adopt the National Model Conditions to promote some form of consistency in permit schemes on a national scale. Carillion Telent strongly supports this approach and would propose that Brighton and Hove use the national model conditions in their permit scheme.	There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model Condition Text in Permit Schemes will be used.
SW	13.3.1	When will this be available – this should be subject to consultation also.	There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model Condition Text in Permit Schemes will be used.
SEJUG	13.3.1	SEJUG suggests this would sit better under 13.1 as opposed to 13.3 – SEJUG members cannot find any documents relating to proposed standard conditions on the B&HCC website. When will this document	There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model

		be available?	Condition Text in Permit Schemes will be used.
O	13.3.1	Openreach has been unable find any documents relating to proposed standard conditions on the B&HCC website, which gives sufficient detail for us to be able to analyse their likely impact, and therefore, in line with Permit Regulation 3 requests that this document is made available for full consultation.	There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model Condition Text in Permit Schemes will be used.
NJUG	13.3.1 & 13.3.4	NJUG suggests this would sit better under 13.1 as opposed to 13.3 – NJUG notes the likely indication of Standard Conditions Applied to Permits as Required, but has been unable find any documents relating to proposed standard conditions on the B&HCC website, which gives sufficient detail for us to be able to analyse their likely impact, and therefore, in line with Regulation 3 requests that this document is made available for full consultation.	There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model Condition Text in Permit Schemes will be used.
SEJUG	13.4.1	This relates to contact by phone for immediate works on specified traffic sensitive streets indicated on the ASD, which contradicts 9.5.2 (which suggests promoters contact B&HCC by phone for all immediate activities). SEJUG agrees with 13.4.1 but not 9.5.2. 9.5.2 should be removed or reflect what is stated in 13.4.1.	Wording will be updated for clarity
NJUG	13.4.1	This section relates to contact by phone for immediate works on specified traffic sensitive streets indicated on the ASD and contradicts 9.5.2 (which suggests promoters contact B&HCC by phone for all immediate activities). NJUG wishes to highlight that when dealing with an emergency, those attending site will always focus on making safe and restoring supplies. This is particularly true when there might be a risk to people or property. However, NJUG generally agrees with 13.4.1 but not 9.5.2 and suggests 9.5.2 should be removed or reflect what is stated in 13.4.1.	Wording will be updated for clarity
CT	13.4.1	Conditions for Immediate activities – contact the permit authority immediately This would also be a difficult condition to follow as has been highlighted in a number of permit schemes already in operation nationally. Carillion Telent would need to be informed of the out of	Wording will be updated for clarity

		<p>office hours contact number to call in advance of the go live of this scheme so that Carillion Telent suppliers working in the Brighton and Hove area would have this information available to them up front when faced with a situation like this.</p> <p>Also can you please clarify how this will work once the permit authority has been contacted including out of hours e.g. will it be an answer phone that a message is left on? Will a reference number be given?</p>	
O	13.4.1	This contradicts 9.5.2 where it states that it applies to all activities. Please remove, and consider our 9.5.2 response.	Wording will be updated for clarity
Legal	13.5	<p><i>BREACHING OF CONDITIONS</i></p> <p><i>Should read</i></p> <p><i>BREACH OF CONDITIONS</i></p>	Agreed
SEJUG	13.6.1	SEJUG believes that the Permit Authority 'will ensure' as opposed to 'endeavour to ensure'. Wording should be changed.	DELETED
SGN	13.6.1	SGN believe this is not correct the Permit Authority 'will ensure' as opposed to 'endeavour to ensure'. Change the wording.	DELETED
NJUG	13.6.1	NJUG strongly suggests that the wording should be changed to 'will ensure' as opposed to 'endeavour to ensure'.	DELETED
O	13.6.1	Openreach strongly suggests that the wording should be changed to 'will ensure' as opposed to 'endeavour to ensure'.	DELETED
BB		<p><u>Conditions</u></p> <p>Our experience of the conditions which accompany a permit scheme is that they can have a significant impact on the ability of works promoters to undertake their road and street works activities, and some draft conditions duplicate or are out with or more onerous than existing legislation and are therefore become unenforceable. Additionally, this Scheme appears to confuse the different types of permit conditions. In the Transport Minister Robert Goodwill MP's letter of 18 December 2013 he confirms there are only two types of conditions:</p> <ul style="list-style-type: none"> • Standard Scheme Conditions, which will be set out in the body of 	There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model Condition Text in Permit Schemes will be used.

		<p>the scheme and apply to all permits, or to some permits in certain circumstances, and</p> <ul style="list-style-type: none"> Local Conditions, which can apply to certain permits in certain circumstances. <p>Balfour Beatty agrees with this statement which was made following a recent consultation on another permit scheme application. It appears that within the Brighton and Hove City Council Permit Scheme consultation the Standard Scheme Conditions that apply to all works are called Mandatory Conditions, and the then there are a further set of Standard Conditions that can be required in certain circumstances. We would like these types of conditions more clearly defined and perhaps relabelled to “Standard Conditions - required for all Works” and “Non-Standard Conditions -applied in certain circumstances.”</p> <p>In addition, we would recommend that the HAUC (UK) Permit Advice Note 2013/01 which provides a non-mandatory set of standardised permit condition text is used to align the conditions to existing schemes thus reducing confusion indeed.</p> <p>Transport Minister Robert Goodwill MP has recently confirmed that the Department for Transport supports the increased use of these conditions as it will make working across different areas easier for works promoters.</p>	
BB		<p><u>Standard (Mandatory) Conditions and Standard Conditions Applied to Permits as Required and Conditions for Immediate Works</u></p> <p>These conditions fall under those set out in regulation 10 and are to be set out in the body of the scheme as required, in order for the Department for Transport to assess in the round alongside the permit scheme itself, but are unlikely to form part of the Statutory Instrument. We have provided specific comments on the Standard Conditions which apply to all works (headed Mandatory Conditions); the suggested areas of Standard Conditions Applied to Permits as Required; and Conditions for Immediate Works.</p> <p>These sets include additional requirements over and above existing legislation / the EToN technical specification, which is contrary to Robert Goodwill MP’s letter which explicitly states that “no condition</p>	<p>There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model Condition Text in Permit Schemes will be used.</p>

		<p>should include matters already covered in legislation and cannot exceed legislation.". We would therefore strongly urge Brighton & Hove to review these condition proposals in line with published guidance. It is essential that conditions actually derive a real positive benefit to all not just the permitting authority and that they do not place unreasonable and in some cases unworkable demands on promoters. In respect of the Standard Conditions Applied to Permits as Required, the consultation document states that "detailed 'Standard' wording of all conditions will be made available to all Promoters as a separate document and will be available to all contractors. This document can be found on www.brighton-hove.gov.uk". We have been unable to find any such documents relating to proposed standard conditions on the Brighton and Hove City Council website.</p>	
BB		<p><u>Local Conditions</u> Equally, we were unable find any documents on the Brighton & Hove City Council website relating to proposed local conditions and there is no mention of any proposed local conditions within the permit scheme consultation. Therefore we assume that no local conditions will be brought forward as part of the scheme. If that is not the case we request that any local conditions are made available for full consultation in line with regulation 3 as soon as possible. This is very important because as Minister Robert Goodwill pointed out in his letter "local conditions are outside the scope of regulation 10, and if there is a need for local conditions they are likely to be unique to certain peculiarities of that authority and the authority should come to the DfT to see if any such condition is reasonable." He also highlights that "As these conditions will be outside of the types in regulation 10 (although not outside of legislation and the requirement to consult on them under regulation 3) they will need to be included in the Statutory Instrument – to give them force."</p>	<p>There will be a separate list of conditions for consultation. The HAUC Permit Advice Note No. 2013/01; Guidance Note for the use of National Model Condition Text in Permit Schemes will be used.</p>
Section 14: Granting of Permits			
Consultant	14.3.1	Scheme should provide provision for 'sector agreed refusal codes' as approved by HAUC England	Text added
Legal	14.3 to 5	<i>INCLUSION OF CONDITIONS</i>	Agreed, sections DELETED

		<i>PERMIT UNIQUE REFERENCE NUMBER AMENDMENT TO ORIGINAL APPLICATION</i> These are not required - delete	
CT	14.4.1	Permit unique reference number - Please advise if the additional version number is also required to be displayed at the end of the reference number or if the reference number only will suffice? Most other permit schemes only require the works reference as the permit reference and have not requested the version number to be added to the end of the permit reference once a permit is updated to the next stage of a permit sequence.	No, it is not required
O	14.6.1	Openreach requests that the Scheme provides standard refusal codes adopted in other permit schemes.	These codes are being considered nationally
Legal	14.7.2	<i>It may be that the work has to stop To read the Permit Authority may direct the work to stop</i>	Agreed, text changed

Section 15: Review, Variation and Revocation of Permits and Permit Conditions

Consultant	15	According to Regulation 15 (2) information required for the revocation application needs to be included in the Permit Scheme.	Agreed, new section added. 15.2 Promoter Revocation 15.2.1 If a Promoter wishes to cancel a Permit or withdraw a Permit application for which they have no further use or seeks a revocation of a Permit condition, they should use the voluntary cancellation notice detailed within the relevant EToN specification.
SEJUG	15.2.2	SEJUG requires further clarification on this point.	If a PAA has been agreed and then the Promoter wishes to change it the Promoter must inform the Permit Authority immediately
NJUG	15.2.2	NJUG requires further explanation as to the extent of the changes, as some of the information is by its nature flexible.	If a PAA has been agreed and then the Promoter wishes to change it the Promoter must inform the Permit Authority immediately

SEJUG	15.3.1	There is no requirement to do this under ETON. SEJUG members will comply with ETON and send Permit variations. SEJUG does not believe that massaging of Permit KPI's should be achieved in this way by having to ask permission for variations 1st.	Agreed, a change will be made. 15.3.1 has been removed.
SGN	15.3.1	There is no requirement to do this under ETON.	Agreed, a change will be made. 15.3.1 has been removed.
NJUG	15.4.3	This section requires clarification.	Agreed, a changes made.
O	15.3.1	Openreach already comply with EToN by sending permit variations, and there is no requirement under EToN to telephone first to determine if the Authority is prepared to grant a variation. We ask this to be amended to be aligned with EToN specification	Agreed, a change will be made. 15.3.1 has been removed.
SEJUG	15.3.2 & 3	Permit Authority invoked variations are free of charge. This should be stated in these paragraphs.	Section 15.6.2 covers this requirement
SGN	15.3.2 & 3	Permit Authority invoked variations are free of charge. This should be stated in these paragraphs.	Section 15.6.2 covers this requirement
NJUG	15.3.2 & 3	NJUG wishes to stress that Permit Authority invoked variations must be free of charge. This should be stated in these paragraphs.	Section 15.6.2 covers this requirement
SEJUG	15.7.2	this contradicts 15.3.1.	Correct. A change will be made
SGN	15.7.2	this contradicts 15.3.1.	Correct. A change will be made
NJUG	15.7.2	This section is not aligned with 15.3.1 which NJUG has already pointed out is not feasible. NJUG suggests that 15.3.1 is removed and 15.7.2 remains.	Correct and agreed. A change will be made.
O	15.7.2	This section is not aligned with 15.3.1 which we have already pointed submitted in the above comments. We suggest that 15.3.1 is removed and 15.7.2 remains.	Correct. A change will be made.
Consultant	15.7.2	Wording to the effect that a Promoter shall telephone the Permit Authority is required. Further, section 15.7.2 should also state; "...and only apply, again electronically, if the Authority is so prepared." Both of	Agreed, change made. As section 15.2 has been added it is now section

		these are requirements under Statutory Guidance 46 as well as Regulation 15(2) of the Traffic Management Permit Scheme Regs 2007.	15.8.2 If a variation is to be made, the Promoter shall telephone the Permit Authority to discuss prior to submitting a variation and only apply, again electronically, if the Authority is so prepared.
SEJUG	15.9.1	There is no requirement to do this under ETON. SEJUG members will comply with ETON and send Permit variations.	Noted. A change will be made. 15.9.1 has been removed.
SGN	15.9.1	There is no requirement to do this under ETON. SGN will comply with ETON and send Permit variations.	Noted. A change will be made. 15.9.1 has been removed.
NJUG	15.9.1	As with 15.3.1 there is no requirement to do this under ETON. Please see above comments.	Noted. A change will be made. 15.9.1 has been removed.
O	15.9.1	As with 15.3.1 there is no requirement to do this under ETON.	Noted. A change will be made. 15.9.1 has been removed.
EToN	15.9.2	<i>Submitting a Variation should read submitting a Duration Variation Application</i>	Change made
SEJUG	15.10.2	(iii) – SEJUG does not agree with this. 1 variation should encompass 50m in either direction. (iv) – SEJUG do not agree as there is no requirement to do this.	This is correct and the wording states ‘within 50 metres of the original hole’ Section iii will be removed
SGN	15.10.2	(iii) – 50m in either direction should be the norm.. (iv) – no requirement to do this in COP permits.	Section iii will be removed
NJUG	15.10.2	(iii) – NJUG does not agree with this as one variation should encompass 50m in either direction. (iv) – NJUG does not understand the benefit of telephoning the new location within the agreed variation.	Noted. A change will be made Section iii will be removed
O	15.10.2	(iii) – We do not agree with this as one variation should encompass 50m in either direction.	Noted. A change will be made Section iii will be removed
O	15.10.2	(iv) – We do not understand the benefit of telephoning the new location	Noted. A change will be made

		within the agreed variation.	
B&HBCC	15.11.1	we would request that a further item is added, 'x. How stakeholders are to be notified'.	Noted, this is covered by ongoing coordination efforts by B&HCC
SW	15.11.1	Not all of these points are applicable for every permit variation – for example, illustration should apply only to Major activities, or for works on the Network where it has been flagged up as being particularly susceptible to disruption.	This is 'as applicable' as stated
SEJUG	15.11.1	Not all of these points are applicable for every permit variation – for example, illustration should apply only to Major activities, or for works on the Network where it has been flagged up as being particularly susceptible to disruption. SEJUG do not agree with this paragraph – Information required for variation applications are detailed in the ETON Technical specification, which SEJUG members will comply with. This paragraph should be removed.	This is 'as applicable' as stated
NJUG	15.11.1	NJUG wishes to highlight that not all of these points are applicable for every permit variation – for example, illustration should apply only to Major activities, or for works on the Network where it has been flagged up as being particularly susceptible to disruption. Information required for variation applications are detailed in the ETON Technical Specification, which NJUG members will comply with. NJUG therefore suggests this paragraph should be removed.	This is 'as applicable' as stated
O	15.11.1	Openreach wishes to highlight that not all of these bullet points are applicable for every permit variation. Information required for variation applications are detailed in the ETON Technical Specification, which openreach will comply with.	This is 'as applicable' as stated
Section 16: Cancellation of a Permit			
Legal	16.2	<i>CONTINUING TO WORK FOLLOWING THE CANCELLATION OF A PERMIT</i> <i>Delete as not necessary</i>	Agreed, DELETED

Section 17: Fees			
SEJUG	17.1.1	'To meet the costs' should read 'to meet the additional costs'.	Agreed
SGN	17.1.1	'To meet the costs' should read 'to meet the additional costs'.	Agreed
NJUG	17.1.1	NJUG suggests that 'To meet the costs' should read 'to meet the additional costs'.	Agreed
O	17.2.3	Can the scheme consider iv) a discount may be applied where it is demonstrated that an activity provides significant economic benefit to the local authority or Council. For instance supplies for a new development, or where it is demonstrated that a network investment programme is being undertaken to meet customer demand.	Agreed
Legal	17.5	<i>Do we need to reference how the fees can be amended?</i>	New section added stating 'As far as possible the fees and costs should be matched over a financial year. However, it is recognised that estimating the fee levels will involve incorporating the effect of various factors that will inevitably have a degree of uncertainty around them. In the event that fees and costs do not match the actual outturn for the year in question, adjustments may be made to fee levels for the subsequent years so that across a number of years fees do not exceed the allowable costs.'
Section 18: Sanctions			
Legal	18.3.1 + 18.3.2	<i>Move to 13.6.2</i>	Agreed, moved
O	18.3.2	The fine for breaching a permit condition should not exceed level 4 on the standard scale.	Correct. The permit regulations create two types of offences: 1. carrying out activities on the street or highway without a permit – except immediate activities, see below, – maximum fine level 5

			2. carrying out activities on the street or highway in a way that contravenes the conditions attached to a permit, or the conditions that are applied to an immediate activity before a permit is issued for those activities – maximum fine level 4
Section 19: Dispute Resolution			
Legal	19	<i>DISPUTE RESOLUTION</i> <i>It is understood that there are three stages:- Informal / Formal / Adjudication</i> <i>Use of correct language is essential</i>	Agreed, section 19 updated
SEJUG	19.3.2	B&HCC cannot stipulate timescales when SEHAUC members will meet to review.	Agreed
SGN	19.3.2	This is not within B&HCC gift to stipulate timescales when SEHAUC members will meet to review.	Agreed
O	19.5	We cannot understand why this included in the Permit scheme as this is part of primary legislation, and is out of scope of the Permit Scheme	Agreed. Section removed
SEJUG	19.5.1	This should not be included in the Permit scheme as this is part of Primary legislation, and is out of scope of the Permit Scheme.	Agreed. Section removed
SGN	19.5.1	This should not be included in the Permit scheme as this is part of Primary legislation, and is out of scope of the Permit Scheme.	Agreed. Section removed
NJUG	19.5.1	NJUG suggests that this should not be included in the Permit scheme as this is part of primary legislation, and is out of scope of the Permit Scheme.	Agreed. Section removed
Section 20: Registers (no responses received)			
Section 21: Transitional Arrangements			
EToN	21	<i>We think that this needs to refer to Phase.</i>	Title changed

EToN	21.1.6	<i>Should read Phase not activity. As it will become a permit once a phase has been finished not the activity</i>	Change made
EToN	21.1.6	<i>What is other activity.</i>	'other' DELETED
Section 22: Permit Scheme Monitoring			
Legal	22.1	<i>Delete not needed</i>	Agreed, DELETED
O	22.1.1	Openreach advises that attendance from Utilities should be at a level of management capable of achieving step change in Policy and Strategy within its business.	Noted
O	22.2.1	Openreach recommends that additional KPI's and matrix currently being developed by the National Permit Forum should be encouraged, thereby future-proofing the scheme.	Noted
Legal	22.2.1	<i>Should read Parity of treatment will be measured.....</i>	Agreed, text changed
O	22.5.1	<p>We suggest that whilst the Co-ordination meetings are provided with the KPI data, the attendees at these meetings are only there to discuss individual works.</p> <p>More meaningful dialogue can take place at local and regional HAUCs, who can focus on areas for improvement and sharing good practice where results are good. Attendance from Utilities should be at a level of management capable of achieving step change in Policy and Strategy within its business.</p> <p>We do not support the sharing of this information outside the HAUC community on the Authority's website at this stage.</p>	Rejected as Council data will be available and parity must be shown
Section 23: APPENDIX A: Glossary of terms used in the Permit Scheme			
Legal		<i>This is really the definition of terms (not a glossary) used in the document and should all be consolidated here.</i>	Changed

		<i>At present many are missing and some contradict (days and working days for example)</i>	
O	Major Activities	Openreach suggests that major activities are: a) are part of a scheme which is planned or known about at least 6 months in advance of the proposed start date, but only includes activities on all the affected streets and locations within that scheme that have been identified at that least 6 months advance stage as likely to require permits; or b) require a Temporary Traffic Regulation Order (ie not a temporary traffic notice) under the Roads Traffic Act 1984 for any activity, other than immediate works, that take place in traffic sensitive streets at traffic sensitive times; or c) have a duration of 11 days or more, other than immediate activities	This has been considered and the wording is in-line with the COP for Permits.
O	Remedial Works	Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and regulations, including defects identified by the undertaker during the course of his undertakings.	'and' will be added after identified
O	Temporary Traffic Regulation Order (TTRO)	This means an order made under section 14 of the Road Traffic Regulation Act 1984, and amendments.	Agreed
Section 24: APPENDIX B - Policy Statement - Circumstances In Which the Permit Authority Will Review, Vary Or Revoke (no responses received)			
Legal		<i>Delete this, not required</i> <i>The document can be beefed up instead</i>	This text has been incorporated in to section 15
Section 25: APPENDIX C - Policy Statement - Employment of Sanctions			
Legal		<i>Delete this, not required</i>	Appendix C DELETED

		<i>The document can be beefed up instead</i>	
Section 26: APPENDIX D - Fixed Penalty Notices			
Legal		<i>Not needed. Information is in FPNs</i>	DELETED
Section 27: APPENDIX E – Permit Fees			
SW	27.1	Permit Fees – Southern Water does not agree that Permit Fees should be charged for works carried out on minor roads (Cat 3 & 4 Roads that are non traffic sensitive. This contradicts current DfT Permit Guidance and is nothing more than a stealth tax on the Utility Industry. Works should not affect congestion at all on these roads, so no permit fee should be chargeable for any works on these parts of the Network. In addition, Southern Water suggests that a more reasonable approach would be for ‘Where Standard, Minor and Immediate Activities are carried out on Minor Roads, including Traffic Sensitive Streets outside of traffic sensitive times, no fee will be payable for the Permit application’. B&H’s proposed approach will result in a larger increase in Customer Bills as all efficient permit costs will be passed back to customers (as deemed by OFWAT as an allowable cost).	Noted
SEJUG	27.1	Permit Fees – SEJUG members do not agree that Permit Fees should be charged for works carried out on minor roads (Cat 3 & 4 Roads that are non traffic sensitive). There is no incentive in this scheme for SEJUG members to work outside of traffic sensitive times at all. This proposal also contradicts current DfT Permit Guidance which states that Permit Schemes be targeted to Major and Traffic sensitive streets at traffic sensitive times. The suggested 30% reduction is also not displayed (although SEJUG believe this should be 100% reduction).	Noted
SGN	27.1	Permit Fees – This is fundamentally against the spirit of permit schemes. Permit Fees should be charged for works carried out on minor roads (Cat 3 & 4 Roads that are non traffic sensitive). There is no incentive in this scheme to work outside of traffic sensitive times at all. This proposal also contradicts current DfT Permit Guidance which states that Permit Schemes be targeted to Major and Traffic sensitive	Noted

		streets at traffic sensitive times.	
NJUG	27.1	NJUG fails to understand how Permit Fees can be charged for works carried out on minor roads (Category 3 & 4 Roads that are non-traffic sensitive) and especially Category 0, 1 and 2 roads in non traffic-sensitive times. There is no incentive in this Scheme for NJUG members to work outside of traffic-sensitive times at all which is contrary to the Government's primary aim of introducing permit schemes to reduce congestion. This proposal also completely contradicts current DfT Permit Guidance which states that Permit Schemes should ideally be targeted to Strategically Significant Streets at traffic-sensitive times. NJUG believes there should be a 100% reduction of the permit fee on Category 3 and 4 non-traffic sensitive roads.	Noted
Section 28: APPENDIX F – Contact Details			
Legal	28	<i>This information should not be here If necessary this should be earlier in the document</i>	Agreed, text is within document DELETED

END OF DOCUMENT