

NEC4

Term Maintenance Contract

Annex 38 – Somerset Council Permit Scheme DN581359

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PERMIT SCHEME

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1. FORWARD

The Somerset County Council Permit Scheme is a Single Permit Scheme for the purposes of Part 3 of the Traffic Management Act 2004 (TMA) and the Traffic Management Permit Scheme (England) Regulations 2015.

2. INTRODUCTION TO THE PERMIT SCHEME

A Permit Scheme is an important development for Somerset County Council. The development of the scheme shows how the Council, working together with communities and stakeholders, expects to support and deliver the wider aims and priorities that the area has, by investing in the management of its transport network.

This includes coordinating essential works, supporting businesses, economic growth, getting people into work, getting children safely to school, improving air quality and protecting and enhancing our unique natural and built local environments.

2.1 Background

The Permit Scheme is constructed in accordance with the following legislative framework. Highway Authority Permit Schemes were introduced by Part 3 (sections 32 to 39) of the Traffic Management Act 2004 (TMA) and are regulated in England by the Traffic Management Permit Scheme (England) Regulations 2007 (the regulations). The Deregulation Act 2015 (DA) removed in England the requirement for permit schemes to be approved by the Secretary of State. The DA amended the TMA enabling highway authorities in England to make their own schemes and to vary or revoke existing schemes. Amendments made by the DA and the Infrastructure Act 2015 also enable Highways England to make permit schemes in relation to highways for which it is responsible. The 2007 Regulations have been amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 (S.I. 2015/958) to reflect changes made by the Deregulation Act 2015 and other changes to the operation of permit schemes. The amended regulations applied to all new schemes from 30 June 2015 and will apply to all existing schemes from 1 October 2015. Under section 33(5) of the TMA highway authorities preparing a permit scheme are also required to have regard to Statutory Guidance issued by the Secretary of State. In this Statutory Guidance "must" has been used to refer to a statutory requirement. "Should" is used where the Department for Transport strongly recommends specific action is taken. Where "may" is used it refers to those things a highway authority will want to consider in the development of a scheme and as part of its own approval process. In developing and operating a permit scheme

authority must comply with the TMA and the 2007 Regulations, and must have regard to this guidance, which this Permit Scheme does.

2.2 The Permit Scheme

- 2.2.1 This Permit Scheme, to be known as the Somerset County Council Permit Scheme and hereinafter referred to as the 'Permit Scheme', is made under Part 3 of the TMA and the Regulations, and has been prepared with regard to the Statutory Guidance issued by the Secretary of State to assist Highway Authorities wishing to become Permit Authorities and in accordance with the requirements set out in the Regulations. The scheme will operate in accordance with the HAUC (England) Guidance Operation of Permit Schemes (February 2017) and the Statutory Guidance for Highways Permit Schemes (October 2015) and any future amendments to the guidance.
- 2.2.2 The Permit Scheme will be operated solely by Somerset County Council as a Single Permit Scheme.
- 2.2.3 All current New Roads and Street Works Act (NRSWA) and Traffic Management Act (TMA) legislation, codes of practice, etc. and any future amendments to that legislation, apply to this Permit Scheme.
- 2.2.4 Somerset County Council recognises the local economic benefits of nationally significant infrastructure projects, including the improved timing, coordination and delivery of works. We are committed to ensuring that the commencement of the Somerset County Council Permit Scheme will not have a detrimental impact on the implementation of any such projects within, or adjacent to, the Permit Scheme area.
- 2.2.5 In accordance with Regulation 4 (g) it is intended that the Permit Scheme is going to start operation on 3rd February 2020.
- 2.2.6 Somerset County Council recognises that there may be future changes to legislation, codes of practice, guidance, electronic systems, etc. Any such nationally agreed future changes that are relevant to permit schemes will be applied to this Permit Scheme.

2.3 The Permit Authority

- 2.3.1 The Permit Scheme will be operated as a Single Permit Scheme by Somerset County Council, as the Highway Authority for Somerset, hereinafter referred to as the 'Permit Authority'.

2.4 Activities

- 2.4.1 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.
- 2.4.2 The term 'Promoters' will be used for both Statutory Undertakers (including Utility companies) and Somerset Highway Authority. The present 2007 Permit Regulations provide for permit schemes to include both street works by statutory undertakers, as defined in NRSWA (this excludes street works licensed under s50 of NRSWA), and highway works, defined in s83 of NRSWA as works for road purposes. Although the term "works" is used generically in the Regulations, "activities" is used in this guidance to encompass both types of works and anticipates subsequent sets of regulations which may extend the scope of permit schemes to other activities on the street.
- 2.4.3 Authorities preparing permit schemes must include both highway and statutory undertakers' works. All works comprising "registerable works" in terms of the 2007 Notices Regulations under NRSWA should be included.
- 2.4.4 A glossary of the main terms contained within this document is provided in Appendix A.

2.5 Relationship to NRSWA

- 2.5.1 Permit Schemes provide an alternative to Sections of the existing notification system of the New Roads and Street Works Act 1991 (NRSWA), whereby, instead of informing a Highway Authority about its intention to carry out works in its area, a Statutory Undertaker has to book time on the highway by obtaining a Permit from the Permit Authority.
- 2.5.2 Under a Permit Scheme, the activities undertaken by the Highway Authority, its partners or agents are also treated in exactly the same way as a Statutory Undertaker.

- 2.5.3 The Permit Authority may apply conditions, attached to Permits, which impose constraints on the dates and times of activities and the way that work is carried out.
- 2.5.4 The Permit Authority's control over variations to Permit conditions, particularly time extensions, gives a greater incentive to complete activities on time.
- 2.5.5 A Highway Authority may choose to implement a Permit Scheme on all or some of the roads under its control.
- 2.5.6 Somerset County Council has decided to implement a Permit Scheme on all of the streets under its control.
- 2.5.7 Changes to Section 58 and 58a (restrictions on works following substantial road works) and Section 74 (charges of occupation of the highway where works are unreasonably prolonged) apply only to Statutory Undertakers activities.
- 2.5.8 The Permit Scheme makes arrangements so that similar procedures are followed for Highway Authority Promoter activities in relation to timing and duration, in order to facilitate the operation of the Permit Scheme.
- 2.5.9 Streets designated under NRSWA with special controls, protected streets, streets with special engineering difficulty (SED) and traffic-sensitive streets, will have the same designations under the Permit Scheme.
- 2.5.10 The Permit Authority will be set up to receive applications, issue and receive notifications and otherwise communicate electronically. All such communications relating to works on the highway will be made using the current electronic system wherever possible.

3 OBJECTIVES OF THE SOMERSET COUNTY COUNCIL PERMIT SCHEME

3.1 *Working together to deliver a safe, efficient and sustainable highway network for everybody.*

- 3.1.1 All activities on highways have the potential to reduce the width of the street available to traffic, pedestrians and other users and have the potential to also inconvenience businesses and local residents.

- 3.1.2 The scale of disruption caused is relative to the type of activities being undertaken and the capacity of the street. Activities where the traffic flow is close to, or exceeds, the physical capacity of the street will have the potential to cause congestion, disruption and delays.
- 3.1.3 The objective of the Somerset County Council Permit Scheme is to improve the strategic and operational management of the highway network through better planning, scheduling and management of activities to minimise disruption to any highway user.
- 3.1.4 The Somerset Permit Scheme will enable better coordination of activities throughout the highway network.
- 3.1.5 The objectives and benefits of the Somerset Permit Scheme are:
- Reduced disruption on the road network
 - Improvements to overall network management
 - Improving the reliability and accuracy of works information to the public
 - A reduction in delays to the travelling public
 - A reduction in costs to businesses caused by delays
 - Supporting public transport reliability
 - Promotion of a safer environment
 - Reduced carbon emissions
- 3.1.6 The Permit Scheme objectives will be facilitated by improving performance in line with the Authorities' Network Management Duty in relation to the following key factors:
- Enhanced coordination and cooperation
 - Encouragement of partnership working between the Permit Authority, all Promoters and key stakeholders
 - Provision of more accurate and timely information to be communicated between all stakeholders including members of the public
 - Promotion and encouragement of collaborative working
 - Improvement in timing and duration of activities particularly in relation to the busiest streets within the network
 - Promotion of dialogue with regard to the way activities are to be carried out
 - Enhanced programming of activities and better forward planning by all Promoters

3.2 Aligned Objectives

3.2.1 The Permit Scheme objectives align with the strategic objectives contained within Somerset County Councils Vision and Business Plan:

- Support sustainable and inclusive economic growth
- Enable equality and improve accessibility
- Address poor air quality and take action against climate change
- Contribute to better health, wellbeing, safety and security
- Create better places

4 SCOPE OF THE PERMIT SCHEME

4.1 Area covered by the Permit Scheme

4.1.1 The Permit Scheme applies within the boundaries of Somerset County Council.

4.2 Definition of the term “Street”

4.2.1 For the purposes of the Permit Scheme, the term “street” refers to that length of asset associated with a single Unique Street Reference Number (USRN). Where a single street on the ground has more than one USRN, separate Permits will be required for each USRN to which an activity relates

4.3 Streets covered by the Permit Scheme

4.3.1 The Permit Scheme will apply to adopted and publicly maintainable streets identified on the National Street Gazetteer (NSG).

4.3.2 The Permit Authority will create, maintain and publish the Street Gazetteer to Level 3.

4.3.3 The Local Street Gazetteer will be maintained and updated with relevant information. The Local Street Gazetteer will be available to all Promoters via the National Street Gazetteer Concessionaire’s website.

4.4 Streets not covered by the Permit Scheme

4.4.1 Streets that are not highways maintainable at public expense or private streets are not included in the Permit Scheme.

4.4.2 Motorways and trunk roads for which Highways England is the Highway Authority are excluded from the Permit Scheme.

4.5 Streets to be adopted as a maintainable highway

4.5.1 Where a street is expected to become a maintainable highway, controls on specified activities under the Permit Scheme will only apply after the street has become a maintainable highway.

5 ACTIVITIES COVERED BY THE PERMIT SCHEME

5.1 Activities requiring a Permit

5.1.1 The Permit Scheme controls the following activities undertaken on the public highway:

- Street works as in Part 3 of NRSWA, as defined by s48, except for works by licensees under Section 50 of NRSWA
- Works for road purposes as defined by Section 86 of NRSWA – maintenance and improvement works to the road itself, carried out by, or on behalf of, the Highways Authority
- Major Highway Works (including Developer activities under Section 278 of the Highways Act 1980)
- Other activities that may be introduced under future regulations

5.1.2 To enable Somerset County Council to meet the objectives of the permit scheme, all activities listed in 5.1.3 will be defined as specified works for the purpose of the Somerset County Council permit scheme and will require a permit.

5.1.3 The following activities defined in the Regulations as specified works are Registerable for all Promoters and information related to them has to be recorded on the register:

- a) Activities that involve the breaking up or resurfacing any street
- b) Activities that involve opening the carriageway or cycleway of traffic-sensitive streets at traffic-sensitive times.
- c) Activities that require the use of any form of temporary traffic control as defined in the Code of Practice for Safety at Street Works and Road Works.
- d) Activities that result in the width of the carriageway available for vehicular traffic being reduced by more than one third.

- e) Activities that result in the width of the carriageway being reduced by one or more traffic lanes
- f) Activities that require a temporary traffic regulation order or notice, or the suspension of pedestrian crossing facilities.
- g) Activities that require a reduction in the width of the existing carriageway by any amount of a traffic-sensitive street at a traffic-sensitive time

5.2 Works for road purposes

5.2.1 The requirements of the Permit Scheme apply equally to both works undertaken by the Highway Authority and Statutory Undertakers with the one exception, that fees will not be charged for Permits issued for the Highway Authority's own works for road purposes.

5.2.2 To demonstrate parity of treatment for all Promoters, particularly between the Highway Authority and Statutory Undertakers, Key Performance Indicators will be used.

5.2.3 Highway Authorities and Promoters of works for road purposes must ensure that they have followed the equivalent Provisional Advance Authorisation (PAA) and Permit application processes for activities.

5.3 Street Lighting

5.3.1 The definition of works for road purposes may include some works carried out by Undertakers, such as street lighting. It is for Promoters to ensure that Permit applications for such activities are made and that the activity is registered, as appropriate.

5.4 Activities that may not require a Permit

5.4.1 The following types of activities can take place without requiring a Permit, provided the activity does not involve any of the circumstances detailed in 5.1.3 (b) to (g). However, certain of these activities fall into the registerable category and although they may not require a permit, they will require a registration under Section 70(3) of NRSWA which should be sent within ten days of completion.

- Traffic Census Surveys
Traffic census surveys have deliberately not been included as disclosure of this information prior to a census taking place can encourage a change to the normal pattern of traffic flows.

- Pole testing
Pole testing involving excavation does not require pre-registration, and therefore does not need a permit, unless one or more of rules in 5.1.3 (b) – (g) 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.
- Core holes
Core holes not exceeding 150 mm in diameter do not require registration in advance, unless one or more of rules in 5.1.3 (b) – (f) apply.
- Bar holes
Bar holes are used to detect and monitor gas leaks. Bar holes can also be used in the electricity industry to detect faults. These do not require registration in advance. An immediate Permit must be sent within two hours of the start of any other registerable street works to repair any fault, involving excavation or activities defined in 5.1.3 (b) – (g) associated with the bar holes.
- Road markings
Road Markings that are not part of other registerable activity and unless the activity infringes any of the rules in 5.1.3 (b) – (g).
- Fire service vehicles
Fire service vehicles occasionally need to be parked adjacent to fire hydrants when these are being tested. These operations are exempt from the requirement to obtain a permit, provided the work is done outside traffic sensitive periods.

5.5 Activities not requiring a permit before they start

- 5.5.1 Immediate activities do require a Permit but as such works are concerned with emergency or urgent situations, a Promoter can start work before applying for a Permit provided they apply for a Permit within 2 hours of the works commencing.
- 5.5.2 If the work commences out of working hours, then a Permit must be applied for by 10am the next working day.

6 EXEMPT ACTIVITIES

6.1 Activities for which no permit is required

- 6.1.1 Activities executed in a street pursuant to a street works licence issued under Section 50 of the NRSWA are not included in the Permit Scheme but will have to follow the normal NRSWA procedures.

7 FORWARD PLANNING

7.1.1 Somerset County Council encourages promoters to supply forward planning information for large-scale and potentially disruptive activities. The information should be recorded in the permits register at the earliest opportunity. This will enable promoters to:

- Take part in early co-ordination;
- Consider joint working;
- Consider trench sharing;
- Highlight other activities which need to be coordinated with these activities;
- Produce reports for the co-ordination process.

7.1.2 For the purposes of forward planning, information supplied to the street works register should give as much detail as possible. The more information provided enables a more consistent and accurate co-ordination programme to be delivered. This information should be reviewed and updated regularly to include details as they are finalised. Forward planning information does not remove the need to apply for a Provisional Advance Authorisation or a permit at the appropriate time.

8 PERMITS – GENERAL

8.1 Requirement to obtain a permit

8.1.1 Any Promoter of specified activities who wishes to carry out such an activity on a specified street should obtain a Permit from the Permit Authority. The Permit will allow the Promoter to:

- Carry out the specified activity
- At the specified location
- Between the dates shown and for the duration shown
- Subject to any conditions that may be attached or required

8.2 Activities covering several streets

8.2.1 An application can only be for one street

8.2.2 Where the specified activity involves a number of specified streets, a separate PAA or Permit will be required for each street.

- 8.2.3 Permit applications for specified activities covering more than one specified street shall be cross-referenced to all related applications.
- 8.2.4 Fees for specified activities which involve several Permits may be discounted where the applications are submitted together.

8.3 Phasing of activities

- 8.3.1 One Permit can only relate to one phase of an activity. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works, for example a separate Permit would be required for interim, permanent and remedial reinstatements.
- 8.3.2 The dates given in a Permit application and in the issued Permit will denote the dates for that phase. A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site and the highway is returned to full use.
- 8.3.3 A Promoter should clarify when an activity is to be carried out in phases on the application. Each phase will require a separate Permit and, if a major activity involving asset activity also a PAA, which will be cross referenced to the other Permits.
- 8.3.4 Phased activities must relate to the same works, with applications submitted using the same works reference.

8.4 Linked activities

- 8.4.1 Customer connections associated with the installation of a new main or cable run or the replacement or renewal of existing assets will be considered to be linked activities when the work is completed as a single occupancy of a single street. If an activity relating to the installation of customer connections is undertaken at a later date, then the Promoter shall apply for a separate Permit.

8.5 Interrupted activities

- 8.5.1 In the event of an activity being interrupted and delayed, for instance due to damage to a third party's plant or while missing apparatus is

acquired, it is the responsibility of the Promoter to contact the Permit Authority to agree what action should be taken.

- 8.5.2 Where the Permit Authority is satisfied that the excavation can remain open while the repairs are implemented or the equipment obtained, then a variation will be required and an extension to the Permit will be granted.
- 8.5.3 However, where the Permit Authority considers that the opening should be reinstated and the road returned to full traffic use then the Promoter will need to apply for a further Permit to complete the work at a later date. A Permit fee may be charged for the new Permit.

8.6 Cross boundary activities

- 8.6.1 Where a project with activities in more than one street straddles the boundary between the Permit Authority and an adjacent Permit Authority, separate Permit applications, including any PAA, should be submitted to both Authorities.
- 8.6.2 If a cross boundary project involves activities on a street of a Street Authority operating a notice system under NRSWA, then the Permit application to the Permit Authority should identify the activity in the other Authority area so that the Permit Authority can liaise with them.
- 8.6.3 A single project reference should be included on applications and all notices so that both Authorities can consider the impact and coordinate the activities together.

8.7 Collaborative working

- 8.7.1 The Permit Authority encourages collaborative working between Promoters for both street works and works for road purposes. It is accepted that there are often issues in such arrangements, particularly contractual complications. Nevertheless, every opportunity should be sought to minimise the disruption to users of the highway.
- 8.7.2 Where two or more Promoters decide to enter into such arrangements, one should take on the role of the Primary Promoter with the overall responsibility for the activities and will be the point of contact with the Permit Authority. While the Secondary Promoter(s) will be required to make a Permit application for the activity for which they are responsible, only the Permit application made by the Primary Promoter will need to show the number of estimated inspection units.

- 8.7.3 The Primary Promoter's Permit application should give details of the other Promoter(s) involved and the extent of the collaborative working.
- 8.7.4 The Primary Promoter should also ensure that the estimates of works duration are agreed and confirmed with the Secondary Promoter(s) when submitting the PAA and/or Permit applications. This is necessary in order to comply with the overrun charging requirements in the Permit and NRSWA Regulations.
- 8.7.5 While the Permit Authority will issue Permits to all the Promoters involved, not just the Primary Promoter, the fees will be discounted to reflect the collaborative approach.

8.8 Remedial works

- 8.8.1 In the event of remedial works being required after the expiry of a Permit, an application should be made for a new Permit. This Permit should be cross referenced to the Permit using the Works Reference Number for the original activity.

8.9 Start and end dates

- 8.9.1 In relation to category 0, 1, 2, and traffic-sensitive streets the planned commencement date and finishing date for the activity are the start date and end dates respectively on the permit. The permit will not be valid before the start date on the permit and will cease to be valid once the end date has passed unless a variation is granted.
- 8.9.2 On category 3 and 4 streets that are not traffic sensitive, permit start and end dates allow for flexibility in the start of the activity, equivalent to the validity period on a NRSWA notice, but once the activity is started it should be completed within the activity duration period specified in the permit. The starting window is five working days for major and standard activities and two working days for minor activities.

8.10 Early Start

- 8.10.1 The Permit Authority will consider a Promoter's request for an early start before or after applying for a Provisional Advance Authorisation or a Permit application.
- 8.10.2 Where this is agreed, the Promoter shall submit a variation to a Permit, or in the case of a Provisional Advance Authorisation, include the

revised dates on the application for the Permit. If the Permit has already been granted or deemed, a variation charge will apply.

8.10.3 A reference number will be issued by the Permit Authority and should be quoted on the Permit application or Permit variation application.

8.10.4 Requests for early starts may or may not be agreed by the Permit Authority at their discretion but will not be unreasonably refused, and it is the responsibility of the Promoter to satisfy the Permit Authority as to the necessity for any proposed early start.

8.11 Charges for over running street works

8.11.1 Charges for over running street works, under Section 74 of the NRSWA, will be made alongside the Permit Scheme although these regulations are modified to incorporate the process of setting and modifying the duration of the activity through the Permit application, approval and variation processes.

8.12 Working without a permit

8.12.1 It is an offence for a Statutory Undertaker or a person contracted to act on its behalf to undertake activities without a Permit, except to the extent that the Permit Scheme provides that this requirement does not apply.

8.12.2 Where it is believed that such an offence is being committed, the Permit Authority may issue a fixed penalty notice and **may** require the party concerned to remove the works and return the street to full use.

9 PERMITS – TYPES

9.1 Types of permits covered by the permit scheme

9.1.1 There are two types of Permit covered by the Permit Scheme:

- Provisional Advance Authorisation (PAA)
- Permit

9.2 Provisional Advance Authorisation (PAA)

9.2.1 A PAA replaces the Advance Notice under Section 54 of NRSWA.

- 9.2.2 PAAs are a means of enabling Major activities to be identified, coordinated and programmed in advance by allowing activities to be provisionally reserved by the Permit Authority pending the Authority's subsequent decision on whether, and with what conditions, to grant a Permit for the activities.
- 9.2.3 A Promoter who wishes to undertake Major activities, on a specified street must apply for a PAA at least 3 months in advance of those activities starting on the highway, or as agreed with the Permit Authority.
- 9.2.4 Subsequent applications for Permits for Major activities that have not been preceded by a PAA, will not, except in exceptional circumstances, be accepted by the Permit Authority.
- 9.2.5 Each application for a PAA will be limited to one street.
- 9.2.6 An application for a PAA should include a full description of the activity and specify start and end dates, although the start date may be considered as provisional and can be amended in the application for a final Permit.
- 9.2.7 A fee will be charged for the granting of a PAA in addition to the fee which is charged for the granting of the Permit. The PAA is chargeable on receipt and granting of the Permit application.
- 9.2.8 The granting of a PAA does not prevent the Permit Authority from subsequently refusing to grant a Permit to which the PAA relates. If circumstances change drastically an explanation will be provided.
- 9.2.9 A copy of each application for a PAA is to be provided by the applicant upon request by a relevant Authority and by any person having apparatus in the street to which the application relates.

9.3 Permits

- 9.3.1 These are full Permits with complete details of the Registerable activities on a specified street.
- 9.3.2 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.

9.3.3 The timing of Permit applications to the Permit Authority will depend on the proposed activity.

9.3.4 A copy of each application for a Permit is to be provided by the applicant upon request by a relevant Authority.

10 PERMITS – CLASSES

10.1 Classes covered by the permit scheme

10.1.1 There are four works classes of Permit covered by the Permit Scheme:

- Major
- Standard
- Minor
- Immediate

10.2 Permits for Major activities

10.2.1 Major activities are those which:

- Have been identified in an organisation's annual operating programme, or if not identified in that programme, 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
- Other than immediate activities, require a temporary traffic regulation order, (i.e. not a temporary traffic notice), under the Road Traffic Regulation Act 1984 for any other activities
- Other than immediate activities, have a duration of 11 working days or more.

10.2.2 Major activities are split into 3 sub-categories:

- Over 10 days and all major works requiring a traffic regulation order
- Works 4 to 10 days and meeting the requirement detailed in 10.2.1 above
- Up to 3 days and meeting the requirement detailed in 10.2.1 above

- 10.2.3 Major Activity Permits are required for the most significant activities on the Highway and require the Promoter to obtain a Provisional Advance Authorisation as part of the application process for a Major Activity Permit.
- 10.2.4 An application for a Major Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Table 1 below and should include a description of the proposed activity together with the proposed start and end dates of the activity. Where these differ from those given in the PAA application, the applicant should explain the reasons for any variation.
- 10.2.5 Major activities will be subject to conditions.

10.3 Permits for Standard activities

- 10.3.1 Standard Activities are those activities that have a planned duration of between 4 and 10 days inclusive. Activities lasting less than 10 days but which require a traffic regulation order, such as a temporary road closure, will be classified as a Major Activity and will be subject to the requirements in 10.2 above.
- 10.3.2 An application for a Standard Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Table 1 below and should include a description of the proposed activity together with the proposed start and end dates of the activity.
- 10.3.3 Standard activities will be subject to conditions.

10.4 Permits for Minor activities

- 10.4.1 Minor Activities are those activities, where the planned working is 3 days or less. Activities lasting less than 3 days but which require a traffic regulation order, such as a temporary road closure, will be classified as a Major Activity and will be subject to the requirements in 10.2 above.
- 10.4.2 An application for a Minor Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Table 1 below and should include a description of the proposed activity together with the proposed start and end dates of the activity.
- 10.4.3 Minor activities will be subject to conditions.

10.5 Permits for Immediate activities

10.5.1 Immediate Activities are either:

- Emergency works as defined in Section 52 of NRSWA; or
- Urgent Activities,
 - a) (not being emergency works), whose execution at the time they are executed is required, (or which the person responsible for the works believes on reasonable grounds to be required):
 - i. To prevent or put an end to an unplanned interruption of any supply or service provided by the Promoter
 - ii. To avoid substantial loss to the Promoter in relation to an existing service
 - iii. To reconnect supplies or services where the Promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period
 - b) Including works that cannot reasonably be separated or severed from such works.

10.5.2 Given the nature of immediate activities, work may commence without a Permit. However, on specified strategic streets that are susceptible to unplanned disruption as indicated in the additional street data (ASD) on the NSG, promoters of immediate activities that may affect traffic flows should contact the Permit Authority by telephone immediately.

10.5.3 Where the activity is identified within the normal working day (i.e. after 08.00 hours and before 16.30 hours), a Permit application must be made as soon as reasonably practicable and, in any event, within two hours of the activity starting. If work starts outside of working hours, an application for a Permit must be submitted by 10am the next working day.

10.5.4 If the Permit Authority disputes whether an activity, or part of an activity, is immediate, the Promoter must demonstrate conclusively that it is.

10.5.5 Immediate activities will be subject to conditions.

11 PERMIT APPLICATIONS

11.1 Application timing and response times

- 11.1.1 The timing of applications for Permits and PAAs and the Permit Authority's response will vary according to the proposed activity. The minimum times are given in Table 1 and Promoters should give as much notice as possible to ensure that the coordination process can be facilitated effectively.
- 11.1.2 Where the activity is dependent on a Temporary Traffic Regulation Order (TTRO), temporary traffic signal approval, or the suspension of parking regulations, the relevant timescales should be taken into account by the Promoter, and applicants are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA.
- 11.1.3 The application process will begin at the time of receipt of the application by the Permit Authority. The electronic permit application system will provide an auditable record of when an application was received.
- 11.1.4 The Permit Scheme sets down the application and response times for dealing with Permit applications and variation applications in Table 1 below.
- 11.1.5 In all cases given in Table 1, the time period is measured from the time of receipt of the application by the Permit Authority.
- 11.1.6 A "response" means a decision to grant, refuse or request a Permit Application Modification Request.

11.2 Submitting an application

- 11.2.1 Permit and PAA applications must be made electronically on the current permit system in use at the time of the application, unless there is a failure in the electronic system failure.
- 11.2.2 In the event of an electronic system failure, Promoters shall adopt the following procedure:

- Where an electronic application cannot be submitted, notification should be given by telephone, email or fax for immediate activities with formal electronic application following as soon as reasonably practicable.
- Other applications may be submitted by other electronic means, (e.g. e-mail or fax), or may be sent by post or delivered by any other method agreed with the Permit Authority
- Following recovery of the electronic system a copy of the application should be sent through electronically.
- Where applications or notices are sent by post or delivered by any other method agreed with the Permit Authority, Promoters should take into account that there is no guarantee that they will be delivered to the Permit Authority the next day
- A delivery mechanism that includes a delivery receipt is recommended

11.2.3 In regard to variations during a system failure, Promoters should also make contact with the Permit Authority by telephone.

11.3 Notification to interested parties

11.3.1 Where the NSG indicates there are other interested parties, Works Promoters are required to copy their applications to any authority, statutory undertaker or other relevant body that has requested to see notices or permit applications on certain streets.

11.3.2 Promoters are required to check whether any parties have registered such an interest prior to submitting an application for a Permit or PAA.

11.4 Consultation requirements

11.4.1 Promoters must carry out the necessary consultations as set down in Sections 88, 89 and 93 (as amended) and Sections 90 and 91 of the NRSWA.

Table 1 – Application Timings

Activity Type	Minimum application periods ahead of proposed start date		Minimum period before Permit expires for application for variation (including extension)	Response times for issuing a Permit or seeking further information or discussion		Response times for responding to applications for Permit variations
	Provisional Advance Authorisation	Application		Provisional Advance Authorisation	Application	
Major	3 months	10 days	2 days or 20% of the original duration whichever is the longer	1 calendar month	5 days	2 days
Standard	N/A	10 days		N/A	5 days	
Minor	N/A	3 days		N/A	2 days	
Immediate	N/A	2 hours after		N/A	2 days	

11.5 Refusal of application

- 11.5.1 The Permit Authority reserves the right to refuse or request a Permit Application Modification Request for a Permit where it considers that elements of the application (e.g. timing, location or conditions) are not acceptable.
- 11.5.2 If the Permit Authority decides to refuse the application or request a Permit Application Modification Request, it will contact the Promoter within the response time given in Table 1 to explain why the application is not satisfactory and what amendments are needed in order to achieve a successful application.

11.6 Restrictions on further activities

- 11.6.1 Where a Promoter wishes to apply for a Permit to carry out specified activities on a specified street where a Section 58 or 58A Notice under NRSWA is in force, and the activities are not covered by the specific exemptions of that notice, the Promoter must make an

application for the Permit Authority's consent specifying the grounds on which the consent is sought.

11.7 Error Correction

- 11.7.1 Where the Permit Authority identifies an error in data recorded in, or submitted for recording in, the Permit register, it will contact the Promoter to discuss and agree the corrections to be made.
- 11.7.2 Where the Promoter identifies an error, they will contact the Permit Authority to discuss and agree the corrections to be made. If an error has been identified on an application, the Promoter shall submit a Modified Application by the end of the next working day following the agreement of the correction.
- 11.7.3 This Modified Application should include the corrected data and the name of the person in the Permit Authority who agreed that the correction should be made.
- 11.7.4 The error correction process must follow the process as set out in the electronic system in use at the time of the application.

12 INFORMATION REQUIRED IN A PERMIT APPLICATION

12.1 Permit Authority requirements

- 12.1.1 The information required to make a permit application is described in the HAUC (England) Guidance, Operation of permit schemes (February 2017).

13 PERMIT CONDITIONS

13.1 Applying conditions

- 13.1.1 The Permit Scheme allows for the attaching of conditions to Permits. These will be specified in detail on the Permit and will reflect any constraints on the original application.
- 13.1.2 Not all types of conditions will necessarily be applied to all Permits or PAA's.

- 13.1.3 In general, conditions will be varied for each Permit, as each set of circumstances will be different.

13.2 Conditions applied to all permits

- 13.2.1 Somerset County Council will adopt solely the nationally agreed conditions text as set out in the amended 2015 statutory guidance. SCC will adopt any government approved changes to the condition text.

13.3 Requirements for Immediate Activities

- 13.3.1 Promoters of immediate activities that may affect traffic flows should contact the Permit Authority by telephone immediately if the street is identified in the ASD on the NSG as being a specified strategic street that is susceptible to unplanned disruption.
- 13.3.2 The Promoter shall submit an application for a Permit within two hours of beginning work. If work starts outside of working hours, an application for a Permit must be submitted by 10am the next working day.
- 13.3.3 The Permit Authority may impose further conditions prior to the granting of a Permit where this is required. Imposing such conditions will be in discussion with the Promoter of the activity and will be included in the subsequent Permit.
- 13.3.4 Once granted, the Permit reference number must be prominently displayed on the site information board for each set of works.

13.4 Breach of conditions

- 13.4.1 If the Permit Authority considers that a Promoter is failing to comply with the conditions of a Permit then it may revoke the Permit. Before revoking a Permit, the Permit Authority will contact the Promoter to warn them of its intention and allow the situation to be discussed.
- 13.4.2 Where it appears to the Permit Authority that a condition has been breached and that the Promoter or a person contracted to act on its behalf has therefore committed an offence it will take action as described in Section 18.

14 GRANTING OF PERMITS

14.1 Timing of permit issue

- 14.1.1 Where the Permit Authority is content with the proposal, it will Grant a Permit within the response times detailed in Table 1, via the electronic permit application system.

14.2 Issuing of permits

- 14.2.1 A Granted Permit will be issued electronically in accordance with the Prescribed Electronic Format Technical Specification.
- 14.2.2 The Permit will specify in detail the activity it allows and its duration. The start and end dates will be in calendar days to prevent any ambiguity over the duration of the Permit.

14.3 Permit refusal

- 14.3.1 If, after careful consideration, the Permit Authority decides to refuse the PAA or Permit application, the refusal will be issued electronically and where possible using sector agreed refusal codes as approved by HAUC England. An explanation of refusal will be given and discussions with the Promoter may be held regarding amendment to the application.

14.4 Right of appeal

- 14.4.1 The Promoter has a right of appeal, in accordance with the Dispute Resolution process set down in Section 19 if it is unable to reach agreement with the Permit Authority over the terms it requested, or the conditions attached.
- 14.4.2 In the case of immediate activities, it may be that the Permit Authority may direct the work to stop, subject to safety and legal considerations, such as Health and Safety legislation, legal requirements to supply services, until the issues are resolved.

14.5 Permit application deemed to be approved

- 14.5.1 If the Permit Authority fails to reply to an application for a Permit or PAA within the designated response times, the Permit or PAA is deemed to be granted under the terms of the application.
- 14.5.2 The proposed start and end dates, description, location, duration, traffic management, etc, will be included in the Permit and associated conditions for the activity. This detail will then be binding on the Promoter as it would have had the Permit been issued within the timescale. Breaching the conditions will constitute an offence.
- 14.5.3 No fee will be applied to deemed Permits.

15 REVIEW, VARIATION AND REVOCATION OF PERMITS AND CONDITIONS

- 15.1.1 Once a Permit has been granted, the Promoter should have reasonable confidence that the road space will be available for them. However, circumstances beyond the Permit Authority's control may occur which may cause the Authority to review the Permit and as a result, may lead to the conclusion that the Permit or its conditions need to be changed or revoked.
- 15.1.2 The Permit Authority's policy is to avoid making such changes other than in exceptional circumstances which could not reasonably have been predicted or where the impact is significant. Such events may include floods and other adverse weather conditions, burst mains, dangerous buildings, etc. which may result in traffic being diverted onto the road where the activity was underway or about to start.
- 15.1.3 As soon as the Permit Authority is aware that it may be necessary to vary or revoke a Permit, it will contact the Promoter to discuss the best way of dealing with the situation.

15.2 Permit Authority powers

- 15.2.1 Within the Permit Scheme, the Permit Authority has the power, under Regulation 15 of the Traffic Management Permit Scheme (England) Regulations 2015, to review, vary or revoke Permits and Permit conditions on its own or a Promoter's initiative. However, the Permit Authority is under no obligation to let activities run beyond the Permitted period.
- 15.2.2 Any activities that exceed the agreed Permitted duration will be committing an offence and could be subject to New Roads and Street Works Act 1991 Section 74 overrun charges.

15.3 Promoter Revocation

- 15.3.1 If a Promoter wishes to cancel a Permit or withdraw a Permit application for which they have no further use, they should use the cancellation process in the electronic permit application system.

15.4 Changes to a Provisional Advance Authorisation

- 15.4.1 A PAA cannot be varied once granted.
- 15.4.2 Where a PAA has been given but a Permit has not been granted and the proposals change, the Promoter should inform the Permit Authority of the proposed changes and a revised application for a PAA or Permit should be made.

15.5 Changes to Permits

- 15.5.1 If the Permit Authority considers a variation necessary then it should contact the Promoter to discuss the best way of dealing with the situation whilst meeting the coordination duties and other Statutory Requirements of those involved. Good coordination and cooperation between Promoter and the Permit Authority will minimise the time that the Authority needs to vary Permits or their conditions. This will be in the interests of all parties.
- 15.5.2 This discussion may lead to an agreement on the variation required. In that case, the Permit Authority will then grant a revised Permit on those terms when, the Promoter applies for a Variation.

15.6 Avoidance of criminal offence

- 15.6.1 Variations should be sought as soon as changes are identified to avoid a criminal offence being committed by work being undertaken in breach of the conditions associated with that Permit.

15.7 Suspending or postponing an activity

- 15.7.1 After a Permit has been issued, if a Promoter wishes to start an activity at a later date, after the expiry of the validity period detailed in section 8.9, a Permit Variation will need to be applied for. There is no option to suspend or postpone an activity.

15.8 Review of permit by Permit Authority due to circumstances outside its control

- 15.8.1 The Permit Authority may review the Permit and associated conditions in the event of circumstances beyond its control having a significant disruptive effect at the location of the activity.
- 15.8.1 No fee will apply for Permit Variations initiated by the Permit Authority unless, at the same time, the Promoter applies for variations which are not the result of the circumstances causing the Permit Authority's action.

15.9 Timing of variations

- 15.9.1 Permit Variations may be made at any time after a Permit has been issued up until the end date of the Permit. Once this date has passed, applications for variations cannot be made.
- 15.9.1 If a variation is required, the Promoter is encouraged to telephone the Permit Authority to discuss, prior to submitting a Duration Variation Application electronically, to improve coordination.

15.10 Variations for Immediate Activities

- 15.10.1 In the event of immediate activities requiring a series of fault finding excavations or openings, for example locating a gas leak, the following procedure shall apply where it is necessary to undertake works beyond the initial excavation or opening covered by the first application.
- 15.10.2 As they are immediate works, the Promoter will submit the first Permit application within two hours of starting work. That first application will contain the location of the initial excavation or opening:
- For any further excavations or openings on the same street within 50 metres of the original hole, no Permit variation will be needed and no variation charge will apply.
 - The Promoter should apply for a Permit variation for the first excavation in each new 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres, etc.

Separate variations would be required for bands going in opposite directions. Standard variation charges will apply, however the Permit Authority may use their discretion to waive these charges.

- If the search carries into a different street or a new USRN, (including if the street changes to a different Permit Authority), then a separate Permit application will be needed.

15.10.3 Conditions for these activities may be varied to take into account the fact that a new location, even within the permissive bands, can be more disruptive.

15.11 If an agreement cannot be made

15.11.1 If agreement cannot be reached regarding a variation, the Permit Authority may issue an Authority imposed variation on the terms it considers reasonable. If the Promoter disagrees with the decision, it will have the option to invoke the dispute resolution procedure (See Section 19)

15.12 Review of permit due to non-compliance by the promoter

15.12.1 If the Permit Authority considers that a Promoter is failing to comply with the conditions of a Permit, then it may revoke the Permit and may issue a Fixed Penalty Notice (FPN).

15.12.2 Before revoking a Permit, the Permit Authority will contact the Promoter to warn them of its intention and allow the situation to be discussed.

15.13 Working after a permit has been revoked

15.13.1 A Promoter will be committing an offence if it continues to work after a Permit has been revoked.

16 CANCELLATION OF A PERMIT

16.1 Cancellation Notice

16.1.1 If a Promoter wishes to cancel a Permit it should use the cancellation process as set out in the electronic permit application system. There is no fee payable for this process; however, Permits already granted will still be charged.

17 FEES

17.1 Permit Authority powers to charge fees

- 17.1.1 To meet the additional costs of introducing and operating the Scheme, Regulation 30 gives the Permit Authority the power to charge a fee in respect of the following:
- The application for a PAA in respect of Major activities
 - The granting of a Permit
 - Each occasion where there is a variation of a Permit or the conditions attached
 - Where a Permit variation would move an activity into a higher category, the Promoter will be required to pay the difference between the Permit fee for the two categories as well as the Permit variation fee

17.2 Fee policy

- 17.2.1 The Permit Authority will charge Statutory Undertakers for the actions detailed in Section 17.1.
- 17.2.2 Fees will not be payable in the following circumstances:
- By the Highway Authority in respect of its own works for road purposes, however a record of the Permit and fee will be used for reporting purposes and fee reviews.
 - Where a Permit is deemed to be granted because the Permit Authority failed to respond to an application within the time set down in Section 14.5 above.
 - If a Permit variation is initiated by the Permit Authority or the Authority has to revoke a Permit through no fault of the Promoter.
 - Where a Promoter wishes to cancel a Permit for which it has no further use, or to cancel or withdraw an application that has been submitted but for which a Permit has not yet been granted.
- 17.2.3 Lower fees or discounted fees may be given in the following circumstances:

- Where several Permit applications for works that are of part of the same project but which are carried out on more than one street are submitted at the same time.
- Where the Highway Authority Promoter is collaborating with Statutory Undertakers, those Undertakers may be eligible for the discount.
- Where works are undertaken wholly outside of traffic sensitive times on Traffic Sensitive Streets.
- Collaborative working between works promoters.

17.3 Rate of discount

- 17.3.1 A minimum discount of 30% may be applied in the above circumstances.

17.4 Option to waive or reduce fees

- 17.4.1 The Permit Authority retains the option to waive or reduce fees at its discretion.

17.5 Review of fees

- 17.5.1 The Permit Authority may need to review fee levels particularly closely in the first years of the Permit Scheme.
- 17.5.2 Somerset County Council will review fees at the end of year three to ensure that overall fee income does not exceed allowable costs. In the event of any surplus in a given year, the fee income will be applied towards the cost of the Permit Scheme in the next year and the fee levels adjusted accordingly.
- 17.5.3 A sustained surplus would indicate that the income was regularly exceeding the prescribed costs and that the fee levels should be adjusted. In such circumstances Somerset County Council will adhere to relevant regulations to affect any amendments to the Permit Scheme.
- 17.5.4 The outcome of annual fee reviews will be published and open to scrutiny.

17.6 Approved scale of fees

17.6.1 The current approved scale of fees is included in the local order for the Permit Authority to operate the Permit Scheme.

17.7 Processing of fees

17.7.1 Monthly invoices will be issued to each Promoter with all Permits referenced.

18 SANCTIONS

18.1 Undertaking activities without a permit

18.1.1 It is a criminal offence for a Statutory Undertaker, or a person contracted to act on its behalf, to undertake specified activities in a specified street in the absence of a Permit, except as set down in Sections 5 and 6.

18.1.2 Any person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

18.2 Action by the Permit Authority

- 18.2.1 Where a Statutory Undertaker or a person contracted to act on its behalf undertakes without a Permit, works for which a Permit is required, or breaches a Permit condition, the Permit Authority may take one or more of the following courses of action depending on the seriousness and persistence of the offences:
- Serve a notice requiring that Statutory Undertaker to take such reasonable steps as detailed in the notice to remedy the situation within a specified timescale
 - Where a Statutory Undertaker fails to comply with the requirements of such a notice within the timescale the Permit Authority may undertake the specified steps and recover the costs that are reasonably incurred from the Statutory Undertaker
 - Issue a Fixed Penalty Notice (FPN), against the Statutory Undertaker
 - Prosecute the Statutory Undertaker

- 18.2.2 Remedial action could include the removal of the activity; rectify the breach of conditions or discontinuing any obstruction.
- 18.2.3 In the event that the Permit Authority subsequently considers that an FPN which has been given ought not to have been given, it shall give to the person to whom that notice was given a notice withdrawing the FPN.
- 18.2.4 Any offences which run alongside to the Permit Scheme under NRSWA will still apply and action will be taken.

19 DISPUTE RESOLUTION

19.1 Introduction

- 19.1.1 Somerset County Council welcomes the opportunity to informally resolve disputes before resorting to formal resolution processes.

19.2 Dispute resolution procedure

- 19.2.1 If agreement cannot be reached informally on any matter arising in relation to the Somerset County Council Permit Scheme, the dispute will be referred for review on the following basis:
- 19.2.2 **Straightforward issues**
Where Somerset County Council and the Promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of the regional SWHAUC (that is those not representing parties directly involved in the dispute) for review. That review should take place within ten days from the date of referral by either party. Both parties will accept the result as binding.
- 19.2.3 **Complex issues**
If by Somerset County Council or the Promoter(s) involved in the dispute think the issues are particularly complex, HAUC England will be asked to set up a review panel of four members - two Utilities and two Street Authorities. One of the four persons will be appointed as Chair of the panel by the HAUC England joint chairs.
- 19.2.4 Each party must make all relevant financial, technical and other information available to the review panel.

- 19.2.5 The review would normally take place within ten working days from the date on which the issue is referred to HAUC England by either party. Both parties will accept the conclusions of the review panel as binding.

19.3 Independent adjudication

- 19.3.1 If agreement cannot be reached by the procedure above, the dispute can be referred to independent adjudication.
- 19.3.2 Adjudication within Somerset County Council Permit Scheme will only be used by Somerset County Council and the Promoter(s) if they agree in relation to the matter under dispute, that: -
- The decision of the adjudicator will be deemed to be final; and
 - The costs of adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them.
- 19.3.3 Where the adjudication route is followed, Somerset County Council and the Promoter(s) will apply to the joint chairs of HAUC England, who will select and appoint the independent adjudicator from a suitable recognised professional body.

20 REGISTERS

20.1 Register of all works

- 20.1.1 The Permit Authority will maintain a register of Permits in connection with the Permit Scheme and in accordance with regulation 33 and 34, Part 7 of the Regulations.
- 20.1.2 The register will contain information about current and planned activities and will be available electronically to Promoters to assist them in planning and coordinating their own works at the earliest possible stage

20.2 Referencing of information

- 20.2.1 All information held in the register of all works will be referenced to the USRN and the Permit register will be Geographic Information System (GIS) based.

21 PERMIT SCHEME MONITORING

- 21.1.1 The Permit Scheme will use Key Performance Indicators (KPIs) to measure the delivery of parity and performance. All Highway Authority and Statutory Undertaker activities will be included to show operational parity.
- 21.1.2 As required by the Regulations and the Statutory Guidance, the Permit Scheme will be reviewed annually for the first three years and thereafter every three years.

APPENDIX A – DEFINITION OF TERMS

Activity	Any works undertaken by Statutory Undertakers and the Highway Authority (or their agents/contractors) and any other works that maybe covered in future regulations.
Additional Street Data	Additional Street Data (ASD) refers to other information about streets held on the NSG concessionaire's website alongside the NSG
Apparatus	As defined in Section 105(1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus"
Appeal	If there is an unresolved disagreement between the Promoter and the Permit Authority about the terms and conditions of the Permit or PAA, the Promoter may appeal against the Permit Authority's decision to either SWHAUC or HAUC England.
Bank Holiday	As defined in Section 98(3) of NRSWA, "Bank Holiday means a day which is a Bank Holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated"
Bar holes	Bar holes are used to detect and monitor gas leaks.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street)
Bridge	As provided in Section 88(1)(a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street"
Bridge Authority	As defined in Section 88(1)(b) of NRSWA, "Bridge Authority means the Authority, body or person in whom a bridge is vested"
Carriageway	As defined in Section 329 of HA 1980, "carriageway means a way constituting or comprised in a Highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles"
Collaborative working	Includes trench sharing, multi-utility working, utility/works for road purposes situations and compliance testing.
Cycle track	As defined in Section 329 of the HA 1980, "cycle track means a way constituting or comprised in a Highway, being a way over which the public have the following, but not other, rights of way, that is to say,

	a right of way on pedal cycles with or without a right of way on foot"
Day	A calendar day, unless explicitly stated otherwise
DfT	Department for Transport
Emergency works	As defined in Section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property"
Excavation	"Breaking up" (as defined above)
Fixed Penalty Notice	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty"
Footway	As defined in Section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only"
Geographical Information system (GIS)	A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface
HA 1980	The Highways Act 1980
Highway	As defined in Section 328 of the HA 1980, "Highway means the whole or part of a highway other than a ferry or waterway"
Highway Authority	As defined in Sections 1 and 329 of the HA 1980
Highway works	"Works for road purposes" or "major highway works"
Immediate activities	As stated in Section 8.5, immediate activities are either emergency works as defined in Section 52 of NRSWA or urgent works as defined in <i>The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007</i>
In	As defined in Section 105(1) of NRSWA, "in, in a context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property under, over, along or upon it"

Local Authority	As defined in Section 270(1) of the Local Government Act 1972(a) and includes the Common Council of the City of London.
Local Highway Authority	As defined in Section 329 of HA 1980, "Local Highway Authority means a Highway Authority other than the Minister"
Main roads	All streets in reinstatement categories 0, 1 and 2 and those streets in categories 3 and 4 which are traffic sensitive for all or part of the time
Maintainable Highway	As defined in Section 329 of HA 1980, a "Highway maintainable at the public expense means a highway which by virtue of Section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense"
Maintenance	As defined in Section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly"
Major activities	<p>As stated in Section 9.2, Major activities are those which:</p> <ul style="list-style-type: none"> • Have been identified in an organisation's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the proposed date of the activity <p>Other than immediate activities, require a temporary traffic regulation order, (i.e. not a temporary traffic notice), under the Road Traffic Regulation Act 1984 for any other activities</p>
Major Highway works	<p>As defined in Section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the Highway Authority in relation to a highway which consists of or includes a carriageway –</p> <ul style="list-style-type: none"> a) a reconstruction or widening of the highway; b) works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts); c) substantial alteration of the level of the highway;

	<p>d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the Highway;</p> <p>e) the construction or removal of a road hump within the meaning of Section 90F of the Highways Act 1980;</p> <p>f) works carried out in exercise of the powers conferred by Section 184 of the Highways Act 1980 (vehicle crossings over footways and verges);</p> <p>g) provision of a cattle-grid in the highway or works ancillary thereto; or</p> <p>tunnelling or boring under the highway"</p>
Minor activities	<ul style="list-style-type: none"> As stated in Section 9.4, minor activities are those activities other than immediate activities where the planned duration is 3 days or less.
Minor roads	h) Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.
National grid reference	Location reference using nationally defined eastings and northings.
Nationally consistent Street gazetteer (NSG)	A database defined as an "index of streets and their geographical locations created and maintained by the local Highway Authorities" based on BS 7666 standard.
NRSAWA	New Roads and Street Works Act 1991.
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local Highway Authorities.
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street.
Permit	The approval of a Permit Authority for a Promoter to carry out activity in the highway subject to conditions.
Permit application	See Section 10. The application that is made by a Promoter to the Authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (Section 55 of NRSWA) given under the Coordination regime.
Permit Authority	See Section 1.4. A local Authority or other "Highway Authority" which has been given approval by the

	Secretary of State to operate a Permit Scheme on all or some of its road network.
Permit Scheme	See Section 1. A Scheme approved by the Secretary of State under which Permits for activities are sought and given.
Promoter	A person or organisation responsible for commissioning activities in the streets covered by the Permit Scheme. The Promoter will usually be a Statutory Undertaker or the Highway or Traffic Authority.
Protected Street	See Section 1.6. A street that has been designated as a protected street. It serves a specific strategic major traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which Statutory Undertakers can place the equipment that would otherwise lawfully have been placed in the protected street.
Provisional Advance Authorisation	See Section 8.2. The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA.
Registerable activities	See Section 5.1. Registerable activities are as listed in Chapter 9 of The Code of Practice for Permits.
Reinstatement	As defined in Section 105(1) of NRSWA, "reinstatement includes making good".
Relevant Authority	As defined in Section 49(6) of NRSWA, "references in this Part to the relevant Authorities in relation to any works in a street are to the Highway Authority and also: <ul style="list-style-type: none"> a) where the works include the breaking up or opening of a public sewer in the street, the Sewer Authority; b) where the street is carried or crossed by a bridge vested in a Transport Authority, or crosses or is crossed by any other property held or used for the purposes of a Transport Authority, that Authority; and where in any other case the street is carried or crossed by a bridge, the Bridge Authority"
Remedial work	Remedial works are those required to put right defects identified and in accordance with the provisions of the Code of Practice for Inspections and regulations.

Road	c) See "Street".
<p>Road Categories:</p> <ul style="list-style-type: none"> • Type 0 • Type 1 • Type 2 • Type 3 Type 4 	<p>Roads carrying over:</p> <ul style="list-style-type: none"> • 30 to 125 msa* • 10 to 30 msa • 2.5 to 10 msa • 0.5 to 2.5 msa • Up to 0.5 msa <p>*millions of standard axles</p>
<ul style="list-style-type: none"> • Road works 	See "Works for road purposes" definition below.
Special Engineering Difficulties (SED)	See Section 1.6. By virtue of Section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets of extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property.
Specified Area	That geographical area to which the Permit Scheme applies.
Specified Street	Those streets to which the Permit Scheme applies.
SROH	New Roads and Street Works Act 1991 Specification for the Reinstatement of Openings in Highways.
Standard activities	Standard activities are those activities, other than immediate activities, that have a planned duration of between 4 and 10 days inclusive.
Statutory Undertaker	As defined in Section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be".
Street	As defined in Section 48(1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare: a) any highway, road, lane, footway, alley or passage; b) any square or court;

	any land laid out as a way whether it is for the time being formed as a way or not".
Street Authority	As defined in Section 49(1) of NRSWA, "the Street Authority in relation to a street means, subject to the following provisions: a) if the street is a maintainable highway, the Highway Authority, and if the street is not a maintainable highway, the street managers".
Street works	As defined in Section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: a) placing apparatus; or c) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street".
Street works licence	As stated in Section 50(1) of NRSWA, "the Highway Authority may grant a licence (a "street works licence") Permitting a person: a) to place, or to retain, apparatus in the street, and b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).
TMA	b) The Traffic Management Act 2004.
Traffic	b) As defined in Section 105(1) of NRSWA, "traffic includes pedestrians and animals"
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works"

Traffic regulation order	This means an order made under Section 1, 6 or 9 of the Road Traffic Regulation Act 1984.
Traffic sensitive street	See Section 1.6. This means a street designated by a Highway Authority as traffic sensitive pursuant to Section 64 of NRSWA and in a case where a limited designation is made pursuant to Section 64(3) any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.
Transport Authority	As defined in Section 91(1)(a) of NRSWA, "Transport Authority means the Authority, body or person having the control or management of a transport undertaking".
Temporary Traffic Regulation Order (TTRO)	This means an order made under Section 14 of the Road Traffic Regulation Act 1984 and amendments.
Trunk road	As defined in Section 329 of the HA 1980, "trunk road means a highway, or a proposed highway, which is a trunk road by virtue of Section 10(1) or Section 19 of the above or by virtue of an order or direction under Section 10 of the above or under any other enactment".
Unique Street Reference Number (USRN)	As defined in the British Standard BS7666.
Urgent activities	<p>Urgent activities are:</p> <ul style="list-style-type: none"> a) activities (not being emergency activities) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required) <ul style="list-style-type: none"> (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; (ii) to avoid substantial loss to the undertaker in relation to an existing service; or (iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and

	Includes activity that cannot reasonably be separated or severed from such activities.
Working day	As defined in Section 98(2) of NRSWA, "for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a Bank Holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day".
Works	b) Street works or Works for road purposes.
Works for road purposes	As defined in Section 86(2) of NRSWA, "works for road purposes" means works of any of the following descriptions executed in relation to a highway: a) works for the maintenance of the highway; b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles.

