

NCC Street Works Permit Scheme - Consultation Responses Received

Responses received via Email

Response From Date received	South Tyneside Council 5/8/2019	
	Consultee Comment/Question	NCC Response
	South Tyneside Council entirely supports Northumberland County Council's proposal to introduce a permit scheme in line with the Regulations.	
Response From Date received	Department for Transport 21/8/2019	
	Consultee Comment/Question	NCC Response
	1) Change EToN to electronic means	1) Changed all references to ETON in the scheme document to refer to by electronic means thus allowing for proposed changes to Street Manager and any other relevant changes in the future
	2) Check consultation which closed 13 September as you may want to be sure of changes depending on your start time	2) Still awaiting feedback following closure of the DfT consultation therefore unable to comment further
	3) Look at what updates they are doing on the Co-Ord	3) Amended to state "Code of Practice for the Co-ordination of Street Works for Road Purposes and Related Matters and its successors"
	4) You might want to consider being DCMS 'toolkit' friendly re BBRO	4) Northumberland County Council is fully aware and committed to the aims of the DCMS Toolkit however does not feel it appropriate to specifically refer to it in the scheme document.

Responses received via Questionnaire

Response From Date received	Virgin Media 21/8/2019	
	Consultee Comment/Question	NCC Response
Question 1 Do you consider that the permit scheme is suited to the needs of the people, residents and road users of Northumberland?	No - Virgin Media are disappointed that Northumberland County Council's Permit Scheme and associated fee's will apply to all classification of roads. If the council chooses to apply permits to 100% of streets, contrary to advice from Ministers, Virgin Media requests that Northumberland County Council grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	Northumberland County Council does not believe the scheme is contrary to ministers advice. An authority should have the power to control activities, including its own on all streets and believes that activities on type 3 & 4 roads are just as important to the roads users as those on 0, 1 and 2. The application of a permit scheme and the tasks associated with that should be cost neutral. Given the volume of notices processed in 2018/19 for type 3 & 4 streets (on which our matrices have been based) to charge a zero fee would not allow for the scheme to be cost neutral. Regulation 30 provides the PA with the power to charge for permits. The DfT permit fee matrix has been used to determine the allowable costs and therefore the permit fee by works type and road category. The annual evaluations will determine whether the costs of running a scheme have been covered and fees may be adjusted either up or down to ensure the scheme remains cost neutral.
Question 2 Do you think that the permit scheme reflects the requirements of the Statutory Guidance for Highway Authority Permit Schemes 2015 and the Statutory Guidance for Highway Authority Permit Schemes - Permit Scheme Conditions 2015?	Yes	N/A
Question 3 Do you think that the permit scheme reflects the requirements of the The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015?	Yes	N/A
Question 4 Do you understand the penalties for not applying for a permit and are they clearly identified in the scheme document?	Yes	N/A
Question 5 Do you understand the penalties for not complying with a permit condition and are they clearly identified in the scheme document?	Yes	N/A
Question 6 Do you agree with the monitoring/evaluation process proposed and is it adequate?	Yes	N/A

Question 7 Are there any other aspects of the scheme for which you require further clarification?	<p>1) I realise in your C.B.A you have mentioned a review will be done in 3 years' time, however it is normal practice for a review to be done after the first operating year to ensure the scheme is not working at a loss and fees can be adjusted, can N.C.C please confirm if this is intended or will they be sticking to the first review being in 3 years' time from the start date of the scheme?</p> <p>2) If works continue beyond the end date of a permit, Virgin Media believe this would be classed as breach of permit condition, not working without a valid permit.</p>	<p>1) The CoBA summary states: "The scheme will be subject to review at the end of each of the first three years and every three years thereafter, with any surplus remedied by a reduction in fees"</p> <p>2) For clarification, this is treated as an overrun which constitutes a Section 74.</p>
Question 8 Do you have any suggestions for improving the scheme?	Virgin Media would suggest a monthly review meeting to be held every month for the first 3 months of a scheme to review issues encountered within the start up period of the scheme and are happy for this to be a joint meeting with other undertakers, which we can review statistics on refusals, FPN's etc, would this be of benefit to N.C.C?	Northumberland County Council will be happy to meet with utilities on a monthly basis for the first three months following implementation. This would also be an excellent opportunity to discuss lessons learned and share best practice.
Question 9 Do you have any other comments on the permit scheme?	Again just to clarify as per Question 1, Virgin Media are disappointed that Northumberland County Council's Permit Scheme and associated fee's will apply to all classification of roads. If the council chooses to apply permits to 100% of streets, contrary to advice from Ministers, Virgin Media requests that Northumberland County Council grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	See response to Question 1

Response From Date received	Openreach 15/10/2019	
	Consultee Comment/Question	NCC Response
Question 1 Do you consider that the permit scheme is suited to the needs of the people, residents and road users of Northumberland?	<p>Yes - Openreach understand the benefits that permit schemes may bring in enabling authorities to apply more resource to co-ordination of those activities with the potential to cause significant disruption on the highway.</p> <p>Openreach also fully support the need for utilities and authorities to work together to maximise efficiency and reduce disruption for the benefit of all.</p>	N/A
Question 2 Do you think that the permit scheme reflects the requirements of the Statutory Guidance for Highway Authority Permit Schemes 2015 and the Statutory Guidance for Highway Authority Permit Schemes - Permit Scheme Conditions 2015?	Yes - In the Statutory Guidance for Permit Schemes, the DfT have stated that the level of scrutiny carried out should be proportionate to the level of disruption, expecting a less rigorous approach on category 3 and 4 roads. It also states that in these circumstances fees should be waived or discounted.	Northumberland County Council feels that an authority should have the power to control activities, including its own on all streets and believes that activities on type 3 & 4 roads are just as important to the roads users as those on 0, 1 and 2. The application of a permit scheme and the tasks associated with that should be cost neutral. Given the volume of notices processed in 2018/19 for type 3 & 4 streets (on which our matrices have been based) to charge a zero fee would not allow for the scheme to be cost neutral. Regulation 30 provides the PA with the power to charge for permits. The DfT permit fee matrix has been used to determine the allowable costs and therefore the permit fee by works type and road category. The annual evaluations will determine whether the costs of running a scheme have been covered and fees may be adjusted either up or down to ensure the scheme remains cost neutral.
Question 3 Do you think that the permit scheme reflects the requirements of the The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015?	Yes, having looked through your document and legislation, your proposed permit scheme seems to reflect the requirements of the Traffic Management permit Scheme.	N/A
Question 4 Do you understand the penalties for not applying for a permit and are they clearly identified in the scheme document?	Yes - Within the sections of your permit scheme including section 8, 9 & 11, I understand the conditions.	N/A
Question 5 Do you understand the penalties for not complying with a permit condition and are they clearly identified in the scheme document?	Yes - It is an offence to undertake works without a required permit under Regulation 19, this information is clear within the document.	N/A
Question 6 Do you agree with the monitoring/evaluation process proposed and is it adequate?	Yes - Penalties are set down within your document clearly and look to be fair and within guidelines	n/A
Question 7 Are there any other aspects of the scheme for which you require further clarification?	Yes - This conforms to what has been asked for within legislation, Section 14 of your document is clear and sets out what is expected	N/A
Question 8 Do you have any suggestions for improving the scheme?	During the initial move of North Yorkshire County Council from notices to permits Openreach found it really useful to have meetings to go through what was going wrong on both sides. Especially in the first couple of months. Would your authority be willing to do this?	Northumberland County Council will be happy to meet with utilities on a monthly basis for the first three months following implementation. This would also be an excellent opportunity to discuss lessons learned and share best practice.

<p>Question 9</p> <p>Do you have any other comments on the permit scheme?</p>	<p>1) 2.3 Collaborative working Openreach do not agree that when sharing a trench that only the primary promoter will register the reinstatement regardless of who carried out the reinstatement. In this instance both promoters should submit a registration of reinstatement with the primary promoters' subsumed by the secondary promoters.</p> <p>2) 3.4 Activities for which no permit is required – works not involving excavation in non-traffic sensitive streets Openreach request that this is removed from the document, in some instances such as when traffic management is required, a permit would be required regardless of whether the works require excavation or are in a traffic sensitive street.</p> <p>3) 7.18 Traffic Management, Parking and Traffic Regulation Orders Openreach request that 'where the Council is prepared to do so' is removed, TTRNs should only be requested in the most urgent situations and where a statutory undertaker can evidence the need for one then we would expect the Highway Authority help us with our request.</p> <p>4) Permit Scheme – 18.2 Permit Fee Payment and reconciliation. The scheme quotes: The Permit Authority will submit a draft invoice to the promoters for a specified period prior to the generation of an invoice to enable them to reconcile the charges. A two week timescale will be allowed for reconciliation of the charges prior to actual invoice This timescale is not really sufficient for us to check all the permits on a monthly list, our teams are dealing with approx. 55 Highway Authorities each team. If the draft charges presented by the Authority are all correct for discounts on Traffic Sensitive roads and zero charges for AIVs or Portable Traffic Signals then we could possibly make the two week deadline but invariably authorities send the initial report of their draft charges without filtering or checking it. This means our team have to check each individual line to confirm the charge is correct or if we need to challenge for incorrect charges. Please amend the timescale to 28 days giving us time to check the charges. Openreach request that Authorities present Permit draft charges on a monthly basis and in Excel spreadsheet format as the charges need to be uploaded to our system as a .csv file. Openreach are not able to convert PDF format into Excel spreadsheet or .csv format. Production of charges in Excel format will enable us to process these charges in a timely manner.</p> <p>5) Permit Fees Openreach request that the permit fees are reviewed taking into account the Statutory Guidance for Permit Schemes, 'it is strongly recommended that permit fees are only applied to the more strategically significant roads: Category 1, 2 roads and Traffic Sensitive roads. This will mean that although permits would still be required for works on non-strategic routes, it should be very unlikely that these works would attract a permit fee. These permit applications would receive only 'notice' equivalent treatment by the authority.' Openreach accept that highway authorities need to recoup the cost of running the scheme from permit fee revenue, however we believe that the focus and the higher fees should be on category 0, 1, 2 and traffic sensitive roads.</p>	<p>1) This is the industry standard which Northumberland County Council will therefore follow</p> <p>2) Agree to remove "works not involving excavation in non traffic sensitive streets"</p> <p>3) It is the responsibility of the Council to consider whether a request meets the criteria for a TTRN and assess what disruption the works will cause on the network so therefore 'where the Council is prepared to do so' will remain in the document</p> <p>4) Northumberland County Council's proposed scheme stated 1 week however we agree to allow the industry standard of ten working days for the reconciliation of the charges prior to the actual invoice. Whilst extensions will be considered in exceptional circumstances, other authorities in the area work with the same processing times so no changes will be made to the procedure</p> <p>5) Northumberland County Council does not believe the scheme is contrary to ministers advice. An authority should have the power to control activities, including its own on all streets and believes that activities on type 3 & 4 roads are just as important to the roads users as those on 0, 1 and 2. The application of a permit scheme and the tasks associated with that should be cost neutral. Given the volume of notices processed in 2018/19 for type 3 & 4 streets (on which our matrices have been based) to charge a zero fee would not allow for the scheme to be cost neutral. Regulation 30 provides the PA with the power to charge for permits. The DfT permit fee matrix has been used to determine the allowable costs and therefore the permit fee by works type and road category. The annual evaluations will determine whether the costs of running a scheme have been covered and fees may be adjusted either up or down to ensure the scheme remains cost neutral.</p>
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Response From Date received	Network Rail 22/10/2019	
	Consultee Comment/Question	NCC Response
<p>Question 1</p> <p>Do you consider that the permit scheme is suited to the needs of the people, residents and road users of Northumberland?</p>	<p>Yes</p>	<p>N/A</p>
<p>Question 2</p> <p>Do you think that the permit scheme reflects the requirements of the Statutory Guidance for Highway Authority Permit Schemes 2015 and the Statutory Guidance for Highway Authority Permit Schemes - Permit Scheme Conditions 2015?</p>	<p>Yes</p>	<p>N/A</p>
<p>Question 3</p> <p>Do you think that the permit scheme reflects the requirements of the The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015?</p>	<p>Yes</p>	<p>N/A</p>
<p>Question 4</p> <p>Do you understand the penalties for not applying for a permit and are they clearly identified in the scheme document?</p>	<p>Yes</p>	<p>N/A</p>

Question 5 Do you understand the penalties for not complying with a permit condition and are they clearly identified in the scheme document?	Yes	N/A
Question 6 Do you agree with the monitoring/evaluation process proposed and is it adequate?	Yes	N/A
Question 7 Are there any other aspects of the scheme for which you require further clarification?	Please see Question 9	N/A
Question 8 Do you have any suggestions for improving the scheme?	Please see Question 9	N/A
Question 9 Do you have any other comments on the permit scheme?	<p>1) Page 8 – S 1.5 – refers to appendix D – this should read appendix E.</p> <p>2) Page 8-9 – S 1.7 – 'list is by no means exhaustive' – Network Rail would ask for clarification of what is missing from this list?</p> <p>3) Page 9 S1.9 – 'the permit scheme will follow, where possible, the HAUC guidance' – Network Rail would ask under what circumstances this guidance would not apply?</p> <p>4) There are repeated references to EToN throughout the document. It has been advised by the DfT that this should be changed to 'by electronic means' in all new schemes. Network Rail would advise that this is amended before publication.</p> <p>5) S 2.3 paragraph 8 – The information on collaborative discounts is duplicated. Network Rail would suggest this only needs to appear once in this section.</p> <p>6) Page 13 – S3.2 p3 – Diversionary works sends you to S12.5 to see discounts, but there is no mention of these discounts in S12.5.</p> <p>7) Page 19 – S5.12 – 'Identity of main contractor must be provided on actual start' – Network Rail would ask for clarity on this as the contact details should have been on the application when submitted?</p> <p>8) Page 20 – S6.2 'unless other conditions have been met by pre-agreement with the Authority' – Network Rail would ask for clarification on what this means as there should be no conditions that are not NCTs?</p> <p>9) Page 21- S6.6 – 'However, as per DfT guidelines, may be subject to reduced fees for non Traffic Sensitive Roads or in Non Traffic Sensitive times – Network Rail would ask for clarification of this statement. Will the Authority be offering the 30% discount for working outside traffic sensitive times as is the Industry Standard?</p> <p>10) Page 27 – S7.19 – Please can you expand on what type of evidence is required to be attached to the application?</p> <p>11) Page 36 S12.5 – Please see point 9.</p> <p>12) P40 S16.2 – Network Rail would ask why this is in the permit scheme when this is already covered by Primary Legislation?</p> <p>13) P41 – S16.5 – Network Rail would ask that the need to contact Network Rail when working within 200m of the tracks is included here.</p> <p>14) P48 S18.1 – Network Rail would ask to be exempted from Permit Fee charging as we are a government funded organisation and the payment of permit fees is moving taxpayers money from one organisation to another.</p> <p>15) P48 S18.2 – Network Rail would ask why the Authority is not giving ten days response time to permit fee reconciliation as is the industry standard?</p>	<p>1) Agreed and updated.</p> <p>2) The objectives set in the Northumberland County Council Street Works Permit Scheme are what we consider to be our main priorities, however during the course of the first few years of the scheme there may be further objectives determined either by the authority or the industry.</p> <p>3) NCC will always consider HAUC guidance but wishes to retain the flexibility to make individual decisions, factoring in local knowledge, deemed to be in the best interests of all road users.</p> <p>4) Agreed and updated.</p> <p>5) Agreed and updated.</p> <p>6) The reference to 12.5 should have been 12.6 therefore the following text in Section 3.2 has been updated to say "Where the statutory undertaker has specified diversionary works in their permit application, the permit authority may use its discretion with regard to fees as stated in Section 12.6."</p> <p>7) The contact details should be on all applications, however if two or more promoter applications come in together the main contractor must be identified.</p> <p>8) NCC will only use the national conditions however we have updated the text in this section of the document for clarification.</p> <p>9) Yes NCC will offer a 30% discount for works on traffic sensitive roads outside of traffic sensitive times for all qualifying permits.</p> <p>10) NCC would expect copies of emails where discussion relating to the works have taken place and any evidence of pre site meeting/agreement with the relevant transport authority. These pieces of evidence can be attached to the permit application.</p> <p>11) The reference to 12.5 should have been 12.6 therefore the following text in Section 3.2 has been updated to say "Where the statutory undertaker has specified diversionary works in their permit application, the permit authority may use its discretion with regard to fees as stated in Section 12.6."</p> <p>12) This section simply confirms the related matters and procedures that apply to the permit scheme.</p> <p>13) NCC feel making reference to the Code of Practice is adequate, in relation to this, for the purposes of the permit scheme.</p> <p>14) As per the guidance from Gerard O'Toole and the HAUC England Permit Forum, Northumberland County Council will be charging Network Rail for permits.</p> <p>15) This has been discussed and changed to the industry standard 10 working days.</p>

Response From Date received	Northern Powergrid 22/10/2019	
	Consultee Comment/Question	NCC Response
Question 1 Do you consider that the permit scheme is suited to the needs of the people, residents and road users of Northumberland?	Yes	N/A
Question 2 Do you think that the permit scheme reflects the requirements of the Statutory Guidance for Highway Authority Permit Schemes 2015 and the Statutory Guidance for Highway Authority Permit Schemes - Permit Scheme Conditions 2015?	Yes	N/A
Question 3 Do you think that the permit scheme reflects the requirements of the The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015?	Yes	N/A
Question 4 Do you understand the penalties for not applying for a permit and are they clearly identified in the scheme document?	Yes	N/A
Question 5 Do you understand the penalties for not complying with a permit condition and are they clearly identified in the scheme document?	Yes	N/A
Question 6 Do you agree with the monitoring/evaluation process proposed and is it adequate?	Yes	N/A
Question 7 Are there any other aspects of the scheme for which you require further clarification?	No comment made	N/A
Question 8 Do you have any suggestions for improving the scheme?	No comment made	N/A
Question 9 Do you have any other comments on the permit scheme?	1) 9.8 Variations for Immediate Activities Bullet 2 states that promoters will telephone the permit authority to apply for a permit variation. This is incorrect, permit variations must be submitted electronically. 2) 18.2 Permit Fee payments and reconciliation Allowing one week for reconciliation of charges prior to issuing of invoices is unreasonable. The recommended period for response to a statement or question raised in response is two weeks.	1) To avoid the risk that any variations may be missed during exceptionally busy periods, Northumberland County Council would request that all extensions are discussed via telephone and then confirmed electronically once agreed. The text in the scheme document has been updated to reflect this. 2) This has been discussed and changed to the industry standard 10 working days

Response From Date received	Scottish Power Energy Network 23/10/2019	
	Consultee Comment/Question	NCC Response
Question 1 Do you consider that the permit scheme is suited to the needs of the people, residents and road users of Northumberland?	Yes	N/A
Question 2 Do you think that the permit scheme reflects the requirements of the Statutory Guidance for Highway Authority Permit Schemes 2015 and the Statutory Guidance for Highway Authority Permit Schemes - Permit Scheme Conditions 2015?	Yes	N/A
Question 3 Do you think that the permit scheme reflects the requirements of the The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015?	Yes	N/A

Question 4 Do you understand the penalties for not applying for a permit and are they clearly identified in the scheme document?	Yes	N/A
Question 5 Do you understand the penalties for not complying with a permit condition and are they clearly identified in the scheme document?	Yes	N/A
Question 6 Do you agree with the monitoring/evaluation process proposed and is it adequate?	Yes	N/A
Question 7 Are there any other aspects of the scheme for which you require further clarification?	No	N/A
Question 8 Do you have any suggestions for improving the scheme?	No	N/A
Question 9 Do you have any other comments on the permit scheme?	The scheme document makes reference to ETon. With the introduction of Street Manager and the impending changes to legislation that may result from the Street Manager consultation, will the NCC scheme document be revised in accordance with any changes? E.g. Section 6.5 of the scheme document makes reference to major works activities as 'those that have been identified in an organisation's annual operating plan'. This forms part of the Street Manager consultation and may be removed as part of that consultation process.	Changed all references to ETon in the scheme document to refer to by electronic means thus allowing for proposed changes to Street Manager and any other relevant changes in the future.

Response From	NWL	
Date received	23/10/2019	
	Consultee Comment/Question	NCC Response
Question 1 Do you consider that the permit scheme is suited to the needs of the people, residents and road users of Northumberland?	Yes	N/A
Question 2 Do you think that the permit scheme reflects the requirements of the Statutory Guidance for Highway Authority Permit Schemes 2015 and the Statutory Guidance for Highway Authority Permit Schemes - Permit Scheme Conditions 2015?	Yes	N/A
Question 3 Do you think that the permit scheme reflects the requirements of the The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015?	Yes	N/A
Question 4 Do you understand the penalties for not applying for a permit and are they clearly identified in the scheme document?	Yes	N/A
Question 5 Do you understand the penalties for not complying with a permit condition and are they clearly identified in the scheme document?	Yes	N/A
Question 6 Do you agree with the monitoring/evaluation process proposed and is it adequate?	Yes	N/A
Question 7 Are there any other aspects of the scheme for which you require further clarification?	Answered in Q.9	
Question 8 Do you have any suggestions for improving the scheme?	N/A	

<p>Question 9</p> <p>Do you have any other comments on the permit scheme?</p>	<p>1) Sec 3.4 and Sec 4.5 - Do we need non-chargeable permits for works in private streets? If so, are timescales the same as these 2 points appear to contradict each other</p> <p>2) Sec 9.5 and Sec 9.6 – Both of these lead us to believe we can put through extensions electronically if more than 20% duration is remaining. However, we have been informed if we do this, regardless of stating the requirements set in the permit scheme, they will be refused. Is this your stance and if so, should this be amended so not to mislead?</p> <p>3) Traffic Management – do lights need manual control at peak times on all traffic sensitive routes?</p> <p>4) Gritting Routes – There appears to be no mention of charges on gritting routes when the weather is mild. Is it the case that the reason for a street designation as TS due to it being a gritting route, then should it be charged at the non TS rate when the weather is mild?</p> <p>5) There are many references to the EToN specifications throughout the scheme. What will the implications if the introduction of Street Manager brings in procedures that are not aligned to the proposed Permit Scheme?</p> <p>6) We expect that the document will become a legal one, if this is the case, would also expect that the document be in line with other regulations. In the scheme there is a reference to FPNs being “issued”, this is not in line with FPN Regulations whereby FPNs are “given”. Not sure if this should be amended before rather than after and then having to re-issue?</p> <p>7) Just 2 very minor points - that if this becomes a legal document the use of apostrophe throughout, should read FPNs not FPN's. Also in the 4th paragraph of section 7.26, the word “it” is missing after “however”</p>	<p>1) Private streets will continue to operate under the noticing system.</p> <p>2) These sections are distinctly different, 9.5 does not require telephone contact and 9.6 does given the shortened timescale. We feel that these sections are clear and therefore do not need amending. As long as the specified criteria are met, refusal will not be automatic.</p> <p>3) This would be the normal process. However, given the rurality of the county, this can be discussed when a permit is submitted as there may be some exception to this.</p> <p>4) NCC is currently undertaking a traffic sensitivity review and consideration has been given to gritting routes. Stakeholders (including yourselves) will be consulted on the traffic sensitivity review in due course.</p> <p>5) Changed all references to ETON in the scheme document to refer to by electronic means thus allowing for proposed changes to Street Manager and any other relevant changes in the future.</p> <p>6) This document is a policy document and we are happy with the reference made to FPNs and the use of 'issue' and 'given' where made.</p> <p>7) Agreed and updated</p>
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