

PERMIT SCHEME FORMAL CONSULTATION REPORT

Title: Central Bedfordshire Permit Scheme formal consultation responses and report
Date: November 2015
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1 Introduction

The formal consultation regarding the proposed Central Bedfordshire Permit Scheme ('CBPS') ran for a period of eight (8) weeks beginning on the 10th September 2015. The deadline for receipt of responses was no later than 5pm on 6th November 2015.

It was stated in the consultation covering letter that 'all responses received by the 6th November 2015 will be taken into consideration and, if Central Bedfordshire Council consider it to be appropriate, amendments will be made to the draft Permit Scheme.

The draft Scheme Document and accompanying covering letter was issued to 75 key stakeholder organisations, including local neighbouring Highway Authorities, Utilities, road user representative groups, current IT suppliers and non-government organisations. The list is provided within this document.

Some organisations had a number of consultees within them and if known those individuals were contacted directly. The total number of email addresses / individual contacts made was 77.

A total of 41 individual comments on the proposed Permit Scheme were received by the deadline.

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

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

1 List of Consultees who responded by the deadline

- 1) UK Power Networks (UKPN)
- 2) CBC Passenger Transport and Public Protection (CBC PT&PP)
- 3) Amey Infrastructure (current Highways Contractor for CBC) (AI)
- 4) Openreach (Op)
- 5) Anglian Water Services Ltd (AW)
- 6) Beds Fire & Rescue Service (BF&RS)
- 7) CBC Legal (CBC L)

Consultees who responded after the deadline

No Consultees responded after the deadline.

2 Consultation Distribution List

Internal Contacts	
Head of Legal (Highways)	Quentin Baker, Chief Legal and Democratic Services Officer
Head of Public Health	Celia Shohet, AD of Public Health
Head of Planning (or equal individual)	Nick Fenwick Jason Longhurst, AD Regeneration and Growth Andrew Davie, Development Infrastructure Group Manager Stephen Mooring, Environmental Policy Manager
Head of Passenger Transport and Public Safety	Sue Childerhouse
Head of Finance	Charles Warboys
Equality and Diversity	Claire Harding, Corporate Policy Adviser

Bus Operators	
Arriva	Redline
Buzzer Bus	Shoreys Travel
Cedar Coaches	Souls
Centrebus	Stagecoach Group
Grant Palmer	The Wander Bus
Link a Ride	Vale travel
Marshalls Coaches	Z&S
Red Rose	

Central Government	
Department for Transport	Highways Agency
Environment Agency	

Emergency Services	
Beds Fire and Rescue Service	Beds & Herts Ambulance Service
Beds Police	

IT and Systems Suppliers	
Symology	

Passenger Transport	
Network Rail	Passenger Focus

Representative and Interest Groups	
Approved Driving Instructors Association	Passenger Focus Group
Automobile Association	Road Haulage Association
British Cycling	Road Safety Partnership
British Motorcyclists Federation (BMF) South – David Howe	Royal Association for Deaf People (RAD)
Chamber of Commerce	Royal Automobile Club
Freight Transport Association	Royal Blind Society
Guide Dogs Association for the Blind	Taxi/Black Cab/Mini Cab Owners
Joint Authorities Group	Wheelchair User Group

Surrounding Local Authorities	
Bedford Borough Council	Luton Borough Council
Buckinghamshire County Council	Milton Keynes Council
Cambridgeshire County Council	

Utility Companies	
Affinity Water	National Grid (GAS Distribution) x2
Amey Ltd	Southern Gas Networks
Anglian Water Services	McNicholas Plant enquiries
Atkins Global	Turner and Townsend
British Telecom PLC x2	UK Power Networks
British Waterways	National Joint Utilities Group
BskyB Telecom Services	Verizon UK
Cable and Wireless	Virgin Media

Colt Communications	KCOM Group PLC
EPL&R	Gas Transportation Company
Ericsson	Gamma Telecom
Express Pipelines	Fulcrum

S50 Contacts

Note: There were no Section 50 applicants over the last 12 months.

3 General Comments

Org	Suggested amendment / clarification / comment / question	Response / action / recommendation
BF&RS	<p>I have received the consultation regarding this permit scheme and just wanted to say thank you for your inclusion of fire hydrant work as a non-chargeable activity (paragraph 17.22.2 item ii).</p> <p>The other permit scheme operating within the county does not include this concession, in spite of the fact that we asked for it on more than one occasion. With the current reductions on budgets this really helps.</p>	<p>Thank you for your response which we appreciate.</p>
CBC L	<p>Thanks for your email and giving me the opportunity to comment. I think that this isn't directly impacting upon CBC legal.</p>	<p>Thank you for your response which we appreciate.</p>
CBC PT&PP	<p>the consultation letter states that that one of the objectives of the proposed scheme is:</p> <p>‘ the intention of the CBPS to reduce the number of road works and to encourage work to be undertaken at times which avoid peak travel times’.</p> <p>Could you advise if this is likely to result in more roadwork schemes being carried out outside normal working hours i.e. evening/night-time and weekends, when there is a potentially greater impact and disturbance to residents living in the vicinity of the works? What measures will be put in place to mitigate any increase in such impacts on residents.</p>	<p>In the vast majority of cases restriction on working times will be during the day (i.e. work only to take place between 0900-1530).</p> <p>It is unlikely that there will be a noticeable increase in night time working as we have proportionately, very few roads which will require this.</p> <p>Part of the Permit approval process will be consideration for environmental factors such as noise not just the potential for disruption. We are not going to be actively pushing for night time working unless it is absolutely necessary in order to expedite the duration of a job on a traffic sensitive street and not without consultation with CBC environmental.</p>
AI	<p>There appears to be no account taken of the congestion caused by short term mobile works, which can cause considerable disruption and regular delays at peak periods, e.g. waste collection services. Should they not be kept away from</p>	<p>The Permit Scheme only applies to registerable activities.</p>

	Traffic Sensitive Streets during peak hours, or be included within the scheme?	
AI	For larger schemes, there is high risk that any fines applied to the contractor will merely have the contractor's uplift added and be claimed back through the scheme application. Taking the West Street, Leighton Linlade and Stotfold Town Centre schemes as examples, the works here were considerably delayed or elongated by changes to the design or other alterations to the programme instigated by the Authority. A contractor would reasonably expect to recover all the costs associated with these matters, which would then be passed back to the Authority with an uplift for dealing with them. It is apparent to us from the existing BBC scheme that the two sections of the Authority do not necessarily talk to each other on this issue, leaving an opportunity for the contractor to work in this way. Is there any way in which the Authority could exempt itself from these charges?	Thank you for your comments which we appreciate. No fee will be charged for variations initiated by the Permit Authority.
AW	Cost Benefit Analysis The revenue received from utilities should not cover the cost for running the whole scheme, including administration for your own works. The utility income should only cover the administrative activities connected to utility permit applications.	Permit fee income will only be used to meet the additional costs of operating the Permit scheme.

4 Scheme Document comments

Org	Document Section	Suggested amendment / clarification / comment / question	Response / reply / recommendation
Section 1 & 2: Foreword and Introduction (No comments received)			
Section 3: Objectives of the Permit Scheme			
O	Objectives	all of these have to be demonstrated at the evaluation stage as per 2.5 of the Statutory Guidance. Are you positive you can achieve these objectives ?	The Objectives will be worked towards and the annual review will measure achievement against them.
Section 4: Scope of the Permit Scheme			

UKPN	4.3.1	It is UKPN's belief that, given the nature of the road network in Central Bedfordshire, the permit scheme should only apply to traffic sensitive roads rather than the whole road network.	The impact of all works will be considered, however, a more rigorous approach to the assessment of category 0, 1 and 2, and traffic-sensitive locations than those categorised as 3 and 4 will be undertaken and this is reflected in the fee structure.
Section 5: Activities Covered by the Scheme (No comments received)			
Section 6: Exempt Activities (No comments received)			
Section 7: Permits - General (No comments received)			
Section 8: Permits - Types (No comments received)			
Section 9: Permits - Classes			
UKPN	9.2.3	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. (See 8.2 above)' - This is incorrect. A non-phase one remedial or permanent works phase does not require a PAA, but a PA. It is suggested that this is amended to '...in accordance with the EToN Technical Specification'.	The text is correct.
AW	9.5.2	24hr contact number will need to be supplied	This will be done.
Section 10: Permit Applications			
AW	General	There is no mention of the use PMRs (Permit Modification Requests) and this is also not in the Definition of Terms	A request for a modification is detailed or referenced in sections; 10.1.6 10.8.1 10.8.2

			14.4.1
UKPN	10.10.2	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 Permit variation request by the end of the next working day following the agreement of the correction.' - UKPN do not believe this is defined in any legislation and it therefore cannot be enforced.	This is an operational requirement to support good communication and the smooth running of the Permit Scheme.
UKPN	10.10.5	This procedure cannot be used without the prior agreement of both parties.' - This is incorrect as there are several fields in the error correction transaction that do not require an agreement, i.e. contractor, project reference. UKPN suggest this is amended to ' Agreement required as defined in the EToN Technical Specification'	This is an operational requirement to support good communication and the smooth running of the Permit Scheme.
Section 11: Information Required in a Permit Application (No comments received)			
Section 12: USRN			
AW	12.5	I don't believe illustrations are required on all PAAs and Major works, as some of these will be for minor works, i.e. cover replacement but TTRO required. These could be huge files, particularly if TM plans and photos are included, how would you wish to receive them, EToN, Email etc. Shouldn't these be looked at in local coordination / HAUC meetings, and if necessary site visits that are held by most Councils. This seems very onerous and will have a big impact on us.	This is an operational requirement to ensure sufficient information is available to assess Major works. It is understood that illustrations required for PAA and Major activities will be based on the best information available at the time of application.
AW	12.6	This can only be proposed technique and conditions on site may require technique to be changed after permit is granted.	It is understood that technique will be based on the best information available at the time of application.

UKPN	12.7.1	The Promoter must provide full details of their traffic management proposals including any requirement for action by the Highway Authority such as the need for Temporary Traffic Regulation Orders (TTROs) and approval for portable light signals. Evidence of application/agreement must be provided with the PAA/Permit application.' – Due to the timescale involved in obtaining TTRO's it isn't always possible to put a reference for these on PAA/permit applications.	The text states 'evidence of <u>application/agreement</u> for a TTRO must be provided with the PAA/Permit application'.
AW	12.7.2	Clarification required. Who are we making the application too. The statement "In the case of the suspension of a parking bay being required, an application by the Promoter must be made to the Highway or Permit Authority as Parking Authority."	The application is to relevant department within Central Bedfordshire Council. Contact details will be provided upon request.
Section 13: Permit Conditions			
AW	13.1.3	This should be the standard wording as set out in the National Permit Condition Guidance to ensure consistency across schemes. You should not issue separate standard wording.	This is the case.
UKPN	13.1.4	However, the Permit Authority can define conditions that will be applied to all Permits.' - UKPN are unsure where this is stated in legislation.	This is a policy decision and does not impact on the nationally agreed conditions text. Central Bedfordshire Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing.
AW	13.1.4	Only the national permit conditions can be used, you cannot use local conditions or conditions defined by yourselves.	This is a policy decision and does not impact on the nationally agreed conditions text. Central Bedfordshire Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing.
UKPN	13.1.6	The types of conditions which the Permit Authority may attach	Permit Regulation 10 requires that a Permit Scheme

		are...'; - It is suggested that this whole section should simply refer to the National Conditions Advice Note, as this is a document which may be updated over time and could, potentially, render the statements listed in this point invalid as mentioned in 13.2.1.	must include provision allowing for conditions to be attached to permits.
AW	13.1.16	Permit authority can only attach the national permit conditions	Central Bedfordshire Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing.
AW	13.3.1	As per 9.5.2 (24hr contact number will need to be supplied)	This will be provided.
Section 14: Granting of Permits			
O	Ground of refusal	this is not setting out the grounds for refusal as required by regulation 9(10).	<p>The text is non-exhaustive examples of matters that are likely to lead to applications being refused.</p> <p>This text has been agreed with Utilities in other areas of England and is correct.</p>
Section 15: Review, Variation and Revocation of Permits and Permit Conditions			
UKPN	15.12.1	If agreement cannot be reached regarding a variation, the Permit Authority may refuse the variation application and, if appropriate, 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).' - An authority imposed variation can only be sent once a permit is granted, not after it has been refused as suggested here. See ETS 5.2.17 Note 9.	The text is correct.
Section 16: Cancellation of a Permit (No comments received)			
Section 17: Fees			

AW	17.2.3	<p>i) In the phrase “Where several Permit applications for works that are of part of the same project but which are carried out on more than one street, but on a scale comparative to one street, are submitted at the same time.” Clarification required on the phrase ‘but on a scale comparative to one street’. Does this mean connection holes made to tie in mains supplying other streets or something bigger for example all streets on an estate mains replacement project.</p> <p>iii) “Where works are undertaken wholly outside of traffic sensitive times on Traffic Sensitive Streets”. How will this be claimed, is the onus on the Utility to provide evidence (Photos etc.). Also what constitutes works. Is an open excavation in the footpath causing no traffic disruption left overnight deemed as working during TS times?</p>	<p>The Permit Scheme must include provision as to the circumstances in which fees may be discounted. This should cover discounts where applications for a number of Permits are submitted together and form a wider project, and where undertakers collaborate to carry out their works in the same location simultaneously.</p> <p>An example would be a project installing water meters on a housing estate. However, each case would be asses and discussed.</p> <p>It is assumed that if the Promoter states work will be undertaken outside traffic sensitive times this is truthful. However, monitoring may take place.</p> <p>Each application will be asses on an individual basis.</p>
AW	17.6.2	We would strongly encourage this to ensure invoices are issued accurately and can then be paid in a timely manner.	Noted, thank you. Payment in a timely manner will be appreciated.
Section 18: Sanctions (No comments received)			
Section 19: Dispute Resolution (No comments received)			
Section 20: Registers (No comments received)			
Section 21: Transitional Arrangements (No comments received)			
Section 22: Permit Scheme Monitoring			
AW	22.2	How often will KPIs be made available to work promoters, we would encourage a monthly update.	It is recommended that the KPIs are discussed at Quarterly Co-ordination Meetings and other regular meetings with promoters.
Section 23: APPENDIX A: Glossary of terms used in the Permit Scheme			

O	Code of Practice for Permits	requires deletion as the DfT Guidance now replaces this COP.	This definition is for reference only.
CBC L	Cycle Track	The definition of 'Cycle Track' is missing the words in square brackets – it should read "...a right of way on pedal cycles [(other than pedal cycles which are motor vehicles within the meaning of [the Road Traffic Act 1972)]] with or without..."	The text has been amended.
O	Fixed Penalty Notice	Suggest clarity here, rewording to As defined in s95A of NRSWA , schedule 4B,	The text has been amended.
CBC L	In	The definition of 'In' is missing the word 'across' – it should read "... under, over, across, along or upon it"	The text has been amended.
CBC L	Maintainable Highway	There is no definition of Maintainable Highway in section 329 of the Highways Act 1980 but rather the definition is Highway Maintainable at the Public Expense	The text has been amended.
O	Major activities	As defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 and section 9.2	Noted
O	Minor activities	As defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 and section 9.2	Noted
O	Registerable activities	requires updating COP no longer exists	The text has been amended so it is in-line with Statutory Guidance.
CBC L	Street works licence	The definition of 'Street works licence' should refer to "the Street Authority" and not "the Highway Authority"	The text has been amended.
O	Traffic sensitive street	as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007	Noted

		regulation 16	
CBC L	Trunk Road'	The definition of 'Trunk Road' needs to add new words in square brackets – it should read "...under section 10 above [or an order granting development consent under the Planning Act 2008]..."	The text has been amended.
O	Urgent activities	as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007	Noted
Section 24: APPENDIX B - Policy Statement - Circumstances In Which the Permit Authority Will Review, Vary Or Revoke			
AW	Appendix B	Why are all major works requiring a TTRO in the highest price band, why is this also not defined by time on site the same as other major notices ? as the processing of the TTRO is covered under a separate charge?	This is in-line with Statutory Guidance.
Section 25: APPENDIX C - Policy Statement - Employment of Sanctions (No comments received)			
Section 26: APPENDIX D - Fixed Penalty Notices (No comments received)			
Section 27: APPENDIX E - Permit Fees Table (No comments received)			
Section 28: APPENDIX F – Information and Contact Details (No comments received)			

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