
STATUTORY INSTRUMENTS

2015 No. 37

HIGHWAYS, ENGLAND

The Traffic Management (Essex County Council) Permit Scheme Order 2015

Made - - - - 7th January 2015

Coming into force - - 16th March 2015

The Secretary of State for Transport having approved the Essex County Council Permit Scheme under section 34(2) of the Traffic Management Act 2004⁽¹⁾ makes this Order in exercise of the powers conferred by sections 34(4) and (5) and 39(2) of that Act.

Citation and commencement

1. This Order may be cited as the Traffic Management (Essex County Council) Permit Scheme Order 2015 and comes into force on 16th March 2015.

Interpretation

2. In this Order—

“the Essex County Council Permit Scheme” means the permit scheme set out in the Schedule to this Order which was prepared and submitted to the Secretary of State by Essex County Council and has been approved by the Secretary of State; and

“specified streets” has the meaning given by regulation 8 of the Traffic Management Permit Scheme (England) Regulations 2007⁽²⁾.

Commencement of Permit Scheme

3. The Essex County Council Permit Scheme comes into effect on 16th March 2015.

Application of Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007

4. Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007 shall apply to the specified streets within the Essex County Council Permit Scheme.

(1) 2004, c.18.

(2) S.I. 2007/3372.

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Signed by authority of the Secretary of State for Transport

7th January 2015

Robert Goodwill
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Article 2

THE ESSEX COUNTY COUNCIL PERMIT SCHEME



**KEEPING
ESSEX MOVING**

Essex County Council
The Essex Permit Scheme
Transport and Infrastructure

July 2014

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- 1.6.7. The Permit Scheme will apply to any person or organisation responsible for commissioning activities [works] in streets covered by the Permit Scheme. In the Permit Scheme these persons or organisations will be referred to as a "Promoter" who will be either a statutory undertaker or Essex County Council as a highway or traffic authority.
- 1.6.8. Essex County Council must apply for permits in the same manner as a Statutory Undertaker. All fees and charges for highway authorities will not apply in the application of the Permit Scheme, but shadow fees and charges should be collated and monitored in demonstration of "Parity".
- 1.6.9. Section 59 NRSWA places a duty on highway authorities to co-ordinate works of all kinds on the highway. Equally important is the parallel duty on Statutory Undertakers to co-operate in this process under Section 60. The TMA and the associated Regulations widened the Section 59 coordination duty to include other prescribed activities that involve temporary occupation or use of road space and incorporates any activities included in a permit scheme.
- 1.6.10. All works comprising and categorised as "specified works" in the 2007 Regulations will require a permit. Section 9.1 of the Department for Transport's Code of Practice (March 2008) prescribe the "registerable activities" which qualify as "specified works" and which activities will require a permit. Registerable activities for the Permit Scheme are set out section 6.2 of this document.
- 1.6.11. Permits will be required for all registerable activities and works for road purposes except activities licensed under section 50 of the New Roads and Street Works Act 1991. All applications must be made by licensed undertakers or highway authorities. Each application will be treated in a non-discriminatory way as required in Regulation 40. This will be monitored by conforming to Chapter 20 of the Code of Practice which stipulates a number of Key Performance Indicators for use by a Permit Authority.

2. **Objectives and Benefits of the Permit Scheme**
- 2.1. Any activity undertaken in a street has the potential to cause disruption. They can reduce the width of the street available to traffic, pedestrians and other users, and can also inconvenience businesses and local residents
- 2.2. The scale of disruption caused is relative to the type of activities being undertaken, the capacity of the street, the duration and timing of the works and the methods employed to carry them out. Works on those streets where the traffic flow is close to, or exceeds, the physical capacity of the street will have greatest potential to cause congestion, disruption and delays.
- 2.3. The objective of the TMA is to enable the management of the traffic network to ensure expeditious movement of traffic (including pedestrians, cyclists and other vulnerable road users) as required under the TMA Network Management Duty.
- 2.4. Under a permit scheme it is intended to enable more effective co-ordination to empower the Local Highway Authority to minimise disruption from both street and highway works.
- 2.5. **The Permit Scheme Objective**
- 2.5.1. The strategic objective for the Permit scheme is to provide a capability to manage and maintain the local highway network for the safe and efficient use of road space, whilst allowing Promoters access to maintain their services and assets.
- 2.5.2. The principle of the Permit Scheme is to improve the planning, scheduling and management of activities so that they do not cause unnecessary traffic disruption to any road user. It will help Essex County Council meet their network management duty under the TMA. Coordination of activities through the Permit Scheme will enable differences between those competing for space or time in the street, including traffic, to be resolved in a positive and constructive way.
- 2.5.3. The sub-objectives of the Essex Permit Scheme are:-
- To proactively manage the local highway network to maximise the safe and efficient use of road space.
 - To improve the quality and timeliness of information and compliance with highway legislation from all activity promoters.
 - To improve the information available to the public to help provide and inform reliable journey times.
 - To ensure the safety of those using the street and those working on activities that fall under the scheme, with particular emphasis on people with disabilities.

- To protect the structure of the street and the integrity of the apparatus in it.
- To ensure parity of treatment for all activity promoters particularly between statutory undertakers and highway authority works and activities.

2.6. **Aligned Objectives**

2.6.1. The Permit Scheme objectives align with the strategic objectives of Essex County Council. In July 2013 Essex County Council's (ECC's) new Cabinet outlined their Vision for Essex – a vision of a county where innovation brings prosperity.

In support of this vision, there are seven specific 'outcomes' that ECC will work towards. Securing these outcomes will make Essex a more prosperous county – one where people can flourish, live well and achieve their ambitions. Progress towards securing these outcomes will be measured by a number of indicators. Taken together, these outcomes and indicators make up ECC's Corporate Outcomes Framework for 2014-2018

2.6.2. The key outcome for transport is:

2.6.3. Sustainable economic growth for Essex communities and businesses

Two of the indicators relating to this outcome are:

- Increased connectivity and journey time reliability on priority route network (PR1)
- Number of bus and/or community transport journeys

2.7. **Benefits**

2.7.1. The benefits to be derived from the operation of the Permit Scheme have been identified as ; -

- 2.7.2.
- Improvements to overall network management
 - Reduced congestion on the road network
 - Improved journey time reliability
 - A reduction in delays to the travelling public
 - A reduction in costs to businesses caused by delays
 - Promotion of sustainable communities and businesses
 - Promotion of a safer environment

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- Reduced carbon emissions

- 2.7.3. Other impacts" include more general quality of life factors related to the effect that activities have on the lives of local people.
- 2.7.4. This could include the consideration to the environmental impact of activities, for example where works involve excavating activities under the canopy of a tree, emphasis will be applied to the Promoter to adhere to the appropriate Code of Practice requirements when excavating.
- 2.7.5. Another example could be the minimising of any impact where permission for the storage of materials or plant is required, outside of the main activity. The locations of these storage areas can create difficulties for traffic flows, businesses and deliveries.
- 2.7.6. The Permit Scheme has been prepared to accommodate the undertaking of street and road works while delivering the statutory duties.
- 2.7.7. Works will always need to be carried out by Promoters, but people will be more understanding if they perceive that the activities are being managed by the Permit Authority and Promoters in ways that minimise impact. These quality of life factors are of particular relevance on the minor, more residential roads.

3. **Permit Scheme Principles for Coordination**

- 3.1. Effective co-ordination and management by the Permit Authority is essential to ensure that traffic disruption is minimised whilst allowing Promoters the required time and space to complete their works.
- 3.2. The Permit Scheme is not intended to prevent or delay activities necessary for the installation of new services, maintenance or improvement of the road network, or the services running underneath it. The Permit Scheme aims to achieve parity and balance between the interests of the various parties.
- 3.3. Minor works and short duration activities, particularly in non-traffic-sensitive situations, are unlikely to cause significant disruption. However where smaller multiple activities are close together they can cause disruption. Effective co-ordination of such works therefore, needs to take into account proposals of every scale and duration.
- 3.4. Before any specified works are undertaken on a specified street the promoter must obtain a permit from the Permit Authority, in accordance with the Permit Scheme (Please also refer to section 8.5 and 11.9 in this document).
- 3.5. All Promoter activities are treated in the same way with regard to co-ordination and the setting of conditions.
- 3.6. The Permit Scheme objective will be facilitated by improving performance in line with the Authority's Network Management Duty in relation to the following key factors:
- 3.7.
 - Enhanced coordination and cooperation
 - Encouragement of partnership working between the Permit Authority, all Activity Promoters and key stakeholder groups identified within this document
 - 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 Activity Promoters

3.8. Principles for Promoters

- 3.8.1. It is essential that everyone involved in activities on the highway take both the Permit Scheme objectives and the broader TMA objective of expediting the movement of traffic into account. To meet these objectives the Permit Authority and Promoter must adhere to four key principles:
- i. The need to balance potentially conflicting interests of road users, Promoters and their customers;
 - ii. The importance of close co-operation and liaison between the Permit Authority and the Promoter.
 - iii. Acknowledgement that planned activity programmes and practices may have to be adjusted to ensure the statutory objectives of co-ordination provisions are achieved;
 - iv. The provision of timely, clear, accurate and complete information.
- 3.8.2. The Permit Scheme will give the Permit Authority greater influence over how and when activities are carried out although the initial responsibility for planning, supervising and carrying out activities remains with the Promoter.
- 3.8.3. Promoters must consider the needs of all road users, including those with disabilities, whether they are pedestrians, cyclists or motorists, throughout the planning and execution of activities. All Promoters should also have regard to existing road activities and consider how their proposals will integrate with such activities and the broader operation of the local and strategic highway network. This has implications for:
- a) The timing of activities, for example, to avoid peak periods, the duration of the work, out of hours working;
 - b) The method works are carried out, including complying with:
 - i. Road safety, health and safety legislation and The Construction (Design and Management) Regulations 2007;
 - ii. The effective management of noise, lighting and traffic management;
 - iii. The programming of activities, and;
 - iv. The coordination of activities with other Promoters.
- 3.8.4. Promoters must be prepared to discuss their proposals with other interested parties such as neighbouring authorities, bus operators, rail operators, schools, businesses and residents. Where necessary, proposals may be required to be modified when appropriate and practical.
- 3.8.5. The greater the disruption an activity is likely to cause; the earlier the application for a permit must be made. Promoters should recognise statutory application periods are a minimum and whenever possible provide longer periods of notice. This benefits both the Permit Authority and the Promoter - if

modifications are required, the earlier the Permit Authority informs the Promoter, the easier it will be for them to comply.

- 3.8.6. Promoters should take into account the space needed for both the works and the storage of plant or materials when assessing the likely disruption an activity might cause. Where storage outside of the working space, including where appropriate in another street; is required the Promoter should consider impact not only on traffic disruption, but also the impact on the local environment. Conditions may be applied when storage of plant or materials could cause disruption or network congestion.

3.9. **Collaborative Working**

- 3.9.1. Collaborative working within the Permit Scheme not only includes trench sharing between Promoters, but also provides opportunity for cooperation and coordination between Promoters with respect to concurrent activities on a single street. The primary objective of collaborative working is to coordinate activities so that they take place within the same set of traffic management or tailored traffic management by different works within the same street.

- 3.9.2. In addition to considering activities on a single street, when assessing an application for a permit the Permit Authority may also consider planned works nearby including planned works on a trunk road, if applicable, following consultation with the Highways Agency. The Permit Authority may seek opportunity for nearby works, on another street, but affecting the same traffic flow, to take place at alternative or similar timings in order to minimise the overall effect to traffic flow.

- 3.9.3. The Permit Scheme recommends and encourages Promoters to consider collaborative working when possible. It is accepted that there are often issues in such arrangements with regards to contractual, CDM and site management requirements, but where possible every opportunity should be sought to minimise the disruption to users of the highway.

- 3.9.4. No permit fee will be charged for any permit where the works are carried out with collaborative working involving more than one other Promoter and/or trench sharing. This is conditional on the correct collaboration type being notified in accordance with the latest version of Electronic Transfer of Notices "EToN".

3.10. **Forward Planning**

- 3.10.1. Forward planning information on large-scale and potentially disruptive activities is included in the permits register at the earliest opportunity. This will enable Promoters to:

- a) Take part in early co-ordination;
- b) Consider joint working;
- c) Consider trench sharing;

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- d) Highlight other activities which need to be co-ordinated with these activities;
- e) Produce reports for the co-ordination process.

3.10.2. 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 coordination 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.

4. **Key Performance Indicators (KPI)**

- 4.1. Every authority wishing to implement a permit scheme must indicate how it intends to demonstrate parity of treatment for promoters in its application.
- 4.2. The DfT's Code of Practice for Permits 2008 contains seven KPIs, which could be used for this purpose.
- There are 2 mandatory KPIs that each permit scheme must include.
- KPI 1 - The number of permit and permit variation applications received, the number granted and the number refused;
- KPI 2 – The number of conditions applied by condition type.
- 4.3. Authorities should select at least two other KPI's, which they consider will demonstrate parity across their scheme. Of these the Permit Authority will adopt KPIs 3, 4 and 5 to demonstrate parity of treatment between their own road works and streets works undertaken by statutory undertakers:
- KPI 3 - Number of approved extensions;
- KPI 4 – The number of occurrences of reducing the application period.
- KPI 5 - The number of agreements to work in Section 58 & Section 58A NRSWA restrictions.
- 4.4. The Permit Authority will supplement these KPI's with additional local indicators.
- KPI 6 - Cancelled permit requests.
- KPI 7 - Collaborative working.
- KPI 8 – 1st Time Permanent Reinstatements.
- KPI 9 – Coring Results.
- 4.5. These KPI's apply to both Road Works and Street Works. These KPI's will be produced on a monthly basis and the results will be discussed at the quarterly meetings with promoters. The information will also be published periodically on Essex County Council's website.
- 4.6. The data will provide useful information for the Department for Transport (DfT) and other regulatory bodies who may wish to inspect these figures. The information should therefore be readily available. The Permit Authority will remain committed to submitting the performance scorecard data to the DfT quarterly.
- 4.7. The Permit Authority accepts that when measuring KPI 3, a permit variation received from a Promoter may not specifically relate to a duration extension.

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- 4.8. Any changes made to the KPIs included with the Code of Practice will also be adopted by the Permit Authority in monitoring this Permit Scheme.
- 4.9. The KPI's are described in greater detail in Appendix G of this document.

5. **Common Elements with NRSWA**
- 5.1. To facilitate working across highway authority boundaries, the Permit Scheme uses the same or similar definitions or requirements as used in the NRSWA notice system for:
- a) Registerable activities/works;
 - b) Categories of activities/works (Major, Standard, Minor and Immediate);
 - c) Street gazetteers, including street referencing by means of Unique Street Reference Number (USRN) and Additional Street Data (ASD);
 - d) Street reinstatement categories as defined in the Specification for the Reinstatement of Openings in Highways;
 - e) The distinction between main roads and minor roads, where such distinctions are relevant; and
 - f) Streets designated as protected, having special engineering difficulty or traffic sensitivity.
- 5.2. The Permit Authority will be set up to receive applications, issue and receive notices and otherwise communicate electronically. All such communications relating to works on the highway will be made using the Electronic Transfer of Notifications (EToN) system where ever possible.
- 5.3. All streets maintained by or on behalf of Essex County Council are included within the Permit Scheme; these are the “specified streets” as set out in the Regulations. Trunk roads and motorways for which the Highways Agency is the highway authority are not included in the Permit Scheme.
- 5.4. Privately maintained streets are not included in the Permit Scheme, but will be added if they are subsequently adopted by the Permit Authority and shown as maintainable within the street gazetteer.
- 5.5. **Street Gazetteer**
- 5.5.1. The Permit Authority will also operate and maintain a Street Gazetteer including a list of Unique Street Reference Numbers (USRN) and Additional Street Data (ASD).
- 5.5.2. Every highway authority has a Street Gazetteer which forms part of the National Street Gazetteer (“NSG”). This is held centrally on behalf of all local highway authorities by a custodian.
- 5.5.3. In relation to permits, the term “street” refers to an individual USRN. Details about the Street Gazetteer, and the ASD associated with each street on the Street Gazetteer are maintained on the street works register.

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5.6. **Streets with Special Designations and Controls**

5.6.1. Streets designated under NRSWA with special controls, protected streets, streets with special engineering difficulty and traffic-sensitive streets, will have the same designations under the Permit Scheme.

5.7. **Reinstatement Categories**

5.7.1. The reinstatement categories of streets used in the Permit Scheme are the same as the reinstatement categories under NRSWA.

5.7.2. The reinstatement category, as given in the ASD must be treated as definitive. If Essex County Council has not entered reinstatement categories for streets on the NSG, the streets will all be treated as category 4 for the purposes of the Permit Scheme and for overrun charges and other elements of NRSWA.

6. **Permit Scope**

- 6.1. The Permit Scheme applies to all registerable activities as defined in Section 9.1.1 of the Code of Practice and undertaken on any publicly maintainable, highways which are the responsibility of Essex County Council. The Permit Scheme does not apply to activities licensed under Section 50 of the NRSWA.
- 6.2. The term “registerable activities” corresponds to what are “specified works” under the 2007 Regulations. The following activities defined in the 2007 Regulations as specified works are registerable for all Promoters and information related to them has to be recorded on the register:
- a) All activities that involve the breaking up or resurfacing of any street;
 - b) All activities that involve the opening of the carriageway or cycleway of traffic sensitive streets at traffic-sensitive times;
 - c) All 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) All activities that reduce the number of lanes available on a carriageway of three or more lanes;
 - e) All activities that require a Temporary Traffic Regulation Order or notice, or the suspension of pedestrian crossing facilities;
 - f) All activities that require a reduction in width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time;
- 6.3. Bar Holes which are used to detect and monitor gas leaks fall into the registerable category. When bar holes are carried out and it is known that no further activity in the street is required (such as when a gas leak is reported but none detected), a registration under Section 70(3) NRSWA should be sent within 10 ten days, once final monitoring checks have been established. The bar holes will count as a single excavation and reinstatement for registration purposes.
- 6.4. An application for a permit in respect of a bar hole must be made within two hours of the commencement of any other registerable activity (i.e. excavation, or any other activity defined above) associated with the bar holes. In this latter case, these bar holes will not count as further excavations and reinstatements for the purposes of registrations but will be incorporated with the registerable activity.
- 6.5. Non registerable activities are activities which do not fall under criteria set out in section 6.2 above and can take place without requiring a permit. If the circumstances change so that the work then becomes a “registerable activity”, the work must cease and the highway fully restored for use by all traffic, until the correct permit is obtained.

- 6.6. The following activities are classed as non registerable:
- a) Traffic census surveys, as disclosure of this information prior to a census taking place can encourage a change to the normal pattern of traffic flows;
 - b) Pole testing which does not involve excavation, does not require a permit.
- 6.7. Permits are valid from the start date to the end date of the permit. The start and end dates are calendar days and will include weekends and bank holidays even if these are not working days, subject to the conditions on the permit. The permit will include information on the duration of the works.
- 6.8. Even when a permit has been issued there may be reason for an earlier start to the planned activity that has been applied for, such agreement for this early start will be confirmed by the issue of another permit or granting of a variation application. In certain circumstances the request for an earlier start may be at the Permit Authority's request. If the Permit Authority has requested an earlier start then there will be no fee charged for the issue of this additional permit.
- 6.9. All registerable activities for which a permit is required, but has not been granted cannot be carried out without committing an offence. Works for immediate purposes can commence with a subsequent permit application, as defined within the Permit Scheme.

have work to undertake and would like to provisionally reserve workspace on the highway, although it must be made clear [Regulation 11(5)] that the issue of a PAA does not guarantee that a permit will subsequently be issued. In keeping with this purpose, the Permit Scheme requires an application for a PAA to specify proposed start and end dates for the relevant activities, although there is sufficient flexibility to enable the dates to be reasonably adjusted when a permit is ultimately issued.

- 7.3.6. For major works the Promoter will be required to provide the final detailed information supporting the permit application at least 10 working days before the activity is due to commence

8. **Permit Applications**

- 8.1. The information which shall accompany a permit application is set out within Section 10.14 of the Code of Practice and section 10 of this document. This information should, wherever possible be supplied electronically using the EToN system and must be within the timescales as set out in Appendix D of this document.
- 8.2. Applicants should also note that in line with Regulation 9(9) of the 2007 Regulations, the Permit Scheme requires Promoters applying for permits or PAA's 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.
- 8.3. Where an activity crosses the boundary between Essex County Council & it's neighbouring authorities, the Promoter must apply for a permit from each authority in accordance with the their relevant scheme. Where an activity crosses the boundary between a Permit Scheme and an area where noticing under NRSWA is used, both regimes will need to be followed. However permit fees are only payable to a Permit Authority.
- 8.4. The minimum times within which applications must be made are set out in Section 11 and Appendix D of this document. Promoters are however encouraged to contact the Permit Authority early so conditions can be discussed and, if possible, an agreement can be reached so that the application is approved quickly. Early applications will improve the coordination process and enable the Permit Authority to better control activities that take place on the highway.
- 8.5. **Activity Categories**
- 8.5.1. Applications from Promoters when booking road space through the Permit Scheme must use the following activity categories: Major, Standard, Minor and Immediate (defined below).
- 8.5.2. Major Activities are defined as those activities which:
- a) have been identified in a Promoters' annual operating programme or are normally planned or known about at least six months in advance of the proposed start date for the activity; or
 - b) 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; or
 - c) Have a duration of 11 working days or more, other than immediate activities.
- 8.5.3. Standard Activities are defined as those activities, other than immediate or major activities, that have a planned duration of between four and ten working days inclusive.

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provides appropriate details as to the form of such illustrations, but plans, digital photographs and similar would normally be required. How the illustration is to be transmitted can also be found in the Technical Specification for EToN. Activities on those streets or parts of a street, subject to a Special Engineering Difficulty designation will in all cases require a plan and section as indicated in NRSWA Schedule 4 (Part 2).

Whenever temporary traffic lights are required an illustration showing the distances from the 'wait here' boards to the centre of the junction must be provided with the Temporary Traffic Signals Application. The requested red and green phasing of the temporary traffic lights design should be included, Where two-way lights do not straddle a junction, no illustration will be required.

For certain activities and/or locations, the Permit Authority may request additional information in relation to contingency plans for expedient removal of site occupation, as part of the application.

Where it is not possible for a Promoter to submit an illustration to the Permit Authority using EToN, the Promoter should contact the Permit Authority in the first instance to discuss and agree an alternative method.

g) Method - Details of the proposed techniques, such as open cut, trench share, minimum dig technique or no dig must be provided.

h) Traffic Management, Parking and Traffic Regulation Orders/Notices

- Where traffic management proposals will be required as a consequence of the proposed works then a description of the proposals and when they will be instituted as part of the works must be provided in the application.

Any requirement for action on the part of the Permit Authority, including those listed below, must be included within the application:

- (i) the need to make Temporary Traffic Regulation Orders (TTRO's);
- (ii) the approval for all temporary traffic signals. Applications must be made using notice type 2700 – Temporary Traffic Signal Application in accordance with the latest version of EToN.
- (iii) the approval for the storage of materials or plant on the highway;
- (iv) the approval for the deactivation of permanent traffic signals; and
- (v) the approval for the suspension of controlled pedestrian crossings.

In these instances an associated traffic management plan must be provided within the application where the work affects a traffic sensitive street. Justification for use of 24 hour portable traffic signals must also be provided. The processing costs associated with the above orders or approvals are not within the scope of the permit fees and will be separately applied.

i) Inspection Units - To ensure consistency the Permit Authority require permit applications to include the provisional number of estimated inspection units

appropriate to the activity, in accordance with the rules laid down in the latest NRSWA Inspections Code of Practice and The Street Works (Inspection Fees) (England) (Amendment) Regulations 2004.(or any overriding future legislation or guidance).

j) Site Depth – A Permit application requires a Promoter to provide their best estimate of the excavation depth as part of the application. This estimate may be expressed as a range, but should nonetheless provide a meaningful indication of the nature and extent of activity involved.

k) Reinstatement Type - The application must, wherever possible, indicate whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both.

l) Proposed Conditions –Promoters are encouraged to support their applications with suitable conditions should they find that the location, type of work to be undertaken, road category or any other site based circumstance require consideration.

The approach adopted by the Technical Specification for EToN, is based on the Promoter including conditions in their permit application.

If the Permit Authority does not agree with the condition(s) applied or requires additional conditions then it can either

1. Refuse the request with an inclusion of a comment to reflect the change required. This will require a new permit application to be submitted by the Promoter. or
2. Respond to the request using a permit modification request

The Permit Authority will consider all permit applications on an equal basis.

10.2. **Form of the Issued Permit**

10.2.1. A permit will be issued in accordance with the Technical Specification for EToN. A permit application will be generated by the Promoter and granted by the Permit Authority, unless the application is deemed to have been granted where no refusal has been issued within the period outlined in Appendix D. The permit will contain all relevant conditions so that there is no ambiguity about the validity and terms of the permit.

10.2.2. In accordance with Regulation 12 of the 2007 Regulations and the Technical Specification for EToN, each permit will have a unique reference number. A permit is issued to the promoter for every permit that is granted.

10.2.3. For all permits it is a requirement that where there are any other linked permits, references to those other linked permits must also be included with the permit.

10.2.4. Where remedial works are to be carried out following completion of permitted works a separate permit is required. This new permit must cross-reference the

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original activity, by raising the remedial works permit application using the same works reference as the original works.

- 10.2.5. Where a Promoter makes a permit application or variation to a permit application as a result of the Permit Authority's action, e.g. where the Permit Authority has imposed a variation, it is recommended a comment is included to this effect within the application. If applicable, reference to another relevant permit application can also be included.
- 10.2.6. In line with Statutory Guidance 71, the Permit Scheme requires all granted permits to be placed on the permit register and copied to any undertaker, authority or other relevant body that has asked to be informed about activities on a particular Street.

11. **Timings of Permit Applications**
- 11.1. For effective planning and co-ordination, information needs to be provided to the Permit Authority in good time. In accordance with the advice contained in the Statutory Guidance, the Permit Scheme provides for the minimum time periods before the proposed start date of an activity by which time the relevant permit application must be made by the Promoter and a subsequent response made by the Permit Authority.
- 11.2. It is essential that applications for permits and variations are made in a timely manner.
- 11.3. The Permit Authority is aware of the need to be proactive in running a scheme. Time limits have been set out in Appendix D of the Permit Scheme committing the Permit Authority to respond to applications within set periods. The Permit Scheme has used the time periods set out in the Table in Section 11.3 of the Code of Practice.
- 11.4. A “response” for these purposes means a decision to grant, refuse or issue a permit modification request. Where there are reasons why the permit could not or should not be granted in the terms applied for (e.g. because of insufficient or obviously incorrect information or because of a clash with other activities), the response indicating that a permit will not be granted in those terms will explain the reasons. This will enable the Promoter to make a revised and compliant application.
- 11.5. **Timing of Applications and Responses**
- 11.5.1. The time period for a response to an application starts at the time of receipt of the application by the Permit Authority. The EToN system will provide an auditable record of the actual date and time of the receipt of the application; however the calculation of the application and response time for a permit received after 16:30 will use the next working day as the effective start date.
- 11.6. **Minimum Application Times – Major Activities**
- 11.6.1. Under the Permit Scheme, for a major activity Promoters are required to apply for a PAA at least three months in advance of a proposed activity and a permit ten working days before the activity is due to start.
- 11.6.2. In accordance with the Technical Specification for EToN where a major activity does not involve asset activity a PAA cannot be generated and therefore in such circumstances a permit application will be made in the first instance.
- 11.7. **Minimum Application Times - Standard Activities**
- 11.7.1. A permit application for standard activities is required ten working days before the proposed start date.
- 11.8. **Minimum Application Times - Minor Activities**

- 11.8.1. A permit application for minor activities is required three working days before the proposed start date.
- 11.9. **Minimum Application Times - Immediate Activities**
- 11.9.1. In order not to prevent activities that are necessary for emergency or urgent reasons, the Permit Scheme provides that these works may proceed without a permit given their nature. Promoters must apply for a permit within two hours of the immediate activity commencing or, in the case of the works commencing out of normal working hours, within two hours of the start of the next working day.
- 11.9.2. In all instances of an Immediate Activity, the Promoter must telephone the Permit Authority immediately after works commence on such streets where such a requirement is designated by the Permit Authority (as indicated in the ASD for that Permit Authority).
- 11.10. **Non Compliance with the Minimum Application Times**
- 11.10.1. Early Starts
- 11.10.2. Where it is not possible for a Promoter to adhere to the minimum permit application periods the Permit Authority may consider applications where mitigating circumstances justify this failure. Permission to allow a Promoter to submit such an application is solely at the discretion of the Permit Authority and will only be given exceptionally.
- 11.10.3. Where a permit application is granted, thereby providing such permission, it will be recorded by the Permit Authority. Where permission is not granted the permit application will be refused. It is recognised that some early starts will be required to achieve a positive outcome to potential collaborative working arrangements. However, a works promoter proceeding with the planned work following a refusal would be working without a permit.
- 11.11. **Variations and Extensions**
- 11.11.1. To vary or extend a permit, a permit application must be made by the Promoter a minimum of two working days before the permit expires or at a point when the existing permit has more than 20% of its duration to run, whichever is the longer.
- 11.11.2. Where the Promoter fails to apply for a permit variation or extension within the relevant time limits, the Permit Authority may consider applications to vary or extend permits where the Promoter is able to provide mitigating circumstances justifying the failure to adhere to the relevant timings.
- 11.11.3. The Permit Authority is aware of the need to be proactive in running a scheme. Time limits have been set out in Appendix D of the Permit Scheme committing the Permit Authority to respond to applications within set periods. The Permit Scheme has used the time periods set out in the Table in Section 11.3 of the Code of Practice.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to the Essex County Council Permit Scheme.

The Essex County Council Permit Scheme is designed to control the carrying out of works in specified streets in Essex by imposing an obligation to obtain a permit from Essex County Council before undertaking the works.

Article 3 gives effect to the permit scheme, which will come into effect on 16th March 2015. The permit scheme referred to in this article is set out in the Schedule to the Order.

Article 4 applies Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007 (which makes provision for the disapplication and modification of enactments in relation to specified works in specified streets) to the specified works and specified streets within the Essex County Council Permit Scheme.

A copy of the Essex County Council Permit Scheme is deposited and can be inspected at Essex County Council, County Hall, Market Road, Chelmsford, CM1 1QH and is available to inspect on the Council's website www.essex.gov.uk.