

| Peterborough Permit Scheme - Consultation Responses - Summary | | | | |
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| Ref | Section | Comment | Response | Scheme Amended |
| 1 | General | The matrix currently in place covers the same issues now and a permit scheme will have minimal improvement at extra costs to the business and costs that are passed onto customers. As such we feel that the current system works. Virgin Media would hope that Peterborough City council would have a view of applying 7.3.4 of the codes of practice for co-ordination on the requirements of notification. As this activity may have no impact on residents or businesses in the area. | The data and reporting of permit schemes across England has shown that their implementation fundamentally improves network co-ordination and reduces the occupation of the highway by all works promoters. Permit schemes are driving improvements across the highway network in terms of durations, methods and working practices. The PCC scheme will follow all the regulations & guidance related to registerable activities. The SoS has also recently written to all non Permitting Authorities requesting that they consider implementing a permit scheme by 31 March 2019. He also advises that he may instruct a LA to implement a permit scheme under Section 3 (2) of the TMA, therefore, PCC believes that the SoS will impose a permit scheme on every LA in the future. | No |
| 2 | General | Yes. However Virgin Media believe that if the extension of permit duration has been granted by the Authority, then this would invalidate any overrun charges, during the extended period of the permit. | Over-run charges will be applicable to permits which have exceeded the agreed estimated end of either the original or varied permit. The permit/variation must have been granted by the Authority otherwise charges will be applied as per the regulations currently in force for Prolonged occupation of the highway. It should also be noted that a granted extension may not invalidate any overrun charges, as per the HAUC (England) Operational Guidance where a permit extension can be granted to ensure that the SU is not committing an offence, however, if the extended duration is then challenged by the PA, then overstay charges may apply. | No |
| 3 | General | Virgin Media acknowledge that Peterborough City Council will be applying a discount for working wholly outside traffic-sensitive times, could you confirm what the policies and procedures are on the discount matrix? | At the submission of the proposed permit a statutory undertaker (SU) is expected to expressly identify that they intend to work outside TS hours (This includes parking of vehicles unless parked legally outside of the works area). This will allow the Authority to inspect the works to ensure compliance and therefore result in the permit being subject to a discount. | No |
| 4 | General | Virgin Media are disappointed that Peterborough city Council 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 Peterborough City Council grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels. | PCC 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 to the authority therefore to be a zero fee would not allow that. Regulation 30 provides the PA with the power to charge for permits. The JAG (UK) permit fee matrix has been used to determine the allowable costs and therefore the permit fee by works type and road category. The permit fee matrix has indicated that maximum fees should not be applied to all works categories as indicated in the permit scheme table of fees. PCC will not grant permits by default and will assess every permit for impact both on the street where the works are being carried out and adjacent network that may be affected, therefore, fees will be applied to works on 3 & 4 streets. 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. | No |
| 5 | General | Virgin Media also believes that this is equally achieved through the mandatory NRSWA coordination and cooperation requirements at much less cost to works promoters and their customers, without the need for a Permit Scheme. 20.3 states temporary notices will be co-ordinated by the authority, can it be confirmed that this will also be applied for out of hours works that will be permitted the following day as the scheme denotes. Will Peterborough City Council be sending out draft invoices prior to the final invoice being generated, to avoid delay in case of any discrepancies? | Section 20.3 primarily refers to immediate works requiring a closure or traffic restriction. The same will apply for out of hours works which require the same restrictions. If a road is closed for emergency purposes the PA informs the emergency services. If the road is closed a notice should be made regardless, even retrospectively if the road has reopened. The notice will not be made until the next working day if the closure is implemented out of hours. PCC will adopt the HAUC (England) Operational Guidance Section 11.9 and issue reconciliation statements for agreement prior to the final invoice is submitted. | No |
| 6 | General | There is no evidence that permits add any benefit over noticing, The same legislation exists under notices. The scheme talks a lot about co-ordination of works, and the Highway Authorities duty to co-ordinate under S59, and that a permit scheme will improve co-ordination, however currently Peterborough City council do not hold co-ordination meetings or requests schemes from utilities for co-ordination purposes. Therefore they do not meet their statutory obligations under S59, so how can you say a permit scheme will improve co-ordination when it is not existent to start with. | There is no legal or mandatory requirement to host co-ordination meetings. The CoP for Co-ordination Section 2 lays out the process for co-ordination and whilst it is recommended that Local HAUC meetings are used to facilitate aid co-ordination, PCC's administrative area is relatively small and works can be co-ordinated on a 1:1 basis as is currently the practice. PCC does attend Cambridgeshire's Local HAUC to facilitate cross boundary co-ordination and there is scope to include schemes for Peterborough within that meeting. There is no evidence to show that PCC has failed to deliver their obligations under S59 with their current co-ordination processes. | No |
| 7 | 1 | There is no reference to HAUC(England) Guidance Operation of Permit Schemes (inc. Permit Condition Text), Feb 2017 within the document ; The use of PMRs instead of refusals is not covered at all in the permit scheme , but is included within statutory guidance for permits | Scheme amended at section 1 General principles | Yes |

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| 8 | General | How will KPI results be discussed as Peterborough City Council do not hold quarterly HAUC meetings or attend the Cambridgeshire HAUC meeting. KPIs to be used are not part of the consultation, so how can they be agreed. The KPIs should be part of the permit scheme and part of the consultation. If you don't have base data on current performance how can you demonstrate any improvements made by implementing permits, | PCC has benchmarked the current and historic performance of all promoters as part of the development of the scheme and this will be used to determine the performance of the scheme at regular internal reviews and in any case at the annual reviews for the first three years and every three years subsequent. PCC does attend Cambridgeshire's Local HAUC and performance can be shared at this meeting. KPIs are listed in the Statutory Guidance and PCC has stated in their scheme that they will report these KPIs and determine whether the Scheme is meeting its Objectives. PCC will utilise the HAUC (England) Permit Scheme Evaluation Report Template that is current at the time of evaluation which will determine the improvements made by the Scheme. | No |
| 9 | 1 | Second paragraph of Background section says it will be implanted from October 2016 !, end of document says 12th September 2019 | Scheme amended - typo - go live in section 25 states September 2018 | Yes |
| 10 | | The % discount given on fees for working outside traffic sensitive times or working in collaboration is not defined within the fee structure | Fee structure has been amended to show the discounted rates, scheme itself remains unchanged | No |
| 11 | 16 | Scheme states "Promoters of immediate activities must contact the Permit Authority immediately where the specified strategic street is susceptible to unplanned disruption as indicated in the ASD for Peterborough City Council." – will a dedicated number be issued to be used 24/7 | Yes, this will be provided to all SU's prior to go-live | No |
| 12 | 16 | Scheme states "A list of any conditions for immediate activities will be detailed on the Peterborough City Council website if required. These conditions are subject to change in line with any new permit regulations, statutory guidance or HAUC Permit Advice notes." Conditions for immediate permits are not different to planned works and national conditions are used if necessary, so what does this mean? | PCC will follow the Standard Conditions as written in guidance but it may be necessary for immediate contact to be made with the Authority and in relation to specific situations/roads. PCC will follow guidance released by the industry where possible and in any event released by regulation and its successors. Section 16.4 has been amended to reflect the current HAUC guidance | Yes |
| 13 | General | "Peterborough City Council will keep records of all sanctions under the Permit Scheme" how long is data kept for ?, will GDPR be complied with ? | In relation to Reg 19 and Reg 20 Offences the sanction of an FPN is to discharge liability for prosecution. The records will be on the Streetworks Register and the FPN issued via EToN and are never deleted unless withdrawn. Since this is issued to a Statutory Undertaker and not an individual GDPR does not apply. Similarly prosecution is the SU not an individual and prosecutions are recorded and published by the courts, therefore, again GDPR does not apply. | No |
| 14 | General | "Peterborough City Council and the Permit Authority will publish their contact details, including out-of-working-hours, on their website." Aren't these the same organisation. Will changes to contact details and personal be communicated to work promoters | PCC is the Permit Authority but there is a partner organisation Skanska who may have a direct responsibility for dealing with out of hours emergencies therefore contacts will be published and amended as necessary | No |
| 15 | 20 | 20.6 – this section refers to street authority and permit authority, should it all be permit authority | Not necessarily, the departments who report and carry out emergency works may be acting as the street authority and then refer subsequent works onto the permit authority. | No |
| 16 | 24 | 24.2 – "Peterborough City Council will submit this account to the relevant statutory undertaker to provide an opportunity for them to reconcile the charges to be invoiced for the specified period, prior to the generation of an invoice for payment." – can this be done monthly | Draft invoices will be submitted prior to full and final invoice for permit charges to reduce challenge and ensure prompt payments. Draft schedules can be produced monthly and will be agreed prior to scheme go-live | No |
| 17 | General | Will Peterborough City Council be carrying out a review if its traffic sensitive streets | Yes, this is currently underway and will be released for consultation shortly | No |
| 18 | 12 | Section 12.2, refusals should be a last resort and elements of the proposed activity, such as timing, location or conditions should be dealt with by using a PMR and not a refusal. I don't see any mention of PMRs within the document . | The scheme will follow the HAUC guidelines for the operation of permit schemes as such a PMR will be used instead of a refusal where is reasonably possible. Scheme amended at section 1 General principles | Yes |
| 19 | | The % discount given on fees for working outside traffic sensitive times or working in collaboration needs to be defined within the fee structure | Fee structure has been amended to show the discounted rates, scheme itself remains unchanged | No |
| 20 | 16 | 16.2 instead of listing condition type this section just needs to refer to HAUC(England) Guidance Operation of Permit Schemes (inc. Permit Condition Text), Feb 2017, then scheme will not need updating if national guidance changes. | Scheme amended to remove specific reference to condition types and reference to the National Condition text included. | Yes |
| 21 | 16 | 16.3 permits should not be refused if permit authority does not agree with conditions, a PMR should be used to request conditions to be updated, this is covered in national permit guidance | 16.3 provides an option to the authority to respond by use of a modification | No |
| 22 | 16 | 16.7 , 16.9, 16.10, 16.11, 16.12, 16.13, 16.14, 16.15 – non of these sections are required as it is covered in HAUC(England) Guidance Operation of Permit Schemes (inc. Permit Condition Text), Feb 2017 | The text included is used to provide context to the conditions, however PCC will follow where possible the HAUC(England) Guidance Operation of Permit Schemes (inc. Permit Condition Text), Feb 2017. Specific reference to the condition types has been removed but the following text only provides context as to how the conditions may be applied | No |
| 23 | 20 | 20.2, 20.3, 20.4 - this is already defined in legislation, RTRA 1984, and is not part of a permit scheme so should not be included | This section contextualises the regulations in relation to the permit scheme and specifically refers to the appropriate Act's. | No |
| 24 | 20 | 20.5 - this is already defined in legislation, NRSWA , and is not part of a permit scheme so should not be included | This section contextualises the regulations in relation to the permit scheme and specifically refers to the appropriate Act's. | No |
| 25 | 20 | 20.8, 20.9, 20.10, 20.11, 20.12 - this is no different to a noticing scheme so doesn't need to be included. | This section contextualises the regulations in relation to the permit scheme and specifically refers to the appropriate Act's. | No |
| 26 | 1 | Third section of Background under "Promoters should make themselves aware of" doesn't make any reference to HAUC(England) Guidance Operation of Permit Schemes (inc. Permit Condition Text), Feb 2017 | This has been added under General principles and is covered already by "all current NRSWA and TMA Legislation, Codes of Practice etc" | Yes |

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| 27 | General | If scheme is almost an identical copy of the Cambridgeshire Scheme, why did Peterborough City Council not join the Cambridgeshire scheme, as it is in Cambridgeshire. | PCC have decided to adopt a single scheme but there are future plans for shared services dependant on each Authorities operating governance. Cambridgeshire County Council would have had to reconsult on their scheme and vary their Local Order as it was never promoted as a Common Scheme. | No |
| 28 | General | The scheme talks a lot about co-ordination of works, and the Highway Authorities duty to co-ordinate under S59. Currently Peterborough City council do not hold c-ordination meetings or requests schemes from utilities for co-ordination purposes | There is no legal or mandatory requirement to host co-ordination meetings. The CoP for Co-ordination Section 2 lays out the process for co-ordination and whilst it is recommended that Local HAUC meetings are used to facilitate aid co-ordination, PCC's administrative area is relatively small and works can be co-ordinated on a 1:1 basis as is currently the practice. PCC does attend Cambridgeshire's Local HAUC to facilitate cross boundary co-ordination and there is scope to include schemes for Peterborough within that meeting. There is no evidence to show that PCC has failed to deliver their obligations under S59 with their current co-ordination processes | No |
| 29 | Glossary | Appendix A does not include PMR in glossary | Amended | Yes |
| 30 | Glossary | Appendix A , NJUG is now rebranded SWUK (Streetworks UK) | Amended | Yes |
| 31 | Appendix E | Appendix E – No permit scheme uses this so doesn't need to be included | It isn't actively used, but could be referred to if there is a dispute. This is a recognised algorithm so can be used to evidence disruption and therefore warrant the inclusion of conditions. | No |
| 32 | General | EToN is mentioned a lot throughout the document but EToN will be replaced by "Street Manager " within the next 18 months so document will then be out of date | Amended to reflect EToN and its successors | Yes |
| 33 | General | No, it has never been proven that Permit Schemes actually improve traffic flows overall. The DfT Ecorys Report stated as much. | The ecorys report identified that Permit schemes provide a way of reducing disruption to road users. The counterfactual impact evaluation shows a reduction in average durations for most types of works undertaken under permit schemes, compared to noticing. This analysis also shows a reduced likelihood that permitted works will over-run. | No |
| 34 | General | NRSWA contains all the powers required to effectively manage a highway network. | Comment is noted but whilst NRSWA offers some powers it is largely reactive and to use the full powers the need for backing from legal teams is required in order to follow them through. This causes delays and extra costs and burdens on both the authority and undertakers | No |
| 35 | General | Not exactly, over time most permit authorities have realised there has to be a better understanding of what can be achieved in the best interests of both promoter and authority. | Comment is noted | No |
| 36 | General | Due consideration must be given to what is practical and realistic rather than process driven. | Comment is noted but confirm that the PCC scheme will comply where possible with the HAUC Operational Guidance | No |
| 37 | General | Without reading the whole document Network Rail cannot answer further. | Comment is noted | No |
| 38 | General | Generally the HAUC England Permit Guidance Document has replaced this. | Comment is noted and operational guidance has been explicitly referred to in the scheme | No |
| 39 | General | The major concern is the demonstration of Parity which may not be obvious until the first review at the end of 3 years. | PCC has benchmarked the current and historic performance of all promoters as part of the development of the scheme and this will be used to determine the performance of the scheme at regular internal reviews and in any case at the annual reviews for the first three years and every three years subsequent. Objectives related to the Local Transport plan have been managed and benchmarked in each iteration of the LTP. Kpi's and objectives will be reviewed in accordance with annual review requirements | No |
| 40 | General | No. Some permit authorities have carried out evaluations at the end of year 1 and found recovery of costs not sufficient. Rather than review staff and process they have increased their fees. | PCC will carry out a robust review of the scheme for the first three years and every three years thereafter. All costs and overheads will be considered alongside process improvements | No |
| 41 | General | It would be helpful for a first year 1 review showed any over or under recovery to share proposal with Promoters rather than impose increase fees or wait 3 years before a reduction. | The evaluation report for PCC will follow the suggested layout and guidance released by HAUC (England) in association with the Permit Forum to ensure that the requirements of the regulations are met and that the scheme is demonstrably meeting its objectives. | No |
| 42 | General | The COBA Summary is based on uncertain data. There is very little actual traffic flow before or after despite many permit schemes being in place for over 6 years. | Comment noted but the Coba has been developed using traffic flow data derived by both the Authority and DfT on their own network | No |
| 43 | General | The data and assumptions are repeated time and again by highway authorities without challenge. | Comment noted | No |
| 44 | General | Propose to lower the permit fees as you are very close the maximum allowed. Most schemes outside of London have much lower fees and are financially stable (excluding the SE Scheme). | PCC will carry out a robust review of the scheme for the first three years and every three years thereafter. All costs and overheads will be considered alongside process improvements. | No |
| 45 | Page 7 – 1. Background | 'The permit scheme is going to commence operation in October 2016' | Scheme amended - Typo | Yes |
| 46 | Page 8 – 1.2 General Principles Paragraph 7 | '...but shadow fees and charges should be collated and monitored in demonstration of 'parity'" Network Rail ask why is Parity in quotation marks? | scheme amended | Yes |
| 47 | | Section 50 Licences, Disagree, all works must have a Permit, cannot exempt S50 | Regulation 6(3) excludes S50 from the Permit Scheme however the regulation 33 (4)(f) states that The Permit Authority shall also cause to be entered in the register every street works licence granted under S50 and as such PCC will comply with this requirement. | No |
| 48 | | Zero Fee! Disagree as there will be more coordination/management required so if you require a Permit then charges should apply. | major highway works are promoted by the Authority and as such are exempted from fees through by Regulation 30 | No |

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| 49 | | Section 278, If you create such exemptions then precedent should apply to Transport and Bridge Authorities as well | Developers have already paid the HA for their S278 Licence. Developers, whether carrying out highway improvements or other are not the HA or an SU, therefore, they do not come under NRSWA or the TMA and are exempt from both. They are required to book the roadspace and therefore a permit will be registered on the Streetworks Register, but no fee can apply. Transport and Bridge Authorities are defined in NRSWA and TMA therefore not exempt. | No |
| 50 | Page 9 – 2 Objectives and benefits of the permit scheme Paragraph 4 | 'The objective of the TMA...' As The objective of the TMA is in the TMA, Network Rail would suggest that this is superfluous in the scheme. | Comment is noted but the text is contextual for anyone outside the industry that may wish to read the Permit Scheme. It was not just the SUs that were consulted and therefore context is required. | No |
| 51 | Page 9 - 2.2 Aligned objectives Paragraph 1 | 'Within the context of the financial challenges the city council faces, services must best meet communities needs within available resources. The whole organisation is united behind the need to explore new relationships with partners and communities through a new outcome based approach in order to find solutions to the challenges the city council faces. One key enabler to deliver the city council strategic outcomes concerns maximising the values of our assets, for which highways management and the introduction of this permit scheme plays an important part' - Network Rail feel that this is irrelevant to the permit scheme and should not be included. It also seems to suggest that the permit scheme will be used to help meet the 'financial challenges' the council faces. A permit scheme cannot be a money making enterprise. | comment is noted but confirm that the scheme is designed to be cost neutral in respect of the activities related to permitting only. However this section has been removed as 2.2.2 details the strategic objectives of the scheme | Yes |
| 52 | Page 10 – 2.3 Benefits | The whole section - Network Rail feel this would be better placed in the cost/benefit analysis rather than in the scheme itself. | Comment is noted but believe that understanding the benefits of a scheme is vital to co-operative and collaborative working between all parties also contextual for anyone outside the industry that may wish to read the Permit Scheme. It was not just the SUs that were consulted and therefore context is required. | No |
| 53 | | Please remember the Permit Scheme charges do not include site inspection/monitoring. You can only carry out Cat A, as per NRSWA for which the sample inspection regime applies. All site/inspection/monitoring is at Peterborough Costs (not recoverable as cost of running the scheme). | Agreed and noted | No |
| 54 | | You mention "authorised and monitored" by the Permit Authority | A permit must be granted (authorised) and sites can be monitored (Inspected) | No |
| 55 | Page 11 3 & 3.1 | The words seem to indicate that NRSWA Duty to Coordinate has not been fully accomplished hence introduce a Permit Scheme to manage this Duty. | The NRSWA duty has always been carried out however the Permit Scheme will give the Permit Authority greater influence over how and when activities are carried out. | No |
| 56 | | Network Rail feel that this is already covered in primary legislation and does not need to be in the scheme itself in full. | Comment is noted but the text simply contextualises the requirement | No |
| 57 | | Please clarify under CDM who would be considered the Principal Contractor? | The principal contractor is as written within the CDM regulations in respect of each project and permit applied for and is not for the Permit Scheme to define | No |
| 58 | Page 13 3.2 | Collaborative Working | No comment required | No |
| 59 | Page 13 – 4 Key Performance Indicators (KPI) | 'The scheme will always follow the latest KPI requirements' Network Rail feel that the KPI's that will be observed should be noted in the scheme. | Mandatory KPIs are defined in the Permit Scheme Statutory Guidance. Additional KPIs are defined in the HAUC England Permit Scheme Evaluation Report Template. These are subject to change and may become obsolete, therefore PCC will produce their report in line with the current Guidance and Template as stated in the Scheme. | No |
| 60 | | KPI should reflect the effectiveness or not of the Permit Scheme. | noted | No |
| 61 | | Please ensure you follow the HAUC England Guidance. | noted | No |
| 62 | | The Cost Benefit Analysis uses figures that have never been proven (Assumed saving in annual cost of works 5%) , just a best guess. | the Coba has been developed using all available statistical data and in line with the dT webtag guidance | No |
| 63 | | Could Peterborough actually provide real figures by asking other Scheme holders, eg Kent or Essex Councils? | Comment is noted but refer to reference 62 | No |
| 64 | Page 14 – 4.2 Monitoring | 'a) KPIs as described in section 4 of this document Network Rail would like to observe that there are no actual KPI's in Section 4, just proposals. | Mandatory KPIs are defined in the Permit Scheme Statutory Guidance. Additional KPIs are defined in the HAUC England Permit Scheme Evaluation Report Template. These are subject to change and may become obsolete, therefore PCC will produce their report in line with the current Guidance and Template as stated in the Scheme. | No |
| 65 | Page 15 – 6 | Section 50 - As before S50 works must have a Permit for coordination purposes. | Noted refer to reference 47 | No |
| 66 | Page 17 – 7.1 Provisional Advance Authorisation (PAA) & Page 24 11.2 Minimum application times - Major | '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' Network Rail would request further clarification of what is meant by 'major activity does not involve asset activity' | An activity may be to prevent danger to an asset but the works are not carried out on the asset itself. For examples tree cutting to prevent damage to overhead cables which may require a TTRO, which technically is major. However, EToN will not allow a PAA to be generated if there is not works on an asset. Therefore, the TTRO and the PA will still need to be applied for with the correct timescales but no PAA can be generated. S4.1 of the EToN Technical Spec refers | No |

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| 67 | Page 18 – 7.2 Permit Applications | Other interested parties - Please ensure your OD/NSG confirms all areas of interest outside of your Authority | Noted | No |
| 68 | Page 20 – 9.1 | Application Process - EToN will continue to try to send Notice and when system restored the Notice will be sent. If Fax or Telephone call made will Peterborough create the Permit at no charge to Promoter? | No, in the event of system downtime it is expected that the permit will be input into the system if it is held in abeyance whilst the service down or retrospectively submitted (FPN's on this basis will be judged on a case by case basis) The Authority cannot submit a permit on the OD file of an SU | No |
| 69 | Page 22 – 10 i | "Any processing costs are not within the scope of the permit scheme" Cannot charge for traffic signals applications. | Noted TSAs cannot be charged for in line with HAUC Advice Note. This is a generalised comment and designed to state that other administrative charges may apply even if applications are submitted on the PA and are not covered by the Permit Fee | No |
| 70 | Page 23 – m | Proposed Conditions What NCT would this be? | This refers to each condition applied to the permit by the SU and will be aligned to an associated NCT within the National Conditions | No |
| 71 | Page 24 – 11.6.1 – Early starts | Network Rail would ask what the process is for requesting an early start as this is not mentioned in this section. | The process will be as per the Operational Guidance. It is preferred that the SU submits the PAA / PA with the actual dates required rather than spurious dates to comply with notice periods then submit a variation with the actual preferred dates. A variation would be required if the PAA / PA has been granted and then there has been a change to the initial programmed dates. There was much debate as to whether PAs wanted the spurious dates then a variation. It has been decided that this was double handling as the Permit is initially assessed on spurious dates, then it has to be reassessed with the desired dates. The Guidance allows for either method. | Yes |
| 72 | Page 25 – 11.6.4 – Agreement process | '...It must initially contact the permit authority' Network Rail feel that this should read should not must. This is recommended not mandated. | Agreed, must is a legislative term used for primary and secondary legislation | Yes |
| 73 | Page 26 – Response times | There is a table in the TMA which shows all of this information in a concise form. Network Rail feel that this may be a more concise way of conveying this information. | Noted and agreed, table has been inserted and descriptive text removed | Yes |
| 74 | Page 32 –Revocation | 'a promoter who wishes to cancel a permit...must use the cancellation notice as specified in the technical specification for EToN' Network Rail feel that this should read should not must. It is not mandated that permits must be cancelled. | Agreed, S55 is disapplied by permit schemes and was not included in the Statutory Guidance, however, the Operational Guidance says that it is essential that they are cancelled ASAP to free up the road space | Yes |
| 75 | Page 34 – 15.3 Circumstances when fees may be reduced | Network Rail feel that this section requires further clarification and to outline the discounts available. | Fee structure has been amended to show the discounted rates, text has been added to reflect discounts available to promoters | Yes |
| 76 | Page 36 – Conditions | Conditions specified by the Authority - All Conditions must be subject to agreement even if AIV | Noted and agreed | No |
| 77 | Page 37 – 16.4 | Conditions for Immediate activities - Peterborough website! Are you planning to offer a definitive list for use? | Removed | Yes |
| 78 | Page 39 – 16.9 | Conditions for Road Space - Cannot overrule Safety Code on footway width minimum. | Agreed and noted | No |
| 79 | Page 40 – 16.10 & 11 | Traffic conditons - If AIV on TM provisions Peterborough will take CDM responsibilities | Comment noted but advise that any changes in TM will be by agreement and in any event must comply with the CoP for safety at roads works and street works. However PCC will not take CDM responsibilities, it will be the responsibility of the SU and their contractor to ensure that the site specific risk assessment has mitigated risk as far as reasonably practicable and the Safety Code is not breached and PCC would never request a certain method of TM if the Code could not be complied to. This condition will be used where traffic management changes may occur and the PA will not dictate the TM type and will follow the NCT. For example, there may be a 9a condition that states Section A-B will be carried out under a road closure and Section B-C will be under 2 way lights etc. It is most likely that a site meeting will be requested to discuss TM if the PA has specific concerns. | No |
| 80 | Page 42 – 16.15 | Environmental Factors - Cannot create a Condition for environmental factors | This section provides context to the existing Conditions in respect of why an Authority may use a condition to limit the times of day, or to request out of hours working. NCT 12 is Environmental and PCC's Scheme does not go against this. | No |
| 81 | 16.6 | Imposing Conditions upon Highway Authority Works Promoters - Second paragraph fully supported. | Noted | No |
| 82 | Page 43 – 17.2 | Permit Conditions Inspections - At no cost to Promoter | Agreed and inspection charges will only be levied where allowable in regulations and associated codes of practice | No |
| 83 | Page 48 – 20.4 | Temporary Orders -PAA must be able to submit with a TTRO, HAUC England Permit Guidance | HAUC Guidance recommends that all applications for the TTRO is submitted at submission of the PAA, it does not state that the PAA must be able to be submitted with a TTRO. The PAA is a commitment that the TTRO will be applied for within the required timescales. It is up to the HA to specify their preferred method of receipt of TTRO applications to suit their administrative processes. In some circumstances TTROs are not dealt with by the Streetworks Team | No |
| 84 | Page 50 – 20.8 | Working near Rail Tracks - All Promoters must Notice Network Rail as appendix C of Coord CoP and OD | Agreed | No |

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| 85 | Page 55 – 22.2 o | Details where the Permit Scheme would operate and which is a highway but not maintainable by the highway authority. Is this allowed? Please give an example and why you could impose such a measure? | This refers only to the record keeping and content of such and provided a street is designated as publically owned and maintainable the permit scheme will apply. However, there may be streets which are maintained by the highway team but not formally adopted. These streets are highlighted on the GAZetteer and clearly designated as non-permit streets, however a notice will still be required | No |
| 86 | Page 56 22.3 and throughout | Highways Agency - Replace all with Highways England | Thank you and amended | Yes |
| 87 | Page 59 24 | Payment of Permit Fees - Delete first paragraph FPN are not permit fees. FPN must be managed separately. | Agreed and removed | Yes |
| 88 | Page 60 – 24.2 | Permit Fee - Please ensure the Account lists each street as well as the permit reference number | Agreed | No |
| 89 | Appendix A | Glossary - Please include Network Rail – Transport Authority, Bridge Authority and Statutory Undertaker | Thank you and amended | Yes |
| 90 | Page 69 Appendix C | Modification to NRSWA (1991) Section 93 Works affecting level crossings and tramways - Please explain why this has been modified? | This refers to requirements previously administered under NRSWA will now be administered under permits. This does not affect the requirement to discuss with Network Rail in the eventuality of works which affect the asset. In any event it has been modified by Permit Regulation 37 (7) | No |
| 91 | Page 71 Appendix E | Disruption effect score - Not aware this has been used in many years. | This is left in as a tool to use should it be required to determine the affect of works on the network and to facillitate agreement should it be required | No |
| 92 | | Please expand on how this will be used in KPI and Annual Reporting otherwise what is the intention to calculate, record and apply? | As reference 92 | No |
| 93 | | Strict paragraph numbering would be helpful so that is 1.1.1 etc; | Agreed and amended | Yes |
| 94 | | You refer to EToN. You might want to future proof it having in mind Street Manager and just make it electronic transfer of notifications in lower case so that it is a form of words not a 'thing'. | Agreed and amended | Yes |
| 95 | | We do not feel that the scheme reflects the requirements of the Statutory guidance as the requirement to impose conditions and to consult with any person likely to be affected by the works was clearly not followed earlier in the year when contractors were cutting back vegetation on Bretton Gate adjacent to the entrance / exit junction for the hospital. This work brought traffic flow to and from the hospital to a standstill with traffic taking up to two hours to get off the site and incapacitated the Trust's activity. This was completely unnecessary as the work could (and should) have been scheduled outside core hours. | The scheme is designed to capture all registerable activities on behalf of both utility companies and the highway authority. | No |
| 96 | | Ensure that requirement 16.16 is adhered to. | Thanks you and noted | No |
| 97 | 10.C – | All seems very similar to the Cambridge scheme which is working well. Please see below my only query regarding the permit scheme; Our system will not allow us to promote a name and number on our permits. I would question if this is required on jobs without TM. On our TM applications a contact number and emergency contact number will be provided. If detailed on the permit, risk of being advertised on roadworks.org to all. | It is a requirement of eton transmission that in all permits the data structure and content must contain a contact name and number (albeit this could be a generic contact centre) these fields are not included on any export to public facing web pages Your 24/7 contact centre is adequate | No |
| 98 | | We do have a 24/7 contact centre with a generic number. | Noted - this is linked to 97 SU informing us they can't put individual contact details in but do have a generic number | No |
| 99 | 2.1 | These objectives are fine; however there should be baseline data available to enable comparative data then will demonstrate whether or not the scheme is achieving these objectives in the mandatory permit evaluation reports. | See comment 39 | No |
| 100 | 2.2 | These objectives are fine; however there should be baseline data available to enable comparative data then will demonstrate whether or not the scheme is achieving these objectives in the mandatory permit evaluation reports. | See comment 39 | No |
| 101 | 2.3 | These benefits are fine; however there should be baseline data available to enable comparative data then will demonstrate whether or not the scheme is achieving these objectives in the mandatory permit evaluation reports. | See comment 39 | No |
| 102 | 3 | These objectives are fine; however there should be baseline data available to enable comparative data then will demonstrate whether or not the scheme is achieving these objectives in the mandatory permit evaluation reports. | See comment 39 | No |
| 103 | 3.2 | This is welcomed | Noted | No |
| 104 | 6 | As per HAUC England Advice Note, these are not registerable activities in their own right. | Noted but they are within permit regulations and as such should be included. Any use of temporary traffic control requires a Permit | No |
| 105 | 7.2 | The information which shall accompany - replace shall with should | Agreed | Yes |
| 106 | 9 | We have not agreed standard durations in any other permit scheme – each works should be individually assessed. | Noted but this is a recommendation only and is designed to reduce the need for modifications and refusals based on duration | No |
| 107 | 10 | Use of words "must" to "should" | Agreed, where "must" this is used in primary and secondary legislation | Yes |

| Peterborough Permit Scheme - Consultation Responses - Summary | | | | |
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| Ref | Section | Comment | Response | Scheme Amended |
| 108 | 10 e | please clarify whether this means outside 08:00 – 16:30, or as per HAUC England Guidance? | as defined by NRSWA regulations but due consideration will be given for extended working hours as stated in the operational guidance The HAUC Operational Guidance states that working days are 08:00 - 18:00 Mon - Fri and Sat 08:00 - 13:00 and states: If no working hours have been added to the permit application then the agreed assumption is that works will take place within the window of 8am-6pm Monday to Friday and 8am-1pm Saturday. If works take place outside of these times the OOH tick box should be used and the hours of work should be made clear by use of this condition. The Works promoter should make reasonable endeavors to work within the agreed hours, if works take place unreasonably outside these hours without prior agreement the Permit Authority may take reasonable actions. Working hours need to be defined if working out side these hours or working wholly outside TS times | No |
| 109 | 11.5 | may – this is not supported in regulation so is not "must" | Agreed, must is a legislative term used for primary and secondary legislation | Yes |
| 110 | 11.6.1 | "failure" is not reflective of operational reasons, as Early starts are not necessarily a negative thing. Better word would be "situation" | agreed and amended | Yes |
| 111 | 11.7 | This is welcomed. | noted | No |
| 112 | 13 | The Code of Practice for Permits has been withdrawn | The CoP for Permits was withdrawn when deregulated in 2015. This needs to be amended to Tech Spec for the Electronic Transfer of Notifications or its successor as error corrections are not defined in the Statutory Guidance or the Operational Guidance | Yes |
| 113 | 13.1 | This paragraph is not correct - if the PA needs to alter the permit in the circumstances listed, then an AIV (Authority Imposed Variation) following discussion would be appropriate. Process-wise, we would prefer to keep the same works reference/permit number. | Noted but this allows for a number of options and not just one | No |
| 114 | 15 | Permit fees also do not include the costs of inspections or any other duties performed under NRSWA Noticing regime. | Noted and agreed | No |
| 115 | 15 | Works for Road Purposes (i.e. Street Lighting connections) should also be fee exempt. | Agreed, the works promoter in MOST cases is the HA, therefore fee exempt. If Parish / Town Lighting should be dealt with under S171 / S50 Licences | Yes |
| 116 | 15.3 | perhaps reword for simplicity? | Amended | Yes |
| 117 | 16.3 | However it is recognised that the Permit Regulations state that it is for the Permit Authority to attach conditions to a permit, rather than the Works Promoter." | Noted but as an Authority cannot amend an application the inclusion of conditions should be mutually agreed to avoid unnecessary modifications and refusals | No |
| 118 | 16.4 | Should – this is not a condition | Amended to reflect the Operationsl guidance and National conditions | Yes |
| 119 | 16.6 | We would not expect an Authority to be inspecting our internal paperwork, the outcome of compliance of conditions should be the measure. | As 118 | Yes |
| 120 | 16.9 | Not sure this can be a requirement of the permit scheme. | I think the entire Section 16 probably needs reviewing in line with NCT | Yes |
| 121 | 16.1 | However this is due to the limitations of EToN and the requirements in the regulations | Noted and amended to reflect future changes to Technical specification | Yes |
| 122 | 16.1 | Under what powers? | Amended to reflect HAUC operational guidance and reference to NCT uidence | Yes |
| 123 | 16.13 | An issue we encounter is when we have done the advance publicity, then the PA doesn't grant the permit or changes the dates. This is not helpful to anyone. | Noted but is a necessary part of the process and is a significant cause of complaints if not carried out. Early engagement would be advised to ensure any changes in dates are not required | No |
| 124 | | Will PCC undertake this co-ordination duty? | where a TTRO is required then PCC will undertake to contact all stakeholders, however co-operation is required from both parties to agree to notify bus companies where necessary for significant works on bus routes or which require bus stop closure. This notification will be agreed in practice between the parties | No |
| 125 | 16.14 | Please clarify exactly what number is expected. We have fairly lengthy permit numbers, and most PAs only need the 'unique' part, usually 7 digits. | PCC will require the prefix and whole number but not the version number. This is consistent with local schemes | No |
| 126 | 17 | The cost of these inspections cannot be recovered via permit fees, or inspection fees (third party) | Noted and agreed, PCC will follow the charging mechanisms stated in the COP Inspections | No |
| 127 | 20.13 | We would expect PCC to highlight this if not on ASD. | Amended to reflect the PCC parking places order | Yes |
| 128 | 20.17 | is this still relevant? | see comment 92 | No |
| 129 | glossary | Now "Street Works UK" and not NJUG | amended thank you | Yes |
| 130 | appendix e | IS this still relevant? | see comment 92 | No |
| 131 | General | You may want to look at future proofing you documents and making transactions 'by electronic means' or similar to take account of the move from EToN to Street Manager. | Thank you, agreed and included | Yes |
| 132 | 2.1 | sub objectives. The 2016 Advice Note on developing a scheme suggests around 4 additional objectives – you will need to report on all of these. | PCC will report on all objectives as per the HAUC Guidance for Evaluating permit scheme | No |
| 133 | 2.3 | benefits will also need to be reported on – are you building this into the assessment process for 12 month report? | PCC will report on all objectives as per the HAUC Guidance for Evaluating permit scheme | No |
| 134 | General | Permit Scope – "any form of temporary traffic control" just need to be sure this is worded correctly and in accordance with the up to date information – future proof your document? | Worded as per Operational Guidance | No |

| Peterborough Permit Scheme - Consultation Responses - Summary | | | | |
|---|---------|---|--|----------------|
| Ref | Section | Comment | Response | Scheme Amended |
| 135 | 9 | we would certainly see it as desired that durations are reduced but there is no standard agreed duration as the site and the works are ultimately the responsibility of the utility unless the authorities is prepared to take over this responsibility. | See comment 106 | No |
| 136 | 10 | Content of Permit Applications – you are using must. This can only be used where it is contained in primary (Act) or secondary (regulations) legislation. A permit scheme or any related documents cannot make or extend the law. So you can't use it later on either to require a traffic management plan etc. Conversely in relation to permit fees (15.1) you must not exceed the maximum fees set (not may!). | Noted and agreed | Yes |
| 137 | General | Just need to be careful that conditions are as set out in the Statutory Guidance issued March 2015 – no more! You cannot tweak (unless capacity to this this is provided) to make it a local condition and cannot require them for all works (again unless this is provided for). | Noted and agreed that all conditions applied will be as per the National Conditions unless specifically applied and agreed on a job basis. Any extra information related to specific areas on the network are for advance information and co-ordination purposes only. | No |
| 138 | 16.6 | This is I think going a tad beyond what might be considered reasonable. | Amended to refer to HAUC operational guidenace and NCT guidance | Yes |
| 139 | 16.9 | Conditions for Road Space – I think you are in danger of trying to use your permit scheme to extend the law | Amended to refer to HAUC operational guidenace and NCT guidance | Yes |
| 140 | 17.2 | Permit Conditions Inspections Ad hoc inspections may be used to assess compliance with permit conditions specified in individual permits. You can of course inspect everything but you cannot recoup the costs as there is no capacity within permit schemes to inspect works. | See comment 127 | No |