

Traffic Management Act 2004
Bristol City Council Permit Scheme
Consultation Report



1 Foreword

- 1.1.1 Making the best use of our road network is vital for the city of Bristol and surrounding areas. Our roads facilitate the transport of people and goods, provide access to homes, businesses and other destinations, and provide public space where people shop, socialise or relax. Under the road surface lies essential infrastructure for the communications and services that underpin our lives.
- 1.1.2 Bristol City Council has a legal duty to manage, maintain and improve the road network, including managing its use and the activities (works) taking place on it.
- 1.1.3 The Council has a range of powers and duties under which they maintain and improve the network and manage its use. These include:
- The Highways Act 1980 principally covering the structure of the network;
 - The New Roads and Street Works Act 1991 covering utility street works;
 - The Road Traffic Regulation Act 1984 regulating the activities of road users; and
 - The Traffic Management Act 2004 which outlines further responsibilities and powers to management the road network.
- 1.1.4 Bristol City Council intend to introduce a permit scheme, under Part 3 of the Traffic Management Act, to control works undertaken across their road network.
- 1.1.5 In accordance with Regulation 3 of the Traffic Management Permit Scheme (England) Regulations the Council is required to consult on a proposed permit scheme, with defined consultees and interested parties, prior to bringing a scheme into legal effect.
- 1.1.6 The Council issued a consultation on a permit scheme on 14th September 2019.
- 1.1.7 This document outlines the responses received from that consultation and a comment (response) to these by the Council and any associated permit scheme changes.

2 Permit Scheme Consultation

2.1 The Consultation

2.1.1 The need to undertake a consultation and the related consultees is set out within Section 3 of The Traffic Management Permit Scheme (England) Regulations. The purpose of the consultation was to seek views and questions from those potentially affected by the introduction of a permit scheme and other interested parties.

2.1.2 The consultation ran for a period of 8 weeks, between **16th September 2019 to 8th November**. The consultation documents were posted online on the Council's website, with responses sent by email directly to the street works team.

2.2 Consultation Responses

2.2.1 Overall, the Council received 101 responses to the consultation. These were received from 8 organisations, listed below, comprising works promoters and interested parties:

- Bristol City Council
- Bristol Water
- Department for Transport
- Network Rail
- Openreach
- Virgin Media
- Wales & West Utilities
- Western Power Distribution

2.2.2 A full list of the consultation responses received and the Council's comment (response) to these can be found in Appendix A.

2.2.3 With consideration to the comments received, the Council see no reason to not proceed with the introduction of a permit scheme into Bristol.

2.3 Permit Scheme Changes

2.3.1 With consideration to the responses received from consultation, further changes were made to the permit scheme. These changes reflect clarification and use of terminology within the Permit Scheme and not fundamental changes to the overall scope.

2.3.2 In addition to these changes, further minor amendments were made to the permit scheme by the Council in consideration to review and input within the Council, including legal services and Officers. These changes did not affect the fundamental scope of the permit scheme, but instead related to use of language and style.

2.3.3 A copy of the final permit scheme, to come into legal effect, and a document showing the changes between this and the Consultation Edition version will be published by the Council with this document.

3 Next Steps

3.1.1 The Council intends to proceed with the introduction of a permit scheme, **to come into legal effect on 18th March 2020**.

3.1.2 In accordance to section 17 of the regulations, the Council will issue formal notice to all consultees providing a copy of the legal order no less than four weeks before the date on which the permit scheme is to come into effect.

Appendix A: Consultation Responses

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
1	Virgin Media	Introduction	1	1	2	Reference to TMA was superseded by The Permit Guidance	Incorrect	No
2	Western Power Distribution	Introduction	1	1	3	No date provided.	A date will be provided in the final version of the document. Due notice, of at least 4 weeks, will be provided to all consultees.	No
3	Wales & West Utilities	Introduction	1	2	1	Permits are an alternative to 'notices' rather than 'evolving' from them.	Comment noted.	No
4	Western Power Distribution	Introduction	1	2	5	No clarity of proposed transitional arrangements for comment, as it appears these will just be attached to the legal Order which will only provide 4 weeks' notice of the arrangements to be complied with and no opportunity to comment or challenge those arrangements.	Transitional arrangements, as per the Statutory Guidance, have been added to the permit scheme for reference.	No
5	Western Power Distribution	Objectives	2	2		It is not clear how BCC intends to measure the success of the permit scheme against the objectives listed in 2.2.1, or what the current situation is for these objectives to establish a baseline for progress to be evaluated against.	It is not practical for the permit scheme to contain the evaluation methodology. In principle the evaluation will seek to identify direct changes made from the operation of the permit scheme and quantify the benefits from these. In addition, the HAUC (England) Advice Note No. 001/2016 defines a 'Report Template for the Evaluation of Permit Schemes'.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
6	Wales & West Utilities	Objectives	2	2		The scheme objectives seem rather 'generic'. There is no reference to West of England Joint Local Transport Plan.	It is not practical for the permit scheme to contain the evaluation methodology. In principle the evaluation will seek to identify direct changes made from the operation of the permit scheme and quantify the benefits from these. In addition, the HAUC (England) Advice Note No. 001/2016 defines a 'Report Template for the Evaluation of Permit Schemes'.	No
7	Virgin Media	Objectives	2	2		Virgin Media believes that this could be equally achieved through the mandatory NRSWA co-ordination and co-operation requirements at much less cost to works promoters and their customers, without the need for a Permit Scheme, and with no charges on category 3 and 4 roads within the scheme.	The Council has been given a clear direction towards the introduction of a permit scheme by the Secretary of State. The Consultation Overview provides further detail on this and also the reasoning for the proportionate charging.	No
8	Western Power Distribution	Objectives	2	3	1	The objectives and benefits set out here will need to be reflected in the annual permit evaluation reports to demonstrate that the permit scheme has provided these benefits over and above the existing noticing regime.	Comment noted.	No
9	Wales & West Utilities	Objectives	2	3	1	The objectives and benefits set out here will need to be reflected in the annual permit evaluation reports to demonstrate that the permit scheme has provided these benefits over and above the existing noticing regime. How will this be monitored?	Comment noted.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
10	Wales & West Utilities	Works Coordination	3	1	2	(Bullet Point 1) – makes no distinction between ‘planned’ or ‘emergency’ works – where works are ‘emergency’ it may not be practical to undertake them at certain times or days	Comment noted.	No
11	Wales & West Utilities	Works Coordination	3	1	2	(Bullet Point 4) - what does ‘paired road’ mean?	Reference to road pairing removed as this is not a standard industry term.	Yes
12	Wales & West Utilities	Works Coordination	3	1	2	(Bullet Point 6) – ‘appropriate times, be operated manually’, what criteria will be used to determine this?	Typically traffic-sensitivity timings, however no knowledge of the network and peak traffic flow times will also be used.	No
13	Bristol Water	Works Coordination	3	2	3	Page 4 - 3.2.3 - add and for any potential benefit to show societal value, bearing in mind cost for the promoter to apply	Comment noted.	No
14	Wales & West Utilities	Works Coordination	3	2		Permit conditions should only be applied where they add benefit to that particular location/set of works.	Agreed.	No
15	Wales & West Utilities	Works Coordination	3	3	2	We would expect the promotor to be contacted first before any permit is revoked.	Section 8.4 of the permit scheme sets out this process.	No
16	Bristol Water	Works Coordination	3	3		3.3 - Permit fee should then be credited?	Section 10.3 defines the situation where no charge will be applied	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
17	Virgin Media	Works Coordination	3	3		Once a Permit is granted, how would the Permit Authority contact the Promoter if circumstances beyond the Permit Authorities control may occur, and the Promotor should not be charged for granted Permit or another Permit for the same work?	Typically by phone call, but various methods will be used. Section 10.3 defines the situation where no charge will be applied.	No
18	Department for Transport	Works Coordination	3	4		3.4 covers operational guidance. It might be worth popping in the main statutory guidance in here.	This is not required within this section.	No
19	Virgin Media	Works Coordination	3	4		Virgin Media notes that this section is only Operational Guidance, and has no legal standing.	Comment noted.	No
20	Virgin Media	Scope	4	3	1	Virgin Media are disappointed that Bristol City Council are considering that all streets that are publicly maintainable by the Authority will be included on their Permit Scheme and all chargeable.	Comment noted.	No
21	Wales & West Utilities	Scope	4	3		No reference is made to 'Streets to be adopted as a maintainable highway' - these should be excluded from the permits.	As these streets have not been adopted that are not 'publicly maintainable' and therefore exempt, however the Permit Scheme Regulations make reference to planned works on streets to be adopted (Part 8(3)).	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
22	Wales & West Utilities	Scope	4	4	1	No specific reference is made to s48 of NRSWA, nor any to works for road purposes (s86 of NRSWA) or major highway works (i.e. Section 278 of the Highways Act 1980).	Specific reference to these terms is within the Definitions section of the permit scheme. Works undertaken under section 278 of the Highways Act 1980 are excluded as they are not works for road purposes or street works by definition.	No
23	Wales & West Utilities	Scope	4	4	4	Should this be referring to 'Regulations' and not the CoP for Co-Ordination? The CoP for Co-Ordination contains six categories (a to f), the permit scheme contains only five categories (a to e) – why is there a difference?	Permit Scheme has been amended in consideration to the comment and also proposed changes to the Code of Practice. The Permit Scheme was written in consideration to the proposed changes, hence the removal of one of the categories.	Yes
24	Virgin Media	Scope	4	4	6	Virgin Media would like to add lifting chamber lids to enable cable pulling/surveying as per the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters.	The Permit Scheme has been amended to meet any changes to the Code of Practice.	Yes
25	Bristol Water	Scope	4	4	7	4.4.7 - a) HAUC Code for Operation of Permit Schemes suggests otherwise?	Section removed with reference to CoP. Operational Guidance makes refer to HAUC document.	No
26	Wales & West Utilities	Scope	4	4	7	Exempt works – makes no reference to 'Bar Holes' (see CoP 7.3.5), lifting or replacing manhole or chamber covers, or the replacing of poles, lamp columns or signs where it does not involve the breaking up of the street.	The Permit Scheme has been amended to meet any changes to the Code of Practice.	Yes

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
27	Bristol Water	Scope	4	4	11	4.4.11 table - Major - is this in line with DfT consultation?	Yes	No
28	Bristol Water	Scope	4	4	17	4.4.17 - subject to validity periods?	Yes	No
29	Network Rail	Scope	4	4	18	4.4.18 clause includes the word 'only' twice, I suggest the following wording:- A phase ends only when all plant, materials including any signing, lighting, guarding and excavation materials have been removed from site and the highway is returned to full use.	Additional 'only' removed and section amended.	Yes
30	Western Power Distribution	Scope	4	4	19	The use of "must" is not correct.	Permit Scheme amended to 'should'	Yes
31	Wales & West Utilities	Scope	4	4		Should this section be referring to 'Activities' rather than 'works'?	The term works refers to [Registerable] Activities	No
32	Bristol Water	Scope	4	5	1	4.5.1 - subject to validity periods?	Yes	No
33	Bristol Water	Scope	4	6	1	4.6.1 - applaud this. - also add the Authority has the knowledge to impose conditions	Comment noted.	No
34	Virgin Media	Scope	4	8	2	Virgin Media would like clarity of the process for when electronic systems are down Eton / Street Manager are unable to send information and if no access to electronic means.	These arrangements will need to be communicated and agreed outside the scope of the permit scheme as the current technical specification is being removed and replaced with a national system (by the DfT).	No
35	Bristol Water	Scope	4	9	5	4.9.5 - add section 54, 55 and 57 must be removed as per Appendix 1	This is implied.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
36	Wales & West Utilities	Permit Applications	5	1	2	Please clarify how this cross-referencing will be achieved?	At this stage this cannot be clarified as there are proposed changes to technical specifications and the introduction of a new central Street Manager system.	No
37	Bristol Water	Permit Applications	5	2	2	5.2.2 - only on streets subject to early notification on the NSG	No. This would cover all streets.	No
38	Western Power Distribution	Permit Applications	5	2	2	Needs rewording as the Promoter should contact the Authority as soon as it becomes known positive traffic control is needed, and in any event permission must be sought within 2 working hours of the placing of portable traffic signals on the highway; rather than on commencement of works.	The term "must" has been changed to "should" and the criteria "immediately on commencement of works" changed to "as soon as possible". This wording aligns to the Code of Practice: Safety at Street Works and Road Works.	Yes
39	Wales & West Utilities	Permit Applications	5	2	2	Will this apply to 'out-of-hours' works? If so, how will this be achieved?	Yes. A 24 hour contact number will be provided.	No
40	Wales & West Utilities	Permit Applications	5	4	2	Please clarify the sentence in this paragraph 'then the application to the Permit Authority should identify the work in the other Highway Authority area'. This is not a legislative requirement and clarity in how this works in practice is required.	In practice the work will cross into multiple USRNs, each requiring an application (to the relevant Authority) a reference to this permit can be provided in the application.	No
41	Virgin Media	Permit Applications	5	6	1	Virgin media would like this clarified - when this is requested, as only persons of interest listed on the NSG will receive a copy of the permit application.	An interested party may request this information to aid coordination, collaboration or protect their asset.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
42	Bristol Water	Timings & Responses	6	3	1	6.3.1 - can you confirm this covers late start variation applications?	Not sure of the term 'late start variation applications'. Suggest further discussion is required in an operational meeting.	No
43	Virgin Media	Timings & Responses	6	3	2	Virgin Media disagrees with the statement as long as the variation is made >48hrs in advance or if 20% of the duration of the permit remains. Suggest that a telephone call between Promotor and Bristol City Council is only required if the above timescales for an extension cannot be met.	Noted. The timescales are set out within the Statutory Guidance for Highway Authority Permit Schemes (section 3.62).	No
44	Bristol Water	Timings & Responses	6	3	3	6.3.3 Add or contact is required after these times?	This would not encourage good behaviour.	No
45	Wales & West Utilities	Timings & Responses	6	3	7	No reference has been made to use of a Permit Modification Request (PMR) and Modified Application (MA) – this provides an alternative to an all-out refusal.	Only a grant or reject can be issued by the Council. There may be different terminology for this within systems, but the principle remains as such.	No
46	Bristol Water	Timings & Responses	6	3	10	6.3.10. - diagrams don't cover if permit is refused?	The permit scheme sets out the minimum lead times, which would apply after a permit refusal. An agreed early start would be required if this cannot be provided.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
47	Wales & West Utilities	Timings & Responses	6	4		<p>More clarity is required for early starts. There are two scenarios where early starts are required:</p> <ul style="list-style-type: none"> - where works are already planned, a permit granted and proposed the works dates need to be brought forward - where the full advance notification could not be provided before the proposed planned works dates and there is currently not a PAA/PA in place. <p>For PAA's It should also be noted that an early start must be agreed before a PAA is submitted (i.e. an early start agreement will be required) as a PAA cannot be modified.</p>	This is an operational decision which would need to be made on a case-by-case basis.	No
48	Virgin Media	Permit Content	7	1	11	Virgin Media would like to point out that it is the duty of the Permit Authority to impose the Permit Conditions on the Permit that is to be granted.	Comment noted.	No
49	Wales & West Utilities	Permit Content	7	2	1	Please clarify where it is a requirement under regulations to supply a contact details of 'the person' appointed to manage the work.	The use of the term 'must' has been clarified within the Terminology section.	No
50	Western Power Distribution	Permit Content	7	2	1	The use of "must" is not correct.	The use of the term 'must' has been clarified within the Terminology section.	No
51	Western Power Distribution	Permit Content	7	3	1	The use of "must" is not correct.	The use of the term 'must' has been clarified within the Terminology section.	No
52	Bristol Water	Permit Content	7	3	2	7.3.2 - this would require a line or a polygon which is not a requirement for immediate, standard or minor?	This is confirmed within Section 7.3.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
53	Virgin Media	Permit Content	7	5	1	Virgin Media acknowledge that the Permit Authority encourages more information including illustrations, but an illustration is not required on all Permits.	Agreed.	No
54	Bristol Water	Permit Content	7	6	1	7.6.1 - This is only when required under a condition?	Permit Scheme amended for clarification.	Yes
55	Wales & West Utilities	Permit Content	7	6	1	There is no legal requirement to include times of working. NCT02a & NCT02b can be used to specifically manage working times where appropriate.	Permit Scheme amended for clarification.	Yes
56	Western Power Distribution	Permit Content	7	8	1	The use of "must" is not correct.	The use of the term 'must' has been clarified within the Terminology section.	No
57	Wales & West Utilities	Permit Content	7	8	2	Noting that this is a 'should' are you inferring that the 'works description' should include the works methodology? There already exists a field for excavation type within the EToN Spec. Excavation techniques are well established across utilities and where non-standard or exceptional techniques are used then condition NC10a may be applied. It should be noted that the planned method of works may change due to site specific circumstances when works commence. Where this information is supplied it should only be on a best endeavour basis.	Comment noted. The EToN Technical Specification will no longer be valid from 1st April 2020.	No
58	Wales & West Utilities	Permit Content	7	8	3	Noting this is a 'should', it is not a legal requirement.	The use of the term 'must' has been clarified within the Terminology section.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
59	Western Power Distribution	Permit Variation	8	1	4	The use of “must” is not correct.	The use of the term 'must' has been clarified within the Terminology section.	No
60	Bristol Water	Permit Variation	8	4	3	8.4.3 - after the timescales to clear the site?	The revoking of the permit would consider the time required to clear site. Contact will be made beforehand.	No
61	Virgin Media	Permit Variation	8	4	4	Once a Permit is granted, how would the Permit Authority contact the Promoter if circumstances beyond the Permit Authorities control may occur, and the Promoter should not be charged for granted Permit or another Permit for the same work?	Contact will be made by telephone initially, with a follow-up notification. Noted.	No
62	Western Power Distribution	Works under a Permit	9	1	2	There is the ability to start after the proposed start date on 0,1,2 TS Streets, and the validity window for 3 & 4 Streets will be now explained in a new Chapter 9 (Validity) of the Code of Practice for Coordination (this is currently out for consultation). Street Manager is to be designed to support the use of validity periods in an improved way to that in EToN.	Section amended in consideration to proposed changes within the Code of Practice.	Yes
63	Network Rail	Works under a Permit	9	1	3	9.1.3 Notice Validity - please note the current Co-ord Consultation on this subject is Chapter 9 , not as currently Chapter 8, you may wish to add or as referenced in any future code of practice.	Permit Scheme amended.	Yes

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
64	Bristol Water	Works under a Permit	9	1	5	9.1.5 - Reasonable period is kept for non TS and Cat 3/4 roads? Diagram needs adding too.	This is clearly defined within section 9.1.	No
65	Wales & West Utilities	Works under a Permit	9	1	5	Starting Window diagram shows 'calendar' days, not working days. The NRSWA working day is defined as Monday to Friday (excluding weekends and Bank Holidays) and therefore the permit end date in this example would be Monday.	Section amended in consideration to proposed changes within the Code of Practice.	Yes
66	Western Power Distribution	Works under a Permit	9	3		Please clarify where in Regulations the "must" used in the section is covered. In our experience Permit Authorities have informally modified the application of this section. The references to "must" are taken from the withdrawn Code of Practice for Permits and do not appear in legislation.	The use of the term 'must' has been clarified within the Terminology section.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
67	Virgin Media	Works under a Permit	9	3		Virgin Media acknowledges Fault Finding section, but would like reference to Telecoms, out of service, blockages etc. to be added into this section as Virgin Media and other Utilities have time scales to meet. Virgin Media acknowledges that we will use best endeavours to keep you informed of any additional excavations whilst works take place. Where there is several blockages/ fault that has been identified there may be a number of excavations which need to take place. It is not practical every time to contact Permit Authority in every instance of every location if in the same street.	Noted. It is not a must the term is encouraged.	No
68	Western Power Distribution	Works under a Permit	9	4		Regarding the warning for immediate activity on designated streets, please can you provide further details as to the way this will be presented on the ASD, and how the contact should take place? We will endeavour to support this request, however please note that this is not enforceable through penalties. Please clarify how this requirement will be managed out of normal working hours, and whether it is for all immediate activities, or just those requiring active traffic control and what action the Authority will take on receipt of this information.	Streets subject to early notification of immediate activities' are recorded within a national street gazetteer (NSG) additional street data (ASD) interest record (Type 63), field STREET_SPECIAL_DESIG_CODE, using the code '17'.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
69	Wales & West Utilities	Works under a Permit	9	5	1	Where works are of any emergency nature, these may also be interrupted due to need of special equipment, fittings or plant. These will not be 'originally planned for' as these works by their very nature are not planned.	Comment noted.	No
70	Western Power Distribution	Works under a Permit	9	6		Please ensure the costs of these inspections are not included in the calculations for the permit fees.	Permit fees will recover any prescribed costs.	No
71	Virgin Media	Permit Fees	10	2	2	Virgin Media acknowledges the reduce fees on all Road Categories within Bristol City Council proposed Permit Scheme.	Comment noted.	No
72	Virgin Media	Permit Fees	10	3	1	(Item 7) Virgin Media acknowledge that a variation charge will not apply in instances of fault finding.	Comment noted.	No
73	Bristol Water	Permit Fees	10	3	1	10.3.1 - fault finding - does this include fire hydrants?	It covers any relevant fault finding activity.	No
74	Virgin Media	Permit Fees	10	4	3	Virgin Media acknowledges the possible 30% discounts of the fee in this appendix, but asks 10.4.3 that any broadband infrastructure that would provide an economic benefit to the area be included in this appendix.	Comment noted.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
75	Openreach	Permit Fees	10	5		Openreach request that Authorities present Permit draft charges on a monthly basis and in Excel spreadsheet format as the charges need to be uploaded to our system as a .csv file. Openreach are not able to convert PDF format into Excel spreadsheet or .csv format. Production of charges in Excel format will enable us to process these charges in a timely manner.	Comment noted.	No
76	Openreach	Permit Fees	10	5		Openreach request that process of reconciliation and payment of permit fees is provided to us prior to Permit Scheme commences. Openreach request 4 weeks to review draft charges. We operate on a national scale and receive multiple charges of which some of them are invalid therefore the onus is us to review every charge individually.	Comment noted.	No
77	Virgin Media	Dispute Resolution	12			Virgin Media believes any dispute of a Permit, should be resolved Locally as works cannot be delayed, due to waiting for dispute review from Hauc, as most work is customer led and time scales to be met.	As outlined in 12.1.2 it is encouraged to resolve locally.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
78	Wales & West Utilities	Definitions				'The permit Regulations' should read The Traffic Management Permit Scheme (England) Regulations 2007 as amended by The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015. The 2015 regulations only amended the 2007 regulations, it did not supersede it.	Agreed. Permit Scheme amended.	Yes
79	Department for Transport	General				After the consultation the Co-Ord may well change, so again you may wish to future proof your document in regards to this – HAUC (England) Working Group are already in the depths of an update.	Comment noted.	No
80	Western Power Distribution	General				An overview cost benefit analysis was included in the consultation sent out by Bristol City Council.	Comment noted.	No
81	Western Power Distribution	General				Bristol City Council is consulting to introduce a stand-alone Permit Scheme. We note that the scheme will apply to all streets in Bristol (excluding private streets and the Highways England network) and the permit fees have been set below the maximum allowable rates. The introduction of a permit scheme will increase the resources and costs required to carry out our statutory and customer driven business, and introduce a level of uncertainty around costs and timeframes for customer funded works.	Comment noted.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
82	Western Power Distribution	Definitions				Definitions Remedial Works “defects” should be “non-compliance”.	Permit Scheme amended.	Yes
83	Bristol Water	General				General Question – how will this tie into the Bristol Code of Practice and #active roadworks?	A Permit Scheme will complement the Code of Conduct.	No
84	Department for Transport	General				I may have missed it but I can’t see when / what / how is your relationship to electronic communication and Street Manager?	Section 4.8 covers this.	No
85	Wales & West Utilities	General				No details are provided as to the ‘transition arrangements’ (i.e. from notices to permits) and how this will be managed.	Transitional arrangements, as per the Statutory Guidance, have been added to the permit scheme for reference.	Yes
86	Wales & West Utilities	General				No details as to how the permit scheme will be monitored has been provided. How will parity between promoters be measured (e.g. KPI’s)?	It is not practical for the permit scheme to contain the evaluation methodology. In principle the evaluation will seek to identify direct changes made from the operation of the permit scheme and quantify the benefits from these. In addition, the HAUC (England) Advice Note No. 001/2016 defines a 'Report Template for the Evaluation of Permit Schemes'.	No
87	Openreach	Permit Fees				Openreach accept that highway authorities need to recoup the cost of running the scheme from permit fee revenue, however we believe that the focus and the higher fees should be on category 0, 1, 2 and traffic sensitive roads.	Comment noted.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
88	Openreach	Permit Fees				Openreach request that the permit fees are reviewed taking into account the Statutory Guidance for Permit Schemes, 'it is strongly recommended that permit fees are only applied to the more strategically significant roads: Category 1, 2 roads and Traffic Sensitive roads. This will mean that although permits would still be required for works on non-strategic routes, it should be very unlikely that these works would attract a permit fee. These permit applications would receive only 'notice' equivalent treatment by the authority.'	Comment noted.	No
89	Bristol City Council - Traffic	General				Sixteen years of legislation requiring reasonable adjustments has had little impact upon the actual provision of reasonable adjustments; a system to enforce such provision is therefore well overdue yet your proposals still show an absence of any written requirement for adequate provision within the permits, or penalties for not doing so.	Comment noted.	No
90	Wales & West Utilities	General				The document is in some places is overly 'wordy'. In some areas it is unclear and needs to be reworded into plain English.	Comment noted.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
91	Bristol City Council - Traffic	General				<p>The lack of a requirement to make adequate, and accessible, provision for pedestrians – particularly those with pushchairs or dependent upon mobility scooters, wheelchairs, rollators and powerchairs. Currently provision is, at best, poor – and this applies to BCC, undertaker and developer works in equal measure – and at worst dangerous. For example:</p> <ul style="list-style-type: none"> i) 'ramps' made by putting a dollop of tarmac next to the kerb that are rounded, steep and/or narrower than a manual wheelchair, which put manual wheelchair and rollator-users at risk of toppling; ii) No ramps provided at all; iii) Insufficient space left between barriers around excavations and the edge of the kerb; iv) Directing pedestrians who require a dropped kerb to cross the road, a block or more away from the works being undertaken, which is too far for many with mobility difficulties; v) Cluttering of footpaths with excess 'barriers', road signs left fallen over etc, all of which are a trip hazard and/or prevent access to that stretch of the pavement; vi) Heavy vehicles parked on pavements whose weight is more than pavements are designed to bear and/or that block the passage of those in wheelchairs, pushchairs, mobility scooters, powerchairs, rollators etc. 	Noted. The additional controls of the permit scheme should help the Council control the impact of works for all road users, especially those who are vulnerable or have particular needs.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
92	Bristol City Council - Traffic	General				The lack of incentive to comply with the timescale agreed in the permit – from the low cost of a permit for immediate works which, we feel, does nothing to encourage undertakers to keep their infrastructure maintained in good condition so that the need for immediate works are minimised; to the lack of sanctions/penalties for failure to meet their obligations to keep to timescales etc	The fees and penalties (from sanctions) are set by the regulations, and therefore the Council has to operate within these.	No
93	Wales & West Utilities	General				There is little recognition of the statutory obligations placed on undertakers to provide new services (e.g. gas, water, electricity, etc) and maintain existing apparatus. The purpose of the scheme is understood, but the needs of utility users should not be underestimated, particularly those requiring new services. Delays or working out of works can have a significant impact on customers as well as potential financial implications for commercial organisations or business's.	Comment noted.	No
94	Wales & West Utilities	General				There is no mention of 'Street Manager' which will supersede EToN in early 2020.	The Permit Scheme has been written to be compliant with all known planned regulatory and system changes.	No
95	Wales & West Utilities	General				There is no mention of the use of the Standard Permit Response Codes (HAUC England Advice Note: No: 02-2016) for use with permit refusals or modifications. Will the scheme not be adopting their use?	This is an operational matter and yes, the Council does intend to use these codes.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
96	Wales & West Utilities	General				There is some inconstant use of terms, works are now generally referred to as 'activities' within permit schemes. There are also references to the 'council' where it should be Permit Authority.	Disagree. The Council do not become a Permit Authority until a permit scheme is in effect. The term 'works' is clearly defined within the permit scheme.	No
97	Virgin Media	General				Virgin Media acknowledges that Bristol City Council will start a trial prior to the legal introduction without fees, and penalties. How long will the trial last for? (4 weeks?)	The trial will last as long as possible, ideally 4 weeks or more.	No
98	Virgin Media	General				Virgin Media acknowledges the possible start date of your new Permit Scheme as early 2020. Possible date of April 2020.	Comment noted.	No
99	Bristol Water	Definitions				Working day - for noticing purposes not works purposes?	As defined within the permit scheme, e.g. working days for lead time and calendar days for working period.	No
100	Department for Transport	General				You may wish to consider future proofing your document to reflect that following the outcome of the consultation (closed 13 September) there may be some changes to the regulations and the statutory guidance, in which case the dates of the 2 statutory guidance documents are likely to change.	Comment noted.	No

Bristol City Council Permit Scheme Consultation Report

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
101	Bristol City Council - Traffic	General				<p>With regard to Appendix A – Permit Scheme Checklist, to the scheme overview document, we have the following queries/observations:</p> <p>a. Pt 74, 'The scheme provides that any constraints in the original application should be reflected in conditions in the permit.' Has been designated Not applicable without any explanation as to why.</p> <p>b. Pt 91, Why is this not applicable? Part of the problems regarding roadworks that we face in Bristol is the failure to complete work within the agreed timeframe. Roadworks remain unattended for days, even in clement weather, are opened up in multiple places along a road with some of them not being worked on for days and weeks at a time e.g. the recent Bristol Water works on Ashley Rd. We believe that, where the work-rate/management has been poor, there should be penalties, whoever is doing the work.</p>	<p>This is marked as 'not applicable' in relation to the checklist for permit scheme content, not the actual use of conditions. This provision for conditions is clearly set out within the permit scheme document.</p>	No