The Traffic Management Act 2004

Bristol City Council Permit Scheme

Version A1

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Foreword

Bristol City Council, acting as a local highway authority and a traffic authority, has a legal duty to maintain the roads under its control and ensure that these roads can be used for safe and efficient travel within and across the entire road network.

The Council has a range of powers and duties under which they maintain and improve the network, and manage its use and the activities taking place on it, such as:

- the Highways Act 1980 principally covering the structure of the network;
- the New Roads and Street Works Act 1991("NRSWA") covering utility Street Works;
- and the Road Traffic Regulation Act 1984 regulating the activities of road users.

The Traffic Management Act ("TMA") was in introduced in 2004 and this placed more legal responsibility, under a network management duty, to ensure the efficient operation of the network and to act under legislative controls to deliver this objective.

The scope of the network management duty has the following main considerations:

- manage the road space for all users;
- identify current and future causes of congestion, and to plan and act accordingly;
- take a proactive approach to the coordination of works on the road, including unplanned emergency works;
- gather and publish accurate information about planned works and events;
- manage unforeseen incidents and events on the network;
- establish and implement contingency plans for incidents and issues; and
- manage cross-border network travel and demands.

The duty includes **managing the road space for all users** – those who need to travel on the road and those who need to work on their asset, on or underneath the road.

Works undertaken on the road are essential to maintain, improve and add services, in addition to maintaining the road infrastructure itself.

Part 3 of the TMA allows the Council to introduce and operate a permit scheme to support the delivery of this duty and create a common procedure to control works on the highway.

Permit schemes are not intended to stop works taking place. The primary objective of a permit scheme is to enable the Council to take a more active involvement in the planning and execution of works to reduce congestion and to control any potential disruption on the network.

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Terminology

The key words ‘must’, ‘required’, ‘should’, ‘recommended’, ‘encouraged’, and ‘may’, used in this document are to be interpreted as follows:

- The word ‘must’, or the term ‘required’, means that the requirement of the Permit Scheme to which they relate is an absolute requirement.
- The phrases ‘must not’ or ‘shall not’ mean that the prohibition of the Permit Scheme to which they relate is an absolute prohibition.
- Wherever possible the term ‘must’ is associated to a requirement under legislation, however in some instances the term is used to denote that a process will be required. For example, the provision of information on the permit is defined as a must, even though there is no legal provision for this. Without this information the Permit Authority cannot process an application and therefore it must be provided.
- The word ‘should’, ‘should not’ or the adjectives ‘recommended’ or ‘encouraged’ mean that there may exist valid reasons in particular circumstances to ignore a recommendation in the Permit Scheme, but the full implications must be understood and carefully weighed before choosing a different course.
- The word ‘may’ means that a suggestion in the Permit Scheme is truly optional.

References

References within the Permit Scheme to other documents, *such as Regulations, Acts, Statutory Guidance or Codes of Practice*, include all future revisions and updates.

Should any changes made to these documents reflect a fundamental change to the scope of the Permit Scheme, and associated definitions, the Permit Scheme will also be updated.

Definitions

Term	Definition
Activities	Means Registerable Activities.
Application	Unless specified otherwise, the term application will refer to the submission of a Provisional Advanced Authorisation, a permit or a permit variation.
Bank holiday	As defined in Section 98 (3) of NRSWA, ‘bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated’.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).
Calendar day	A timespan of exactly 24 hours, measured from one midnight to the next. A day having a conventional designation on a recognised calendar, such as a numerical identification within a named month
Carriageway	As defined in Section 329 of HA 1980, ‘carriageway means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles’.

Code of Practice for Coordination	NRSWA Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matter (latest version as published).
Day	Unless explicitly stated otherwise, the reference to 'day' means a working day.
Emergency works	As defined in Section 52 of NRSWA, 'emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property'.
Excavation	Means 'Breaking up' (as defined above).
Fixed Penalty Notice (FPN)	As defined in schedule 4B to NRSWA, 'fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty'.
HAUC(UK)	The Highway Authorities and Utilities Committee for the UK.
Highway	As defined in Section 328 of the Highways Act 1980, 'highway means the whole or part of a highway other than a ferry or waterway'.
Highway Authority	As defined in Sections 1 and 329 of the Highways Act 1980.
Immediate Works	Immediate works are either emergency works urgent activities or works.
Local Highway Authority	As defined in Section 329 of Highways Act 1980, 'local highway authority means a highway authority other than the Minister'.
Local street gazetteer	A subset of the NSG containing details of all streets in a local highway authority area, being a self-contained entity created and maintained by the local highway authority covering all streets in their geographic area regardless of maintenance responsibility.
NRSWA	The New Roads and Street Works Act (1991)
NSG	National Street Gazetteer
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any 'breaking up' of the street.
Order	Unless otherwise specified, 'Order' means a document signed by a person authorised by the Council to give effect, vary or revoke a permit scheme.
PAA	Means a Provisional Advanced Authorisation, which is an indication of the likely future issue by the Permit Authority of a permit for certain proposed works.
Permit Authority	Means Bristol City Council, as the relevant local highway authority which has prepared a permit scheme under section 33(1) or (2) of the Traffic Management Act 2004.
Permit Fee	Refers to the fee due for a PAA, permit or permit variation, as set out within section 10.

Positive traffic control	Forms of traffic control as set out within the Code of Practice: Safety at Street Works and Road Works.
Promoter	A person or organisation responsible for commissioning works [registerable activities] in streets covered by the Permit Scheme. Promoters will be either a statutory undertaker or a participating local highway authority or traffic authority.
Registerable Activities	Has the same meaning as 'specified works' in the Traffic Management Permit Schemes (England) Regulations 2007.
Reinstatement	As defined in Section 105 (1) of NRSWA, 'reinstatement includes making good'.
Remedial works	Remedial works are those required to put right defects identified in accordance with the provisions of the New Roads and Street Works Act 1991 Code of Practice for Inspections and associated Regulations.
Specified Area	The area covered by the Permit Scheme is the geographical area encompassed by Bristol City Council's administrative boundary. .
Specified Street	All streets that are publicly maintainable by or on behalf of the Permit Authority are included in the Permit Scheme.
Specified Works	Specified Works corresponds to the term 'registerable activities' and comprise both Street Works and Works for Road Purposes.
Statutory Guidance for Permit Conditions	Means the 'Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions', the most recent publication, issued by the Secretary of State pursuant to section 33(5)(b) of the Traffic Management Act 2004.
Statutory Undertaker	As defined in Section 48 (4) of NRSWA, 'undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be'.
Street	As defined in Section 48 (1) of NRSWA, 'street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed as a way or not'
Street Reinstatement Category	This means one of the road categories specified in paragraph 1.3.1 of Chapter S.1 of the code of practice entitled 'Specification for the Reinstatement of Openings in Highways'.
Street Works	Street works As defined in Section 48 (3) of NRSWA, 'street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street'.
The FPN Regulations	Means the Street Works (Fixed Penalty) (England) Regulations 2007.

The Noticing Regulations	Means the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.
The Permit Scheme Regulations	Means the Traffic Management Permit Scheme (England) Regulations 2007, as amended
TMA	Means the Traffic Management Act 2004.
Traffic Regulation Order (TRO) or Traffic Order	This means an Order made under the Road Traffic Regulation Act 1984.
Traffic Sensitive street	This means a street designated by a street authority as traffic-sensitive pursuant to Section 64 of NRSWA and in a case where a limited designation is made pursuant to Section 64 (3) any reference to works in a traffic-sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.
Traffic Sensitive time	In relation to a traffic-sensitive street, means: the times or dates specified in the case of a limited designation; and any time in any other case.
USRN	Means Unique Street Reference Number As defined in the British Standard BS7666.
Urgent activities or works	Immediate activities which are: a) activities (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required) i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; ii) to avoid substantial loss to the undertaker in relation to an existing service; or iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and (b) Includes activity that cannot reasonably be severed from such activities.
Working day	Means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and for the purposes of the Permit Scheme the commencement of a working day will be treated as being 08:00 and its end as 16:30
Works	Which term includes ‘Street Works or Works for Road Purposes.
Works for Road Purposes	As defined in Section 86 (2) of NRSWA, ‘works for road purposes means works of any of the following descriptions executed in relation to a highway: (a) works for the maintenance of the highway; (b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles’.

1 Introduction

1.1 The Permit Scheme

1.1.1 This permit scheme, known as the **Bristol City Council Permit Scheme** and within this document as the 'Permit Scheme', has been prepared in accordance with and complies with Part 3 of the Traffic Management Act 2004 ('TMA') (Sections 32 to 39) and the Traffic Management Permit Scheme (England) Regulations 2007, Statutory Instrument 2007 No. 3372 made on 28 November 2007 and the Traffic Management Permit Scheme (England) (Amendment) Regulations, Statutory Instrument 2015 No. 958

1.1.2 This Permit Scheme comes into force through the powers conferred by Section 33A (2) of the TMA by an Order made by Bristol City Council, known in this document as the Permit Authority acting in its capacity as a Local Highway Authority.

1.1.3 This Order came into effect on 18th March 2020.

1.1.4 The Permit Scheme is a single-authority permit scheme. This Permit Scheme may also be operated by other local highway authorities, and therefore has a single set of rules which each Permit Authority operating the scheme applies independently to their own highway, subject to normal boundary liaison and coordination.

1.2 Permit Scheme design

1.2.1 The Permit Scheme is designed to control the undertaking of Specified Works on the public highway. It evolves the 'noticing system' under the New Roads and Street Works Act 1991 (NRSWA) whereby the Permit Authority is informed of an organisation's intention to carry out works in their area.

1.2.2 The Permit Scheme uses similar concepts to the notice system in several key areas, such as works categories. This is to ensure consistency and facilitate coordination.

1.2.3 The Permit Scheme will apply to a person or organisation responsible for commissioning works on streets covered by the Permit Scheme. In the Permit Scheme these persons or organisations will be referred to as a Promoter

1.2.4 The development of the Permit Scheme has had regard to the requirements of the Equality Act 2010. In developing the Permit Scheme due consideration and attention was given to the needs of all road users.

1.3 Transition arrangements

1.3.1 When the Permit Scheme comes into legal effect the Permit Authority will apply rules of transition – moving from a notice regime to a permit scheme – as set out within the Statutory Guidance for Highway Authority Permit Schemes (October 2015).

1.3.2 These rules provide opportunity to complete works under specified circumstances without the need to resubmit a permit application.

2 Permit Scheme Background

2.1 The Network Management Duty

2.1.1 The objectives of the Permit Scheme are aligned to the objectives of the TMA network management duty:

- securing the expeditious movement of traffic on the authority's road network; and
- facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

2.1.2 The TMA is clear that this duty should consider the movement and needs of all road users: pedestrians and cyclists, as well as motorised vehicles – whether engaged in the transport of people or goods, as well as those undertaking works on the network.

2.1.3 The duty is also qualified in terms of practicability and other responsibilities of the Permit Authority and it does not take precedence. As an example, securing the expeditious movement of vehicles should not be at the expense of road safety.

2.1.4 The Permit Authority whilst undertaking this duty will consider its own network and the likely effects of its actions on adjacent networks. This is to avoid moving the problem elsewhere, or conflicting policies causing problems across administrative boundaries. This should achieve best operation of the overall network.

2.1.5 The TMA defines action that the Permit Authority may take in performing the duty as including anything that would contribute to securing the more efficient use of the network, or that would avoid, **eliminate or reduce congestion or disruption.**

2.1.6 The Permit Authority must manage the road space for everyone and make decisions on balance between competing demands according to the end results and the circumstances of the part of the network being considered.

2.1.7 Congestion is based on multiple causes, including, but not limited to, increasing volumes of traffic, journeys at peak times, a reduction in the availability of the highway from obstructions, such as works, associated traffic management and limited availability of alternative routes. A reduction in network capacity from works is not necessarily a direct cause of congestion, but an influencing factor.

2.1.8 It is important that the Permit Authority undertakes **proactive coordination of the network**. This involves **gathering and publicising accurate information** about planned works, considering how to coordinate them to minimise their impact, and agree (or stipulate) their timing and conditions to best effect.

2.1.9 As works on the road network can have a significant impact on traffic, the Permit Authority will endeavour to ensure that works are carried out with enough urgency, as appropriate, to minimise the potential for congestion and disruption.

2.1.10 Consideration must be given to the effect of concurrent works on the road network, how they may affect established network plans or their impact on other known works and network activities, **and where possible promote collaboration.**

2.1.11 Seasonal variations of network demand, such as expected peaks on Bank Holidays will also be taken into consideration by the Permit Authority.

2.1.12 In addition to works, the Permit Authority must coordinate around regular or one off 'events' such as *carnivals, street markets, sporting fixtures and seasonal weather conditions.*

2.1.13 **Safety and environmental considerations** remain important as does the operation, maintenance, repair and provision of the network. In meeting the duty, the Permit Authority also needs to consider its other responsibilities under other highways and traffic legislation, environmental protection legislation, the Equality Act 2010, Health and Safety and planning legislation.

2.1.14 The Permit Authority will work collaboratively with partners and stakeholders, such as the emergency services, passenger transport executives or integrated transport authorities, bus operators, other Highway Authorities such as Highways England and the public.

2.1.15 Nothing in the duty requires the Permit Authority to disregard considerations of value for money and the proportionality of any of their actions. Therefore, any approach towards coordination should also include affordability and economic impact.

2.1.16 **Parity is an important principle in exercising the duty.** The Permit Authority will apply the same standards and approaches to both Road Works and Street Works.

2.2 Permit Scheme objectives

2.2.1 The Council's primary objective is to enable works to be carried out in an appropriate manner with due regard to the impact on road users. Therefore, in consideration to the Council's network management duty, the main supplementary objectives of the Permit Scheme in relation to these works are:

- To ensure effective coordination;
- To ensure adherence to health and safety and the Construction Design and Management Regulation 2015;
- To protect apparatus, assets and structures;
- To minimise unnecessary disruption and inconvenience;
- To tackle causes of congestion;
- To encourage collaboration; and
- To provide better communication to road users.

2.2.2 The objective is to better control works to minimise disruption and inconvenience. It is not to prevent the legitimate right of Promoters and others to access their equipment, nor to prevent necessary maintenance to the highway itself.

2.2.3 Effective works coordination and management by the Permit Authority are essential to ensure that traffic disruption is minimised whilst allowing Promoters the required time and space to complete their works.

2.3 Permit Scheme evaluation

2.3.1 The Permit Authority must undertake an evaluation of the Permit Scheme in accordance with Part 3 of the Permit Scheme Regulations. This evaluation will determine whether the Permit Scheme is meeting the stated objectives and include assessment of Key Performance Indicators, as outlined within the Statutory Guidance for Permits.

3 Works Coordination

3.1 Principles for works coordination

3.1.1 In association with Permit Scheme objectives, the key principle for works coordination is to ensure works are undertaken with the least amount of disruption to the road user, whilst also ensuring adherence to health and safety.

3.1.2 The Permit Authority will therefore use principles that achieve these objectives, such as:

- requiring that work is only undertaken at certain times of the day and/or on certain days of the week *i.e. scheduling work to avoid peak times;*
- applying different requirements for work on different types of road i.e. a busy commuter route may benefit from night working, but on a quiet residential road, daytime working would be preferable so that residents' night time is not disturbed;
- identifying alternative routes on which planned works are prohibited until the other road is clear;
- providing information on 'paired roads' so that others can use this to plan their work;
- promoting the use of shared work space, i.e. planned work undertaken on the same stretches of road at the same time;
- ensuring the use of temporary traffic control is effective, such as vehicle-actuated traffic signals or, at appropriate times the manual operation of such control;
- providing accurate information of works on a public website to allow road users to make decisions on mitigation.

3.2 Permit conditions

3.2.1 In applying conditions to a permit, the Permit Authority will consider the potential for works to cause disruption. Where possible, conditions attached to a permit will provide flexibility for the Promoter by requiring an outcome rather than stipulating the method by which the work must be carried out.

3.2.2 When setting any condition, the Permit Authority is required to act reasonably and to take account of how feasible it is for the Promoter to comply with that condition. All permit conditions applied will be fully in accordance with legislation.

3.2.3 Promoters are encouraged to consider the inclusion of proposed conditions on their permit during the initial application as well as the exclusion of those which will not be relevant to the proposed works such as a permit condition for temporary traffic control where this will not be deployed. By doing so, the likelihood of the Permit Authority refusing a permit with any subsequent re-application could be minimised. This would include any permit conditions that are not relevant to the permit or work.

3.2.4 If the Promoter has safety concerns about any condition requested by the Permit Authority, it should immediately raise these concerns with the Permit Authority providing relevant reasons for the challenge.

3.3 Imposed variations and revocation

3.3.1 Once a permit has been granted, a Promoter should have reasonable confidence that the road occupation will be available for them. Circumstances beyond the Permit Authority's control may occur, which may result in a required change to or the removal of the works, and therefore the associated permit).

3.3.2 In accordance with The Permit Scheme Regulations a statement of policy as to the circumstances in which a Permit Authority will revoke permits on its own initiative is as follows:

a) where circumstances arise that cause the Permit Authority to review the permit, it may conclude that the permit needs to be revoked rather than simply being varied; and

b) revocation will be the exception and will only happen when the new circumstances could not have been reasonably predicted or where the impact of works being undertaken is significant.

3.3.3 Examples of unplanned events where this policy may apply are; *floods and other adverse weather conditions, burst mains, dangerous buildings, road traffic accidents.* These events may result in traffic being diverted onto the road where the work was underway or about to start.

3.4 Operational guidance

3.4.1 Different forms of permit scheme operation guidance exist, which contain explanation for working process and practices within a permit scheme. Whilst the Permit Authority recognises that it is not required by legislation to comply with such guidance, *and therefore that such guidance cannot substitute or supersede legislation*, where appropriate the Permit Authority will operate the Permit Scheme in accordance to published operational guidance.

3.4.2 Operational guidance may also take the form of a HAUC Advice Note or Code of Conduct.

4 Scope of the Permit Scheme

4.1 Principles for the scope of the Permit Scheme

4.1.1 Any Promoter who wishes to carry out Specified Works on Specified Streets in the Specified Area known as **Bristol** must obtain a permit from the Permit Authority.

4.1.2 The permit will allow the promoter to carry out the specified work: at the specified location; between the dates shown; and subject to any conditions of that permit.

4.2 Specified area

4.2.1 The area covered by the Permit Scheme is the geographical area encompassed by Bristol City Council's administrative boundary. This is the '**Specified Area**' as set out within the Permit Scheme Regulations.

4.3 Specified Streets

4.3.1 All streets that are publicly maintainable by or on behalf of the Permit Authority are included in the Permit Scheme. These streets are the '**Specified Streets**' as set out in the Permit Scheme Regulations.

4.3.2 Trunk roads and motorways, for which Highways England is the responsible highway authority, are not included in scope of the Permit Scheme.

4.3.3 Privately maintained streets are not included in the scope of the Permit Scheme.

4.3.4 The designation and categorisations of streets within the National Street Gazetteer (NSG) and additional street data are definitive.

4.4 Specified Works

4.4.1 Specified works corresponds to the term 'Registerable Activities' and comprise both **Street Works** and **Works for Road Purposes**.

4.4.2 All works comprising and categorised as 'Specified Works' will require a permit.

4.4.3 Specified works do not include works executed in a street pursuant to a Street Works licence issued under section 50 of the NRSWA.

4.4.4 Specified Works are those defined within The Noticing Regulations as set out within Chapter 7 of the Code of Practice for Coordination

4.4.5 Where any Promoter carries out Works for Road Purposes these will be treated as such and not as Street Works.

4.4.6 Specific works that are excluded are also defined within the Code of Practice for Coordination and do not require a permit.

4.4.7 Promoter are encouraged, wherever possible, to submit a permit application for these works to aid in the coordination of all works across the network. As a non-registerable work, they would be exempt from the scope of the Permit Scheme.

4.4.8 Work categorisation

4.4.9 Works fall under one of four categories: Major, Standard, Minor and Immediate.

4.4.10 The Permit Scheme applies the work categories set out within Chapter 7 of the Code of Practice for Coordination (summarised in table below).

Table 1: Summary overview of the definition of work categories

Work Category	Description
Major	Works requiring a temporary TRO or over 10 days in planned duration
Standard	Works with a planned duration of between 4 to 10 days
Minor	Works with a planned duration of 3 days or less
Immediate	Emergency or urgent works as defined under Section 52 of NRSWA

4.4.11 Work phases

4.4.12 One permit can only contain one phase of work.

4.4.13 A phase of work is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the related works.

4.4.14 The following works constitute a single phase:

- new customer connections;
- interim to permanent reinstatements; and
- remedial works.

4.4.15 The dates in a permit will denote the dates for that phase.

4.4.16 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.

4.4.17 A Promoter should clarify that work is to be carried out in multiple phases, if known, on the initial application and all applications must reference the related phases of the works.

4.5 Specified dates and times

4.5.1 A permit must specify a start date and an end date for the Specified works - a permit is inclusive of these dates.

4.5.2 The start and end dates must be calendar days and may include weekends and Bank Holidays even if these are not working days.

4.6 Permit conditions

4.6.1 The Permit Authority may attach conditions to a permit as set-out within the Statutory Guidance for Permit Scheme Conditions.

4.6.2 Promoters must comply with the terms of the permits and the conditions attached.

4.6.3 The Permit Authority shall use the wording and reference identification for conditions as set out in the Statutory Guidance for Permit Conditions.

4.6.4 The Statutory Guidance for Permit Scheme Conditions includes mandatory conditions that apply to all permits. These conditions apply whether or not they are specified within the permit content. Such conditions apply equally to permits for Immediate Works.

4.7 Parity treatment for Promoters

4.7.1 The Permit Authority will operate the Permit Scheme with parity treatment for all Promoters; whether for Street Works or Works for Road Purposes

4.7.2 It should be accepted that Promoters have differing requirements for access to the highway and working methodologies. As such there may be varying working practices in the application of the Permit Scheme between Promoters under the principle of parity.

4.7.3 In accordance with the Permit Scheme Regulations the Permit Scheme will be operated in a non-discriminatory way.

4.8 Form of communication and registers

4.8.1 All communications related to the Permit Scheme, including applications and associated notices, must be sent by a Promoter and the Permit Authority using the respectively prescribed form of electronic communication for each of the following regulations:

- the Noticing Regulations;
- Permit Scheme Regulations and
- the FPN Regulations.

4.8.2 In circumstances where electronic communication is temporarily unavailable for either the Permit Authority or a Promoter then alternate arrangements may be agreed between parties. These arrangements are outlined separately from the Permit Scheme.

4.8.3 With prior agreement the Permit Authority may accept non-electronic forms of communication where access to a suitable electronic system is not possible.

4.8.4 A permit will be issued as a form of electronic communication unless this is temporarily unavailable.

4.8.5 To provide clarity on the validity and terms of the permit, each permit will contain all relevant content and permit conditions.

4.8.6 In accordance with the Permit Scheme Regulations and The Noticing Regulations the Permit Authority will maintain a register of permits and named Specified Streets and relevant street designations.

4.9 Relationship with other legislation

4.9.1 All current legislation, including the New Roads and Street Works Act (1991) and the Traffic Management Act 2004, apply to this Permit Scheme.

4.9.2 Where a Promoter considers there is any conflict with any current legislation, they should immediately bring this to the attention of the Permit Authority who will then be responsible for resolving the issue in accordance with legislation.

4.9.3 The Permit Scheme is designed to complement NRSWA, using similar definitions, and run alongside the provisions set out within the Act. The Permit Scheme Regulations disapply or modify specific sections of NRSWA. (listed within Appendices 1 and 2).

5 Permit Applications

5.1 Principles for permit applications

5.1.1 Except for Immediate Works, a Promoter must obtain a permit before starting work.

5.1.2 One permit can only cover work on one USRN. Where works cover an area covered by more than more than one USRN, each permit must reference the other applicable permits.

5.1.3 One permit can only cover one phase of work.

5.2 Permits for Immediate Works

5.2.1 Immediate Works require a permit, but due to the emergency or urgent nature of these works a Promoter can start work before applying for a permit – refer to section 6.2 for application timings.

5.2.2 Where Immediate Works involve any form of positive traffic control the Promoter should contact the Permit Authority as soon as possible. when works. commence.

5.3 Provisional Advanced Authorisation

5.3.1 For all Major works a Provisional Advance Authorisation (PAA) is required.

5.3.2 A PAA is not a permit – it provides the Permit Authority with advanced notice of Major works and is an indication of the likelihood of the Promoter obtaining a permit for these works.

5.3.3 An application for a PAA should include a description of the work and specify start and end dates, although the start date may be considered as provisional and can be amended in the application for a final permit.

5.3.4 The granting of a PAA does not prevent the Permit Authority from subsequently refusing to grant a permit to which the PAA relates.

5.4 Cross-boundary works

5.4.1 Where works cover more than one street across a boundary between the Permit Authority and an adjacent Permit Authority, separate permit applications, including a PAA, must be submitted to both Permit Authorities.

5.4.2 If a cross-boundary work involves working on a street of a Highway Authority which is not operating a Permit Scheme, the application to the Permit Authority should identify the work in the other Highway Authority area for which a relevant notice must be given to that Authority.

5.4.3 For all cross-boundary works, a reference to each application should be included on all applications, and notices (as applicable) so that Permit Authorities can coordinate the works collaboratively.

5.5 Collaborative working

5.5.1 Collaborative working refers to cooperation and coordination between Promoters with respect to concurrent works on a single street within the same work footprint.

5.5.2 For all collaborative works one promoter must take on the role of the primary promoter. They will take overall responsibility for:

- being the agreed point of contact with the Permit Authority;
- informing the Permit Authority in the initial application of the identity of the other promoters involved and the scope of the collaborative working.;
- ensuring estimates of total work duration are agreed and/or confirmed with the secondary promoter(s) when submitting applications.

5.5.3 The secondary promoter(s) retain(s) the same responsibility for submitting permit applications for work to be carried out by them or on their behalf. Only permit applications submitted by the primary promoter must show the estimated inspection units attributable to the works.

5.5.4 A permit will be issued to each Promoter involved in a collaborative work. All permits will record the identity of the primary and secondary Promoters.

5.6 Other parties

5.6.1 When requested, a copy of each application for a PAA or permit should be provided by the Promoter to a neighbouring Permit Authority.

5.6.2 Where indicated in the National Street Gazetteer, Promoters are required to copy their applications to any authority, statutory undertaker or other relevant body that has an interest on that street.

5.6.3 Sections 88, 89, 90, 91 and 93 of NRSWA set out the necessary consultations for these interests.

5.6.4 Where these recipients do not have access to an electronic system to receive the application, or other information contained in the application, information should be given by an agreed alternative method *such as email.*

6 Application Timings and Responses

6.1 Principles for application timings and responses

6.1.1 Promoters are encouraged to give as much notice as possible to ensure that the coordination process can be facilitated effectively.

6.1.2 Where work is dependent on an application for a separate, but related authorisation, *such as a temporary Traffic Regulation Order,* the relevant timescales for seeking such authorisation should be considered by the Promoter in association with the permit application timings and responses.

6.1.3 Application timings are a minimum application period ahead of the proposed start date. It may be necessary to provide more time than the minimum to enable effective coordination, especially when a positive form of traffic control is required for the works.

6.2 Application timings

6.2.1 The timing of applications for PAA, permits and permit variations and the Permit Authority's response to these applications will vary according to the proposed work category. The minimum times are given below:

Table 2: Application and response times

	Minimum application period ahead of proposed start date		Response time for the Permit Authority to issue a permit after application	
Work Category	Application for a PAA	Application for a permit	Application for a PAA	Application for a permit
Major	3 Calendar Months	10 Days	1 Calendar Month	5 Days
Standard	Not Applicable	10 Days	Not Applicable	5 Days
Minor	Not Applicable	3 Days	Not Applicable	2 Days
Immediate	Not Applicable	2 Hours after works start or by 10:00 on the next working day	Not Applicable	2 Days

6.2.2 The following rules apply in relation to application timing:

- for electronic applications, the application time will be the time of receipt of the application by the Permit Authority, as recorded within the register of permits;
- for non-electronic applications, the application time will be the time the application is recorded by the Permit Authority within the register of permits and;
- calculation of the application and response timing for any application received after 16:30 will use the next working day as the day of application.

6.3 Timing of permit variations

6.3.1 A permit variation application may be submitted any time after a permit has been granted until the end date of the permit. Once the end date has passed, applications for variations cannot be made.

6.3.2 Promoters are encouraged to telephone the Permit Authority to discuss the proposed variation prior to application to increase the likelihood of the variation being accepted and to aid the coordination of works.

6.3.3 The minimum period for an application for a permit variation is 2 days or 20% of the original duration (whichever is longer) before the permit end date.

6.3.4 The response time for an application for a permit variation is 2 days.

6.3.5 Until such time that a permit variation is granted, the content of a permit has not changed to reflect the proposed variation. Therefore, given the response time for a permit variation, a Promoter should apply for a permit variation at least 2 days prior to the end date of the permit.

6.3.6 Response to applications

6.3.7 A 'response' means a decision by the Permit Authority to grant or refuse to grant a permit or a variation to a permit.

6.3.8 Where the Permit Authority decides to refuse an application, a reason for the refusal will be given by the Permit Authority within the response.

6.3.9 If the Permit Authority fails to respond to an application within the designated response time, the relevant permit, PAA or permit variation is **deemed to be granted** under the terms of the application.

6.4 Early start

6.4.1 Where a Promoter wants to start works inside the minimum application period, shown in Table 2 above, thereby not providing the minimum application time, they can apply for an early start.

6.4.2 All applications requiring an early start should include a valid reason for the early start. The Permit Authority will not unreasonably refuse a request, but it is the responsibility of the Promoter to satisfy the Permit Authority regarding the necessity for an early start.

6.4.3 A Promoter is encouraged to telephone the Permit Authority prior to submitting any application for work that requires an early start to discuss the likelihood of obtaining a permit.

7 Permit Content

7.1 Principles for permit content

7.1.1 A permit should contain the following information and as such this information should be provided within any relevant application:

- Contact details
- Location
- Permit conditions
- Reinstatement and inspection details
- Supplementary information
- Timing and duration
- Traffic management
- Work description and methodology.

7.1.2 For Provisional Advance Authorisations, a Promoter should provide the most accurate information available at the time of making the application.

7.1.3 The quality of the information provided should allow the Permit Authority to make an informed decision and coordinate the work effectively.

7.1.4 All information provided should be in plain English, succinct and avoid any jargon or use of language that is not easily understood. The Promoter should also consider the use of this information to inform members of the Public.

7.2 Contact details

7.2.1 All applications must include the contact details of the person appointed by the Promoter to manage the work. The contact details provided should enable the Permit Authority to contact the Promoter **at any time** to discuss planned or active works, including problems that may occur during the work or outside of working hours.

7.3 Location

7.3.1 Promoters must give an accurate location using USRN together with a spatial feature (point, line or polygon) covering the extent of the works area based on National Grid References (NGRs).

7.3.2 The area identified needs to cover the entire area used by the work, including storage of materials, working space, safety zone, provision for pedestrians and traffic management (as applicable).

7.3.3 For Major works, if the proposed works deviate from a straight line, *for example to follow the curvature of a street,* a poly-line (line centre of site) will be preferred by the Permit Authority.

7.3.4 For Standard, Minor and Immediate Works, a centre point NGR should be supplied. A poly-line will be preferred by the Permit Authority when:

- The work or trenches are expected to be over 10 metres in length;
- Work locations on the application in the same street are separated;

- Work areas or trenches deviate from a straight line.

7.4 Reinstatement and inspection details

7.4.1 Permit applications should indicate wherever possible, whether the proposed work is intended to be completed with interim or permanent reinstatement or a mixture of both.

7.4.2 A Promoter is required to indicate the provisional number of inspection units appropriate to the work in accordance with the rules laid down in the Inspections Code of Practice and in The Street Works (Inspection Fees) (England) Regulations 2004, as amended.

7.4.3 Where there is trench sharing, only the primary promoter is required to give the inspection units.

7.5 Supplementary information

7.5.1 A Promoter is encouraged to provide any supplementary information, including illustrations, to support an application and to provide enough detail for the permit content.

7.5.2 The Permit Authority may request supplementary information during the application process, which may include:

- An illustration of the work;
- Traffic management plan; or
- Digital photographs of the worksite.

7.6 Timing and duration

7.6.1 Each permit must include the proposed start and end dates of the work **in calendar days.**

7.6.2 The times of the day when the work is to be carried out may be specified within a permit condition. A Promoter is encouraged to provide this information on their application to ensure the application can be processed efficiently.

7.6.3 A Promoter should also indicate if they intend for work to continue over weekends and Bank Holidays and if night working is required.

7.7 Traffic management

7.7.1 A Promoter should supply full details of their traffic management proposals including any requirement for further related authorisation by the Permit Authority, *such as the need for temporary Traffic Regulation Orders (TTROs).*

7.7.2 The Permit Authority do not require a separate application for temporary traffic light signals, as set out within Schedule 14 of the Traffic Signs Regulations and General Directions 2016. However, when applying for works involving positive traffic control a Promoter should provide enough information as would be deemed necessary to obtain approval for use of this type of traffic management.

7.7.3 This information would include, but is not limited to, the following:

- Description and/or drawing of the traffic signal arrangement;
- Specified dates and hours of traffic control use;

- Proposed method of signal operation; or
- Contact details of the traffic management provider, including any out-of-hours arrangements.

7.7.4 A Promoter is encouraged to provide evidence, or reference, of any application or agreement for a temporary TRO within a PAA or permit application.

7.8 Work description and methodology

7.8.1 A Promoter must detail a description of the works, clearly setting out the works and their purpose.

7.8.2 Details of any planned work, including open cut, trench share, minimum dig technique or no dig, should be detailed on the permit.

7.8.3 Promoters should detail their best estimate of the excavation depth of the work. This may be expressed as a range where appropriate.

8 Permit Variation

8.1 Principles for permit variation

8.1.1 A permit's content must reflect the proposed or current works and must be varied when changes are proposed to the works approved by the existing permit and no separate permit is sought to cover the proposed works.

8.1.2 A permit variation can take place at any time after the granting of a permit and before the end date of the permit, including before or during any on site work.

8.1.3 There is no mechanism in the Permit Scheme for formally suspending or postponing a permit, only for varying or revoking one. Part 3 of the Permit Scheme Regulations allows the Permit Authority to vary or revoke a permit and permit conditions.

8.1.4 Applications for permit variations must contain all relevant information in relation to the proposed changes to allow the Permit Authority to decide on the proposed variation.

8.2 Varying a Provisional Advanced Authorisation

8.2.1 A PAA cannot be varied once granted.

8.2.2 Where a PAA has been granted, but a permit application has not been submitted, and the Promoter wishes to vary the proposed work, the Promoter should inform the Permit Authority of the proposed changes. Depending on the scale of the changes, the Permit Authority may request a revised PAA application or for the permit application to reflect the changes.

8.2.3 Where a PAA has not been granted, and the Promoter then wishes to vary the proposed work, the original PAA can be cancelled and a new PAA application can be submitted.

8.3 Imposed variation

8.3.1 If the Permit Authority must suspend or postpone a work for which a permit has been granted the Permit Authority will contact the Promoter to discuss the best way of dealing with the situation.

8.3.2 In such circumstances the Permit Authority will issue an imposed variation, requesting the Promoter to take the appropriate action.

8.3.3 If a Promoter fails to respond to this request from the Permit Authority, the Permit Authority may choose to revoke the permit.

8.4 Permit revocation

8.4.1 If the Permit Authority considers that a Promoter is failing to comply with a permit, including the conditions of a permit, it may revoke the permit.

8.4.2 Before revoking a permit, the Permit Authority will contact the Promoter to warn them of its intention and to discuss the arrangements of the revocation.

8.4.3 A Promoter will be committing the offence of working without a permit if they continue to work after a permit has been revoked.

8.4.4 In accordance with Permit Scheme Regulations the statement of policy as to the circumstances in which the Permit Authority will revoke permits on its own initiative is as follows:

- as with variations, where circumstances arise which cause the Permit Authority to have to review the permit, they may conclude that the permit needs to be revoked rather than simply being varied;
- revocation will be the exception and will only happen when the new circumstances could not have been reasonably predicted or where the impact is significant;
- revocation can occur through no fault of a Promoter, for example where an unplanned event on the network requires occupation on diversion routes to be removed.

8.5 Permit cancellation

8.5.1 Promoters are encouraged to cancel a permit, or application, at any time that a permit is no longer required.

9 Working under a Permit

9.1 Start and end dates (permit duration)

9.1.1 A permit is valid from the start date to the end date (inclusive) – this period is the duration of the works.

9.1.2 Works on certain streets may start later than the stated start date within a 'starting window' – which is equivalent to the Notice Validity set out within the Code of Practice for Coordination.

9.2 Information on site

9.2.1 The Permit Authority recognises the importance for the Promoter work-force to have access to the permit detail, including conditions when carrying out the planned work.

9.2.2 Working in breach of a condition, or without a valid permit, based on lack of knowledge on the part of the Promoter work-force will not be accepted by the Permit Authority as any form of mitigation for this failure.

9.3 Fault-finding work

9.3.1 In the event of Immediate Works requiring a series of fault-finding excavations or openings, *for example locating a gas leak*, the following procedure must be applied where it is necessary to undertake works beyond the initial excavation or opening covered by the first application.

9.3.2 As they are Immediate Works, the Promoter must submit the first Permit application within 2 hours of starting work or by 10.00 the next morning (as applicable). That first application must contain the location of the initial excavation or opening.

9.3.3 For any further excavations or openings on the same street within 50 metres of the original hole, the Promoter is encouraged to telephone the Permit Authority with the new location. No permit variation will be needed, and no variation charge will apply.

9.3.4 A Promoter must apply for a permit variation for the first excavation in each new 50 metre section away from the original hole in the same street, *i.e. 50-100 metres, 100-150 metres, etc.* Permit variation charges will not apply in these instances.

9.3.5 For additional excavations within each 50-metre section, the Promoter is encouraged to telephone the Permit Authority with the new location. No Permit variation will be needed, and no variation charge will apply.

9.3.6 If the search continues into a different street or a new USRN, (including if the street changes to a different Permit Authority), then a separate Permit application will be needed.

9.3.7 Conditions for these works may be varied to take account of the fact that a new location, even within the agreed 50-metre sections, can be more disruptive than the initial openings or excavations covered by preceding permits.

9.4 Immediate Works on Specified Streets

9.4.1 The Permit Authority's additional street data, within the Local Street Gazetteer, details streets where an early warning of Immediate Works is required.

9.4.2 For these streets, a Promoter should contact the Permit Authority as soon as works become necessary or, at the latest, when they commence.

9.5 Interrupted works

9.5.1 If a work is interrupted, *for instance where a Promoter finds that they need specialist plant or materials not originally planned for*, the Promoter must contact the Permit Authority to notify them and agree a course of action.

9.5.2 Depending on the situation the Permit Authority may take different courses of action, including:

- a permit variation where the work site will remain open; or
- closure of the worksite, with the option for the Promoter to submit a subsequent application to complete the works at a later date.

9.5.3 If the work is interrupted because the Promoter has caused third-party damage, then it is the Promoter's responsibility to seek a permit variation to allow the third-party damage to be repaired.

9.5.4 The work site remains the responsibility of the Promoter until work is complete, as such the Promoter should maintain regular contact and updates with the third-parties and the Permit Authority.

9.6 Permit compliance inspections

9.6.1 The Permit Authority may undertake ad-hoc inspections on active sites to check for compliance with the permit and any permit conditions.

9.6.2 A record of this inspection will be recorded, together with any required action as a result of the inspection.

10 Permit Fees

10.1 Principles for permit fees

10.1.1 To meet the additional costs of operating the Permit Scheme, Part 6 of the Permit Scheme Regulations allow the Permit Authority to charge a fee to recover these costs.

10.1.2 For the purposes of section 37(9) of the 2004 Act (Permit Scheme Regulations) and regulation 32 the prescribed costs in any financial year are that proportion of the total costs incurred by the Permit Authority in connection with operating a permit scheme in that year attributable to the costs of operating that scheme in relation to statutory undertakers.

10.2 Permit fees

10.2.1 In accordance to the Permit Scheme Regulations, the Permit Authority may charge a fee in respect of each of the following:

- the issue of a permit;
- an application for a permit, where the Permit Scheme requires a provisional advance authorisation to be obtained as part of that application; and
- each occasion on which there is a variation of a permit or the conditions attached to a permit.

10.2.2 The table below sets out the PAA, permit and permit variation fees.

Table 3: Permit fees

	Road Category	
Work Category	Category 0, 1 and 2 and all Traffic Sensitive streets	Category 3,4 and non-Traffic Sensitive streets
Major (PAA)	£49	£35
Major	£111	£69
Standard	£60	£35
Minor	£30	£21
Immediate	£28	£19
Permit variation	£21	£17

10.2.3 Where works on a Traffic Sensitive Street are carried out wholly outside designated Traffic-Sensitive Times the Permit Fee will reflect that for a category 3, 4 and non-Traffic-Sensitive Street for that work.

10.2.4 Where a Major work does not require a temporary Traffic Regulation Order, a fee representing the type of work category by its **duration** will apply, *i.e. Standard or Minor.*

10.2.5 Where a permit variation would move a work into a higher work category, a Promoter will be required to pay the difference between the permit fee for the two categories in addition to the permit variation fee.

10.3 Works without a permit fee

10.3.1 Fees will not be payable in the following circumstances;

- By any Promoter for Works for Road Purposes, including works undertaken by statutory undertakers for a local highway authority (4.4.5)
- Any exempt works (4.4.6**Error! Reference source not found.**);
- Where a Permit is deemed to be granted (6.3.9);
- Where a follow-up PAA and/or permit application is required following a permit revocation through no fault of the Promoter (8.4.4);
- Where a permit variation is initiated by the Permit Authority through no fault of the Promoter (8.3);
- Where a Promoter cancels an application, which has not yet been responded to by the Permit Authority (8.5.1);
- Permit variation charges will not apply in instances of fault finding. (9.3.4)

10.4 Discounts

10.4.1 At its discretion, the Permit Authority can waive or reduce permit fees, as a **discount** against the standard fee.

10.4.2 A discount of at least 30% will be given in the following circumstances:

- Collaborative works, where at least two or more Promoters intend to collaborate their works within the same site over the same period, they should submit applications at the same time or ensure the applications are at least received by the Permit Authority within three working days of each other, beginning with the day on which the first application is received.
- **Phasing of works to lessen risk and inconvenience to the road user** - where temporary reinstatement is required by the Permit Authority to minimise risk to the public and allow safe passage. The Permit Authority in these circumstances will request that the Promoter submits a new permit application for the remaining works.
- **Advanced coordination** - for planned Major works where a PAA application is made at least six months prior to the proposed work start date and the proposed works do not vary.

10.4.3 Further discount may be applied where it is demonstrated that works provide significant economic benefit to the local area. Promoters are encouraged to discuss these works with the Council at the earliest opportunity.

10.5 Fee payment and reconciliation

10.5.1 Permit fees will be collected by the Permit Authority in arrears in a monthly period.

10.5.2 A list of the fees due, *together with relevant details of the works*, will be issued to a Promoter for reconciliation prior to payment. The process for reconciliation and payment of permit fees will be issued by the Permit Authority to a Promoter on request.

11 Permit Sanctions

11.1 Principles for permit sanctions

11.1.1 Part 5 of the Permit Scheme Regulations provide two offences specifically related to permit schemes allowing the Permit Authority to take action where unauthorised works occur.

11.1.2 It is an offence for a statutory undertaker, or a person contracted to act on its behalf to undertake specified works in a specified street in the absence of a permit, except to the extent that a permit scheme provides that this requirement does not apply.

11.1.3 It is an offence for a statutory undertaker, or a person contracted to act on his behalf to breach a permit condition.

11.2 Action by the Permit Authority

11.2.1 The Permit Authority can act where a Promoter, *or a person contracted to act on its behalf*, commits an offence.

11.2.2 Any action taken by the Permit Authority, including the giving of a Fixed Penalty Notice or prosecution will be in accordance to the Permit Scheme Regulations.

11.3 Parity treatment for offences

11.3.1 The Permit Authority will apply and record unauthorised works for all Promoters. However, prosecution and Fixed Penalty Notices do not apply to Works for Road Purposes.

12 Dispute Resolution

12.1 Principles for dispute resolution

12.1.1 There are no prescribed statutory dispute resolution procedures, therefore the approach taken is to build on arrangements that already exist through the Highways Authorities and Utilities Committee (HAUC) (UK) at local and national level for resolving disputes. These arrangements may take the form of published HAUC(UK) Advice Notes.

12.1.2 The Permit Authority and Promoter are expected to use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure. The dispute resolution procedure for appeals under the Permit Scheme may be by way of dispute review, adjudication or arbitration.

12.2 Dispute review

12.2.1 If agreement cannot be reached locally on any matter arising under any part of the Permit Scheme the dispute will be referred for review on the following basis:

a) Where the two parties consider that the issues involved in the dispute are relatively **straightforward**, the matter will be referred to impartial members of a regional HAUC (those not representing parties directly involved in the dispute) for review. That review should take place within five working days from the date of referral. Both parties are recommended to accept the result as binding.

b) If the parties to the dispute think the issues are particularly **complex**, they should ask HAUC (UK) to set up a review panel of four members - two statutory undertakers and two Permit Authority representatives. One of the four people will be appointed as Chair of the panel by the HAUC (UK) joint chairs.

12.2.2 Each party must make all relevant financial, technical and other information available to the review panel. The review would normally take place within ten working days from the date on which the issue is referred to HAUC (UK). It is recommended that both parties accept the advice given by the review panel as binding.

12.3 Adjudication

12.3.1 If agreement cannot be reached through a Dispute Review, either party may refer the dispute to independent adjudication provided that the parties agree the decision of the adjudicator is deemed to be final.

12.3.2 The costs of adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case the independent adjudicator may order that party to pay some or all the costs of the other party.

12.3.3 Where the adjudication route is followed, the parties should apply to the joint chairs of HAUC (UK), who will select and appoint the independent adjudicator from suitable recognised professional bodies.

12.3.4 Where the parties do not agree that the decision of the adjudicator is deemed to be final the Promoter will have the option of challenging the Permit Authority's decision through the administrative court by way of judicial review.

12.4 Arbitration

12.4.1 Disputes may also be settled by arbitration where provided for in Section 99 of NRSWA.

13 Appendix 1: Disapplication of NRSWA

NRSWA Section		Change	Permit Scheme Regulations - Revised Arrangements
Section 53	The street works register	Disapplied	Permit Scheme Regulations prescribe similar provisions for permit registers
Section 54	Advance notice of certain works	Disapplied	Replaced by applications for provisional advance authorization
Section 55	Notice of starting date	Disapplied	Replaced by applications for permits
Section 56	Power to direct timing of street works	Disapplied	Replaced by permit conditions and variations including those initiated by the Permit Authority
Section 57	Notice of emergency works	Disapplied	Replaced by applications for immediate works
Section 66	Avoidance of unnecessary delay or obstruction	Disapplied	Replaced equivalent provisions for permit authorities to require Promoters in breach of the permit requirements to take remedial action and failing that for the authority to act. 24-hour compliance period to be replaced with a requirement for Promoters to comply within a reasonable specified period determined by circumstances

14 Appendix 2: Modification to NRSWA

NRSWA Section		Change	Permit Scheme Regulations – Revised Arrangements
Section 58	Restriction on works following substantial road works	Modified	The authority's ability to issue permits with start and end dates replacing directions to start works covered in NRSWA S58 (5) to (7) The Permit Scheme Regulations provide the equivalent of S58A powers by allowing authorities to consider whether Promoters responded to the S58 notice by applying for their planned works
Section 58A	Restriction on works following substantial street works	Modified	Schedule 3A is modified to work in conjunction with permits
Section 64	Traffic-sensitive Street	Modified	Permit Scheme Regulations provide the requirement for notifying permit applicants the proposals to designate streets as traffic-sensitive.
Section 69	Works likely to affect other apparatus in the street	Effectively extended	Permit Scheme Regulations create an equivalent requirement on highway authority promoters
Section 74	Charge for occupation of the highway where works are unreasonably prolonged	Modified	Permit Scheme Regulations make provision to operate S74 powers in parallel with Permits
Section 88	Bridge, bridge authorities and related matters	Modified	Modified to work in conjunction with permits