

Hartlepool Borough Council Permit Scheme - Consultation Responses - Summary					
Ref	Company	Section/Page No	Comment	Response	Scheme Amended
1	Dept for Transport		Across the document there is references to EToN but you may wish to consider future proofing it to reflect ' by electronic means' or the 'current electronic system' to take account of the move to Street Manager.	The document has been updated to take into the proposed introduction of Street Manager	Yes
2	Dept for Transport		It would help if the document was future proofed to take into account of the updating taking place of the Co-Ordination Code of Practice.	"Code of Practice for the Co-ordination of Street Works for Road Purposes and Related Matters and its successors"	Yes
	Dept for Transport	1.1	The above would apply to any wording around condition use and the March & October 2015 Statutory Guidance etc	Due regard has also been had to the Statutory Guidance for Highway Authority Permit Schemes October 2015 as well as the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions March 2015 and their successors	Yes
3	Northumbrian Water	3.4 and 4.5	Do we need non-chargeable permits for works in private streets? If so, are timescales the same as these 2 points appear to contradict each other	A permit scheme can only be applied to roads that are maintained at public expense	No
4	Northumbrian Water	9.5 and 9.6	Both of these lead us to believe we can put through extensions electronically if more than 20% duration is remaining. However, we have been informed if we do this, regardless of stating the requirements set in the permit scheme, they will be refused. Is this your stance and if so, should this be amended so not to mislead?	Variations can take place at any time after the permit has been issued and before or during the activity itself. However as stated in 9.6 where the criteria in 9.5 is not met the promoter shall contact the Authority to ascertain whether they are prepared to grant the variation, then apply electronically. If the promoter requests a variation electronically before the 20% or 2 day window without contacting the Authority first this does not constitute grounds for the Authority to refuse.	No
5	Northumbrian Water		Traffic Management – do lights need manual control at peak times on all traffic sensitive routes?	No. However there will be large percentage of locations which may require the lights to be operated manually, this should be discussed and agreed with the Authority.	No
6	Northumbrian Water		Gritting Routes – There appears to be no mention of charges on gritting routes when the weather is mild. Is it the case that the reason for a street designation as TS due to it being a gritting route, then should it be charged at the non TS rate when the weather is mild?	If an identified gritting route is for a number of months, then each day of said months will be designated traffic sensitive, regardless of the weather.	No
7	Northumbrian Water		There are many references to the EToN specifications throughout the scheme. What will the implications if the introduction of Street Manager brings in procedures that are not aligned to the proposed Permit Scheme?	The document has been updated to take into the proposed introduction of Street Manager	Yes
8	Northumbrian Water		We expect that the document will become a legal one, if this is the case, would also expect that the document be in line with other regulations. In the scheme there is a reference to FPNs being "issued", this is not in line with FPN Regulations whereby FPNs are "given". Not sure if this should be amended before rather than after and then having to re-issue?	Recommended change To be "given". However, I must highlight it depends on the terminology you are using as the Statutory Guidance for Highway Authority Permit Schemes Regulation 21-28 Permit Authorities issue Fixed Penalty Notices. Street Works (Fixed Penalty) (England) regulations 2007 use the term "given"	Yes
9	Northumbrian Water		Just 2 very minor points - that if this becomes a legal document the use of apostrophe throughout, should read FPNs not FPN's. Also in the 4 th paragraph of section 7.26, the word "it" is missing after "however".	Agree to update	Yes
10	Npowergrid	9.8	Variations for Immediate Activities. Bullet 2 states that promoters will telephone the permit authority to apply for a permit variation. This is incorrect, permit variations must be submitted electronically.	To avoid the risk that any variations may be missed during exceptionally busy periods, Hartlepool Borough Council would request that all extensions are discussed via telephone and then confirmed electronically once agreed. The text in the scheme document has been updated to reflect this. Recommended change " the activity promoter will may initially telephone the permit authority to apply for discuss the need for a permit variation for the first excavation in each subsequent 50 metre band away from the original excavation or opening in the same street, i.e. 50-100 metres, 100-150 metres, etc.	Yes
11	Anglian / Hartlepool Water	1.9	The document refers to "where possible" what does that mean? In what circumstances would HBC not follow the guidance?	HBC will follow the guidance wherever possible, however there may be unforeseen circumstances that may have to slightly deviate from the guidance, this will be discussed and agreed with the relevant undertaker before any action takes place.	
12	Anglian / Hartlepool Water	2.2	Works Undertakers will be paying a Permit fee for the grant of the works permit. Whilst they will consider how their activities impact on the network the responsibility for coordination rests with the Permit Authority for which they are paid for as part of that fee. The Network Management Duty for the network also solely rests with the Permit Authority who will have greater visibility of works and other activities on their and adjoining networks	If at any time the Permit Authority identifies there could be a conflict with two or more promoters require works in the same location it may be necessary to discuss with all parties and request they discuss the possibility of working in collaboration, which would reduce the impact on the highway even if its just to share Traffic Management.	
13	Anglian / Hartlepool Water	2.2	Unless the proposed areas for a registerable activity under the NRSWA then no Permit is required or can be requested. There may be other types of licence that are applicable other than a Street Works Permit.	Correct if its not a registerable activity then no permit is required and yes you may require other types of licence, however if it is a registrable activity then you would require a permit e.g. in a different street disrupting traffic within traffic sensitive times	
14	Anglian / Hartlepool Water	3.3	"Immediate activity permit applications must comply with the relevant conditions." The regulations (s.10) require the Permit Authority to impose any conditions not the Undertaker and as such any Immediate Activities will not have any conditions applied to them by the Undertaker. It will be for the Permit Authority to impose an Authority Imposed Variation for any Conditions they require to be included on the Permit.	If the undertaker recognises there is a need to attach conditions they should include these on submission of the permit. If the authority identifies they require further or a change of conditions they will discuss with the undertaker, then request to change.	
15	Anglian / Hartlepool Water	3.4	If a Vehicle can park lawfully even to service a fire hydrant so long as it is not on a Traffic Sensitive Street or not at a Traffic Sensitive time then no permit is required. It is only in relation to works where a Permit can be considered if the activity involved opening a cover.	If the works are only to open a cover i.e. an inspection chamber, then no permit is required unless they are disrupting traffic on a traffic sensitive street in traffic sensitive times	
16	Anglian / Hartlepool Water	3.6	Needs to include Street Manager systems as the DfT proposal is to remove EToN in due course.	The document has been updated to take into the proposed introduction of Street Manager	Yes
17	Anglian / Hartlepool Water	4.4	Highways England has replaced the Highways Agency	Agree to amend - England	Yes
18	Anglian / Hartlepool Water	5.1	There has been a decided case that where a promoter worked beyond the end date of a Permit still had a valid Permit but will be subject to a charge for prolonged occupation of the highway under s.74 NRSWA	If the permit has passed the end date but is still within the validity window then no offence has been committed, however if it is passed the validity window then the works will be deemed as an overrun.	

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19	Anglian / Hartlepool Water	5.1	"If the activity cannot commence on the proposed start date, or within the allowed starting window, a variation is required." Incorrect statement - it is only an early start or extension in these circumstances that will attract the requirement for a variation. If the validity period has passed a new Permit application is required.	Agree to amend - If the activity cannot commence on the proposed start date, or within the allowed starting window a new permit is required, unless the start date is brought forward then a variation requesting an early start is required	Yes
20	Anglian / Hartlepool Water	6.6	This appears to be confused as like Major Activities it mentions TTROs which would lead the reader to believe that as it's not mentioned under Minor Activities then Minor Works with a TTRO wouldn't necessarily be a Major Works. Either remove from Standard Activities or don't include it in all?	Agree to amend - Activities lasting less than 3 days but which require a traffic regulation order, such as a temporary road closure, or are part of the promoters operating programme will be classified as Major Activities and will be subject to the application process for a Major Activity. (See Section 7 for application process). However, as per DfT Guidelines may be subject to reduced fees for Non-Traffic Sensitive Streets or in Non-Traffic Sensitive times.	Yes
21	Anglian / Hartlepool Water	6.8	"Given the nature of Immediate Activities, the activity may commence without a permit. However, where it is necessary to carry out immediate activities requiring traffic control on traffic sensitive streets, where indicated on the ASD, promoters of such activities must contact the Permit Authority by telephone immediately, and in any case must apply to the Permit Authority within 2 hours of the activity starting. Immediate activities will be subject to relevant conditions". Please see Regulation 10 and comments under 3.3 above regarding Conditions. If a call is required out of hours what provision does the Authority have to receive such calls? Obviously if work commences out of hours the Permit application must be submitted by 10:00 the next working day rather than within 2 hours of starting on site?	Agree to amend - promoters of such activities should contact the Permit Authority by telephone immediately and submit a permit within 2 hours of the activity starting. Out of hours work, the permit must be submitted by 10:00am on the next working day. Immediate activities will be subject to relevant conditions	Yes
22	Anglian / Hartlepool Water	7.1	"Where the activity is dependent on a Temporary Traffic Regulation Order (TTRO), temporary traffic signal approval or the suspension of parking regulations, the relevant timescales should be taken into account and applicants are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA or Forward Planning Notification. The application process will begin when the Permit Authority receives the applications, as defined in the ETON Specifications, not when the permit application is sent.". It should be noted that whilst a Major Permit PAA application should be submitted with 3 months notice there is no legal timescale set either for a TTRO application or for Temporary Traffic Signals or Parking Suspensions. Any application for temporary traffic signals should be made within the appropriate Permit time scales and cannot be set individually by the Permit Authority.	Correct statement - TTRO, TTS and Parking Suspensions have no legal timescale, however the statement is referring to, if the undertaker has identified the need for a TTRO, TTS or parking suspension prior to submission of the PAA then this should be included in the PAA conditions, which may assist the Authority in dealing with the application in a timely manner.	
23	Anglian / Hartlepool Water	7.3	If there is a system failure it may be difficult to get any agreements but so long as they are notified either way any penalties should be subject to negotiation	The Authority would expect the promotor to contact the them when their system experiences problems and again once rectified, to alleviate any penalties.	
24	Anglian / Hartlepool Water	7.6	"Each application shall refer to activities in only one street and for one activity only; multiple activities MUST NOT be grouped under one permit.". Disagree – where service connections are being carried out for a mains replacement along a single URSN is this decreed to be multiple activities or one? Works for a project can continue along the same URSN under one Permit – please define what is meant by multiple activities?	Multiple activities refer to more than one promoter working on the same scheme e.g. The scheme requires diversions of a number of different utility apparatus then each promoter would require a permit.	
25	Anglian / Hartlepool Water	7.10	So long as the necessary conversations have taken place any permission to work on a street that is subject to a s.58 or 58a will be via a Granted Permit only in which case there would be no requirement for a reference number.	The reference is to assist the Authority in identifying the discussions have taken place.	
26	Anglian / Hartlepool Water	7.17	"Details of the planned techniques, including open cut, trench share, minimum dig technique or no dig must be provided". It is not always necessary to include the technique in either a PA or PAA for a Permit to be granted. It is therefore not mandatory and the MUST should be removed. It is however useful for this information to be conveyed to assist the decision maker especially where there will be little or no impact such as in no dig techniques. The ETON drop-down list does have works types but doesn't go in to detail which is usually sufficient for Permit Authorities to make a decision.	Agree to amend - Details of the planned techniques, including open cut, trench share, minimum dig technique or no dig may be provided.	Yes
27	Anglian / Hartlepool Water	7.18	"Applicants should be aware that such applications may involve additional costs and activity promoters should familiarise themselves with the timescales and procedures relating to such applications". Whilst it is accepted that additional charges may be payable for TTRO's and decriminalised Parking Permit Authorities cannot make any charges for reviewing and approving Traffic Management Applications. The document should be amended to reflect this as it is part of the Permit Authorities duty under NRSWA and the Red Book.	The statement is purely highlighting there may be charges and will be timescales for the TTRO, Parking Permits which the promoter should familiarise the costs for their own benefit.	
28	Anglian / Hartlepool Water	7.19	"If the proposed activities are likely to have an effect on public transport operators the promoters should have liaised with the operators to consider what measures could be taken to mitigate any adverse impact on public transport." This is an incorrect Statement as it is the Permit Authorities duty to Co-ordinate works and part of their Network Management Duty	Yes to the authority coordinates the works, however if the works are going to severely disrupt a service then we would expect the relevant promoter to have identified the requirement in advance of the works and made contact with the Local Authority and discuss the issues. This would assist the Authority in dealing with the permit in a more timely manner.	