
STATUTORY INSTRUMENTS

2013 No. 2398

HIGHWAYS, ENGLAND

**The Traffic Management (Buckinghamshire
County Council) Permit Scheme Order 2013**

Made - - - - 18th September 2013

Coming into force - - 4th November 2013

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

Citation and commencement

1. This Order may be cited as the Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 and comes into force on 4th November 2013.

Interpretation

2. In this Order—

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

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

Commencement of Permit Scheme

3. The Buckinghamshire County Council Permit Scheme comes into effect on 4th November 2013.

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

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

(1) [2004, c.18.](#)
(2) [S.I. 2007/3372.](#)

Status: *This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.*

Signed by authority of the Secretary of State for Transport

18th September 2013

Norman Baker
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Article 2

THE BUCKINGHAMSHIRE COUNTY COUNCIL PERMIT SCHEME

Buckinghamshire County Council
Permit Scheme for Road Works and Street Works

2. SCOPE OF THE BUCKINGHAMSHIRE PERMIT SCHEME

2.1 SPECIFIED AREA

The Permit Scheme applies throughout the county of Buckinghamshire and extends to strategically significant streets, which includes all traffic sensitive streets, strategic routes and non traffic sensitive streets defined as reinstatement category 0, 1 or 2.

2.2 AREAS AND STREETS COVERED BY THE PERMIT SCHEME

The Permit Scheme will apply to all traffic sensitive streets and non traffic sensitive streets defined as reinstatement category 0, 1 or 2 as identified on the National Street Gazetteer (NSG). The Street Gazetteer Additional Street Data (ASD) will be maintained and updated with relevant information indicating where a street will require a permit. The Street Gazetteer will be available to all Activity Promoters via the National Street Gazetteer Concessionaire's website.

2.3 STREET GAZETTEER

The Street Gazetteer will be produced and maintained by Buckinghamshire County Council as the Highway Authority and Permit Authority. Further information about the Street Gazetteer and additional street data can be found in Appendix B. The Permit Authority will create, maintain and publish the LSG to Level 3.

2.4 AREAS AND STREETS NOT COVERED BY THE PERMIT SCHEME

All activities in category 3 and 4 non-traffic sensitive streets are not subject to requiring a permit. These are subject to the current noticing regime under NRSWA 1991 and the TMA 2004.

All streets under the jurisdiction of Milton Keynes Council as included in their Local Street Gazetteer (LSG).

2.5 DEFINITION OF THE TERM 'STREET'

'Street' refers to that length of a road with a single unique Street Reference Number (USRN). Where a single street has more than one USRN, separate permits will be required for each USRN to which an activity relates.

2.6 IDENTIFICATION OF STREETS

Streets subject to the Permit Scheme will be identified as an Additional Street Data (ASD) record held on the National Street Gazetteer Concessionaire's website alongside the NSG data.

2.7 MOTORWAYS AND TRUNK ROADS

Motorways and trunk roads in Buckinghamshire for which the Highways Agency are the Highway Authority are excluded from the Permit Scheme. See Appendix C.

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3. SPECIFIED ACTIVITIES

3.1 ACTIVITIES REQUIRING A PERMIT

The Permit Scheme controls the following activities undertaken on the public highway and as defined as Registerable Activities under NRSWA.

These include:

- Street works - work on plant and apparatus in the street by undertakers, except for works by licensees under Section 50 of NRSWA.
- Works for road purposes - maintenance and improvement works to the road itself carried out by, or on behalf of, the Highway Authority (under Section 86 of NRSWA).
- Major highway works (including Developer Activities under Section 278 of the Highways Act 1980).
- Other activities that may be introduced under future regulations.
- All activities that involve the breaking up or resurfacing of the street.
- All activities that involve the opening of the carriageway or cycleway on traffic sensitive streets, or streets with a reinstatement category of 0,1 or 2.
- All activities that require the use of any form of temporary traffic control as defined in the Code of Practice for Safety at Street Works and Road Works.
- All activities that reduce the number of lanes available on a carriageway of three or more lanes.
- All activities that require a Temporary Traffic Regulation Order (TTRO) or notice, or the suspension of pedestrian crossing facilities.
- All activities that require a reduction in width of the existing carriageway of a traffic sensitive street, or street with a reinstatement category of 0,1 or 2.

The Permit Authority will be able to specify any required conditions to the permits and promoters **must** comply with the terms and conditions of the permits.

One permit can only cover one activity on one street as per Section 9.5.

3.2 WORKS FOR ROAD PURPOSES

The Permit Scheme rules, including permit conditions, will apply equally to both Highway Authority 'works for road purposes' and statutory undertaker activities. Fees will not be applied to the Highway Authority's own works. The Highway Authority and any promoter of 'works for road purposes' must ensure that they have followed the equivalent processes and declare that they have fulfilled these requirements in their permit applications.

Permit Authorities must demonstrate parity of treatment for all Activity Promoters, particularly between statutory undertakers and the Highway Authority's own work promoters, which will be measured through Key Performance Indicators.

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4. PERMIT GENERAL

4.1 REQUIREMENT TO OBTAIN A PERMIT

Any promoter who wishes to carry out an activity on a specified street must obtain a permit from the Permit Authority.

This will allow the promoter to:

- Carry out the specified activity
- At the specified location
- Between the start and end dates shown
- Subject to any conditions that may be attached or required.

All of this information will be included in the permit.

4.2 EXEMPT ACTIVITIES

The following activities do not require a permit:

- Activities carried out following the granting of a street works licence issued under section 50 of NRSWA.
- Third Party Activities e.g. repair to private apparatus.
- Activities carried out by Parish, Town or District Councils where a Section 50 licence or licence to excavate has been applied for.
- Traffic census surveys.
- The maintenance of fire hydrants by fire service vehicles provided the activity is undertaken outside traffic sensitive periods.
- Pole testing not requiring excavation. All pole testing involving excavation requires registration and will need a permit before the works commence as would be the case with other excavations. However in all circumstances the work must be registered using Section 70 (3) under NRSWA for the purpose of reinstatement inspections within 10 days of completion.

4.2.1 Continuity of Streetworks Register

For continuity of the register, promoters of activities not requiring a permit are nevertheless encouraged to apply for a permit to ensure that road space is available. This will ensure that their work will not be interrupted by other activities for which a permit has been granted. No fee will be charged in the granting of a permit for exempt activities. If, during the course of the activity, this situation changes, then all work must cease, the highway re-opened for all users and an application submitted to the Permit Authority for the appropriate permit. The application for an optional permit will be the same as for other permits and as detailed in Section 9.

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4.3 ONE APPLICATION PER STREET

Separate permits will be required for each USRN to which an activity relates.

4.4 ACTIVITIES COVERING SEVERAL STREETS

Where a specified activity as part of the same project involves a number of specified streets, a separate PAA or permit will be required for each street, and all permits granted shall be cross-referenced to all related applications and, where streets not included in the scheme are involved, the appropriate notice will also be cross-referenced. Fees for specified activities which involve more than one PAA or permit will be subject to a discount, as per section 13.5.

4.5 MULTIPLE PHASE & LINKED ACTIVITIES

Each phase of an activity will require a separate permit. Each permit must relate to the original activity by using the original EToN activity reference number used in the first and subsequent phases (e.g. interim to permanent reinstatement phases as well as any remedial works phases should they be required).

- A phase of an activity 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 works.
- A promoter must clarify that an activity is to be carried out in phases on the initial PAA or permit application.
- For a major activity, the EToN activity reference number must be used within the PAA (as per section 6.2).
- Linked activities carried out at separate locations in a street must be treated as belonging to the same set of works. All works in these circumstances must be related and operationally dependant upon each other.
- Unconnected activities carried out by the same promoter in one street must not be treated as parts, or phases, of a single activity.
- Customer connections associated with the installation of a new main or cable run, or the replacement or renewal of existing assets, will be considered to be linked activities when the work is completed as a single occupancy of the street. If the installation of customer connections is undertaken at a later date then the promoter shall apply for a separate permit.
- Even if an activity involving more than one street forms part of one project in management and contractual terms, separate permits and PAAs must be obtained for each street or USRN.

4.6 REMEDIAL WORKS

Remedial works are required to put right defects identified in accordance with the Specification for Reinstatement of Openings in the Highway (SROH), the Code of Practice for Inspections and NRSWA Regulations, and will require a new permit. This new activity phase must be cross-referenced to the permit for the original activity by using the original EToN activity reference, as per section 4.5.

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The permit will not be valid before the start date on the permit and will cease to be valid once the end date has passed unless a variation is granted.

4.13 EARLY START

A promoter may request an early start before or after applying for a PAA or a permit. Where a permit has been granted and an early start has been agreed by the Permit Authority, the promoter shall submit a variation to the permit, or in the case of a PAA, include the revised dates on the application for the subsequent permit. An early start reference number will be issued by the Permit Authority, and must be quoted on the permit application or permit variation application.

Where an early start has been agreed before the PAA or Permit is applied for, there will be no additional charges applied to the permit fee, however, where a variation application is made to request an early start after the permit has been granted or deemed, a variation charge will apply.

Requests for early starts may or may not be agreed by the Permit Authority at their discretion, and it is the responsibility of the promoter to satisfy the Permit Authority as to the necessity for any proposed early start.

4.14 APPLICATION REQUIREMENTS

All applications for a permit must include the information indicated in Section 7.

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5. PROVISIONAL ADVANCE AUTHORISATION AND PERMIT TYPES

There are two types of permit covered by the Permit Scheme.

5.1 PROVISIONAL ADVANCE AUTHORISATION (PAA)

Provisional Advance Authorisation (PAA) is effectively an early provisional permit granted before the final details of an activity have been finalised. PAAs are only for major activities, i.e. those which are large and/or likely to be more disruptive. It replaces the advanced notice under Section 54 of NRSWA.

Once a PAA has been granted or deemed, the promoter must serve a full permit application which must be granted or be deemed before activities can commence as defined in Section 5.2.

Once the PAA is granted, the promoter knows that the activities are approved and the affected road space is provisionally reserved. However, as it may be difficult to be certain of the start date three months before the event, the proposed start date is regarded as provisional and may be amended in the application for a final permit.

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

Unless otherwise agreed with the Permit Authority in advance, all PAAs must be served with a minimum application period of three months ahead of the proposed start date in line with Table 1 in Section 9.9.

5.2 PERMITS

Permits are full permit applications with final details for all registerable activities on the specified street. Permit applications are required for all classes of activities defined in Section 6.0. The timing of permit applications to the Permit Authority will depend on the proposed activity. A copy of each permit is to be provided by the applicant upon request made by a relevant authority and to any person having apparatus in the street to which the application relates.

All permit applications must be submitted in line with Table 1 in Section 9.9.

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7. INFORMATION REQUIRED IN A PERMIT APPLICATION

(Including Provisional Advanced Authorisation Applications)

7.1 PERMIT AUTHORITY REQUIREMENTS

Permit applications must contain the required level of information in order for the Permit Authorities to properly assess the application and if necessary request that the appropriate conditions be added.

To aid the application and co-ordination process, the quality of the information supplied within any application must be sufficient to allow the Permit Authority to make an efficient and informed decision in relation to the following:

- The overall objectives of the Permit Scheme as defined in Section 1.8.
- The full impact of the proposed activities on the highway and users of the highway.
- Identification of potential activity conflicts.
- The potential for collaborative working.
- Identification of any permit conditions that may be required.

7.2 TECHNICAL SPECIFICATION FOR ETON

Permit applications will always be served in accordance with the Technical Specification for ETON.

7.3 UNIQUE STREET REFERENCE NUMBER (USRN)

An application shall relate to one proposed activity in only one street.

7.4 DESCRIPTION OF ACTIVITY AND COLLABORATIVE PROMOTERS

A detailed description of the activity must be provided to allow the Permit Authority to assess the likely impact of the activities.

Descriptions must justify the proposed duration of the activity

In the case of collaborative working, a full description of the collaborative scheme of works must be provided and the Activity Promoters identified. Contact details for all Activity Promoters working in collaboration must be provided in all permit applications including out of hours details.

7.5 LOCATION

Promoters must give an accurate activity location based on National Grid References (NGRs), in line with the Technical Specification for ETON.

Polygons for all activity application types, as defined in Section 6, can be supplied.

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If any NGR contained within a permit application is considered to be inaccurate or misleading, the application may be refused.

7.5.1 Locations for Major Works

Start and end National Grid References (NGRs) must be supplied as a minimum, however, a poly line (line centre of site) is desirable, particularly if proposed works areas or trenches deviate from a straight line, for example, following the curvature of a street or requiring a road crossing.

7.5.2 Locations for Standard, Minor and Immediate Works

A centre point NGR must be supplied as a minimum; however, as with major works, a line or a poly line (line centre of site) is desirable in the following circumstances:

- The activity area or trenches are expected to be more than 10 metres in length.
- Activity locations on the application in the same street are separated.
- Activity areas or trenches are to deviate from a straight line (for example, following the curvature of a street or requiring a road crossing).

7.5.3 Location Descriptions

NGRs must be supported by the notice location text facility defined in the Technical Specification for EToN. This data must contain relevant and detailed information, specific to the application, to include the following:

- House names and numbers including where works are to start and finish.
- Proximity to fixed geographic points where house numbers or names cannot be obtained (for example, distance from a junction of another street).
- Where activities are affecting the verge, footway or carriageway (or a combination of the above).

If the activity location description of the proposed permit is considered to be inadequate the application may be refused.

7.6 TIMING AND DURATION

Each permit application must include the proposed start and end dates of the activity. The duration is in consecutive calendar days not working days and should indicate if

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the activities are intended to be carried out over weekends, bank holidays or out of normal working hours.

Where activities are proposed in traffic sensitive streets, start and end times for each day should be specified within the conditions.

7.7 ILLUSTRATION

Activity Promoters should provide an illustration of the activity, particularly where the activity is significant in terms of potential disruption due to its position and size.

This may include more than just major activities - a small excavation at a critical junction may be much more disruptive.

Illustrations, where provided, should be based on an extract of the plan held by the Activity Promoter showing the location of their apparatus at the site in question.

Illustrations should be sent via EToN as an attachment wherever possible.

7.8 TECHNIQUES TO BE USED FOR UNDERGROUND ACTIVITIES

Details of the planned techniques, such as open cut, trench share, minimum dig technique or no dig must be provided. Until such times as there is an EToN field specifically for this information, it should be included as a comment on the permit application.

7.9 TRAFFIC MANAGEMENT PROPOSALS

Details of traffic management proposals will be required within the permit application.

7.9.1 Portable Traffic Signals

Details of portable traffic signals must be contained within the permit application. If prior approval has been given this should be noted on the permit application.

7.9.2 Traffic Regulation Orders

Details of any Traffic Regulation Orders (TROs) and Temporary Traffic Regulation Orders (TTROs) will be required within the application, including any requirement for action by the Highway Authority, such as the need for, and approval of temporary road closures.

In the case of, for example, the suspension of a parking bay, bus lanes, one way systems or pedestrian crossings, the Activity Promoter should make an application to the appropriate authority.

Applicants requiring a TTRO should be aware that additional costs will be levied and the Activity Promoters should familiarise themselves with the timescales relating to TTRO applications.

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8. PERMIT CONDITIONS

8.1 CONDITIONS

The Permit Scheme allows for the Permit Authority to specify conditions that will be applied to permits. Any permit granted will specify in detail the activity and will reflect any conditions on the original application. If the activity strays outside the scope of the permit it becomes subject to a variation agreement. If an agreement is not sought by the Activity Promoter, or not agreed by the Permit Authority, then the authority will be able to take appropriate enforcement action.

The types of conditions that may be applied to permits are detailed in Section 10 of the Traffic Management Permit Scheme (England) Regulations 2007.

8.2 BREACHING OF CONDITIONS

Regulation 20 of the permit regulations provides that it is a criminal offence for a statutory undertaker or a person contracted to act on its behalf to breach a permit condition.

If the Permit Authority considers that a promoter is failing to comply with the conditions of a permit then it may revoke the permit. The Permit Authority will contact the promoter to warn them of its intention to revoke a permit, and allow the situation to be discussed.

Where it appears to the Permit Authority that a condition has been breached and that the promoter or a person contracted to act on its behalf has committed an offence, the Permit Authority will take appropriate action as described in Section 14.

8.3 CONDITION TYPES

The scheme defines three types of permit condition.

8.3.1 Mandatory Conditions

- These conditions will be applicable to **all** permits including immediate activities.
- When the Permit Authority decides that a change to conditions applied to all permits is required, it will first consult all promoters on the proposed conditions.

8.3.2 Mandatory Conditions for Immediate Activities

- These conditions will apply to all permits and permit applications for immediate works as defined in Section 6.
- The Permit Authority may impose further conditions prior to the granting of a permit. The imposition of such conditions will be subject to

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discussion with the promoter of the activity and will be included in the subsequent permit.

- Mandatory Conditions for planned and immediate activities can be found in Appendix D

8.3.3 Specific Conditions

- Specific Conditions, defined in Appendix D, will be applied when and where they are required for an activity.
- Standard wording and terminology around these conditions will be published on the Permit Authority website. This terminology is to be utilised where conditions are to form part of a permit application.

8.3.4 Local Conditions

- Where 24 hour temporary traffic signals are to be used, the signals must be manned during traffic sensitive times to control the tidal flow of traffic and minimise delays. Use of Stop/Go boards may be required instead of lights.
- Activity Promoters must use authorised pre-set traffic management plans for critical signalised junctions as specified by the Permit Authority.
- The effect of planned activities to a Public Transport provider, such as Bus Company, has to be taken into consideration when the Permit Authority considers the permit application. These providers require consultation on the planned works to provide alternative services in order to minimise the impact of works. A condition may be applied as a result.
- Where it is considered to be necessary, the Permit Authority will apply other local conditions that are applicable to the nature of the work and network constraints. The application of local conditions to specific permits will follow discussions with the promoter of the activity.

8.4 WORKS FOR ROAD PURPOSES CONDITIONS

- The Highway Authority is to consult with any person who has apparatus likely to be affected by the permit activities.
- The Highway Authority is to take all reasonably practicable steps to comply with any requirement made by that person which is reasonably necessary for the protection of the apparatus or for securing access to it.

8.5 AVOIDANCE OF CONFLICT WITH OTHER LEGISLATION

The Permit Authority should try to ensure that any conditions applied to a permit do not conflict with the Activity Promoter's obligations under separate legislation. The Activity Promoter should bring such conflicts to the attention of the Permit Authority, who will then be responsible for resolving the issue with the other body and amending the permit conditions accordingly.

All parties should promote safe working practices and act reasonably and responsibly.

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- Fixed Penalty Notices (FPNs), Section 74 charges and any other penalties that result due to system failures may be waived provided that the Activity Promoter informs the Permit Authority about the system failure.

9.4 COMPLIANCE WITH ETON

All applications must comply with the definitive format and content given in the current Technical Specification for ETON.

9.5 ONE APPLICATION PER STREET

Each application shall refer to one activity in only one street as per Section 4.3. Where a project covers more than one street, all related applications must be cross-referenced and the project reference included on each application. Single applications containing activities in more than one street will not be accepted by the Permit Authority.

9.6 USE OF PLAIN ENGLISH

The description of activities must be in plain English, avoiding industry jargon, and standard descriptions be consistently used.

9.7 NOTIFICATION TO INTERESTED PARTIES

Where the Additional Street Data (ASD) indicates other interested parties, the Permit Authority will check whether any parties have registered an interest prior to an application for a permit or PAA being granted, and will notify the interested party.

9.8 COMMUNICATION AND PUBLICITY REQUIREMENTS

- Activity Promoters must carry out necessary consultations as set down in Sections 88, 89 and 93 (as amended) and Sections 90 and 91 of the NRSWA, dealing with notification to bridge, transport and sewer authorities.
- Consultations with Network Rail are the same as with NRSWA.
- Reference must be made to the regulations current at the time.

9.9 APPLICATION AND RESPONSE TIMES

The Permit Scheme sets down the application and response times for dealing with permit applications and variation applications in the table below. In all cases given in Table 1, the time period is measured from the time of receipt of the application by the Permit Authority, in accordance with the application and response time rules defined in the relevant section of the "Technical Specification for the Electronic Transfer of Notifications". A "response" means a decision to grant or refuse a permit, but where there are reasons why the permit cannot be granted on the terms applied for, the response indicating that a permit will not be granted on those terms will explain the reasons to the applicant.

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TABLE 1: Application and Response Times

Application and response times						
ACTIVITY TYPE	Minimum application periods ahead of proposed start date		Minimum period before permit expires for application for variation (including extension)	Response times for issuing a permit or seeking further information or discussion		Response times to applications for permit variations
	Application for provisional advance authorisation	Application for permit		Application for provisional advance authorisation	Application for permit	
Major	3 months	10 days	2 days or 20% of the original duration whichever is longest	1 calendar month	5 days	2 days
Standard	n/a	10 days		n/a	5 days	
Minor	n/a	3 days		n/a	2 days	
Immediate	n/a	Within 2 hours		n/a	2 days	

The term “days” in the table above refer to working days as defined in NRSWA and the Regulations.

9.10 APPROVAL OF PERMIT APPLICATIONS

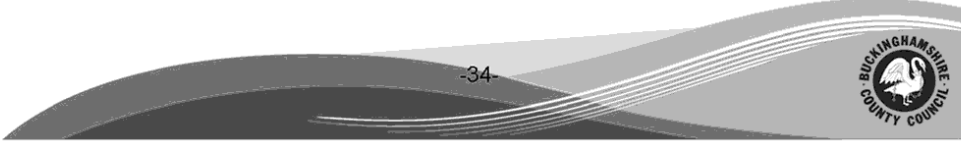
If the Permit Authority is content with the proposal, it will grant a permit within the response times detailed in Table 1. The permit will be based solely on the details provided in the application that is being granted, including associated documentation, for example drawings and any conditions imposed by the Permit Authority. A permit shall be granted in accordance with the Technical Specification for EToN.

9.11 REFUSAL OF PERMIT APPLICATIONS

A Permit Authority cannot refuse legitimate activities, but does reserves the right to refuse an application for a permit or PAA where it considers elements of the application to be unacceptable, for example timing, location or conditions.

9.12 RESTRICTIONS ON ACTIVITIES DUE TO EMBARGOES

Where a promoter wishes to apply for a permit to carry out specified activities on a specified street where a notice has been published under Sections 58 or 58A of NRSWA, and the activities are not covered by the specific exemptions of that notice, the promoter must make an application for the Permit Authority’s consent specifying the grounds on which the consent is sought. If the consent is given, the Permit Authority will provide an agreement reference number. This agreement reference number must be included in the specific EToN field for agreement details with the permit application for the permit to be approved.

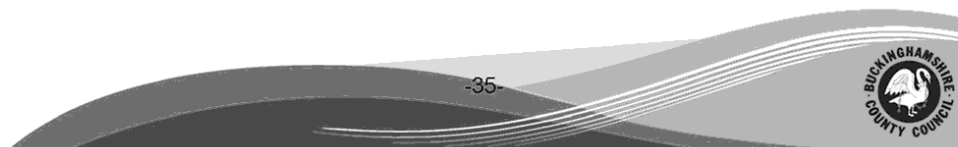


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9.13 ERROR CORRECTION

Where the Permit Authority identifies an error in data recorded in, or submitted for recording in, the permit register, it will contact the Activity Promoter to discuss and agree the corrections to be made. Where the promoter identifies an error, they should contact the Permit Authority to discuss and agree the corrections to be made. If an error has been identified on an application, the promoter shall submit a permit variation request by the end of the next working day following the agreement of the correction. This permit variation request should include the corrected data and the name of the person in the Permit Authority who agreed that the correction should be made. The Works Data Variation process is described in the Technical Specification for EToN.

This procedure cannot be used without the prior agreement of both parties. A variation fee will not be applicable if the error correction is requested prior to the permit being granted by the Permit Authority. If the permit has been granted, a variation fee may be applicable.



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10. APPROVAL OF PERMITS

10.1 TIMING OF PERMIT APPROVAL

Where the Permit Authority is content with the proposal, it will grant a permit within the response times detailed in Table 1 above via EToN.

10.2 METHOD OF PERMIT GRANT

A permit will be granted electronically in accordance with the formats given in the Technical Specification for EToN with the details placed on the permit register and copies supplied to any promoter, authority or other relevant body that has asked to be informed about activities on a particular street. The permit will specify in detail the activity it allows and its duration. Once the Permit Authority has been notified of a promoter's system failure, the Permit Authority will contact the Activity Promoter and agree an alternative method by which permit should be sent.

10.3 INCLUSION OF CONDITIONS

A permit will be sent electronically to the promoter for every permit that is granted and will include all the conditions identified in the application that is being granted.

10.4 DAYS OF WORK

To prevent ambiguity as to whether the permit is valid, even at weekends or on Bank Holidays, the start and end dates should be in calendar days. This is important for the operation and enforcement of Permit Schemes given the penalties for working without a permit.

If the permit allows working at weekends or on Bank Holidays, the permit start and end dates should accommodate that, even if those days do not count towards the reasonable period for Section 74 of NRSWA or the starting window.

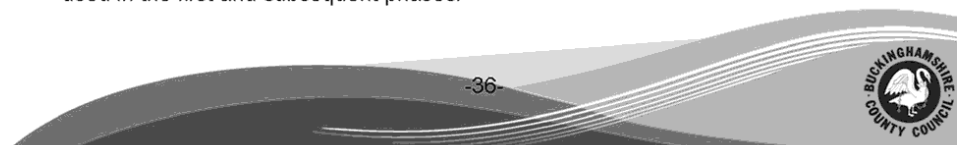
It should be noted that if the permit states that the works should start on Monday and finish on Friday, the weekend cannot be used as additional days without the express approval of the Permit Authority by means of a permit variation.

10.5 PERMIT UNIQUE REFERENCE NUMBER

All permits will be given a unique reference number in line with the EToN Technical Specifications and permits granted for linked activities will include the common project reference to enable them to be cross-referenced.

10.6 REMEDIAL WORK

In the event of remedial activities being required after the expiry of the permit, an application must be made for a new permit. The new permit must be cross-referenced to the permit for the original activity, always using the original EToN activity reference used in the first and subsequent phases.



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10.7 NOTIFICATION OF REFUSAL

If, having considered an application for a permit or PAA, the Permit Authority decides to refuse the application, the permit refusal will be sent electronically in accordance with the formats given in the Technical Specification for EToN. It will explain precisely why the application is unsatisfactory and which aspects need modification.

10.8 RIGHT OF APPEAL

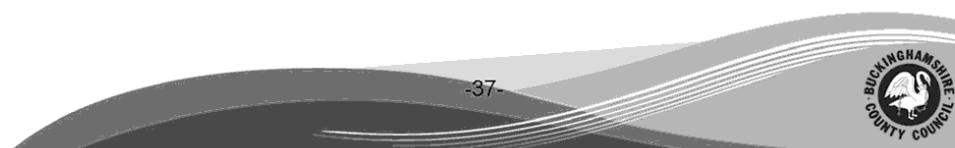
The Activity Promoter has a right of appeal, in accordance with the dispute resolution process set down in the Code of Practice for Permits. If it is not possible for the Activity Promoter to reach a satisfactory resolution in discussions with the Permit Authority, it may be necessary for the activity to stop until the issues are resolved. In the case of immediate activities, stopping the activity may be subject to safety and legal considerations.

10.9 PERMIT APPLICATION DEEMED TO BE APPROVED

If the Permit Authority fails to reply to an application for a permit or PAA within the designated response times, the permit or PAA is deemed to be granted on the terms of the application. The proposed start and end dates, description, location, duration, traffic management etc. will be included in the permit and associated conditions for the activity and will then be binding on the Activity Promoter in the same manner as if the permit had been granted within the timescale. Breaching the conditions will constitute an offence. In cases of deemed permits, no permit fee will be applicable.

10.10 AMENDMENT TO THE ORIGINAL APPLICATION

Where the Permit Authority discusses its intention with the Activity Promoter to impose further conditions, which effectively amend the details of the original application, the Activity Promoter shall modify and resubmit the application. There will be no charge for the variation if instigated by the Permit Authority. If the variation is instigated by the promoter, permit variation charges will apply if the preceding application has already been granted. A fee will not be charged for a varied application that is submitted before the preceding application has been granted.



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- If the search carries into a different street, or a new USRN (including if the street changes to a different authority), then a separate permit application is needed.
- If the promoter cannot contact the authority by telephone it should record that and send the message electronically.

11.7 INFORMATION REQUIRED FOR VARIATION APPLICATION

Applications for permit variations must contain the following information as applicable:

- Any agreement reference number provided by the Permit Authority.
- The revised timescale.
- Any change to the description of the activity.
- A revised scope of works.
- Any change to the method of excavation.
- Any variation to the depth of the excavation from less than 1.5m to more than 1.5 m
- Any changes to the conditions, if applicable.
- Change to Traffic Management
- Need for a TTRO when not thought to be required
- Any change to the location of the actual excavation to that stated on the original application.

11.8 VARIATION/REVIEW OF PERMIT BY PERMIT AUTHORITY DUE TO UNFORESEEN CIRCUMSTANCES

The Permit Authority may review the permit and associated conditions in the event of unforeseen circumstances having a significant disruptive effect at the location of the activity. The Permit Authority's policy regarding the circumstances in which it will review, vary or revoke permits on its own initiative is given in Appendix F. No fee will apply for permit variations initiated by the Permit Authority unless, at the same time, the Activity Promoter applies for permit variations which are not the result of the circumstances causing the Permit Authority's action.

11.9 REACHING AGREEMENT

If the promoter initiates a permit variation the promoter must first telephone the Permit Authority to determine whether the authority is prepared to grant a variation as per Section 11.5.

If the Permit Authority considers a variation necessary then it should contact the Activity Promoter to discuss the best way of dealing with the situation whilst meeting the coordination duties and other statutory requirements of those involved.

Good coordination and cooperation between promoters and the Permit Authority will minimise the times that the authority needs to vary permits or their conditions. This will be in the interests of all parties.

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11.10 IF AN AGREEMENT CANNOT BE REACHED

If agreement cannot be reached, the Permit Authority may issue an authority imposed variation on the terms it considers reasonable, but the promoter would have the option to invoke the dispute resolution procedure.

11.11 REVIEW OF PERMIT DUE TO NON-COMPLIANCE BY THE PROMOTER

If the Permit Authority considers that an Activity Promoter is failing to comply with the conditions of a permit, it may issue an FPN or revoke the permit. Before revoking a permit, the Permit Authority will contact the Activity Promoter to inform them of its intention and initiate a discussion.

11.12 WORKING AFTER PERMIT HAS BEEN REVOKED

An Activity Promoter will be committing an offence if it continues an activity when a permit has been revoked.

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- general administration and management
- monitoring the permit system and the production of KPIs
- invoicing

13.3 FEE POLICY

The Permit Authority will charge undertakers for the above actions, as per Section 13.9 below.

13.4 WHERE FEES WILL NOT BE PAYABLE

Fees will not be payable in the following circumstances:

- If the promoter is a Highway Authority in respect of its own works for road purposes, but records of all permits granted and the fees that could have been charged will be kept in order to assist in the review of fees referred to in Section 13.8.
- Where a permit is deemed to be granted because the Permit Authority failed to respond to an application within the time set down in Section 9.9.
- If a permit variation is initiated by the Permit Authority, an Authority Imposed Variation, or the authority has to revoke a permit through no fault of the promoter.
- Where the promoter has applied for an optional permit (as described in Section 4.2.1).
- Where the Activity Promoter has sent a cancellation before the permit has been approved by the Permit Authority.

13.5 REDUCED FEES

Fee discounts will be given in the following circumstances:

- Where the promoter submits more than one separate PAA or permit application at the same time (or within 3 working days) for activities that are part of the same project but are carried out on more than one street, a discount will be applied to each PAA or permit. The term 'project' does not cover area-wide activities but activities of a scale that could be carried out in one street, but happen to cover two or more streets.
- Where works are undertaken in collaboration with other works promoters and several promoters are working within the same site submit applications at the same time. The primary promoter will require a permit with full information about the activities, and the other promoters will require a permit so that the authority knows who is working there.
- Where the Highway Authority promoter is collaborating with undertakers, those undertakers will be eligible for the discount.

13.6 RATE OF DISCOUNT

A discount of 30% will be applied to each permit in the above circumstances.

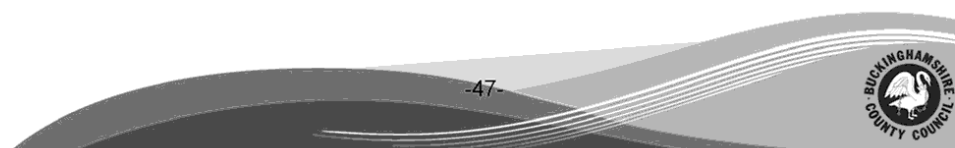
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14.5 PROSECUTION AND FIXED PENALTY NOTICES

The Permit Authority may prosecute any offence through the courts. Normally the decision as to whether an offence will be dealt with by FPN or through the courts will be taken at the outset, however prosecution should not necessarily be the preferred option as the process is time-consuming and even FPNs do not offer an immediate solution. Other remedial options should be considered in the first instance, depending on the seriousness and persistence of offences.

14.6 OTHER NRSWA OFFENCES

Any offences relating to other sections of NRSWA, which run in parallel to Permit Schemes will continue to apply. These include offences relating to reinstatements, overrunning and failure to send appropriate notices.



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15. OVERRUN CHARGING REGIME

15.1 SECTION 74

Section 74 of NRSWA enables Highway Authorities to charge undertakers if their activities in the publicly maintained highway are unreasonably prolonged. Buckinghamshire County Council intends to run a scheme for overrun charges under Section 74 of NRSWA to operate alongside the Permit Scheme.

The requirements for overrun charges are set out in the regulations made under Section 74 of NRSWA (the Section 74 regulations). The Section 74 regulations may be subject to change from time to time in which case the amended or replacement regulations will apply. For details of the Section 74 operation, reference must be made to the regulations current at the time.

The Section 74 regulations current at the time will continue to apply but the operation of the overstaying regime is modified under the Buckinghamshire County Council Permit Scheme to incorporate the process of setting and modifying the duration of the activity (or "works" in Section 74 terms) through the permit application, approval and variation processes.

Activities carried out by an Activity Promoter on behalf of a Highway Authority, or by the Highway Authority themselves, are not subject to Section 74 overrun charges. However, under the Buckinghamshire County Council Permit Scheme, promoters of such activities will be required to follow the same procedures as promoters who are undertakers.

15.2 CHARGING REGIME

The charges are set in Section 74 of the Regulations and any other Regulations or Codes of Practice that apply at the time

The Highway Authority will endeavour to ensure that the facts used for proposing charges are accurate and in line with the current regulations.

Where the works promoter can provide evidence that the dates given in Section 74 notices are incorrect, the charges applied will be based on the evidence. If incorrect information has been given in a notice and proven by the works promoter, the Highway Authority may issue an FPN if it considers that an offence has been committed. The burden of proof is with the works promoter to prove that a physical overrun has not occurred in these circumstances. If no evidence can be provided, Section 74 charges will be applied in relation to the information provided in the notice.

15.3 REMEDIAL WORKS

Remedial works to rectify defective reinstatements will be dealt with as a new activity with its own permit, following the full procedures accordingly.

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17. REGISTERS

17.1 REGISTER OF PERMITS

The Permit Authority will maintain a register of permits in connection with the Permit Scheme and in accordance with Regulation 33 and 34, Part 7 of the Regulations.

The Permit Scheme requires each Permit Authority to maintain a register of each street covered by their Permit Scheme. The register should contain information about all registerable activities on those streets and forward planning information about activities and other events, which could potentially affect users of the streets.

Permit Authorities will still need a register under Section 53 of NRSWA for street information.

This will cover those streets that are not part of the Permit Scheme, including non-maintainable streets.

A local register will be maintained by each of the Street Authorities for its own geographic area. It will include information on all streets other than those streets that are the responsibility of another authority.

17.2 REFERENCING OF INFORMATION

All information held in the register of permits will be referenced to the USRN and the permit register will be Geographic Information System (GIS) based.

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APPENDIX A

DISAPPLICATION AND MODIFICATION OF NRSWA

Disapplication of NRSWA

The permit regulations disapply or modify certain sections of NRSWA. In permit areas the duties of Activity Promoters and Street Authorities under the following sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the regulations.

Promoters' duties - disapplied sections of NRSWA			
NRSWA Section		Change	Permit Regulations – Revised Arrangements
S 53	The street works register	Disapplied	Permit regulations prescribe similar provisions for permit registers.
S 54	Advance notice of certain works	Disapplied	Replaced by applications for provisional advance authorisation.
S 55	Notice of starting date	Disapplied	Replaced by applications for permits.
S 56	Power to direct timing of street works	Disapplied	Replaced by permit conditions and variations, including those initiated by the Permit Authority.
S 57	Notice of emergency works	Disapplied	Replaced by applications for immediate activities.
S 66	Avoidance of unnecessary delay or obstruction	Disapplied	Replaced by 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 the circumstances.

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Modifications to NRSWA

The Permit Regulations modify the following sections of NRSWA to accommodate the issuing of permits rather than the exchange of notices:

Promoters' duties – modifications to NRSWA			
NRSWA Section	Change	Permit Regulations - Revised Arrangements	
S 58	Restriction on works following substantial road works	Modified	The authority's ability to grant permits with start and end dates replaces directions to start work covered in S 58 (5) to (78). The regulations provide the equivalent of S 58A powers by allowing authorities to take into account whether promoters responded to the S 58 notice by submitting an application for their planned activities.
S 58A	Restriction on works following substantial street works	Modified	Schedule 3A is modified to work in conjunction with permits.
S 64	Traffic-sensitive streets	Modified	Permit regulations provide that permit applicant are notified of proposals to designate streets as traffic-sensitive streets.
S 69	Works likely to affect other apparatus in the street	Effectively extended	Permit regulations create an equivalent requirement on Highway Authority promoters.
S 74	Charge for occupation of the highway where works are unreasonably prolonged	Modified	Permit regulations make provision to operate in parallel with permits.
S 88	Bridge, bridge authorities and related matters	Modified	Modified to work in conjunction with permits.
S 89	Public sewers, sewer authorities and related matters	Modified	Modified to work in conjunction with permits.
S 90	Provisions as to reinstatement of sewers, drains or	Modified	Modified to work in conjunction with permits.

Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.

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- l) Designations may cover only part of a street or may vary along a street. The relevant detail will be recorded in the ASD.
Items (a) to (h) are mandatory and (i) to (l) are optional

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APPENDIX C

Schedule of motorways and trunk roads in Buckinghamshire excluded from this Permit Scheme. For information regarding works on these roads, contact the Highways Agency.

Address 1	Address 2
M25 JUNCTION 15 ANTI CLOCKWISE TO M4 EASTBOUND LINK ROAD	SOUTH BUCKS
M25 JUNCTION 15 ANTI CLOCKWISE TO M4 WESTBOUND LINK ROAD	SOUTH BUCKS
M25 JUNCTION 16 FROM JUNCTION 15 TO M40 JUNCTION 2 LINK ROAD	SOUTH BUCKS
M25 JUNCTION 16 FROM JUNCTION 17 TO M40 JUNCTION 1 LINK ROAD	SOUTH BUCKS
M25 JUNCTION 16 FROM M40 JUNCTION 1A TO M25 JUNCTION 15 LINK ROAD	SOUTH BUCKS
M25 JUNCTION 16 FROM M40 JUNCTION 1A TO M25 JUNCTION 17 LINK ROAD	SOUTH BUCKS
M25 JUNCTION 16 TO JUNCTION 15	SOUTH BUCKS
M25 JUNCTION 16 TO JUNCTION 17	SOUTH BUCKS
M4 JUNCTION 7 TO JUNCTION 9	HIGH WYCOMBE
M40 JUNCTION 1 FROM JUNCTION 1A OFF SLIP	SOUTH BUCKS
M40 JUNCTION 1 TO JUNCTION 1A	SOUTH BUCKS
M40 JUNCTION 1 TO JUNCTION 1A ON SLIP	SOUTH BUCKS
M40 JUNCTION 1A FROM JUNCTION 1 OFF SLIP TO M25 JUNCTION 17 LINK ROAD	SOUTH BUCKS
M40 JUNCTION 1A FROM JUNCTION 1 TO M25 JUNCTION 15 LINK ROAD	SOUTH BUCKS
M40 JUNCTION 1A FROM JUNCTION 2 TO M25 JUNCTION 15 LINK ROAD	HIGH WYCOMBE
M40 JUNCTION 1A FROM JUNCTION 2 TO M25 JUNCTION 17 LINK ROAD	SOUTH BUCKS
M40 JUNCTION 1A TO JUNCTION 1	SOUTH BUCKS
M40 JUNCTION 1A TO JUNCTION 2	SOUTH BUCKS
M40 JUNCTION 2 FROM JUNCTION 1A OFF SLIP	SOUTH BUCKS
M40 JUNCTION 2 FROM JUNCTION 3 OFF SLIP	HIGH WYCOMBE
M40 JUNCTION 2 TO JUNCTION 1A	SOUTH BUCKS
M40 JUNCTION 2 TO JUNCTION 1A ON SLIP	SOUTH BUCKS
M40 JUNCTION 2 TO JUNCTION 3	SOUTH BUCKS
M40 JUNCTION 2 TO JUNCTION 3 ON SLIP	SOUTH BUCKS
M40 JUNCTION 3 FROM JUNCTION 2 OFF SLIP	HIGH WYCOMBE
M40 JUNCTION 3 TO JUNCTION 2	HIGH WYCOMBE
M40 JUNCTION 3 TO JUNCTION 2 ON SLIP	HIGH WYCOMBE
M40 JUNCTION 3 TO JUNCTION 4	HIGH WYCOMBE
M40 JUNCTION 4 FROM JUNCTION 3 OFF SLIP	HIGH WYCOMBE
M40 JUNCTION 4 FROM JUNCTION 5 OFF SLIP	HIGH WYCOMBE
M40 JUNCTION 4 TO A404 LINK ROAD	HIGH WYCOMBE
M40 JUNCTION 4 TO JUNCTION 3	HIGH WYCOMBE
M40 JUNCTION 4 TO JUNCTION 3 ON SLIP	HIGH WYCOMBE

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APPENDIX D

Mandatory and Specific Permit Conditions

Mandatory Conditions

The following conditions apply to all permits in all works categories as defined in Section 6.

M1 The permit reference number must be prominently displayed on an information board for each set of works.

M2 The Activity Promoter must have a copy, either electronic or hard copy, of the permit on site for inspection by the Permit Authority.

It is understood that it may be difficult to have a physical or electronic copy of a permit that has been subject to a variation on site for inspection. It will be understood therefore that providing the works are being carried out in line with the latest variation then the works promoter will not be in contravention of the permit conditions.

M3 Where pedestrian ramps and temporary walkways are necessary as a consequence of proposed works, then it will be a condition of the permit that all pedestrian ramps are edged in yellow to assist those pedestrians who are visually impaired.

Mandatory Conditions for Immediate Activities

IM1 Promoters who are about to carry out immediate activities on streets which are especially vulnerable to traffic disruption, indicated on the street gazetteer with an ASD designation of 'subject to early notification', must telephone the Permit Authority's specified number immediately such activities become necessary.

IM2 An information board detailing relevant contact details for the promoter will be displayed on site as soon as activities commence.

Where emergency activities on site are in progress, it is recognised that until the permit is received by the Activity Promoter, the permit number cannot be displayed on site.

The Activity Promoters must display the permit number in respect of permits for emergency activities, on site, by 10.00am on the next working day after the day on which the permit for those activities has been received by the Activity Promoter.

IM3 The works description must justify, giving specific reasons, why the activity has been categorised as immediate works.

If the Permit Authority disputes whether an activity, or part of an activity, is immediate the promoter must provide evidence that it falls into this category.

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Specific Conditions/ Condition Types (to be applied where appropriate to the activity)

BH1 Date Constraints - Any date(s) between the start and completions dates on which activities should not take place, which may also include periods when not only should no activity take place, but that the site should also be cleared of all plant, materials and equipment, including all traffic management measures and signing, lighting and guarding.

BH2 Time Constraints - The times of day at which activities can and cannot be carried out

BH3 Out of Hours Work - Whether or not the duration of the activities includes, allows for or requires weekend and Bank Holiday working.

BH4 Material and Plant Storage - Whether materials and plant can be stored on site.

BH5 Road Occupation Dimensions - The width and/or length of road space that can be occupied – including allowing for signing, lighting and guarding – at any one time during the period of the activities.

BH6 Traffic Space Dimensions - The road space that is available to all traffic, including pedestrians, at certain times of the day.

BH7. Road Closure - That the need for a road, or relevant section, should be closed to traffic during the activities.

BH8 Light Signals and Shuttle Working - That shuttle working, Stop/Go, Give and Take and/or portable lights signals are to be used or that manual control of traffic lights to be used on traffic sensitive streets and traffic sensitive times, or as traffic conditions dictate.

BH9 Traffic Management Changes - If the traffic management is likely to change during the life of the activities the activity promoter must stipulate this on the permit application or submit a permit variation application.

BH10. Work Methodology - The way in which the specified activities are to be carried out and the methods to be used (i.e. no dig, trench share etc.). Or, that the promoter will agree with the Permit Authority its way for dealing with excavation and reinstatement, e.g. hand dig, first time reinstatement, where spoil can be stored etc.

BH11 Consultation and Publicity - Where activities on the street have the potential to cause significant disruption to residents and businesses and travelling public. For example,

- o A minimum of two weeks advance notice of activity to be given to nearby householders and businesses and/or traffic and pedestrians using the road.
- o Details of the activity are to be displayed at the location of the activities.
- o Meetings with Local Councillors where appropriate, especially for major activities.

BH12. Environmental - As appropriate, Activity Promoters are to consult with the Permit Authority's Arboriculture consultants and/or other environmental officials when drawing up their proposals. Activity Promoters need advise county archaeologists where appropriate and specify that the activities will take place in conservation areas, areas of outstanding natural beauty, sites of special scientific interest, protected species areas, ancient monuments (including milestones) and Roman roads. For example:

- o Night and weekend working in agreement with PA officers.

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APPENDIX F

Policy Statement – Circumstances in which the Permit Authority will review, vary or revoke permits on its own initiative

Once a permit has been granted, the Activity Promoter should have reasonable confidence that the road space will be available for them. However, circumstances beyond the Permit Authority's control may occur which may cause the Permit Authority to review the permit and, as a result, may lead to the conclusion that the permit or its conditions need to be varied or revoked.

The Permit Authority's policy is to avoid making such variations other than in exceptional circumstances which could not reasonably have been predicted or where the impact is significant. Such events may include floods and other adverse weather conditions, burst mains, dangerous buildings, etc., which may result in traffic being diverted on to the road where the activity was underway or about to start.

If the consequent disruption of such events cannot be mitigated in a way other than by changing or revoking the permit, the Permit Authority will adopt the following procedure:

(i) As soon as the Permit Authority is aware that it may be necessary to vary or revoke a permit, it will contact the Activity Promoter to discuss the best way of dealing with the situation.

(ii) If these discussions lead to an acceptable solution for both the Permit Authority and the promoter, the authority will either grant an Authority Imposed Variation incorporating the agreed changes or the promoter can apply for a permit variation from which the authority will grant the new permit.

(iii) In the event that agreement cannot be reached, the Permit Authority will grant an Authority Imposed Variation on the terms it considers reasonable but the promoter would have the option of invoking the dispute resolution procedure

(iv) No fee will be charged for variations or the revoking of a permit where it is initiated by the Permit Authority unless, at the same time, the promoter seeks variations which are not the result of the circumstances causing the Permit Authority's action.

The above policy does not restrict the Permit Authority from revoking a permit if the Activity Promoter is considered to be acting unreasonably and causing unnecessary disruption to the flow of traffic or pedestrians.

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APPENDIX G

Employment of Sanctions.

Failure to obtain a permit, where one is required to undertake specified activities in a specified street, or to commit a breach of a permit condition, constitutes a criminal offence under the Regulations. The Permit Authority is empowered to employ three courses of action to achieve compliance with the Permit Scheme.

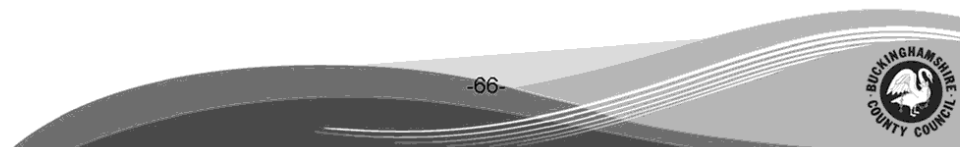
- An intervention power (remedial action)
- Fixed Penalty Notices
- Prosecution

Before resorting to these courses of action, the Permit Authority will always endeavour to resolve problems and achieve the necessary compliance within the Permit Scheme by informal negotiation with the Activity Promoter concerned.

Where it is not possible to informally resolve the situation with the Activity Promoter, the Permit Authority will initially serve a notice on the promoter in respect of the non-compliance setting down the action that is to be taken within a set timescale.

Failure of the promoter to positively respond to such a notice may result in the Permit Authority carrying out the required action and recovering all reasonably incurred costs from the promoter.

As a last resort, and dependant on the seriousness and persistence of the offence, the Permit Authority may either issue a Fixed Penalty Notice or commence legal proceedings against the promoter.



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Maintainable highway	As defined in Section 329 of HA 1980, a "highway maintainable at the public expense means a highway which by virtue of Section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense"
Maintenance	As defined in Section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly"
Major activities	As stated in Section 9.2.1 of the Code of Practice for Permits, major activities are activities which have been identified in a promoter's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the date proposed for the activity; <i>or</i> activities, other than immediate activities, where (i) the authority has indicated to the promoter, or (ii) the promoter considers, that an order under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; <i>or</i> activities, other than immediate activities, which have a planned duration of 11 days or more"
Major highway works	As defined in Section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the Highway Authority in relation to a highway which consists of or includes a carriageway - (a) a reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of Section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by Section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway"
Minor activities	As stated in Section 9.2.3, minor activities are those activities other than immediate activities where the planned duration is 3 days or less.
Minor roads	Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.
National grid reference)	Location reference using nationally defined eastings and northings.
Nationally consistent Street gazetteer (NSG)	A database defined as an "index of streets and their Street gazetteer (NSG) geographical locations created and maintained by the local highway authorities" based on BS 7666 standard.
NRSWA	New Roads and Street Works Act 1991.



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NSG Concessionaire	The body appointed to manage the NSG on behalf of the local highway authorities.
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.
Permit	The approval of a Permit Authority for an Activity Promoter to carry out activity in the highway subject to conditions.
Permit application	See Section 9. The application that is made by a promoter to the authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (Section 55 of NRSWA) given under the Co-ordination regime.
Permit Authority	See Section 1.3 - A local authority or other "Street Authority" which has been given approval by the Secretary of State to operate a Permit Scheme on all or some of its road network.
Permit Scheme	See Section 1.2 - A scheme approved by the Secretary of State under which permits for activities are sought and given.
Promoter	A person or organisation responsible for commissioning activities in the streets covered by the Permit Scheme. The promoter will usually be a statutory undertaker or the highway or traffic authority.
Protected Street	Any street that serves a specific strategic major traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which undertakers can place the equipment that would otherwise lawfully have been placed in the protected street.
Provisional Advance Authorisation	See Section 5.1. The early approval of activities in the highway, equivalent to the advance notice given under Section 54 of NRSWA.
Registerable	Registerable activities correspond to specified works in the regulations.
Reinstatement	As defined in Section 105(1) of NRSWA, "reinstatement includes making good".
Relevant authority	As defined in Section 49(6) of NRSWA, "references in this Part to the relevant authorities in relation to any works in a street are to the street authority and also (a) where the works include the breaking up or opening of a public sewer in the street, the sewer authority; (b) where the street is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, that authority; and (c) where in any other case the street is carried or crossed by a bridge, the bridge authority"
Remedial work	Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and regulations.
Road	See "highway".
Road works	Works for road purposes.
Special Engineering	By virtue of Section 63 of NRSWA, the term special



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TMA	The Traffic Management Act 2004.
Traffic	As defined in Section 105(1) of NRSWA, "traffic includes pedestrians and animals"
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works"
Traffic regulation order	This means an order made under Section 1, 6 or 9 of the Road Traffic Regulation Act 1984.
Traffic sensitive street	See Section 1.6. 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.
Transport Authority	As defined in Section 91(1)(a) of NRSWA, "transport authority means the authority, body or person having the control or management of a transport undertaking".
Trunk road	As defined in Section 329 of the HA 1980, "trunk road means a highway, or a proposed highway, which is a trunk road by virtue of Section 10(1) or section 19 above or by virtue of an order or direction under section 10 above or under any other enactment".
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".
Unique Street Reference Number (USRN)	As defined in the British Standard BS7666.
Urgent activities	Urgent activities are (a) activities (not being emergency activities) 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	As defined in section 98(2) of NRSWA, "for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day".
Works	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

Buckinghamshire County Council
Permit Scheme for Road Works and Street Works

APPENDIX J

Transitional Arrangements

The changeover date will be in the Order authorising the scheme and must be a minimum of four weeks after the Order is made. The Permit Authority should ensure that discussion takes place with all promoters during the transition period to ensure that issues are picked up early and problems dealt with quickly.

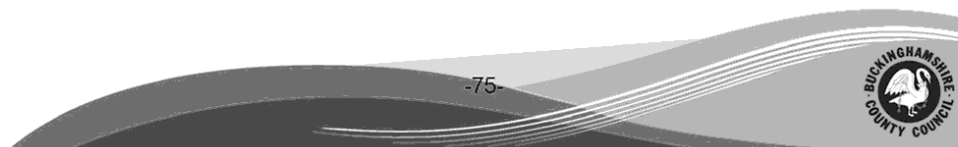
The basic rules of transition will apply on all roads where the Permit Scheme operates. (Activities on non-strategic and non-traffic sensitive streets will continue under the notices regime).

(a) The permit regime will apply to all activities where the administrative processes, such as application for a permit or Provisional Advance Authorisation, start after the commencement date.

(b) Activities which are planned to start on site more than one month after the changeover date (for standard, minor and immediate activities) or three months (for major activities) shall operate under the Permit Scheme. This means that even if the relevant Section 54, Section 55 or Section 57 NRSWA notice has been sent before the changeover, the promoter will have to apply for a permit.

(c) Any other activities which started under the notices regime will continue under that regime until completion. Given the advanced notice of the changeover there should be few activities where these rules will create difficulties. Activities co-ordinated in the run-up to the imposition of a restriction might be such a situation. In those few cases, discussions should take place between the authority and the promoters concerned to work out a practical way of dealing with the activities.

As there will be advance notice of the changeover, there should be few activities where these rules will create difficulties. Activities co-ordinated in the run-up to the imposition of a restriction under Section 58 or 58A of NRSWA might be such a situation. In those few cases, the Permit Authority will discuss the situation with the promoters concerned to work out a practical way of dealing with the activities.



Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to the Buckinghamshire County Council Permit Scheme. The Buckinghamshire County Council Permit Scheme is designed to control the carrying out of works in specified streets in Buckinghamshire by imposing an obligation to obtain a permit from Buckinghamshire County Council before undertaking the works. *Article 3* gives effect to the permit scheme, which will come into effect on 4th November 2013. The permit scheme referred to in this article is set out in the Schedule to the Order.

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

A copy of the Buckinghamshire County Council Permit Scheme is deposited and can be inspected at the offices of Buckinghamshire County Council, County Hall, Walton Street, Aylesbury, Buckinghamshire. HP20 1UA and is available to inspect on the Council's website <http://www.buckscc.gov.uk>.