

Consultation Responses



Sam Guiver
Project Lead -
The Essex Permit Scheme
Essex Highways
County Hall
Market Road
Chelmsford CM1 1QH

Our Ref: SG-14/CQA

Date: 22 July 2014

Dear Consultee

The Consultation for 'Essex Permit Scheme for Road Works and Street Works' ended on the 16th July 2014. I would like to say thank you, for all of your comments received during the consultation period. The consultation was primarily aimed at highway works promoter, utility companies and their regulators but responses were welcomed from anyone with an interest.

Essex County Council, now plans to progress with an application to the DfT with the amendments highlighted through this consultation process.

Part 3 of the Traffic Management Act 2004 and The Traffic Management Permit Scheme (England) Regulations 2007 gives local authorities powers to design and operate a permit scheme to improve the management of works in the street undertaken by highway authorities and utilities companies. Essex County Council proposes to exercise these powers to introduce a system of permits for street works and road works.

Essex County Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme. Furthermore, Essex County Council will review the Permit Scheme Annually. If there is a surplus in the income from permit fees, then this will be addressed in subsequent years as appropriate.

Yours sincerely

A handwritten signature in black ink, appearing to be "S. Guiver".

Sam Guiver
Project Lead - The Essex Permit Scheme

Q/C No.	Question / Comment	Scheme Document Reference	Essex County Council Response's
National Grid			
1	What Does Essex as a registrable activity?	6.11/6.2	No Amendment: As outlined in section 5.1 of the scheme document and furthermore please refer to New Roads and Street Works Act 1991 & Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters (3rd Edition) section 7.3
2	How will you measure improved journey time reliability?	2.7.2	No Amendment: Essex County Council will measure journey time reliability through the KPI's outlined in Appendix I of the Scheme Document and furthermore will also be utilising an external consultant to compare existing data with the with information generated through year 1 as part of yearly review of the scheme.
3	How will this scheme promote a safer environment?	2.7.2	No Amendment: One of the benefits of the scheme is a reduction of durations as outlined in KPI 4 (Appendix I of Scheme Document) therefore the exposure to travelling public through street work sites (obstructions) will be reduced.
4	How will the benefits be communicated to the general public?	2.7.2	No Amendment: The benefits will be promoted through our website and other media channels used by Essex County Council
5	Will the new data following the start of the permit be measured against data already held by the highway Authority and will this be published on a quarterly/ Monthly/yearly basis?	2.7.2	Response: Please refer to Appendix I which is our KPI's for the scheme. Furthermore, this will be in our (ECC's) annual review.
6	Does 2.7.5 contradict a registrable activity?	2.75	Response: No, it does not contradict.
7	It is our understanding that immediate works do not require a permit before works commence, 3.4 contradicts this	3.4	No Amendment: Specified works are defined in 8.5 activity categories in the permit scheme document for immediate activities and also 11.9 of the scheme document gives instruction for timings for permit applications
8	Can you confirm and identify the key stakeholders mentioned in 3.7?	3.7	Response: This can be for example and limited to; Bus Companies, Local Transport groups, events (i.e. of national interest events; Olympics, Tour de France etc.)
9	With regard to new developments will there be a stipulation for utilities to work within a set period as defined by planners of the council?	3.9.1	Response: No, it is the developer's responsibility to manage the requests for the utility connections within the set period outlined in planning conditions.
10	You state in the scheme that KPI's will be produced on a monthly basis and discussed at the quarterly meetings with promoters, if the information not provided will permit be suspended?	4.5	Response: No - as stated in 4.5 'The information will also be published periodically on Essex County Council's website.'
11	Can you please clarify how this will work in practice?	6.8	No Amendment: Following a granting of a permit a variation application will be required from the promoter. Where authority imposed variations are required is outlined in 10.2.5 and further explained in Section 13.7 of the scheme document
12	Emergency activities should be defined as Immediate Will permits not granted in SLA be automatically deemed	6.9	Amendment: Thank for comment we will be changing the wording from emergency to immediate. It is assumed that SLA's are referring to response times? Please refer to section 11.13 and Appendix F of the scheme document.
13	If the permit is in calendar days why do the weekends have to be separated out?	10.1 (e)	No Amendment: The duration is defined by the start and end dates specified on the permit application it is not a requirement to split the weekend out. However, any weekend or bank holiday working covered by the duration must be explicitly mentioned on the permit application
14	Can you confirm what is the relevance of site depth information?	10.1 (U)	No Amendment: The site depth will enable the permit authority to more accurately assess the duration and impact of the proposed permit on the highway. For example, the depth may affect the available road space and the duration of the works at that location.
15	This is not applicable to immediate activities and reference should be made to this	10.1 (L)	No Amendment: The retrospective nature of permit applications for immediate activities does in fact allow conditions to be considered prior to an application being sent. For example, where activities are being undertaken in TS times it would be practical to apply conditions which may minimise the impact upon the network i.e. manually operating traffic lights.
16	Can you confirm if the information on the ASD is available?	11.9.2	No Amendment: Yes - The ASD information on ECC's Gazetteer will include the special designation known as 'Subject to early notification' and relevant telephone numbers. This will come into effect when the permit goes live.
17	Can you confirm that the permit authority will have a 24 hour manned telephone line?	11.9.2	Response: ECC will have a 24hr telephone line with the intention that relevant alerts are generated to the responsible officer who will act accordingly. Furthermore, a pin reference will be provided at the point of the answerphone to prove contact has been made with the authority.
18	We would like it to be seen that the refusal is specific to allow for learning, coaching and resubmission of the permit	11.13.2	No Amendment: It is essential that promoters ensure that adequate training is provided to the team which have contact with the generation of permits. Furthermore, ECC has offered to provide skilled training days to help the transition from a notice regime to a permit scheme (This offered at the Consultation briefings 3rd July as well as the EHAUC meeting the 10th July)
19	What is Essex preferred method of contact when requesting that a variation be granted?	13.4 (B)	No Amendment: Essex County Council, would prefer a works comment and a phone call as well.
20	Can you specify where the coring activity scope of work covers additional criteria, what is the criteria?	15.6.1 (G)	No Amendment: 15.6.1 (G) states 'Coring Activity - any coring activity where the scope of the specified works is limited to the breaking up of any street. Where a coring activity scope of work covers additional criteria - as defined within Section 6.2(b) to (f) (inclusive) of the Permit Scheme - the permit for this activity would be subject to a fee.' which defines the criteria.'

21	Can you confirm when the next working day applies, is it the NRSWA or calendar day	16.4.2	Response: 16.4.2 does not discuss 'next working days' it is assumed that you are referring to section 16.4.4 and/or 16.4.5 where the next working day would be defined by a NSRWA working day.
22	When will Essex be providing the cost benefit analysis?	General comment / questions	No Amendment: Yes - Essex will be providing a summary of the CBA with the consultation response which will to our published to consultees.
23	Local Conditions — any such known conditions which are particularly applicable to Essex should be included in the submission for approval. Conditions in this category can not be added subsequent to scheme approval	ETON Ref 13- Local	No Amendment: Please refer to Section 16.2.1 'Our intent is to adopt the National Condition Text as our standard conditions. This will reduce the admin burden on utilities. To achieve this we shall therefore adopt the suggested National Condition Text (NCT) Texts in full including the referencing. We recognise that these conditions may change and develop over time. Any future changes to the national model condition texts will be automatically incorporated into our scheme.'
AJUG			
24	This requires clarification	1.5.1	Amendment: Thank you for your comment and this section will be re-written to correctly demonstrate actions taken by Essex County Council
25	In line with current guidance proposed schemes should be applied to TSS or strategic routes only	1.5.2 - 1.5.4 & 1.6.5	Response: The DfT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. 'It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included]. as stated in section 1.5.3 of the scheme document.
26	Journey Times - As long as those conditions to achieve improvements comply with the Code of Practice for Permits and National Guidance	2.5.3	Response: Thank you for your comment and any improvements will be in line with current legislation
27	Safety of those using street - this is covered in the Safety Code – the primary legislation for all practitioners	2.5.3	Response: This is correct, however, a further reaching objective of a permit scheme which is outlined in section 2.3 of the Traffic Management Act 2004 permit schemes decision making and development (2nd edition)
28	How will the improvements be measured?	2.7.2	Response: Essex County Council will measure journey time reliability through the KPI's outlined in Appendix I of the Scheme Document and furthermore will also be utilising an external consultant to compare existing data with the with information generated through year 1 as part of yearly review of the scheme.
29	Already covered under current guidance.	2.7.4	Response: Thank for your comment and this correct, however, this statement supports the scheme and does override any current guidance
30	Re-word – immediate activities	3.4	Response: Specified works are define in 8.5 activity categories in the permit scheme document for immediate activities and also 11.9 of the scheme document gives instruction for timings for permit applications
31	Co-ordination is the role of the permit authority!	3.8.3	Response: As professional organisations which also use ECC's network to undertake their core business. ECC would also hope that all work promoters working on the network would have considerations to how they plan their work and take a professional responsibility for their actions in the same manner as a Highway Authority.
32	This should be a joint responsibility with the promoter and permit authority to actively engage with all relevant stakeholders	3.8.4	Response: Essex County Council, are highlighting the need to be prepared to work together with all parties to ensure effective co-ordination of the work activities
33	Will the permit authority share the results with all works promoters?	4.4 -4.5	Response: This information will be publicly available as outlined in Section 4.5 of the scheme document 'The information will also be published periodically on Essex County Council's website.'
34	There is no requirement for a secondary permit application	6.8	Amendment: Re-word: or granting of a variation application
35	Should read Immediate	6.9	Amendment: Thank for comment we will be changing the wording from emergency to immediate.
36	This is not a requirement under current legislation – TTSA's – should comply with Safety Code!	10.1 (f)	Response: Please note the word "should" rather than "must" therefore in writing legislation it would be good practice however it is not mandatory. That TTSA's will only be required if activities which need the use of multi-way lights.
37	Amend – PMR or Refusal	10.1 (f)	No Amendment: A permit modification request may not be suitable where the extent of the activity can only be made clear by the provision of a illustration. Therefore, the scheme reserves the right refuse in these circumstances.
38	Will a 24 hour service be available and contacts made auditable by Pin Ref?	11.9.2	Response: ECC will have 24hr telephone line with the intention that relevant alerts are generated to the responsible officer who will act accordingly. Furthermore, a pin reference will be provided at the point of the answerphone to prove contact has been made with the authority.

39	How will this be managed to ensure the discounts are applied fairly and accurately?	15.7.1	Response: As outlined in the Methodology described in 15.7.1 of the scheme document.
40	How will this be managed to ensure the discounts are applied fairly and accurately?	15.7.3	Response: As outlined in the Methodology described in 15.7.3 of the scheme document.
41	Covered under the Code of Practice for Permits S16.5 – should not conflict with those statements which already exist	16.9.1 - 16.9.2	Response: Thank you for your comment and concern. However this does not conflict with current statements in Code of Practice for Permits S16.5
42	HAUC Guidance Note currently out for consultation - a Section 171 Licence cannot be enforced – elements covered in Utility Acts	16.10.9	Response: Thank you for your comment and you are correct this is currently out for consultation with HAUC. At present no formal response has been given in relation to this matter. Essex County Council therefore feel that this has no bearing on the Scheme at present. Once formalised ECC will adhere to any Permit related HAUC Advice notes on this matter.
43	Misleading – promoters are required to consult as in 3.8.4 – promoters are not required to provide alternative services - clarification required!	16.13.2.3	Response: 'providers' are not 'work promoters'. Providers is in relation to a Bus Operator/provider
44	This is the responsibility of the permit authority	16.14.2	Response: Work promoters must contact the Environmental Health Officer before applying for permit to work in these hours as this forms part of the planning stage of the works and it is the individuals responsibility as outlined in the act (see Section 60, Control of Pollution Act 1974).
45	This is covered under separate legislation and guidance and should not form part of a permit scheme proposal	20.7	Response: To further protect our asset and as ECC's reasonability as the Highway Authority. It is deemed that this is set to encourage the rectification of faulty/damaged apparatus as outlined Section 81 of the New Roads and Streetworks Act. This is in the document to highlight and align what will be required by promoters when ECC moves to a Permit Scheme
46	See 16.10.9	20.14.1	Response: Thank you for your comment and you are correct this is currently out for consultation with HAUC. At present no formal response has been given in relation to this matter. Essex County Council therefore feel that this has no bearing on the Scheme at present. Once formalised ECC will adhere to any Permit related HAUC Advice notes on this matter.
47	What are the conditions for immediate activities?	Appendix E	Amendment: Thank you, please refer to section 16.4 of the scheme document which outlines the conditions upon immediate activities. Appendix E have been worded.
48	A copy of the Cost Benefit Analysis has not been made available in the Consultation Document Set	Appendix H	Response: Essex County Council will be providing a summary of the Summary CBA with the consultation response which will to our published to consultees. The CBA shows a cost benefit ratio of 1:22 on the highest in the England.
49	What are the costs of implementing the scheme – excluding your own works?	Appendix H	Response: Essex County Council will be providing a summary of the Summary CBA with the consultation response which will to our published to consultees. The CBA shows a cost benefit ratio of 1:22 on the highest in the England.
50	15% reduction for working wholly outside TS times – how was this assessed – other schemes offer higher discounts to incentivise the promoter bearing additional costs for out of hours working	Appendix H	Response: This is only guidance to offer a discount to work outside TSS times; ECC, therefore, do not have offer a form of discount. Essex County Council, has decided that the scheme discount for working outside traffic sensitive times on traffic sensitive street, will go over and above the HAUC advice note 2013/01 by offering the 15% reduction to category 0-2 as well as the advised category 3-4 mentioned in the advice note. The inclusion of Category 0-2 was factored into overall 15% reduction based upon an assessment on the activities considered to offer a reduction
Vodafone			
51	Clarification required on the feasibility study and Essex's own feasibility work.	1.5.1	Amendment: Thank you for your comment and this section will be re-written to correctly demonstrate actions taken by Essex County Council
52	Current guidance proposes schemes should only be applied to Traffic Sensitive Streets or strategic routes	1.5.2 & 1.6.5	No Amendment: The DfT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included].' as stated in section 1.5.3 of the scheme document.
53	Journey Times Should be consistent with the Code of Practice for Permits and National Guidance	2.5.3	Response: Thank you for you comment and any improvements will be in line with current legislation
54	Safety of those using street - Legislation under the Code of Practise for Safety at Street Works and Road Works covers this.	2.5.3	Response: This is correct, however, a further reaching objective of a permit scheme which is outlined in section 2.3 of the Traffic Management Act 2004 permit schemes decision making and development (2nd edition)

55	What will be the criteria for measuring the benefits?	2.7.2	Response: Essex County Council will measure journey time reliability through the KPI's outlined in Appendix I of the Scheme Document and furthermore will also be utilising an external consultant to compare existing data with the with information generated through year 1 as part of yearly review of the scheme.
56	Already covered under current guidance .NJUG 10 refers	2.7.4	Response: Thank for your comment and this correct, however, this statement supports the scheme and does override any current guidance
57	Should include "except for immediate activities".	3.4	Response: Specified works are define in 8.5 activity categories in the permit scheme document for immediate activities and also 11.9 of the scheme document gives instruction for timings for permit applications
58	This is the role of the Permit Authority under their co-ordination responsibilities .It is for the utility to co-operate.	3.8.3	Response: As professional organisations which also use ECC's network to undertake their core business. ECC would also hope that all work promoters working on the network would have considerations to how they plan their work and take a professional responsibility for their actions in the same manner as a Highway Authority.
59	This should be a joint responsibility with the promoter and permit authority to actively engage with all relevant stakeholders	3.8.4	Response: Essex County Council, are highlighting the need to be prepared to work together with all parties to ensure effective co-ordination of the work activities
60	Will the permit authority share the results with all works promoters?	4.4 - 4.5	Response: This information will publicly available as outlined in Section 4.5 of the scheme document 'The information will also be published periodically on Essex County Council's website.'
61	There is no requirement for a secondary permit application	6.8	Amendment: Re-word - or granting of a variation application
62	Replace emergency with immediate	6.9	Amendment: Thank for comment we will be changing the wording from emergency to immediate.
63	This is not a requirement under current legislation!	10.1 (f)	Response: Please note the word "should" rather than "must" therefore in writing legislation it would be good practice however it is not mandatory. That TTSA's will only be required if activities which need the use of multi-way lights.
64	Permit refusals should be a last resort. The Permit Modification Request (PMR) should always be used in the first instance via EToN	10.1 (f)	No Amendment: A permit modification request may not be suitable where the extent of the activity can only be made clear by the provision of a illustration. Therefore, the scheme reserves the right refuse in these circumstances.
65	Will a 24 hour service be available and contacts made auditable by Pin Ref?	11.9.2	Response: ECC will have 24hr telephone line with the intention that relevant alerts are generated to the responsible officer who will act accordingly. Furthermore, a pin reference will be provided at the point of the answerphone to prove contact has been made with the authority.
66	How will be this managed to ensure the discounts are applied fairly and accurately?	15.7.1	Response: As outlined in the Methodology described in 15.7.1 of the scheme document.
67	How will this be managed to ensure the discounts are applied fairly and accurately?	15.7.3	Response: As outlined in the Methodology described in 15.7.3 of the scheme document.
68	Covered under the Code of Practice for Permits S16.5 – should not conflict with those statements which already exist	16.9.1 - 16.9.2	Response: Thank you for your comment and concern. However this does not conflict with current statements in Code of Practice for Permits S16.5
69	HAUC Guidance Note currently out for consultation - a Section 171 Licence cannot be enforced – elements covered in Utility Acts	16.10.9	Response: Thank you for your comment and you are correct this is currently out for consultation with HAUC. At present no formal response has been given in relation to this matter. Essex County Council therefore feel that this has no bearing on the Scheme at present. Once formalised ECC will adhere to any Permit related HAUC Advice notes on this matter.
70	Misleading – promoters are required to consult as in 3.8.4 – promoters are not required to provide alternative services - clarification required!	16.13.2.3	Response: 'providers' are not 'work promoters'. Providers is in relation to a Bus Operator/provider
71	This is the responsibility of the permit authority	16.14.2	Response: Work promoters must contact the Environmental Health Officer before applying for permit to work in these hours as this forms part of the planning stage of the works and it is the individuals responsibility as outlined in the act (see Section 60, Control of Pollution Act 1974).
72	This is covered under separate legislation and guidance and should not form part of a permit scheme proposal	20.7	Response: To further protect our asset and as ECC's reasonability as the Highway Authority. It is deemed that this is set to encourage the rectification of faulty/damaged apparatus as outlined Section 81 of the New Roads and Streetworks Act. This is in the document to highlight and align what will be required by promoters when ECC moves to a Permit Scheme
73	See 16.10.9	20.14.1	Response: Thank you for your comment and you are correct this is currently out for consultation with HAUC. At present no formal response has been given in relation to this matter. Essex County Council therefore feel that this has no bearing on the Scheme at present. Once formalised ECC will adhere to any Permit related HAUC Advice notes on this matter.
74	What are the conditions for immediate activities?	Appendix E	Amendment: Thank you, please refer to section 16.4 of the scheme document which outlines the conditions upon immediate activities. Appendix E have been worded.
75	A copy of the Cost Benefit Analysis has not been made available in the Consultation Document Set	Appendix H	Response: Essex County Council will be providing a summary of the Summary CBA with the consultation response which will to our published to consultees. The CBA shows a cost benefit ratio of 1:22 on the highest in the England.
76	What are the costs of implementing the scheme – excluding your own works?	Appendix H	Response: Essex County Council will be providing a summary of the Summary CBA with the consultation response which will to our published to consultees. The CBA shows a cost benefit ratio of 1:22 on the highest in the England.

77	15% reduction for working wholly outside TS times – how was this assessed – other schemes offer higher discounts to incentivise the promoter bearing additional costs for out of hours working	Appendix H	<p>Response: This is only guidance to offer a discount to work outside TSS times; ECC, therefore, do not have offer a form of discount. Essex County Council, has decided that the scheme discount for working outside traffic sensitive times on traffic sensitive street, will go over and above the HAUC advice note 2013/01 by offering the 15% reduction to category 0-2 as well as the advised category 3-4 mentioned in the advice note. The inclusion of Category 0-2 was factored into overall 15% reduction based upon an assessment on the activities considered to offer a reduction</p>
Thames Water			
78	Within the current DFT guidance, proposed schemes should be applied to strategically significant routes rather than 100% of all streets	1.5	<p>Response: The DFT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DFT. 'It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' (It should be noted that from time to time to ensure effective traffic management, other streets may be included).' as stated in section 1.5.3 of the scheme document.</p>
79	'to ensure parity of treatment....' Is a report to be prepared and published demonstrating parity between promoters and authority works?	2.5.3	<p>Response: This will be published through the KPI's outlined in Appendix I of the scheme document</p>
80	'How will improvements be measured? And, will reports be published demonstrating the improvements due to the permit scheme introduction?	2.7.2	<p>Response: Essex County Council will measure journey time reliability through the KPI's outlined in Appendix I of the Scheme Document and furthermore will also be utilising an external consultant to compare existing data with the with information generated through year 1 as part of yearly review of the scheme.</p>
81	'How will improvements be measured? And, will reports be published demonstrating the improvements due to the permit scheme introduction?	3.2	<p>Response: As stated section 3.2 of the scheme document is not intended to prevent or delay activities and will measure parity of treatment through the KPI's outlined appendix L.</p>
82	'enhanced programming of activities and better forward planning by all activity promoters' - How will Essex CC improve forward planning within all promoters individual organisations?	3.7	<p>Response: Essex County Council, will aid improvement through the quarterly EHAUC/Co-Ordination meetings with all work promoters. The Permit Scheme will ensure enhanced levels of engagement with all key stakeholders, who's needs and requirements will be integrated into the forward planning process which Essex County Council currently undertake.</p>
83	'This section seems to indicate that the promoter is expected to perform the coordination function of the authority, if the promoter carried out this role then there should be a waiver of permit costs	3.8.3	<p>Response: As professional organisations which also use ECC's network to undertake their core business. ECC would also hope that all work promoters working on the network would have considerations to how they plan their work and take a professional responsibility for their actions in the same manner as a Highway Authority.</p>
84	'...results to be discussed at the quarterly meetings with promoters'... Is the quarterly meeting referred to the existing coordination meeting or is a new dedicated permit meeting to commence? Will these reports be made readily available to all promoters?	4.5	<p>Response: These meeting will be coincide with EHAUC/Co-Ordination Meetings</p>
85	With regard to early starts and additional permits. There are two ways to request an early start, the first way is to issue a permit application with the minimum advance notice period and then request an early start from the authority, if this is granted a revised application has to be issued. It is possible to not have to issue an additional permit when requesting an early start. The early start request can be made before issuing the initial permit application and if agreed by the authority, the details can be included on the agreements section in EToN thereby allowing the issue of a application with less than the minimum advance period. This process is already operated by varying authorities. This way of dealing with early starts results in a lot less cancellation and less administration overhead for both parties.	6.8	<p>Response: Essex will issue no early start reference until a valid permit has been issued as this will affect DFT KPI's and also promote bad planning which against one the objectives of a permit Scheme. It would be extremely difficult to make an informed decision regarding a permit application without the full details being registered on the ECC's EToN Co-Ordination system. As you will be aware a similar policy/process is in place for early starts within Essex currently in our Notice Regime.</p>
86	When any works take place on a category 3 or 4 road which has been partially designated as traffic sensitive and those works take place totally outside these designated times, the works are on a non traffic sensitive street as per NRSWA Section 60 (3). Therefore, when such works are taking place, the start/end dates can fluctuate dependant upon the validity period of the particular permit type.	7	<p>No Amendment: - It is important that works start and end on the dates stated on the permit when they take in place in Traffic Sensitive streets irrespective of the timings of activities.</p>
87	7.3.3 should include the terminology 'asset activity' to provide clarity when reading the document (the next section includes this term and as the next passage contradicting 7.3.2 it would ensure that misinterpretation is minimised)	7.3.2	<p>No Amendment: Thank you for your comment, 7.3.3 does use the terminology 'asset activity'.</p>
88	It should be mentioned that Remedial activities which fall into the major category, due to factors other than duration, does not need a PAA, it only requires a PA which would be followed by an actual start. Currently in EToN there are some differences between suppliers of EToN software where a Major remedial notice is issued with a 3 day duration (has a road closure), EToN issues a 10 day major permit application, but some systems recognise it as a PAA and therefore expects a follow up 10 day PA rather than an actual start, this can cause some systems to 'reject' the actual start, and/or cause problems with invoicing.	7.3.3	<p>Response: Agreed. This will be tested within the ECC system and if an issue exists effective processes will be put into place to ensure that pre-invoices and invoices are produced accurately</p>
89	contact details are a mandatory field within EToN for all permit applications and PAA's. It is unnecessary to include this in this section. With regard to the out of hours contact, there is currently no facility to include a number in the Operational District (OD) file, this is currently under review and if the field becomes available, then this whole passage will be defunct.	10.1 (c)	<p>Response: The use of contact fields within the EToN Spec is optional therefore It is essential that relevant contact details are always available to the Permit Authority. ECC is not asking for this information to be in the OD file but as a Contact Details on the permit application</p>
90	'...accurate location ... based on NGR's.' The last sentence in this passage referes to refusals on the basis of incorrect coordinates. This should only be on an exceptional basis due to the introduction of PMR's which were designed to accommodate minor changes to data held within a permit application (such as conditions, coordinates, description, location etc). Thames Water does not expect legitimate permit applications to be refused on minor errors which could be remedied easily by the use of a PMR and the modified application response.	10.1 (d)	<p>Response: Accurate location information is essential for the effective co-ordination of works. The Permit Authority may use Refusals, Permit Modification Requests and Works Comments to ensure data is fit for purpose to allow full assessment any activity before a Permit is Granted.</p>

91	...application will be refused with a request for an illustration...'. This should be on an exceptional basis, the use of the PMR should be referenced as above.	10.1 (f)	Response: A permit modification request may not be suitable where the extent of the activity can only be made clear by the provision of a illustration. Therefore, the scheme reserves the right to refuse in these circumstances.
92	method - ETON 6 introduced a new mandatory field where the information requested in this passage must be indicated on any permit application. This requirement is therefore unnecessary and duplicates what is specified in the tech spec for ETON.	10.1 (g)	Response: Thank you for your comment
93	This is not mandatory within ETON, not all utilities have the facility provided to them by their software supplier. Thames Water uses Symology's product integrated into our corporate works management systems. The option of issuing this type of notification is not available with integrated systems. The option of using the stand alone version of a notice management system to issue these types of notices is not available to the vast majority of our users. Therefore, it is not possible for Thames Water to meet this requirement. The wording of this requirement seeks to criminalise a requirement which is non-statutory and needs to be amended.	10.1 (h) (ii)	Response: It is understood that Symology Insight is fully ETON compliant. If the undertaker has chosen not to make corporate systems ETON compliant they will have an option to use the Symology System direct.
94	Inspection units are a mandatory field where the information requested in this passage must be indicated on any permit application. This requirement is therefore unnecessary and duplicates what is specified in the tech spec for ETON.	10.1 (i)	Response: Noted, however whilst the figure is estimated on a PAA or PA the scheme document guides Undertakers to improve the accuracy of such estimates, ultimately improving the accuracy of the confirmed Units contained within the Registration Notice
95	Refuse the request with the inclusion of a comment to reflect the change required. This will require a new permit application...'. When any permit application is refused ETON allows for a modified application instead of a brand new one. This ensures that cancellations are kept to a minimum and audit trails are complete.	10.1 (l) 1.	Amendment: Agreed reworded to new or modified
96	as per comment above for 7.3.3	11.6.2	Response: Agreed. This will be tested within the ECC system and if an issue exists effective processes will be put into place to ensure that pre-invoices and invoices are produced accurately
97	'...must telephone...authority immediately after works commence...'. The designation referred to in this section is described as 'early warning for immediate works' and in practice the designation is identified before the works actually start so the phone call will often be made at the time that a gang is dispatched to the location to deal with the immediacy. This section should be reworded so as not to preclude the call being made before the gang gets to site.	11.9.2	Response: It is anticipated that information required may not be available at the time when the gang is dispatched to site. Information including full location, including carriageway incursion and traffic management type may not be available. Therefore an accurate assessment on the impact upon the highway may be unknown until works commence. Due to the nature of the activity, ECC would not want to put any obstacles in the way to prevent corrective action of immediate works.
98	ETON systems expect an early start agreement to be included any application issued with less than the minimum application period. With this in mind, what are the expectations of Essex? In practical terms, if a utility wants to request an early start and talks to the authority before sending any permit application, if agreement is provided this agreement can be included on a permit application which will then be issued with less than the minimum period of notice. Is this acceptable to Essex? If so, this passage should be amended to indicate as such.	11.10.1	Response: Essex will issue no early start reference until a valid permit has been issued as this will affect DFT KPI's and also promote bad planning which against one the objectives of a permit Scheme. Also Essex has received confirmation that our scheme document at present (Consultation version) is fully ETON compliant by the ETON developers group which is required before an application can be made it the DFT
99	Practically, there are occasions when the necessity to vary/extend any given permit becomes apparent outside of these times, can Essex assure promoters that any variation sent outside of these times will be given due consideration and not refused purely due to the time it was submitted.	11.11.1	Response: This is covered at Section 11.11.2 of the Scheme Document
100	'...they must initially contact the permit authority...' please clarify by what means - e.g will it be acceptable to request via an ETON comment? Or via the telephone? If a variation is required and it is out of normal hours, the variation would need to be issued without contact if no-one is available to speak to. Can Essex assure promoters that any variation sent outside of these times will be given due consideration and not refused purely due to the time it was submitted	11.12.1	Response: Communication where possible should be through ETON works comment.
101	This is not mandatory within ETON, not all utilities have the facility provided to them by their software supplier. Thames Water uses Symology's product integrated into our corporate works management systems. The option of issuing this type of notification is not available with integrated systems. The option of using the stand alone version of a notice management system to issue these types of notices is not available to the vast majority of our users. Therefore, it is not possible for Thames Water to meet this requirement.	11.13.3	Response: It is understood that Symology Insight is fully ETON compliant. If the undertaker has chosen not to make corporate systems ETON compliant they will have an option to use the Symology System direct. Essex County Council has received confirmation that our scheme document at present (Consultation version) is fully ETON compliant by the ETON developers group which is required before an application can be made to the DFT. This is a promoters internal and it is mandatory that they can comply with ETON specifications as outlined in the ETON 6 Technical document.
102consider making the activity subject to conditions or refusing the permit application..'. Can Essex assure promoters that immediate activities will not be refused for minor errors, as this forces promoters to have been working illegally since works began. Immediate permits should not be refused as the works may have already been completed before the refusal is received and then ETON does not allow any corrections. The use of the PMR should be encouraged when additional conditions are required. Bearing in mind that if works have been completed and the works stop issued it is not possible to retrospectively amend the permit application. A permit authority can only make any permit subject to conditions either by granting the application then sending in a AIV (Authority imposed variation) or utilising the PMR (permit modification request)	11.17.1	Response: Yes it is confirmed that Immediate Permit Applications will not be refused for Minor Errors however it is the responsibility of the promoter to ensure that information provided is timely and accurate, therefore if information is misleading or does not allow the effective co-ordination of activities the Permit Authority may use a variety of methods contained within the scheme document to rectify the issue
103	A permit authority can only make any permit subject to conditions either by granting the application then sending in a AIV (Authority imposed variation) or utilising the PMR (permit modification request)	12.3.2	Response: Or alternatively by granting a permit application, which already contains conditions
104	...where it would be reasonable to use the alternative street...' Will the permit coordinators be in a position to be able to take into account any economic factors when making this sort of decision. For example, the increased cost to customers if promoter asked to install a lengthier run.	12.5.1 (c) (ii)	Response: The Authority will consider the reasonableness of any refusals prior to issuing them
105	c) (ii) '...where it would be reasonable to use the alternative street...' Will the permit coordinators be in a position to be able to take into account any economic factors when making this sort of decision. For example, the increased cost to customers if promoter asked to instal a lengthier run.	13.2	Response: The Authority will consider the reasonableness of any refusals prior to issuing them
106	if the need for a variation is identified out of normal hours, or it has not been possible to contact the authority (i.e. no answer on telephone, in poor reception area etc) and to ensure that the variation is issued before the work is completed it will be necessary to send a variation application without the stipulated contact first. The permit authority has the valid right to refuse any variation application, the issue of a variation without contact first should not be precluded from the scheme	13.4	Response: In exceptional circumstances where a permit has not been varied in accordance with Section 13.4 (a) of the Scheme document. ECC would suggest utilising the 24hr line which will be available. For instances where poor reception affects the ability to make contact with authority is not expected that a promoter will be able to access/contact its permitting team to make the variation application. However, a phone should be made as soon as practically possible.
107	Section 55 has been disapplied, it is not necessary to send a cancellation notice for an unwanted permit, it is however good practice to do so. This requirement is not enforceable and a permit scheme must not seek to criminalise something which has specifically been decriminalised with the commencement of a permit scheme.	14.2	Response: Thank you for your comment
108	If the authority requires different conditions than those proposed, then the PMR notification should be utilised rather than a refusal. The PMR was designed specifically for changes to conditions.	16.3.1	Response: The Permit Authority may use Refusals, Permit Modification Requests and Works Comments to ensure data and conditions are fit for purpose to allow full assessment any activity before a Permit is Granted. A permit modification request is technically a refusal.

109	This section gives two options for the authority to request differing or additional conditions. There should only be one option, the PMR. The refusal notification should be utilised only when the proposed activity simply cannot be physically undertaken. The PMR can be used to amend many aspects of any application and should be encouraged.	16.3.3	Response: The use of Permit Modification Requests is optional, therefore, the Permit Authority may use Refusals, Permit Modification Requests and Works Comments to ensure data and conditions are fit for purpose to allow full assessment any activity before a Permit is Granted. Furthermore, HAUC guidance notes for Permit related matters and industry best practice will be followed where possible.
110	Most Utility promoters provide a 24hour emergency service so immediate works can be identified at any time of day or night - in order to satisfy the requirement to telephone upon immediate works, will Essex be providing a manned telephone line out of normal working hours?	16.4.3	Response: ECC will have 24hr telephone line with the intention that relevant alerts are generated to the responsible officer who will act accordingly. Furthermore, a pin reference will be provided at the point of the answerphone to prove contact has been made with the authority.
111	For water and sewerage undertakers, power to work in streets is given by s158 of the Water Industry Act 1991. The powers granted are for laying and maintaining relevant pipes and include "works requisite for or incidental to" such works. This will include temporary storage where this cannot be reasonably separated from the works. Notwithstanding our powers under s158, the works are still regulated by NRSWA (albeit they do not require a s50 NRSWA licence due to the existence of s158) and they are still covered by the permit regulations because both of these are expressed as applying to streetworks. That is not the case with Section 171 of the Highways Act. Permits may include conditions that regulate storage, but they cannot regulate storage by requiring an additional consent which falls under separate statutory provisions that do not relate to water companies, due to the existence of s158.	16.10.9	Response: Thank you for your comment and you are correct this is currently out for consultation with HAUC. At present no formal response has been given in relation to this matter. Essex County Council therefore feel that this has no bearing on the Scheme at present. Once formalised ECC will adhere to any Permit related HAUC Advice notes on this matter.
112	This is a mandatory field in EToN which must be included in all applications, it is not therefore necessary to make it a condition.	16.12.2	Response: The relevant data items in EToN relating to excavation type should match any specific conditions on that permit.
113	This requires clarification - that is, that there is no requirement upon the promoter to provide alternative services. The promoters may be required to consult only.	16.13.2.3	Response: 'providers' are not 'work promoters'. Providers is in relation to a Bus Operator/provider
114	If the permit authority imposes out of hours working upon the utility, please confirm that the authority will have made this decision taking into account the environmental Health Office's requirements	16.14.2	Response: Yes, However, the Permit Authority is agreeing the road occupation within the permit and it is the responsibility of the works promoter to meet the requirements of the EHO's conditions in relation to their working methods i.e. Noisy working up to a specific time and it would be feasible for a works promoter to utilise the time available given in the granted occupation of the permit
115	This whole section should be removed from the scheme, this subject is covered under separate legislation and guidance and should not form part of a permit scheme proposal	20.7	Response: To further protect our asset and as ECC's responsibility as the Highway Authority. It is deemed that this is set to encourage the rectification of faulty/damaged apparatus as outlined Section 81 of the New Roads and Streetworks Act. This is in the document to highlight and align what will be required by promoters when ECC moves to a Permit Scheme
116	There is a mandatory field within EToN which details whether or not works will have an incursion on the carriageway when works are in the footway. Is the use of this field is what is expected?	20.12.1	Response: Yes, However, in certain circumstances supplementary information may be required. This may be in the form of notice text or conditions
117	For water and sewerage undertakers, power to work in streets is given by s158 of the Water Industry Act 1991. The powers granted are for laying and maintaining relevant pipes and include "works requisite for or incidental to" such works. This will include temporary storage where this cannot be reasonably separated from the works. Notwithstanding our powers under s158, the works are still regulated by NRSWA (albeit they do not require a s50 NRSWA licence due to the existence of s158) and they are still covered by the permit regulations because both of these are expressed as applying to streetworks. That is not the case with Section 171 of the Highways Act. Permits may include conditions that regulate storage, but they cannot regulate storage by requiring an additional consent which falls under separate statutory provisions that do not relate to Thames, due to the existence of s158.	20.14.1	Response: Thank you for your comment and you are correct this is currently out for consultation with HAUC. At present no formal response has been given in relation to this matter. Essex County Council therefore feel that this has no bearing on the Scheme at present. Once formalised ECC will adhere to any Permit related HAUC Advice notes on this matter.
118	Thames Water are pleased that Essex will be offering a discount on permit fees for works which utilities undertake outside of TS times, thus encouraging all Works Promoters to consider/deploy new innovative techniques to minimise congestion on TS Streets, and/or work on these Streets at non TS times. However, as per NRSWA Section 64(3), streets are only traffic sensitive at the designated times, any works which take place outside of the designated times are therefore taking place on a non traffic sensitive street and any costs associated must be at the level applicable to those works. The waiving of permit fees for works undertaken on behalf of the fire brigade is a welcome aspect of this scheme. With regard to the other discounts described; could we suggest that the timeframe for section 81 remediation to initially be 3 months rather than 3 weeks; this would allow utilities to "dovetail" with other non-essential routine maintenance works and/or possibly any resurfacing opportunities that Essex may have planned. The issue of a S55 cancellation notice has been disapplied by virtue of the commencement of a permit scheme. The scheme document seeks to re-criminalise this section of NRSWA and potentially then enable Essex to issue FPN's which are not enforceable. It is only good practice to cancel permits which are no longer required, but not an offence if not issued in a permit regime. This requirement must be reviewed. The scheme seeks to make a mandatory requirement of information which is optional in the EToN – the Portable Lights Signal Application introduced in EToN 6. The use of this functionality is optional for all undertakers and authorities and this scheme should not seek to penalise undertakers by either refusing applications or sending in FPN's if they are unable to utilise the function. EToN6 introduced the Permit Modification Request; this particular notification was specifically designed to provide the option of amending conditions rather than refusing an application purely due to the conditions attached which caused a lot of administration to both permit scheme operators and promoters. Although the scheme document does mention this notification type, there is more mention of refusing for missing conditions or other minor errors. This notification type should be utilised for all applications which require minor amendments rather than refusing them, which can lead to delays in completing essential works. Should there be a "bedding-in" period prior to applying the full rigours of the Scheme and the related sanctions? Should, initially, for the first 3 months, the Scheme only apply to non-utility Works, to iron-out any "teething issues"?	General Question/Comment	Response: Thank you for your comment; Essex County Council, has answered many of the points highlighted in the above responses for Thames Water. Essex County Council Would like to clarify the following: - Section 55 of NRSWA will be Disapplied by the introduction of the permit scheme and the permit scheme document does not seek to re-criminalise section 55/9 for cancellations. However, 14.2 of the scheme document states that any cancellations must be sent inline with the EToN technical Specification. In section 24.1 of the scheme document outlines any transitional arrangements around calculation matters; - It is intended to offer a soft launch the month before the go live date of the scheme for works promoters.
Affinity Water			
119	The Essex permit scheme is based on the feasibility study undertaken with Authorities that later became members of the East of England Permit Scheme "EEPS". Officers have further developed our own feasibility work and tested a range of different permit and fee structure models. The chosen method was to base our scheme on the Essex permit scheme structure. Can you provide clarification on this point as the text is confusing?	1.5.1	Amendment: Thank you for your comment and this section will be re-written to correctly demonstrate actions taken by Essex County Council

120	We have no issue with permits being applied to all roads but feel that the application of fees to all roads is not in line with current thinking in that the scheme should be biased towards Streets of Strategically Significant Importance and therefore there should be no or very little permit fee for Cat 3 & 4 non TS Streets.	1.5.2 - 1.5.4	<p>Response: The DfT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. 'It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included].' as stated in section 1.5.3 of the scheme document.</p>
121	As outlined in response above. • To improve the information available to the public to help provide and inform reliable journey times.	1.6.5	<p>Response: The DfT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. 'It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included].' as stated in section 1.5.3 of the scheme document.</p>
122	We have no issue with this as long as there is no unreasonable addition to our workload or processes • To ensure the safety of those using the street and those working on activities that fall under the scheme, with particular emphasis on people with disabilities.	2.5.3	<p>Response: Thank you for your comment</p>
123	This is a duplication of legislation as this is already covered under the Safety code of practice for Street Works and Road Works	2.5.3	<p>Response: Thank you for your comment, this is one of the objective of the scheme</p>
124	What are the base line figures and how will the improvements be measured?	2.7.2	<p>Response: Essex County Council will measure journey time reliability through the KPI's outlined in Appendix I of the Scheme Document and furthermore will also be utilising an external consultant to compare existing data with the with information generated through year 1 as part of yearly review of the scheme.</p>
125	Utility works are for the benefit of local people and as outlined in 3.2 that should always be the guiding principle - which has always been available under NRSWA	2.7.3	<p>Response: Thank you for your comment</p>
126	This is an unnecessary statement as undertakers are already required to work to the SROH legislation and furthermore NJUG have provided additional guidance for working in proximity to trees.	2.7.4	<p>Response: Thank you for your comment, this statement merely reflects that's promoters should adhere to the relevant code of practice.</p>
127	We disagree with this statement as if this was the case, permit fee structures would be biased towards those Cat 3 & 4 Streets where most residents are placed. This is not evident either in practice, in legislation, or in the DFT's viewpoint.	2.7.7	<p>No Amendment: Thank you for your comment and duly noted</p>
128	Whilst we will actively risks assess our works to ensure safe working practices, and assess other works where practical, we see that the co-ordination and timing of activities on the local and strategic network is the responsibility of the Permit Authority	3.8.3	<p>Response: As professional organisations which also use ECC's network to undertake their core business. ECC would also hope that all work promoters working on the network would have considerations to how they plan their work and take a professional responsibility for their actions in the same manner as a Highway Authority.</p>
129	We see this as the responsibility of the Permit Authority, however, we do and are prepared to discuss our works with relevant stakeholders albeit that this may be instigated via a joint Authority/Utility stakeholder meeting	3.8.4	<p>Response: Thank for your support on this matter</p>
130	Will this notification be done via Permit Modification Requests?	3.8.5	<p>Response: The Permit Authority may use Refusals, Permit Modification Requests and Works Comments to ensure data is fit for purpose to allow full assessment any activity before a Permit is Granted.</p>
131	The inference here is that the Permit Authority will be coring both Utility and Own works, can you confirm this is the case and that your own results will be shared for parity?	4.4 - 4.5	<p>Response: Thank for your comment, were cores samples are taken from roadworks sites which are suitable to be undertaken and these results will be shared.</p>
132	We do not see the need for a secondary permit, variations to permit times from the Utility should be covered by a Variation, and those instigated by the Authority should be covered by an Authority Imposed Variation	6.8	<p>Amendment: Re-word - or granting of a variation application</p>
133	Whenever temporary traffic lights are required an illustration showing the distances from the 'wait here' boards to the centre of the junction must be provided with the Temporary Traffic Signals Application. The requested red and green phasing of the temporary traffic lights design should be included, Where two-way lights do not straddle a junction, no illustration will be required This does not make sense and we do not believe this is a requirement under current legislation, therefore can you demonstrate the benefit and requirement for this administrative burden?	10.1	<p>No Amendment: Thank you for your comment, however, this requirement for multi-way signals is not any more of an administrative burden as Essex County Council currently require an illustration of the phasing for approval of multi-way lights as per ECC's application. This can be found on our website.</p>
134	The wording here is unclear!	11.10.4	<p>Response: Thank you for your comment, Essex County Council will word to make this more clear.</p>
135	How will this be assessed and monitored?	15.6.1 (m)	<p>Response: Essex County Council, will put systems and process in place to ensure that draft and subsequent invoices reflect discounts and were charges are not applicable</p>

136	How will be this managed and what happens if Essex decide to stop their coring programme?	15.7.1	Response: It was believed that any chance of discount on fees would be welcomed. However, this section is being removed and no discount incentive is planned to replace it. This had not been warmly welcomed by work promoters. However, Essex County Council will still continue with its coring programme without offering a discount on permits.
137	This is unnecessary as part of a Permit Scheme and therefore should be removed. Defective apparatus is covered elsewhere within legislation – if implemented how would it be recorded and monitored?	15.7.3	Response: This is necessary to further protect our (ECC's) asset and as ECC's responsibility as the Highway Authority, it is deemed that this is set to encourage the rectification of faulty/damaged apparatus as outlined Section 81 of the New Roads and Streetworks Act. Furthermore, it will be recorded and monitored as outlined in the Methodology described in 15.7.3 of the scheme document.
138	we believe these to be unnecessary statements as this is covered under the Code of Practice for Permits S16.5.	16.9.1 - 16.9.2	Response: Thank you for your comment and concern. However this does not conflict with current statements in Code of Practice for Permits S16.5
139	Refer to the HAUC Guidance Note currently out for consultation - a Section 171 Licence cannot be enforced as per below The information and details contained in this advice document do not override any requirements of the New Roads and Street Works Act 1991, Traffic Management Act 2004, Highways Act 1980, Gas Act 1986, Water Industry Act 1991 and/or any associated Street or Road Work Regulations.	16.10.9	Response: Thank you for your comment and you are correct this is currently out for consultation with HAUC. At present no formal response has been given in relation to this matter. Essex County Council therefore feel that this has no bearing on the Scheme at present. Once formalised ECC will adhere to any Permit related HAUC Advice notes on this matter.
140	Wording could be misleading – we accept we have to consult as outlined in 3.8.4 – the wording could be interpreted that a condition be applied to provide alternative services?	16.3.2.3	Response: 'providers' are not 'work promoters'. Providers is in relation to a Bus Operator/provider
141	We consider it the PA's responsibility to seek consents as part of the application process	16.14.2	Response: Work promoters must contact the Environmental Health Officer before applying for permit to work in these hours as this forms part of the planning stage of the works and it is the individuals responsibility as outlined in the act (see Section 60, Control of Pollution Act 1974).
142	Defective apparatus and its responses is outlined under separate legislation and should not form part of a permit scheme submission	20.7	Response: To further protect our asset and as ECC's responsibility as the Highway Authority. It is deemed that this is set to encourage the rectification of faulty/damaged apparatus as outlined Section 81 of the New Roads and Streetworks Act. This is in the document to highlight and align what will be required by promoters when ECC moves to a Permit Scheme
143	As response in 16.10.9	20.14.1	Response: Thank you for your comment and you are correct this is currently out for consultation with HAUC. At present no formal response has been given in relation to this matter. Essex County Council therefore feel that this has no bearing on the Scheme at present. Once formalised ECC will adhere to any Permit related HAUC Advice notes on this matter.
144	The initial condition for the Norfolk Permit Scheme will be those identified..... (Layer amended?) The initial condition for the Norfolk Permit Scheme.....? (Later amended)	Appendix D	Response: Essex County Council, will provide a final version of the scheme document prior to submission to DfT. However, ECC have been informed that the document had been uploaded on the webpage in correctly by our web agent and was changed without any notification to Essex within the first hour of the webpage going live. Not the start of the consultation period.
145	Why have heading of Condition Upon Immediate Activities if they are no different to Appendix D?	Appendix E	Amendment: Thank you, please refer to section 16.4 of the scheme document which outlines the conditions upon immediate activities. Appendix E have been worded.
146	The version control has not been amended as changes have clearly been made in the document without reference to any such changes in version control. Should information become available that we have not had the opportunity to respond to added/amended detail – we require to be notified of any such amendment prior to submission of the final draft for approval.	General Question/Comment	Response: Essex County Council, will provide a final version of the scheme document prior to submission to DfT. However, ECC have been informed that the document had been uploaded on the webpage in correctly by our web agent and was changed without any notification to Essex within the first hour of the webpage going live. Not the start of the consultation period.
147	The scheme is based on a chargeable all streets scheme, we do not oppose operating an all streets scheme, but believe non TS routes should be non chargeable. Other permit authorities have successfully introduced schemes on traffic sensitive / strategic routes only, and therefore this scheme is not consistent with other schemes within the area. There is no evidence or information contained within the consultation on further analysis carried out to support moving to an all streets scheme.	General Question/Comment	Response: Thank you for your comment, however, if you take a view of the schemes which are on the boundaries of Essex, they all follow the same premise. These are the; LoPS and EEPS. Furthermore, based upon proposed fee's there is a lighter in Essex compared to the schemes mentioned. The summary page for the CBA will be provided within the final version of the scheme document which further supports, Essex's move to permit 100% of the network.
148	Permit Schemes are only appropriate if an Authority can clearly demonstrate that it has fully utilised all existing NRSWA/TMA facilities and incentives to manage traffic movements and works, such that it has no alternative other than to seek approval for a Permit scheme; it is not considered that this requirement has been met by the Authority.	General Question/Comment	Response: Essex County Council, have been using NRSWA/TMA facilities and incentives to manage traffic movements and works since 1991 and TMA since 2004. Essex County Council, feels it has no alternative other than to seek approval for a permit scheme. Furthermore, the CBA summary page further supports Essex moving to a permit Scheme.
149	The answer to this question is yes – on the basis that the only conditions which will be utilised by Essex in the permit scheme are those included in the National Condition Text referenced on page 45. Thames Water understands that the DfT's advice is that no local conditions will be allowed; only those conditions held within the document can be attached/included on any permit.	General Question/Comment	Response: Thank you for your comment.
Anglian Water			
150	This feasibility study will now be out of date and the scheme should be based von more accurate up to date information.	1.5.1	Amendment: Thank you for your comment and this section will be re-written to correctly demonstrate actions taken by Essex County Council

			<p>Response: The DfT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. 'It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included].' as stated in section 1.5.3 of the scheme document.</p>
151	In line with current guidance proposed schemes should be applied to TSS or strategic routes only	1.5.2	
152	Can you confirm that fees charges to utilities are not paying for the processing of permits for Essex County Council works	1.6.8	<p>Response: Essex County Council can confirm that the permit fees paid by utilities is not paying for Essex County Councils own permit checks.</p>
153	How are these benefits going to be measured, what is the baseline measurement until the noticing regime?	2.7.2	<p>Response: Please refer to Appendix I which is our KPI's for the scheme. Furthermore, this will be in our (ECC's) annual review.</p>
154	This is already covered under existing guidance and therefore doesn't need to be part of the scheme.	2.7.4	<p>Response: Thank for your comment and this correct, however, this statement supports the scheme and does override any current guidance</p>
155	Coordination of highway activities is a Permit Authority role	3.8.3	<p>Response: As professional organisations which also use ECC's network to undertake their core business. ECC would also hope that all work promoters working on the network would have considerations to how they plan their work and take a professional responsibility for their actions in the same manner as a Highway Authority.</p>
156	At what intervals will the KPIs be available to works promoters	4.4	<p>Response: Please refer to Section 4.5 of the Scheme Document.</p>
157	This should be a permit variation not a second permit application.	6.8	<p>Amendment: Re-word - or granting of a variation application</p>
158	This is section is not a requirement under current legislation. Permit authority should use a permit modification request via EToN, not refuse the permit.	10.1 (f)	<p>Response: A permit modification request may not be suitable where the extent of the activity can only be made clear by the provision of an illustration. Therefore, the scheme reserves the right to refuse in these circumstances.</p>
159	The method can only be estimated until works commence, as this may change due to ground conditions, position of other utilities etc.	10.1 (g)	<p>Response: Thank you for your comment and duly noted</p>
160	The reinstatement type is irrelevant as utilities may affect interim or permanent under section 70 of NRSWA. Interim works will merely attract an additional visit and permit in order to carry out permanent reinstatement	10.1 (k)	<p>Response: Thank you for your comment, please note 'wherever possible'.</p>
161	Will telephone contact be required 24/7, for out of hours immediate activity. Will a PIN / Ref number be issues so it is auditable	11.9.2	<p>Response: ECC will have 24hr telephone line with the intention that relevant alerts are generated to the responsible officer who will act accordingly. Furthermore, a pin reference will be provided at the point of the answerphone to prove contact has been made with the authority.</p>
162	Will Essex follow the HAUC guidance for coring which gives utilities the opportunity to be present when the core is taken.	15.7.1	<p>Response: Yes, Essex County Council will follow HAUC guidance for coring. This is already in place in our current Coring Programme through our Noticing Regime.</p>
163	HAUC national conditions are out for consultation and not yet agreed.	16.2.1	<p>Response: Correct, however, Essex County Council will adopted any conditions which will be agreed into our (ECC's) permit scheme as defined in this section of the Scheme Document</p>
164	Will a permit modification request be used rather than refuse permit	16.3.1	<p>Response: The Permit Authority may use Refusals, Permit Modification Requests and Works Comments to ensure data and conditions are fit for purpose to allow full assessment any activity before a Permit is Granted. A permit modification request is technically a refusal.</p>
165	This is a duplication of 11.9.2	16.4.3	<p>Response: Agreed, Thank you for comment, however, Essex County Council believes that this is required in both sections of the Scheme Document</p>
166	HAUC national conditions are out for consultation and not yet agreed	16.5.4	<p>Response: Correct, however, Essex County Council will adopted any conditions which will be HAUC agreed 'National Condition Text' into our (ECC's) permit scheme as defined in this section of the Scheme Document</p>
167	Covered under the Code of Practice for Permits S16.5 – should not conflict with those statements which already exist	16.9.1 - 16.9.2	<p>Response: Thank you for your comment and concern. However this does not conflict with current statements in Code of Practice for Permits S16.5</p>
168	HAUC Guidance Note currently out for consultation - a Section 171 Licence cannot be enforced due to certain elements covered in various Utility Acts	16.10.9	<p>Response: Thank you for your comment and you are correct this is currently out for consultation with HAUC. At present no formal response has been given in relation to this matter. Essex County Council therefore feel that this has no bearing on the Scheme at present. Once formalised ECC will adhere to any Permit related HAUC Advice notes on this matter.</p>
169	Any authority instruction on the design of the site makes the authority accountable under CDM regulations and therefore shares the liability of the works. The method can only be estimated until works commence, as this may change due to ground conditions, position of other utilities etc.	16.12.1	<p>Response: The CDM for the site remains Solely the responsibility of the works promoter and sub-contractor. Such conflict, would be discussed and agreed in advance as outlined in the National Condition Text 'Employment of appropriate methodology'.</p>
170	This is covered under separate legislation and guidance and should not form part of a permit scheme proposal	20.7	<p>Response: To further protect our asset and as ECC's responsibility as the Highway Authority. It is deemed that this is set to encourage the rectification of faulty/damaged apparatus as outlined Section 81 of the New Roads and Streetworks Act. This is in the document to highlight and align what will be required by promoters when ECC moves to a Permit Scheme</p>

171	See 16.10.9	20.14.1	Response: Thank you for your comment and you are correct this is currently out for consultation with HAUC. At present no formal response has been given in relation to this matter. Essex County Council therefore feel that this has no bearing on the Scheme at present. Once formalised ECC will adhere to any Permit related HAUC Advice notes on this matter.
172	Needs to provide details of when call is required prior to starting works and the contact number to be used	22.10.2	Response: Please refer to section 22.10.3 of the Scheme Document
173	Charges are high for non TS 3-4 roads compared to other schemes A copy of the Cost Benefit Analysis which justifies the setting of the fees should be included in the consultation. Reduction for working wholly outside traffic sensitive times is only 15% which is low compared to other schemes whom offer up to 30%. 15% doesn't offer any real benefit when you weigh up the extra cost/lost time for working at unsocial hours plus the environmental impact of night-time noise, dust etc.	Appendix H	Response: Thank you for your comment, however, if you take a view of the schemes which are on the boundaries of Essex, they all follow the same premise. These are the; LoPS and EEPS. Furthermore, based upon proposed fee's these are lighter on non-TSS 3/4 in Essex compared to the schemes previously mentioned. Furthermore, the schemes mentioned previously do not offer any form of discount outside of traffic sensitive streets. This discount is only guidance to offer a discount to work outside TSS times; ECC, therefore, do not have offer a form of discount. Essex County Council, has decided that the scheme discount for working outside traffic sensitive times on traffic sensitive street, will go over and above the HAUC advice note 2013/01 by offering the 15% reduction to category 0-2 as well as the advised category 3-4 mentioned in the advice note. The inclusion of Category 0-2 was factored into overall 15% reduction based upon an assessment on the activities considered to offer a reduction. The summary page for the CBA will be provided within the final version of the scheme document which further supports, Essex's move to permit 100% of the network.
174	Anglian Water whilst having reservations about permit schemes in general, are committed to working with Essex County Council in the development of its permit scheme. We need to ensure that it delivers maximum benefits for residents and businesses without putting an unreasonable and unnecessary financial burden on the authority, utilities, contractors and their customers. We are pleased to see that you are adopting the principles of the Norfolk permit scheme to bring some consistency across the areas, and that you are adopting the HAUC conditions. We strongly believe that the Scheme should be focused on the busiest strategic and traffic sensitive streets, as this will enable both the Council and works promoters to focus on working together to plan those works which are likely to cause the most disruption. Buckinghamshire County Council, and Northamptonshire County Council, street authorities in the Anglian Water region have successfully launched their scheme, maintaining the noticing regime for non Traffic Sensitive Category 3 and 4 streets. If Essex pursue the application of permits to 100% of its streets, then in accordance with the Additional Advice Note to the TMA 2004 (part 3 – permits schemes)– for developing and operating future schemes, issued in January 2013 – that it reconsiders applying full permit fees on Category 3 and 4 streets.	General Question/Comment	Response: Thank you for your comment. Essex County Council, has followed the latest DfT guidance described in section 1.5.3 of the scheme document. Response: The summary page for the CBA will be provided within the final version of the scheme document which further supports, Essex's move to permit 100% of the network.
175	A copy of the Cost Benefit Analysis which justifies the setting of the fees should be included in the consultation.	General Question/Comment	
Virgin Media			
176	Virgin Media are disappointed that Essex County Council's Permit Scheme and associated fee's will apply to all classification of roads. If the council chooses to apply permits to 100% of streets, contrary to advice from Ministers, Virgin Media requests that Essex County Council grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	1.6.5	Response: DfT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. Local Transport Minister Norman Baker MP indicated that "Permit schemes provide highway authorities with the means to better manage activities on the road network, to minimise inconvenience and disruption to road users. Where schemes are implemented, the authority is able to grant permits to works promoters to undertake works on the highway. This provides greater control over works in their area, and enables them to promote better working practices, for example, working outside peak hours where appropriate. A permit scheme also enables improved co-ordination of works". Furthermore, if Essex County Council granted permits by default for category 3 & 4 roads, it would not be fulfilling its duty to co-ordinate works.
177	Virgin Media believes that this is equally achieved through the mandatory NRSWA coordination and cooperation requirements at much less cost to works promoters and their customers, without the need for a Permit Scheme.	2.5.3	Response: Essex County Council, have been using NRSWA/TMA facilities and incentives to manage traffic movements and works since 1991 and TMA since 2004. Essex County Council, feels it has no alternative other than to seek approval for a permit scheme to further manage the network
178	If the Authority doesn't respond to the permit application within the timescales set in the TMA, then the permit will be classed as deemed and works can commence, therefore the promoter will not be committing an offence.	6.9	Response: Thank you for your comment. Furthermore, a works promoter would not be charged for that permit. Essex County Council, will put systems and process in place to minimise this occurrence happening when operating this Scheme.
179	What happens to revenue generated from permit fees if they exceed the allowable cost of the scheme?	15.4	Response: This is described in the Scheme Documenting - Section 15.8 but more specifically in Section 15.8.3
180	Although concessions are welcomed, Virgin Media believe the administrative burden associated with the fee discounts and incentives will make the process impracticable.	15.7	Response: It was believed that any chance of discount on fees would be welcomed. However, this section is being removed and no discount incentive is planned to replace it, This had not been warmly welcomed by work promoters. However, Essex County Council will still continue with its coring programme without offering a discount on permits.
181	Virgin Media acknowledge and are encouraged that Essex County Council will only be using the national standardised conditions as agreed by HAUC (England).	16.2.1	Response: Thank you for your comment
182	Virgin Media acknowledge that Essex County Council will be applying a 15% discount for working wholly outside traffic-sensitive times, but request that works on category 3 and 4 roads are granted by default and for those permits to be at zero fee levels.	Appendix H	Response: Essex County Council, will not grant permits by default. Every permit will be fully assessed based upon the co-ordination related activities defined in the DfT permit fees matrix and will be judged on its own merits. Therefore, there is a cost involved in the assessment of all permit related matters.
183	Virgin Media welcomes the opportunity to comment on the proposed permit scheme by Essex County Council.	General Question/Comment	Response: Thank you for your comment

184	<p>As you are aware all new permit schemes now have to follow the January 2013 DfT Additional Advice Note for developing and operating Permit Schemes focusing only on the busiest streets (strategically significant streets). Permit authorities must also encourage works promoters to work wholly outside of traffic-sensitive times by offering discounted fees. By following DfT advice both the Council and works promoters will be able to focus on working together to plan those works likely to cause the most disruption, rather than a blanket approach including streets that are not traffic-sensitive.</p>	General Question/Comment	<p>Response: The DfT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. 'It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included].' as stated in section 1.5.3 of the scheme document.</p>
NUJG			
185	<p>Q1. Do you consider that the Permit Scheme is suited to the needs of Essex? If no, please explain why not. A1. No NUJG strongly believes that any permit scheme should be focused only on the busiest streets (strategically significant streets), as this will enable both the Council and works promoters to focus on working together to plan those works which are likely to cause the most disruption, rather than a blanket approach, as currently proposed by Essex Council. DfT's January 2013 Additional Permit Guidance encourages all permit authorities to focus on only strategically significant streets, and we are disheartened that Essex Council are pursuing an 'all streets, all works' scheme, as a number of other Highway Authorities have opted for only focusing on Traffic-Sensitive streets, Category 0, 1 & 2 streets e.g. Sheffield, Nottingham City. NUJG believes that by adopting a blanket approach, with permits needed, and charges made, for all streets, this will unnecessarily increase the administrative burden and costs to utilities and their customers, as well as the authority's own Highways Department. The DfT Permits Guidance Note states: "Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included]." However, if the council still chooses to apply permits to 100% of streets, NUJG urges the Council to grant permits for category 3 and 4 roads by default (unless the Permit Authority is aware of special circumstances) and for those permits to be at zero fee levels. This is encouraged in the DfT's Traffic Management Act 2004 (Part 3 - permit schemes) – Additional Advice Note - for developing and operating future Permit Schemes, issued in January 2013. NUJG is very concerned that, as currently drafted, the scheme also applies permit fees to Category 3 & 4 streets, when the DfT's Guidance encourages authorities to focus fees on only the busier streets. We urge Essex County Council to reconsider this specific approach as it will not actively incentivise reduced disruption on busier streets, but encourage the same approach to all works.</p>	General Question/Comment	<p>Response: The DfT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. 'It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included].' as stated in section 1.5.3 of the scheme document. Furthermore, your quote: 'Essex County Council, will not grant permits by default. Every permit will be fully assessed based upon the co-ordination related activities defined in the DfT permit fees matrix and will be judged on its own merits. Therefore, there is a cost involved in the assessment of all permit related matters.'</p>
186	<p>Q2. Do you consider that the Permit Scheme reflects the requirements of the Statutory Guidance for Permits? If you have answered "no" please explain in what areas the Permit Scheme does not reflect the requirements in the statutory guidance: A2. No NUJG wishes to understand the basis on which the proposed permit fees have been calculated and asks that Essex County Council provide this information in the interests of transparency and openness. During the passage of the Traffic Management Act 2004 through Parliament, Government gave a commitment in the Lords that permit fees would only cover the additional costs incurred by a permit authority in administering statutory undertakers' permit applications, and therefore would not cover the costs of administering highway authority works.</p>	General Question/Comment	<p>Response: Essex County Council, completed the DfT permit fee matrix to calculate the required fees to setup the cost recovery model. Furthermore, Essex County Council, can confirm that the permit fees paid by utilities is not paying for Essex County Councils own permit checks.</p>
187	<p>Q3. Do you think the Permit Scheme reflects the requirements of the Code of Practice for Permits? If you have answered "no" please explain in what areas the Permit Scheme does not reflect the requirements of the Code of Practice for Permits: A3. No The March 2008 Code of Practice for Permits outlines the maximum fees that can be applied and also outlines that the income from fees "shall not exceed the total allowable costs prescribed in the permit regulations." NUJG strongly recommends that Essex County Council review their fees and bring them down to a level more in accordance with the Code of Practice, and as above, based only on the actual costs of efficiently administering statutory undertaker works. The Code of Practice (9.2.4 Immediate Activities) stipulates that immediate works must be notified through an application for a permit scheme within two hours of commencement, or if undertaken outside of normal working hours, within two hours of the next working day. Therefore, the immediate telephone call requirement laid out in the Essex Permit Scheme is not in line with the Code of Practice, and may be impractical if the works occur out of hours. In the event of immediate works, the primary concern of those attending site will be to make the situation safe to protect the general public, workforce and surrounding property. Secondly, operatives will be focused on restoring supplies to the surrounding community. Whilst not accepting that such a requirement should be mandatory, in line with NUJG's commitment to co-operation and communication, if utilities and contractors were able to assist councils in this regard, members would require further information on: ☐ What telephone number is available for immediate works where traffic control is required? ☐ How is this number to be made available to the operatives? ☐ How does the Authority propose to audit this requirement?</p>	General Question/Comment	<p>Response: Essex County Council, fees are below the maximum of the allowable to be charged for permits. Furthermore, ECC has completed the DfT permit matrix which is a cost recovery model to produce the fees levels to be charged for permits. Essex County Council, will have systems and process outlined above to deal with out of hours work activities and generated phone calls. The number will be publicised on ECC's website and we aim to have one number for all contact regarding the Permit Scheme in Essex. Work Activities which fall into the criteria requiring a phone call, ECC intends to monitor these permit applications for a pin reference and will be discussed at quarterly performance meetings (EHAUC / Co-ordination) with work promoters.</p>
189	<p>Q4. Do you think the Permit Scheme accurately reflects the requirements of the Traffic Management Permit Scheme (England) Regulations 2007? If you have answered "no" please explain in what areas the Permit Scheme does not reflect the requirements in the statutory guidance: A4. NO – See Q2.</p>	General Question/Comment	<p>Response: Please refer to question number 186 of this document</p>
190	<p>Q5. Do you understand what conditions may be applied in granting a permit? If you have answered "no" please explain your reasons: A5. Yes We welcome the approach that Essex has taken in regards to the conditions under this proposed scheme. One of the key issues for our members is the disparity in the use and interpretation of conditions. The sector conditions that the DfT requires permit authorities to restrict themselves to are the HAUC England Permit Conditions, currently being consulted upon. NUJG welcomes Essex County Council's commitment to adopt the nationally agreed conditions text developed and approved by HAUC England. Going forwards it is proposed that all conditions must follow the guidance issued by HAUC England and the letter from Robert Goodwill MP dated 18th December 2013 states "no condition should include matters already covered in legislation and cannot exceed legislation."</p>	General Question/Comment	<p>In Support</p>
191	<p>Q6. Are the penalties for not correctly applying for a permit clearly identified? If you have answered "no" please explain your reasons: A6. Yes</p>	General Question/Comment	<p>Response: Thank you for comment.</p>

192	<p>Q7. Are the penalties for not abiding by permit conditions clearly identified? If you have answered “no” please explain your reasons: A7. Yes</p>	General Question/Comment	Response: Thank you for comment.
193	<p>Q8. Do you think that the monitoring proposed for the scheme is adequate? If you have answered “no” please explain your reasons: A8. Yes NJUG welcomes the commitment to demonstrate parity of treatment for all activity promoters. 2.5 – NJUG welcomes the key objectives of the permit scheme and supports efforts to improve the planning, scheduling and management of activities so that they do not cause unnecessary traffic disruption to any road user. 2.5.3 & 2.7 – NJUG welcomes these aspirational sub-objectives and predicted benefits but we would challenge Essex to evidence a baseline and confirm how these objectives and benefits are to be measured. There are three questions we would pose in regard to these measures:- 1. What historical statistical data is available on each of these measures in order to present a base line to demonstrate improvement once the scheme has been implemented? 2. If no historical data is available to establish a base line for current and past performance how would Essex be able to demonstrate that the scheme is successful in achieving these improvements? 3. How will each of these improvements be measured and what will be the source of the data?</p>	General Question/Comment	<p>Response: Essex County Council, will be undertaking a yearly review which will take into account the data in the Cost Benefit Analysis (Pre Scheme) and the KPI information (Pre/Post Scheme).</p>
194	<p>Q9. Are there any aspects of the Permit Scheme which require further clarification? If you have answered “yes” please explain your reasons: A9. Yes – see Q8 and below. With the use of the term “activities” instead of “work”, some NJUG colleagues are confused that the PAA requirement applies to all works. NJUG suggests that the whole permit scheme is amended to use the recognised terms i.e. “major works”, which will remove this confusion. NJUG also seeks clarification as to whether applications for traffic management will be allowed through the normal email process, or subject to EToN6 rules. 11.10.2 – Early Starts – NJUG would appreciate clarification as to what eventuality could result in any potential permit refusal. We would also like clarification of what happens to any fee paid for a PAA which is later refused as our members would expect a full refund of any fees if a permit was refused by the permit authority after a legitimate and correct PAA was served.</p>	General Question/Comment	<p>No Amendment: Thank you for your comment and ECC clarifies; PAA's are required for 'Major Works'.</p> <p>Response: Essex County Council, would suggest using EToN 6 for applications; Applications received through the current route (Email) will take 10 working days process, this may result in permits not being able to granted as no approval for the multi-way lights has been given.</p> <p>Response: Essex will issue no early start reference until a valid permit has been issued as this will affect DFT KPI's and also promote bad planning which against one the objectives of a permit Scheme. It would be extremely difficult to make an informed decision regarding a permit application without the full details being registered on the ECC's EToN Co-Ordination system. As you will be aware a similar policy/process is in place for early starts within Essex currently in our Notice Regime.</p> <p>Response: Any Permit refusal in these circumstances would offer the promoter the opportunity to reapply for a permit, which would be linked to the original PAA reference therefore the works would eventually take place. The PAA and Permit Application would be Charged.</p>
195	<p>NJUG suggests that in order to make the permit scheme work more effectively, the timelines for application for permits and the Temporary Traffic Regulation Order (TTRO) / Traffic Management applications should be aligned.</p>	General Question/Comment	Response: Essex County Council, already ask for a 12 week lead on TRO's with a minimum of 8 weeks.
196	<p>NJUG requests that Essex Council provide a list of streets that fall under the Traffic-Sensitive category, as well as 'strategic significant streets'. Where streets are designated as Traffic-Sensitive, their designation must meet the criteria of the 2007 Regulations, with supporting current data per street in order for the designation to be legally applicable. Where a road is designated as Traffic-Sensitive due to being a gritting route, there should be no charge for permits when there is no adverse weather impact, or no prospect of it.</p>	General Question/Comment	Response: The current TSS for Essex County Council is available on our NSG and the TSS review falls part of separate consultation. You (NJUG) are a consultee for the TSS Review.
197	<p>Incentives – NJUG has concerns over the incentive for the reduction of permit fees under 15.7.1 for % failure rate for coring. NJUG believes that this is not an appropriate incentive measure as compliance with reinstatement has no bearing on the successful management of works under a permit scheme. The other incentives included in this section are relevant such as 1st time reinstatement. NJUG suggests that this incentive is removed and replaced with a more appropriate measure such as the % compliance with proposed durations or aligned with the other KPI measures of the scheme.</p>	General Question/Comment	<p>Response: It would be believed that any chance of discount on fees would be welcomed. However, this section is being removed and no discount incentive is planned to replace it, This had not been warmly welcomed by work promoters. However, Essex County Council will still continue with its coring programme without offering a discount on permits.</p>
198	<p>In addition, NJUG would like to highlight that a 15% reduction for working on traffic sensitive streets wholly outside of traffic-sensitive times does not constitute a sufficient incentive considering the significant additional costs incurred for working outside normal hours or using a different methodology. A zero fee would be more appropriate in association with a longer term discount for promoters who consistently work with Essex County Council to reduce disruption and road occupation.</p>	General Question/Comment	Response: Essex County Council, has decided that the scheme discount for working outside traffic sensitive times on traffic sensitive street, will go over and above the HAUC advice note 2013/01 by offering the 15% reduction to category 0-2 as well as the advised category 3-4 mentioned in the advice note. The inclusion of Category 0-2 was factored into overall 15% reduction based upon an assessment on the activities considered to offer a reduction
199	<p>Illustration - The provision of documents with an application was unavailable through EToN until EToN 6 came on line in April 2014. It may also be impractical to provide illustrations on some work types where the full scope is unknown until work commences. Therefore all drawing illustrations should be accepted on face value and validated when works commence. Permits should not be unreasonably refused for absence of illustrations where the works description adequately outlines the works or where there is lack of clarity from the permit authority on the technical nature of any illustration.</p>	General Question/Comment	Response: Thank you for your comment and duly noted
Highways Agency			
200	<p>Thank you for the opportunity to comment on Essex County Council's permit scheme consultation. I note the permit scheme is going to apply to “100% of the network”. I could not see a description of that network, other than to say “The Permit Scheme shall not apply to roads not maintained at the public expense.” I presume your proposals exclude the strategy road network, managed by the Highways Agency. In Essex the strategy road network includes the M11, M25, A12, A13/A1089 (part) and A120. The Agency will remain responsible for managing network occupancy on our roads.</p>	1.6.5	Amendment: Thank you for your comment. 1.6.5 will be amend to read “The Permit Scheme is operated by Essex County Council as the Street Authority for Essex, hereinafter referred to as ‘the Permit Authority’. The scheme will apply to the whole of the area encompassed by the authority's boundaries with the exception of trunk roads (currently the M25, A12, A120 and A13/A1089) and unity authorities (Southend and Thurrock) which are beyond the scope of this permit scheme.”
Essex County Council - Work Promoter (Integrated Partner - Ringway Jacobs)			
201	Will Network Management team approve each application?	10.1 (hii)	Response: It is assumed that 'Network Management' you are referring to the Permit Authority. This will be covered in training workshops. It is assumed that 'each application' is referred to as a Traffic Light Application. Yes, this should already be happening for multi-way (3 or more heads) lights placed on the network.
202	What and where is this to be recorded?	10.1 (j)	Response: This will be covered in training workshops.
203	What and where is this to be recorded?	10.1 (k)	Response: It is assumed that 'Network Management' you are referring to the Permit Authority. This will be covered in training workshops.

204	Needs further definition for Surface Dressing, inlay surfacing, and other works.	11.19.1	Response: All ECC's works will be at a permanent stages..... expect in exceptional circumstances would you leave a defect at a interim state. This will be covered in training workshops.
205	Do we know what these are?	12.2 (h)	Response: You currently work to the existing TSS and sites with special engineering difficult as highlighted in our (ECC's) gazetteer. You are also on the TSS review consultation and are fully aware of the new proposed TSS
206	What are the new sensitive street times?	12.2 (h)	Response: This consultation is on the Scheme Document. However, you are a consultee on the new TSS times and designated streets and are fully aware.
207	Does this mean we have to start whole process again?	13.2	Response: This will be covered in training workshops.
208	Does this mean Network Management team dictate TM and do they take responsibility for CDM designer duties?	13.7.5	Response: It is assumed that 'Network Management' you are referring to the Permit Authority. The CDM for the site remains Solely the responsibility of the works promoter and sub-contractor. Such conflict, would be discussed and agreed in advance as outlined in the National Condition Text 'Employment of appropriate methodology'.
209	Imposed or not? What are the responsibilities and liabilities? CDM, HASWA etc	16.2	Response: A work promoter must comply with the conditions granted on a permit. Failure to do so will result in shadow actions taken against ECC's works promoter in the interest of parity and will effect internal KPI's
210	What are these?	16.2.1	Response: This will be covered in training workshops. These are the conditions in which Essex County Council can apply to a permit. The conditions Essex County Council can apply to permits, referred to as "types" (listed below) are detailed in Regulation 10 of the 2007 Regulations'
211	Are the EHO geared up for this?	16.14.2	Response: This is a requirement under current legislation they are duty bound to deal with these requests. Furthermore, all district councils are consultees of this consultation
212	Currently this is not done for jetting and gully works and would cause a massive rise in administration.	6.2 (c)	Response: This will be covered in training workshops. If, the activity meets the "registerable activities' criteria then it will be required
213	Dig outs are not known about in advance and would need to be revisited or phoned through as an emergency.	6.2 (c)	Response: This will be covered in training workshops. If, the activity meets the "registerable activities' criteria then it will be required.
214	Minor works that circumstances change to become "registerable activity" means pulling off site and revisiting another time which may have been resolved with an extra short period on correcting the issue there and then.	6.5	Response: This will be covered in training workshops. If, the activity meets the "registerable activities' criteria then a permit will be required. Activities will have to better planned to minimise disruption.
215	Likely to fail due to weather, ground conditions and seasonal labour dependency.	7.2	Response: This will be covered in training workshops. ECC would have to apply for variation application as per any work promoter. If ECC work outside of the given data range on TSS or Category 0-2 roads you will be working in breach of a condition.
216	More time spent planning each job.	7.2	Response: The permit scheme is designed to aid better planning on work activities on the network
217	Likely to put larger float time and leaves down time if unable to fill those gaps.	7.2	Response: The permit scheme is designed to aid better planning on work activities on the network
218	Likely to be booking road space unnecessarily for programme that may not be approved which will restrict access for others and be abortive administration	7.3.2	Response: The PAA for Roadworks (own works) is essential to support the NRSWA Section 58 Process to protect resurfaced and reconstructed highways. Furthermore it will trigger notification to other promoters to allow them to carry out works prior to a restriction being put into force. The cancellation process is still available however the advance notice (PAA) is vital to support the co-ordination process and the benefits far outweigh the risks of cancellation. This will be covered in training workshops. ECC will have to better plan works to meet the requirements like all work promoters
219	Complicated to agree dates across boundaries and with SCP especially with different permit schemes.	8.3	Response: As a promoter you can not divert traffic onto someone else's network without prior notification. The likelihood of ECC working on a neighbouring authorities network ('registerable activities') is very slim.
220	Large impact on resource requirements for permit application.	10.1 (f)	Response: Thank you for your comment and duly noted. This will be covered in training workshops.
221	Small scale of works and chasing defects means that this is extremely labour intensive and will require all job packs to be ready, checked and committed, reducing flexibility.	11.8.1	Response: The permit scheme is designed to aid better planning on work activities on the network
222	Extra costs of nightwork and smaller working windows.	12.2 (j)	Response: These are decisions in which the Permit Authority will consider before granting a permit. In the interest in parity ECC works will subject to the same conditions and timescales as all work promoters.
223	Increased complaints from residents.	12.2 (j)	Response: These are decisions in which the Permit Authority will consider before granting a permit. In the interest in parity ECC works will be subject to the same conditions and timescales as all work promoters. It is the responsibility of the works promoter to contact the EHO as outlined in section 16.14.2 of the scheme document. Furthermore, liaise with local residents in an adequate timeframe to publicise/highlight proposed works activities.
224	Set up during restricted hours will not be allowed and reduce working time further	16.10.5	Response: Correct, however, visible means that the signs are in a effective position to be utilised by drivers. For example, if the signs are laid flat in a safe place or covered.
225	1 month approval lead-in	11.14.1	Response: Please refer to Appendix F for response for the Permit Authority. This will be covered in training workshops.
Essex Police			
226	Essex Police welcomes any scheme that will better control disruption to the highways of Essex. Whilst we are not directly affected by the scheme itself, there are clearly implications for the police service and other emergency services when congestion is caused, so plans such as these to minimise subsequent disruption are very welcome.	General Question/Comment	In Support: Thank you for your comment

Natural England's		
227	Where road and street works are in close proximity to statutorily designated sites for nature conservation and / or protected landscapes (e.g. Sites of Special Scientific Interest or Areas of Outstanding Natural Beauty) we advise that preliminary checks are made of potential impact pathways and risks associated with the proposed works. To assist with this we have recently published a full set of Impact Risk Zones (IRZs) which can be viewed at www.magic.gov.uk . This interactive map allows users to access a full range of parameters to gauge levels of risk associated with the type of works proposed and the distance to the nearest SSSI or AONB. The IRZs provide a user-friendly and intuitive tool to identify when Natural England should be consulted (based on the type of works and the distance to the nearest statutory site). Acknowledgement of the environmental impact of works is stated at 12.2(j) and 20.20 of the EPS document.	General Question/Comment Response: Thank you for your comment and duly noted
228	Protected Species Road and street works in and around semi-natural habitat (e.g. roadside verges, hedgerows, trees) should be mindful of the potential presence of protected species (e.g. reptiles, amphibians). Natural England Standing Advice for Protected Species is available on our website to help all parties better understand the impact of works on protected or Biodiversity Action Plan (BAP) species should they be identified as an issue. This also sets out when, following receipt of survey information, the applicant or permitting authority should undertake further consultation with Natural England. Our advice on statutorily designated sites and protected species will only apply when the detail of road or street works becomes more clearly defined, but is offered here as a helpful reminder to all utility companies (and all others carrying out road or street works) to run initial checks in advance of the intended work programme. There may be scope for including links to our Standing Advice for Protected Species as part of the appropriate Code of Practice requirements for the Essex Permit Scheme.	General Question/Comment Response: Thank you for your comment and duly noted
Balfour Beatty		
229	Balfour Beatty would like further clarification as to how the implementation of a permit scheme which effectively controls the occupation of the highway will influence the safety of people using or working in the street. This aspect is covered by the Safety at Street Works and Road Works Code of Practice as enforced by s65 NRSWA and S174 Highways act. If this is maintained as an objective BB would like to understand how ECC will enforce the requirements of the code upon its own works in line with achieving parity and this objective. To protect the structure of the street and the integrity of the apparatus in it. Balfour Beatty would like further clarification as to how the implementation of a permit scheme which effectively controls the occupation of the highway will protect the structure of the street and apparatus within it as both these are physical and not under the influence of the application of this proposed permit scheme.	2.5.3. Response: Thank you for your comment and no further clarification will be given as this is explained within the Scheme Document.
230	<input checked="" type="checkbox"/> Improvements to overall network management Agreed benefit that can be measured	2.7.2 Response: Thank you for your comment and duly noted
231	<input checked="" type="checkbox"/> Reduced congestion on the road network Potential benefit that could be measured only if there is existing data to demonstrate that the implementation of the proposed scheme has actually impacted on congestion levels caused by street or road works beyond that achieved by the current notice regime.	2.7.2 Response: Thank you for your comment and duly noted
232	<input checked="" type="checkbox"/> Improved journey time reliability Is this not the same as the above but with different wording?	2.7.2 Response: No - Thank you for your comment and duly noted.
233	<input checked="" type="checkbox"/> A reduction in delays to the travelling public Duplicated benefit as the same principle as the two above it.	2.7.2 Response: Thank you for your comment and duly noted
234	<input checked="" type="checkbox"/> A reduction in costs to businesses caused by delays Does ECC measure this now if not then it cannot be declared as a potential benefit if this scheme. Any benefit must be able to be measured against the existing notice regime in order to satisfactorily demonstrate benefit.	2.7.2 Response: Measured and demonstrated in the Cost Benefit Analysis
235	Promotion of sustainable communities and businesses This is not a tangible benefit that can be pinned to the implementation of a permit scheme. Sustainable communities do not rely on the effective management of street works or road works to be successful they actually rely on investment both financial and physical and a number of other factors but not the implementation of a permit scheme	2.7.2 Response: Thank you for your comment and duly noted. However, achieving the other benefits mentioned above it will show and support 'promotion' to taking active measures minimise congestion on the network
236	Promotion of a safer environment This is not a tangible benefit that can be derived from a permit scheme. A safer environment can be achieved without a permit scheme and indeed there are no differing requirements regarding site safety between a permit scheme and a notice regime.	2.7.2 Response: Thank you for comment. The easiest way to explain this and not limited to; is by reducing the occupation/duration time of work activities, directly affects the travelling public by reducing their exposure to roadworks/Streetworks. Therefore reducing the risk.
237	<input checked="" type="checkbox"/> Reduced carbon emissions Balfour Beatty seeks clarification as to how Essex County Council believe the proposed permit scheme will improve air quality and how the council intends to measure the improvement specifically as a result of the scheme, as opposed to any other factors / measures that might contribute to an improvement. We would much rather see objectives around reduced durations, better planning and co-ordination, 1st time reinstatement and accurate information.	2.7.2 Response: Measured and demonstrated in the Cost Benefit Analysis
238	Balfour Beatty commends ECC for the approach of zero permit fees in cases of effective collaboration. This is just the sort of effective incentive that should be applied to collaborative works.	3.9.4 Response: Thank you for your comment
239	KPI 9- coring results Norfolk is the only other Permit Authority to have included coring as a KPI measure of their permit scheme we believe this to be incorrect as KPI 9 is not relevant to the application of a permit scheme as coring is a means of testing reinstatement compliance under the SROH and therefore cannot be influenced by a permit scheme and should be measured separately under performance.	4.4 Response: Thank you for your comment and duly noted
240	Balfour Beatty would like to know what steps Essex will be taking to ensure that their gazetteer is correct in regards to the above requirement. Many type 0-2 roads were constructed to that specification originally but now do not carry the same traffic levels due to re routing or diversion of flows. We would suggest therefore that the ECCPS is restricted to traffic sensitive streets only unless other strategic routes can be justified in their inclusion by evidence. We would also be concerned if a review showed a dramatic increase in traffic sensitive streets prior to the implementation of this scheme. This practice has occurred recently in a number of proposed permit areas and has led to concerns being raised to the DfT about "proftteering" as higher permit fees are applied on TS streets. The application of the criteria set in the Co-ordination Code of Practice is not enough to justify a designation especially when criteria such as gritting routes is used to raise a streets TS status.	7.2 Response: Thank you for your comment and duly noted. TSS in Essex are currently out for Review, of which yourselves area Consultees. Response: Any Permit refusal in these circumstances would offer the promoter the opportunity to reapply for a permit, which would be linked to the original PAA reference therefore the works would eventually take place. The PAA and Permit Application would be Charged.
241	We suggest that this paragraph be clarified as to what eventuality could result in any potential permit refusal. We would also like clarification of what happens to any fee paid for a PAA which is later refused as we would expect a full refund of any fees if a permit was refused by the permit authority after a legitimate and correct PAA was served.	7.3.5
242	We note that there is no mention that early starts will not be unreasonably refused which is the text used in the Permit Code of Practice we suggest that this is included in the text.	11.10.2 Response: Thank you for your comment and duly noted
243	is not acceptable as a condition for the reduction of permit fees. Fees should not be based upon performance outside of the scope of the permit scheme i.e. reinstatement compliance with the SROH. Fee incentives should only be based on compliance with the principles of the scheme such as reduced occupation, improved co-ordination, collaborative working and reduced interim phases of works. Coring is not directly influenced by a permit scheme and should therefore not be included in any form within this scheme document. There are existing measures of enforcement for reinstatement non compliance and existing guidance on coring in the form of the HAUC Advice Note on a Structured Coring Program issued in 2012. .	15.7.1 Response: It would be understood that any chance of discount on fees would be welcomed. However, this section is being removed and no discount incentive is planned to replace it as this had not been warmly welcomed by work promoters. However, Essex County Council will still continue with its coring programme without offering a discount on permits.

244	Under ETON 6 there is now the provision to modify permits instead of rejecting them we strongly suggest that Essex amend their scheme to reflect this update provision as the first resolution rather than permit refusal.	16.3.3	<p>Response: The use of Permit Modification Requests is optional, therefore, the Permit Authority may use Refusals, Permit Modification Requests and Works Comments to ensure data and conditions are fit for purpose to allow full assessment any activity before a Permit is Granted. Furthermore, HAUC guidance notes for Permit related matters and industry best practice will be followed where possible</p>
245	Supporting Economic Growth - Utilities and their contractors play an important and major role in supporting economic growth, both through direct investment in new energy, water and communications infrastructure, maintaining and repairing existing infrastructure and in providing essential utility services to new and existing businesses and domestic customers across the UK. In order to provide these essential services it is necessary to conduct works in the public highway which unfortunately have the potential to disrupt the normal order of things. However through the proper design, planning and management of both street and road works a balance can be achieved where these services are maintained and provided and disruption on the highway is kept to the minimum. The question Balfour Beatty has repeatedly asked over the past 3 years is whether a permit scheme is the most effective way of managing these works or do we have an effective system already that is run in an ineffective manner by all parties.	General Question/Comment	<p>Response: Thank you for your comment and duly noted</p>
246	Balfour Beatty would prefer a number of self regulatory initiatives to be tried and tested before any permit scheme was implemented as we believe that the greatest reduction in disruption can best be achieved by: Everyone working together to achieve better co-ordination, co-operation, communication and compliance More effective and consistent use of the existing Noticing regime, enhanced in 2008 – and; To deliver a further step-change in occupation of the carriageway will require greater use of innovative technologies and ways of working. Stabilisation of street and road works – There has been constant change for over a decade in how street works are required to be conducted and with each change comes new challenges but there has not really been a period of stability to review if any of the changes actually work before a new one is made. There are lots of anecdotal reports on the success of permit schemes but when challenged on the detail not one scheme can actually prove beyond doubt that the scheme itself has influenced a change or improvement as there is always a cocktail of other influences such as lane rental, 74 ect which cannot be separated from the mix.	General Question/Comment	<p>Response: Thank you comment, however, it is felt that option to able to follow some of the self regulatory initiatives are actually outlined in various CoP of practise and have been in place since the introduction of the New Roads and Streetworks Act (NRSWA) 1991 with some changes made with the introduction of the Traffic Management Act 2004</p>
247	Balfour Beatty would like to thank Essex for a comprehensive permit scheme consultation, and appreciates the opportunity to comment. Notwithstanding our reservations about permit schemes in general which have been well voiced in the many permit scheme consultations we have participated in, we want to reiterate our ongoing and established commitment to working with Essex to support the development of the permit scheme, to ensure that it delivers maximum benefits for the residents and businesses of Essex without putting an unreasonably administrative and financial burden on the Council, utilities, contractors and their customers. It is in this context that we have provided detailed comments on the draft permit scheme.	General Question/Comment	<p>In Support: Thank you for support in providing detailed comments</p>
248	Scope of the Scheme One of our principle concerns is that as a national company we now work in every permit area in the UK each has its own set of variables, conditions and fees this creates a very confusing picture and also places a significant administration burden open those managing the permits in those areas. The multi-schemed environment also creates risks where operatives routinely work in one or more areas particularly where slight differences in conditions and other requirements are applied. We are concerned therefore that Essex has chosen a differing scheme from others within the same region and we would urge the adoption of an existing scheme template thus reducing the risk of unintended issues and confusion arising. Balfour Beatty is concerned that we have yet another permit scheme application which covers all streets within the authority area we strongly believe that the Schemes should be focused only on the busiest streets (strategically significant streets) as this will enable both the Council and works promoters to focus on working together to plan those works which are likely to cause the most disruption, rather than a blanket approach. The above said Balfour Beatty would, if the council still chooses to apply permits to 100% of streets, like to see Essex deem permits for category 3 and 4 roads non TS (unless the Permit Authority is aware of special circumstances), and for those permits to be at zero fee levels. This is encouraged in the Traffic Management Act 2004 (Part 3 – permit schemes) – Additional Advice Note - for developing and operating future Permit Schemes, issued in January 2013. BB is very concerned that as currently drafted the scheme applies full permit fees to Category 3 & 4 streets, when DfT's Guidance encourages authorities to focus fees on only the busier streets. We urge Essex to reconsider this specific approach as it will not incentivise reduced disruption on busier streets or at traffic sensitive times	General Question/Comment	<p>Response: The DfT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. 'It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included].' as stated in section 1.5.3 of the scheme document and outlined in Appendix F. Furthermore, we are adopting the National Condition Text which set to standardise conditions.</p>
249	Cost benefit Analysis Balfour Beatty notes that there has not been a Cost Benefit Analysis document provided with this consultation. This is of concern as it should be presented as part of the consultation to demonstrate that Essex has undertaken the correct modelling for their proposed scheme and that there is evidence in respect to the cost benefit above and beyond that which already exists for the current notice system. It would be dysfunctional for Essex to introduce a scheme which costs both them, the public and the utility sector substantially more with no tangible benefit.	General Question/Comment	<p>Response: Essex County Council will be providing a summary of the Summary CBA with the consultation response which will be published to consultees. The CBA shows a cost benefit ratio of 1:22 on the highest in the England. Essex County Council have also follow the DfT Permit Matrix to generate the Fees for the Permit Scheme</p>
250	Proposed Benefits / Objectives Balfour Beatty supports the aspirations of Essex CC in regards to its objectives listed in 2.5 of the Permit Scheme Document but we do not believe that the permit scheme alone can deliver all of them. We therefore ask that Essex County Council provide evidence that justifies the assumption that the proposed permit scheme can deliver on all of the listed objectives. We note that one of the objectives listed for the scheme is to "To ensure the safety of those using the street and those working on activities that fall under the scheme, with particular emphasis on people with disabilities." BB has championed safety at street works for the past 6 years through our engagement in the revision of the Safety at Street Works and Road Works Code of Practice and welcomes any objective that improves safety BUT we are unsure, given the fact that permit scheme primarily control the occupation of a street not the working practices, how the permit scheme will specifically deliver this "sub-objective". The scheme document also lists a number of Benefits which are also questionable and covered in our detailed response below.	General Question/Comment	<p>Response: Thank you for comment. The easiest way to explain this and not limited to; is by reducing the occupation/duration time of work activities, directly affects the travelling public by reducing their exposure to roadworks/Streetworks.</p>
251	Conclusion The volume of works is not going to reduce due to the level of investment in utility infrastructure highlighted above. Balfour Beatty therefore believes that the best way to reduce disruption is by authorities, utilities and their contractors working together to plan and co-ordinate works so as to minimise overall road occupation. There are many examples of authorities proactively co-ordinating works using the existing Noticing regime, and utilities sharing their major works plans up to two years in advance, allowing joint occupation of the carriageway or sequential working, with consequent disruption savings. Balfour Beatty questions why Essex County Council believes it is necessary to implement a permit scheme, with the consequent costs on both highway road works and utility street works.	General Question/Comment	<p>Response: Thank you for your comment and duly noted. This is explained in the Cost Benefit Analysis with a societal benefit ratio of 1:22 - One of the highest in England.</p>

252	<p>Q1 Do you consider that the Essex Permit Scheme for Road & Street Activities is suited to the needs of Essex. If no please explain why not: YES BUT We continue to believe that the provisions within the current Noticing regime, combined with self-regulatory measures as outlined in our executive summary can deliver the same results as a permit scheme, but at a much reduced cost to the local authority and utilities. We are currently involved in a number of projects under the Highway Maintenance Efficiency Programme which are building platforms for better co-ordination and co-operation with improved communication. Indeed in North East Lincolnshire a Charter has been drawn up by all utility companies the Highway Authority and contractors which will cement this strategy without the need to move to a permit scheme. Local authorities also have a range of measures with which to manage utility street works, including 574 overstay charges, which even before the last increase were resulting in 99% of all works being completed within the agreed timescales; fixed penalties; 558 - restricting works after major road resurfacing works; and under Noticing an authority can still dictate when works take place. Our strong preference is therefore for authorities and utilities to work together to more effectively co-ordinate and share best practice to encourage improvements in other aspects such as notice quality and on site compliance and quality. Balfour Beatty is focusing its efforts on front end planning of works and ensuring where appropriate all stakeholders including the customer, client and Highway Authority are engaged as early as possible even at design stage so when it comes to undertaking the physical works everyone understands what is happening and why and for how long. This has required a step change in parts of our business but we would prefer to change within than have change forced upon us in the guise of these permit schemes. Bristol City Council's new Code of Conduct is an excellent example on how to reduce congestion within the current NRSWA framework without introducing a financially burdensome permit scheme for both the authority and the utilities. Balfour Beatty strongly believes that the Scheme should be focused only on the busiest streets (strategically significant streets) as this will enable both the Council and works promoters to focus on working together to plan those works which are likely to cause the most disruption, rather than a blanket approach covering all works and all roads. The inclusion of works from all promoters, including the authority's own resources also ensures that the scheme is fair and equitable across the region, and the use of optional permits for other activities such as s50 licenses, storage of material and special events with an understanding that they may be made register able are a good idea and will be useful providing a basis for overall performance measurement. BB would like to note however that there is no Cost Benefit Analysis (CBA) provided with this consultation as required. We would like to see in more detail on how this proposed scheme will produce a cost benefit to all including the residents and businesses of Essex above and beyond that which can be achieved through the proper administration of the current notice regime. The CBA is also a useful benchmark to measure the success or failure of a scheme against and without such measures the overall benefit of a permit scheme can be questioned.</p>		<p>Response: Thank you for your comment and duly noted. These have been answered above in BB's other questions</p>
253	<p>Q2 Do you think the Essex Permit Scheme reflects the requirements of the Statutory Guidance for Permits? YES</p>	General Question/Comment	<p>Response: Thank you for your comment</p>
254	<p>Q3 Do you think the Essex Permit Scheme reflects the requirements of the Code of Practice for Permits? NO The one area of concern other than those already mentioned above relating to the scope of this scheme is the inclusion of an incentive for the reduction of permit fees under 15.7.1 for % failure rate for coring this not a appropriate incentive measure as compliance with reinstatement has no bearing on the successful management of works under a permit scheme. The other incentives included in this section are relevant such as 1st time reinstatement. BB suggests that this incentive is removed and replaced with a more appropriate measure such as the % compliance with proposed durations or aligned with the other KPI measures of the scheme.</p>	General Question/Comment	<p>Response: This section is being removed and no discount incentive is planned to replace it as this had not been warmly welcomed by work promoters. However, Essex County Council will still continue with its coring programme without offering a discount on permits.</p>
255	<p>Q4 Do you think the Essex Scheme accurately reflects the requirements of the Traffic Management Permits Scheme (England) Regulations 2007? YES</p>	General Question/Comment	<p>Response: Thank you for your comment</p>
256	<p>Q5 Do you understand what conditions may be applied in granting a permit? NO Balfour Beatty welcomes the position Essex has taken in respect to the proposed conditions it has included in this consultation. One of the key issues we have encountered across the UK has been the disparity in the use and interpretation of conditions. The use of the draft HAUC (UK) Permit Advice Note 2014/** which provides a non-mandatory set of sector agreed permit condition text has become the normal reference in all the recent consultations. If used correctly it aligns the conditions to existing schemes thus reducing confusion indeed, Transport Minister Robert Goodwill MP has recently confirmed that the Department for Transport supports the increased use of these conditions as it will make working across different areas easier for works promoters. In BB's experience the conditions which accompany a permit scheme can have a very significant impact on the ability of works promoters to undertake their road and street works activities. Some draft conditions duplicate, contradict, or are more onerous than existing legislation, and are therefore not enforceable. As above, BB would commend Essex for its use of the intended HAUC (UK) Permit Advice Note 2014/** which provides a non-mandatory set of standardised permit condition text. Whilst Balfour Beatty is pleased to see that the consultation document states that the Scheme is designed to follow these conditions, additional local conditions are also mentioned, which although allowable currently, will not be allowable post devolvement of permit scheme approval in 2015. The Department for Transport letter supports the increased use of the intended HAUC(UK) sector agreed conditions, as it will make working across different areas easier for works promoters and confirms that from Spring 2015 the Highway Authority and Utility Committee (UK) (HAUC (UK)) model wording will be used for all conditions and that these will be the only set of conditions to be used.</p>	General Question/Comment	<p>Response: Thank you for your comment and duly noted. However, you have answered 'NO' to this question but have demonstrated BB, do understand what conditions may be applied in granting a permit</p>
257	<p>Q6 Are the sanctions for working without a valid permit and for breaching permit conditions clearly identified? YES Balfour Beatty understands the intent and policy of Essex in this regard but we would like to point out that some FPNs and prosecutions have recently been successfully defended in this regard. For example there has been some precedent (London Borough of Enfield .v. Virgin Media) recently set for such matters where it was deemed that a FPN for working without a permit could not be applied if a permit was in place at the time works started and lapsed. We would also encourage ECC to take a practical approach to the application of sanctions especially in the case of breaches of conditions. We would expect ECC to judge whether a condition breach has actually caused an issue warranting the application of a sanction. We accept in certain circumstances condition breaches can lead to disruption, customer complaints and other escalated problems which could justify the application of a sanction as could sustained breaches of conditions over a period of time or following advice/warning. However there will be circumstances where either the condition was inappropriate or its breach did/does not have any detrimental effect on either the application of the Network Duty or free flow of traffic and/or pedestrians it is in these circumstances that BB would expect ECC to make a judgement call on whether sanctions were appropriate. In view of our response to the above BB would also question whether the breach of some of the conditions outlined in this consultation actually constitutes a FPN offence under the regulations.</p>	General Question/Comment	<p>Response: Thank you for your comment and duly noted</p>
258	<p>Q7 Do you think that the monitoring proposed for the scheme is adequate? NO We welcome the principles behind the monitoring of this scheme however there are two questions we would pose in regard to these measures:- 1. What historical statistical data is available in respect to each of these measures in order to present a base line to demonstrate improvement once the scheme has been implemented? BB appreciates that condition ect do not apply to the current notice schemes therefore we would expect to see KPI measures which reflect improvement over the existing regime or the cost/benefit of any scheme is flawed. 2. If no historical data is available to base line current and past performance how will ECC be able to demonstrate that the scheme is successful in achieving these improvements? We would like to see regular reports on the monitoring of this scheme including a proper cost benefit analysis after the 1st year of operation. Some of the benefits outlined in this scheme under 2.7 are questionable as to whether they can be attributed to a permit scheme being in force.</p>	General Question/Comment	<p>Response: Thank you for your comment and duly noted. This is explained in the Cost Benefit Analysis with a societal benefit ratio of 1:22 - One of the highest in England and through out the Scheme Document. Furthermore the scheme outlines which KPI's in intends to use and what it aims to measure.</p>
259	<p>Q8 Are there any aspects of the Essex Scheme that require further clarification? YES Please see our detailed comments below</p>	General Question/Comment	<p>Response: Thank you for your comment. Answered BB above against Scheme Document Ref.</p>

260	<p>Q9 Do you have any suggestions for improving the Essex Permit Scheme? Balfour Beatty would also like to see further detail around how ECC intend to measure the benefit of this scheme post implementation. A number of existing Permit Authorities have endeavoured to portray their schemes as very successful with up to 50% reduced occupation ect all of which cannot be supported by evidence as no base line data was collected prior to the scheme being implemented. In the case of TfL they cannot effectively demonstrate what individual effect each measure implemented over the past 5 years has had i.e. Permits, London Code of Conduct, the increase in S74charges, Lane Rental. All of these measures have had an undoubted effect but how much as they all overlapped. We would therefore encourage DCC to source some base data pre permit scheme implementation and use it to measure the schemes success against its objectives. We would also like to see incentivised measures put in place to further encourage collaborative working; discounted fees do not amount to a great deal where as zero fees on collaborative works and additional discounts for those who regularly make the effort to collaborate make the whole proposition more appealing. The same thinking needs to be applied to working on Traffic Sensitive Streets outside of TS times a reduction in the permit fees does not really create an incentive especially when potential additional costs are applied for working outside normal hours or using a different methodology. A zero fee would be more appropriate in association with some sort of longer term discount for promoters who consistently work with ECC to reduce disruption and road occupation.</p>	General Question/Comment	<p>Response: Thank you for your comment. Answered BB above against Scheme Document Ref.</p>
261	<p>Q10 Do you have any other comments on the Essex Permit Scheme? YES Balfour Beatty remains sceptical about the benefits allegedly provided by permit schemes having worked in all of the areas currently operating a variety of permit scheme types we have seen no tangible evidence that such schemes provide anything above and beyond those benefits available from a properly managed and enforced noticing regime. With the exception of Northampton it has been very difficult to get data from any existing permit authority to evidence any improvement in many of the areas they originally outlines for improvement or indeed any evidence that the objectives set in their scheme proposals have been met. Within the Essex geographical area there are now more than five operational permit schemes. All of these schemes are slightly different in their make up and condition requirements thus leading to more administrative burden, confusion and risk. We would therefore urge Essex to reflect on its need for a permit scheme at all or at the very least the possibility of running a mirror of the Northampton Scheme which is the closest to the objectives and principles outlined in the Draft Permit Scheme. Balfour Beatty would also like to participate in any future consultations or workshops prior to implementation and final design of this scheme. We have had a wealth of experience in the setting out of schemes and have successfully implemented all the current schemes within our business. We participated in the early design workshops of the East of England, Buckinghamshire, Knowsley, St Helens and Lancashire Schemes which ensured that all aspects of the practical application of the schemes were looked at thus making implementation easier for all concerned. Please see our detailed comments below</p>	General Question/Comment	<p>Response: Thank you for your comment. Answered BB above against Scheme Document Ref.</p>
262	<p>Q11 Do you understand what Incentives and discounts may be applied? Then incentives for working on Traffic Sensitive Streets outside of TS times a 15% reduction in the permit fees does not really create an incentive especially when potential additional costs are applied for working outside normal hours or using a different methodology. A zero fee would be more appropriate in association with some sort of longer term discount for promoters who consistently work with ECC to reduce disruption and road occupation.</p>	General Question/Comment	<p>Response: Essex County Council, has decided that the scheme discount for working outside traffic sensitive times on traffic sensitive street, will go over and above the HAUC advice note 2013/01 by offering the 15% reduction to category 0-2 as well as the advised category 3-4 mentioned in the advice note. The inclusion of Category 0-2 was factored into overall 15% reduction based upon an assessment on the activities considered to offer a reduction</p>
Kier			
263	<p>The document states that "tested a range of different permit and fee structure models" however the selection of the final scheme goes against DfT advice. There is no documentation provided that demonstrates that any other model has been considered apart from that presented. Therefore Kier MG would welcome Essex's intention to share this documentation. Furthermore the data provided for East of England Permit Scheme was conducted sometime before the subsequent consultation of May 2011, would it not have been more beneficial to use up to date information?</p>	1.5.1	<p>Response: Thank you for your comment and this section will be re-written to correctly demonstrate actions taken by Essex County Council</p>
264	<p>Since the options were presented to the "Essex County Council Members", there have been a number of local elections in the County that have seen a considerable change in the political landscapes. With this consideration in mind, we question if this scheme is still valid without further consultation with the newly elected representatives?</p>	1.5.2	<p>Response: Thank you for your comment. However, please note that the elections you are referring to were for district council level and Essex is a County and that the elections for County's are at the same time as the general elections, therefore, we (ECC) have had no change in elected members.</p>
265	<p>The DfT in the same January 2013 guidance document, also states "The scheme where permit fees are targeted to Strategically Significant Streets provides the flexibility to deliver improved co-ordination of works across the authority" It goes further by stating "A permits scheme designed so that fees are targeted on strategically significant streets will ensure that works promoters are able, in discussion with authorities, to find that the best way to minimise financial impacts. The Department considers co-ordination and co-operation as key to delivering the desired outcomes of schemes." the proposed Scheme does not mention these statements or take them into consideration with the proposed "All streets" approach?</p>	1.5.3	<p>Response: The DfT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. 'It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included].' as stated in section 1.5.3 of the scheme document. Furthermore, your quote 'A permits scheme designed so that fees are targeted on strategically significant streets will ensure that works promoters are able, in discussion with authorities, to find that the best way to minimise financial impacts. The Department considers co-ordination and co-operation as key to delivering the desired outcomes of schemes.' is designed to encourage work promoters and authorities to talk to avoid unnecessary charges.</p>
266	<p>There are adequate provisions in place for authorities to issue Fixed Penalty Notice charges against those that do not give "quality and timeliness of information" and notices that do not have "compliance with highway legislation" How will the implementation of this scheme improve provision that are already available to the Essex CC?</p>	2.5.1 – 2.5.3.	<p>Response: With the introduction of conditions attached to a permit applications</p>
267	<p>How are the benefits in section 2.7.2 going to be measured before and after the implementation of the Permit Scheme and how will the information made available to interested parties?</p>	2.7.2	<p>Response: Essex County Council undertook a Cost Benefit Analysis which benchmarked the scheme and through the KPI's outlined in Appendix I of the Scheme Document and furthermore, Essex County Council will also be utilising an external consultant to compare existing data with the with information generated through year 1 as part of yearly review of the scheme.</p>

268	Are there any benchmarked measures that will identify the scheme as a success, will these be issued before the implementation of the scheme, and if the scheme fails to deliver against that criteria will Essex revert to the current Noticing regulations?	2.7.2	Response: Essex County Council undertook a Cost Benefit Analysis which benchmarked the scheme and through the KPI's outlined in Appendix I of the Scheme Document and furthermore, Essex County Council will also be utilising an external consultant to compare existing data with the with information generated through year 1 as part of yearly review of the scheme.
269	Current legislation relating to the environmental impact such as the example given already exist, as do the methods to enforce and punish those who do not adhere to the requirements. How will the implementation of this scheme improve measures that are clearly defined and already have adequate recourse?	2.7.4.	Response: With the introduction of conditions attached to a permit application
270	Current legislation under the Highways Act 1980 gives Highway Authorities measure for management of stored of materials. How will the implementation of this scheme improve measures?	2.7.5	Response: Promoters are encouraged to consider the overall impact of their works as outlined in section 3.8.6 of the scheme document. A additional permit (which will be fully assessed) and/or a S171 licence may be required which will improve these measures .
271	The document states that the implementation of the permit scheme will improve the "duration of activities", is this suggesting that Essex will be issuing a greater number of duration challenges or imposing unrealistic conditions in an effort to reduce durations required by the utilities. Does this not contradict with the statement in 3.8.2, that the "planning, supervising and carrying out activities remains with the Promoter". Furthermore will the highways be taking into consideration that a reduction in durations imposed on the utilities and its contractor could have a detrimental impact on the ability of all to deliver quality and durable reinstatements if durations are continually reduced?	3.7	Response: Every application or variation application will be assessed on an individual bases. If a duration is deemed to be excessive there may be a need to use the methods available within the scheme to attempt to reduce it however process this will always take place underpinned by an element of reasonableness and where necessary negotiation with the promoter. Conditions are in place to lessen the impact of activities upon the highway and its users
272	There are already adequate requirements under NRSWA legislation relating to the "provision of timely, clear, accurate and complete information". How will the implementation of the proposed Permit Scheme improve this?	3.8.1	Response: 3.8.1 describes the principles for promoters and the Scheme Document describes how this will be improved. However; in section 3.8.2 (not limited to this section) of the scheme document, describes how this will be improved.
273	Current legislation under the Highways Act 1980 gives Highway Authorities measure for management of stored of materials. How will the implementation of this scheme improve measures?	3.8.6	Response: Promoters are encouraged to consider the overall impact of their works as outlined in section 3.8.6 of the scheme document. A additional permit (which will be fully assessed) and/or a S171 licence may be required which will improve these measures .
274	Current Noticing legislation allows for the sending of Forward Planning information therefore how is it expected the implementation of a permit scheme will enhance this? Is it not possible that to promote the use of the Forward Planning function, the cost of subsequent permits could be waived or reduced in an effort to encourage their use?	3.8.7	Response: Thank you for your comment and duly noted. Every permit will be fully assessed based upon the co-ordination related activities defined in the DFT permit fees matrix and will be judged on its own merits. Therefore, there is a cost involved in the assessment of all permit related matters.
275	KPI 6 - Cancelled Permit requests. What is the calculation of this measure? Is this in relation to the number of permits cancelled by the highways authority or those cancelled by the promoter? Due to the number of reasons and outside factors for the cancellation of a permit, it is questionable as to the validity of this as any type of measure of performance?	4.4	Response: Please refer to Appendix I
276	KPI 8 1st Time Permanent Reinstatements. Will consideration be given to occasions where 1st Time Permanent Reinstatements was not possible due to imposed durations and/or timing directions limiting the availability, at reasonable cost, of plant and materials?	4.4	Response: No - The KPI is set out to measure how many number of first time reinstatements occurred on the network.
277	KPI 9 Coring Results. Can you please confirm that current standard for coring will be the continuing measure for the performance of reinstatement?	4.4	Response: Yes
278	KPI 9 It is questionable how the use of reinstatement performance covered under SROH links to the administration of a Permit Scheme?	4.4	Thank you for your comment and duly noted
279	Will KPI reports be sent to Statutory Undertakers on a monthly basis, as well as being reviewed at the quarterly HAUC meeting?	4.5	Response: No, They will produced on a monthly basis and sent out prior to the EHAUC/CO-ORD meetings. A standard meeting agenda item will be added to discuss with work promoters. ECC will consider supplying monthly reports as the scheme matures.
280	The scope of the scheme is not, in our opinion, in line with the views of the DFT by including all roads, as per the earlier comments.	6.1	Response: The DFT guidance clearly states that it is acceptable to cover all roads with a view to offer discounts (Lighter Touch) are given to permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DFT. 'It is considered that in order to best manage the network, schemes are likely to choose to apply permits either to 100% of the network, but waive or discount part or all of the fees on non strategically significant streets, or to operate a permit scheme across the areas largely defined by its strategically significant streets which are defined as: Strategically significant streets includes traffic sensitive streets as defined under regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reinstatement of Highways 2010.' [It should be noted that from time to time to ensure effective traffic management, other streets may be included].' as stated in section 1.5.3 of the scheme document. Furthermore, your quote '
281	The scheme states that "If the circumstances change so that the work then becomes a "registerable activity", the work must cease and the highway fully restored for use by all traffic, until the correct permit is obtained". Will this not cause greater disruption and create unnecessary cost, rather than seeking to vary the permit, and completing the works? These costs are unnecessary when there are already provisions within the scheme to vary a permit application and will surely cascade to the residents.	6.5	Response: At this stage no permit would have been applied for and it would be extremely difficult to make an informed decision regarding a permit application without the full details being registered on the ECC's EToN Co-Ordination system. As you will be aware a similar policy/process is in place for early starts within Essex currently in our Notice Regime.
282	If the durations of the works are to include weekends and bank holidays even if these are not working days, will this not make the overall durations of the works increase rather than decrease in direct conflict to the claims of 3.7? Is it not also the case that the increase in the overall duration of the works to include the non working days will move the overall classification of works from one permit classification into a higher permit classification and thereby increase the overall cost of the permit and the time before works can begin?	6.7	Response: It is the case that the full duration including start and end dates must be included within any application however, categories of works are still judged in working days, therefore a minor works Permit now will still be a minor works permit upon the introduction of a Permit Scheme
283	Illustration. This section of the document seems to very confusing to what the actual requirement is. In the initial statement the document states that the Promoter "should" provide illustrations and then states that they will refuse the permit application if an illustration is not provided when they require one. The document then moves on to state "Activities on those streets or parts of a street, subject to a Special Engineering Difficulty designation will in all cases require a plan and section as indicated in NRSWA Schedule 4 (Part 2)" mean that even in cases where there is no impact on the Special Engineering Difficulty identified in the gazetteer an illustration will be required with no discernible benefits.	10.1(f)	Response: Thank you for your comment and duly noted
284	This states that "In all instances of an Immediate Activity, the Promoter must telephone the Permit Authority immediately after works commence on such streets where such a requirement is designated by the Permit Authority (as indicated in the ASD for that Permit Authority). This is a standard condition for the Permit Scheme". The document does not detail what the requirements will be for works outside of the normal Monday to Friday 08:00 to 16:30 working day specified under NRSWA legislation.	11.9.2	Response: ECC will have 24hr telephone line with the intention that relevant alerts are generated to the responsible officer who will act accordingly. Furthermore, a pin reference will be provided at the point of the answerphone to prove contact has been made with the authority.

285	The document states that there will be “no refund of the fee paid for issuing the permit”. Does this not damage the request within the document for permit requests to be issued in advance of the minimum timescales of either, 3 days, 10 days or 3 months? Is there not an opportunity to promote and encourage full/part refunds for permits issued in advance of the minimum required timescale?	14.2.	This will be dealt with by a variation request to move the dates. It defeats the object of the advance co-ordination in the first place, if (and not limited to); the dates change or traffic management change from the initial permit.
286	States “Until a permit is issued following an application for an immediate activity, a Promoter will be required to work within the terms of their application; for example if the application refers to specific working hours then the Promoter must work within those hours”, how is a promoter expected to know what conditions will be applied by the authority at a later date and which would need to be on the application? This condition seems to be poorly constructed and confusing.	16.4.2	Response: Thank you and please re-read this statement “Until a permit is issued following an application for an immediate activity, a Promoter will be required to work within the terms of their application; for example if the application refers to specific working hours then the Promoter must work within those hours” therefore until it is granted or PA’s imposed variation you are to follow your (promoter) conditions, you the promoter applied on the permit application.
287	What provisions will be in place to accept out of hours calls? Is the intention to have a 24 hours service to deal with these issues or voicemail facility? If there will be a facility for voicemail only, why is there a requirement to contact the authority out of hours and not wait until the start of the next working day?	16.4.3	Response: ECC will have 24hr telephone line with the intention that relevant alerts are generated to the responsible officer who will act accordingly. Furthermore, a pin reference will be provided at the point of the answerphone to prove contact has been made with the authority.
288	Relates to the need to employ “minimum dig technology” on the Initial permit application. It is questionable that this is possible in every case as factors such as ground conditions, existing underground apparatus or soil stability, will make the proposed alternative dig techniques redundant. Clearly every effort is currently made to use alternative methods as they have service delivery benefits and cost advantages. How will a change of technology, e.g. due to unforeseen ground conditions, affect the validity of the Permit and will there be a need to vary the permit at addition cost?	16.12.2	Response: It is understood activities have their own set of challenges based upon many factors including asset type, depth, ground conditions. Where a change of technology is required the variation process must be followed. Each variation in these circumstances will be assessed on its merits and potentially charges may be made against a granted variation application.
289	On the subject of the permit reference numbers that are to be displayed at each site, we would ask for greater clarification of the exact requirement before any scheme is implemented. Is there a need for the “Promoter Prefix and District” as requested in 16.13.3.1 whilst the Eton technical specification, gives details of changing permit reference numbers when variations are applied and granted.	16.13.3	Response: The full permit reference is required upon an information board which would include the Organisation District Code and Works Reference however upon commencement of the scheme there will be no expectation for EToN Permit Sequence numbers i.e. .1.1 for a first time granted permit, or .5.4 for a permit which may have altered via the variation process to be displayed upon the board.
290	The document states under 16.13.3.1 that the requirement is to “assist inspections, particularly in relation to the checking of conditions with which Promoters are required to comply and also to help identify the site for members of the public”. Clearly the use of “Promoter Prefix and District” will mean little to members of the general public increasing works order numbers, already 8 to 10 digits in length by a further 5 unnecessary characters. It is possible that this will become confusing for elderly or people with reduced vision and will provide little in the way of identification benefits when the information boards are already clearly marked with the utility name and contact details.	16.13.3	Response: Thank you for your comment and duly noted
291	In respect of the inspectors visiting the sites the permit application requires details of the site contact to be supplied on the initial permit application. Therefore in an effort to make the process as beneficial and simple to use for all, including the work teams responsible for the site management, could we suggest that in some cases “less may well equal more”.	16.13.3	Response: Thank you for your comment.
292	It is noted that “Permit Authority may apply a condition for an environmental factor” with the requirement being under 16.14.2 being that the promoter must then contact the “Environmental Health Officer (EHO) of the local authority”. Is it not the case that conditions should only be issued by the Permit team when they know that they bring a benefit to the permit application?	16.14.1.	Response: Thank you for comment. However, this is confirming that its still remains the promoters responsibility to plan the environmental impacts of their activities.
293	The document states that the Permit Authority is “required to monitor the performance of Highway Authority promoters to ensure a consistent approach is taken”. How will this be documented to the wider community?	18.5.2	Response: As stated in 4.5 of the Scheme Document ‘The information will also be published periodically on Essex County Council’s website.’
294	The document states that “Permit offences only apply to Statutory Undertakers, not to Highway Authorities”, however the introduction of the new Safety Code of Practice, which applies equally to highways and utilities work and comes into force in October 2014 means that a number of the standard conditions correlate to the requirements in the Safety CoP and could be used as a measure of performance for Highway Authorities’ works, rather than just a method of enforcement for the Promoter”.	18.5.2	Response: Thank you for your comment and duly noted
295	The document states that the Promoter on behalf of a Highway Authority “will be required to follow the same procedures as Promoters who are Statutory Undertakers”. In a effort to increase parity across the industry, will incidents where Promoters working on behalf of the Highway Authority fail to meet the requirement be published?	20.21.3	Response: This will be published through the KPI’s
296	The document states “seek to evaluate the Permit Scheme so as to measure whether the objectives are being met”, however will this evaluation include the additional costs for Promoters, including their contractors, over and above the costs of purely permit applications, and include the costs of administrating the scheme as a whole from all aspects, before the scheme is deemed as a success or failure?	23.2	Response: Thank you for your comment and duly noted. This is not in the scope of any permit scheme as Essex County Council would need see various account information from promoters and contractors to begin to answer that question. As this information is not publicly available as work promoters are private companies (profit making) and are not duty bound to provide that information.
297	Kier wishes to reiterate its objection to the proposal to charge fees for “All streets” rather than following the DfT Permits Guidance for Strategically Significant Streets as stated before and also question the need for such high fees for major works and road category 3-4 and non traffic-sensitive.	Appendix H	Response: Thank you for your comment and duly noted
298	KPI 6. Please see response “Key Performance Indicators 4.4 KPI 6” KPI 8. Please see response “Key Performance Indicators 4.4 KPI 8” KPI 9. Please see both responses “Key Performance Indicators 4.4 KPI”	Appendix I	Response: Answered as described in comment
299	The Kier response notes that the fees suggested by the scheme are not the maximum that can be levied under legislation although they are considerably higher than other scheme’s. Essex CC are pleased to promoted that the introduction of the scheme is based upon the Norfolk Permit Scheme introduced in April 2014 yet they have been unable or unwilling to match the Norfolk approach to low permit costs. Kier would like to stress in the strongest terms that the inclusion of “All Streets” coupled with the much higher costs of the Essex scheme will have a detrimental effect on the cost of undertaking vital works on infrastructure, increase the burden of costs for the consumer and new business, and may have a negative impact on the local economy as a whole	General Question/Comment	Response: Thank you for your comment and duly noted
300	Kier would also question if there will be no direct fee being paid by the Highways Authorities to manage their own works, however the requirements for permit applications will be identical to that of the utilities, how will this be funded by Essex CC? Can it be confirmed that the burden of cost created by the Authority’s own works will be funded by the Authority and not by the other Promoters forced to operate the scheme?	General Question/Comment	Response: Essex County Council can confirm that the permit fees paid by utilities is not paying for Essex County Councils own permit checks.
301	Although it is a positive step to offer a reduction for working wholly outside traffic sensitive times, the proposed 15% will offer no real benefit when considering the extra cost/lost time for working at unsocial hours. Other schemes offer much higher discount which although still do not come close to the cost of out of hours for the Utility at least shows the highways understanding the additional financial burden. Perhaps it may be possible to consider a zero cost for permits where permit authority insist on out of hours working and a 50% reduction in an effort to promote it as a positive step by Utilities.	General Question/Comment	Response: Thank you for your comment and duly noted
302	There has been no consideration to the DfT’s advice document that permit fee’s should be broken down into 3 separate types of major in the table of fees provided. Major works – over 10 days and all major works requiring a traffic regulation order. Major works – 4 to 10 days Major works – up to 3 days	General Question/Comment	Response: This was discussed at the consultation briefing session and highlighted by Essex County Council that Appendix H needs to be amended to reflect the advice note.
303	There is no clear statement as to why the Essex scheme requires charges that are so much higher than the Norfolk scheme which this document is based on. As a comparison to the Norfolk scheme Essex suggests fees on average 20% higher for road category 0-2 or traffic-sensitive and a massive 63% higher for average road category 3-4 and non traffic-sensitive. The later being by far the highest in terms of the works being undertaken.	General Question/Comment	Response: This is explained in the Cost Benefit Analysis (CBA) and the fees were taken from ECC’s completed ‘DfT Permit Matrix’

304	<p>It is welcoming to see that Essex has taken a practical approach in regards to the conditions under this proposed scheme. The issue with understanding the conditions of the scheme, abiding to the permit conditions or correctly applying will as always be related to the ability of the authority to have consistency by all individuals who administer the scheme across all applications. They must make sure that the same criteria is applied to all when applications are received be that utilities or highways. Although the document may set out the requirements of the scheme, it will be the interpretation and consistency of the administration to give parity to all.</p>	<p>General Question/Comment</p>	<p>Response: Thank you for your comment</p>
305	<p>Q8: Do you think that the monitoring proposed for the scheme is adequate? In order that any monitoring can be adequate, there must first be data for the years without the scheme. It is not possible to accurately compare performance if firstly no base line is achieved.</p>	<p>General Question/Comment</p>	<p>Response: Thank you for your comment and duly noted.</p>