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

Sam Guiver
Project Lead - The Essex Permit Scheme
<table>
<thead>
<tr>
<th>Q/C No.</th>
<th>Question / Comment</th>
<th>Scheme Document Reference</th>
<th>Essex County Council Response's</th>
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</thead>
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<tr>
<td>2</td>
<td>How will you measure improved journey time reliability?</td>
<td>7.2</td>
<td>A No Amendment: Essex County Council will measure journey time reliability through the KPIs outlined in Appendix 6 of the Scheme Document and furthermore will also be utilizing an external consultant to compare existing data with the with information generated through year 1 as part of yearly review of the scheme.</td>
</tr>
<tr>
<td>3</td>
<td>How will this scheme promote a safer environment?</td>
<td>7.2</td>
<td>A No Amendment: One of the benefits of the scheme is a reduction of durations as outlined in KPI 4 (Appendix 6 of Scheme Document) therefore the exposure to travelling public through street work sites (obstructions) will be reduced.</td>
</tr>
<tr>
<td>4</td>
<td>How will the benefits be communicated to the general public?</td>
<td>7.2</td>
<td>A No Amendment: The benefits will be communicated through our website and other media channels used by Essex County Council.</td>
</tr>
<tr>
<td>5</td>
<td>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?</td>
<td>7.2</td>
<td>Response: Please refer to Appendix F which is our KPI’s for the scheme. Furthermore, this will be in our (ECC)’s annual review.</td>
</tr>
<tr>
<td>6</td>
<td>Does 2.7.5 contradict a registrable activity?</td>
<td>7.2</td>
<td>A No Amendment: Specified works are defined in 6.5 activity categories in the permit scheme document for immediate activities and also 13.9 of the scheme document gives instructions for timings for permit applications.</td>
</tr>
<tr>
<td>7</td>
<td>It is our understanding that immediate works do not require a permit before works commence, 3-4 contradicts this.</td>
<td>7.4</td>
<td>Response: No, it does not contradict.</td>
</tr>
<tr>
<td>8</td>
<td>Can you please clarify how this will work in practice?</td>
<td>7.4</td>
<td>A 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.</td>
</tr>
<tr>
<td>9</td>
<td>Can you confirm and identify the key stakeholders mentioned in 3.7?</td>
<td>7.4</td>
<td>Response: This can be for example and limited to; Bus Companies, Local Transport groups, events i.e. of national interest events, Olympic’s, Tour de France etc.</td>
</tr>
<tr>
<td>10</td>
<td>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?</td>
<td>7.4</td>
<td>Response: No, it is the developersresponsibility to manage the requests for the utility connections within set period outlined in planning conditions.</td>
</tr>
<tr>
<td>11</td>
<td>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?</td>
<td>7.4</td>
<td>A 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.</td>
</tr>
<tr>
<td>12</td>
<td>Emergency activities should be defined as Immediate Will permits not granted in SLA be automatically deemed.</td>
<td>7.5</td>
<td>A 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.</td>
</tr>
<tr>
<td>13</td>
<td>If the permit is in calendar days why do the weekends have to be separated out?</td>
<td>7.5</td>
<td>Response: This will come into affect when the permit goes live. However, any weekend or bank holiday working covered by the duration must be explicitly mentioned on the permit application.</td>
</tr>
<tr>
<td>14</td>
<td>Can you confirm what is the relevance of site depth information?</td>
<td>7.5</td>
<td>A 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 my affect the available road space and the duration of the works at that location.</td>
</tr>
<tr>
<td>15</td>
<td>This is not applicable to immediate activities and reference should be made to this</td>
<td>7.5</td>
<td>A 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 practically apply conditions which may reduce the impact upon the network i.e. manually operating traffic lights.</td>
</tr>
<tr>
<td>16</td>
<td>Can if you confirm the information on the AGD is available?</td>
<td>7.5</td>
<td>A No Amendment: Yes - the AGD information on ECC’s Gazetteer will include the special designation known as ‘Subject to early notification’ and relevant telephone number: This will come into affect when the permit goes live.</td>
</tr>
<tr>
<td>17</td>
<td>Can you confirm that the permit authority will have a 24 hour manned telephone line?</td>
<td>7.5</td>
<td>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 smartphone to prove contact has been made with the authority.</td>
</tr>
<tr>
<td>18</td>
<td>We would like to be seen that the refusal is specific to allow for learning, coaching and re submission of the permit</td>
<td>7.5</td>
<td>A No Amendment: Essex County Council, would prefer a works comment and a phone call as well.</td>
</tr>
<tr>
<td>19</td>
<td>What is Essex preferred method of contact when requesting that a variation be granted?</td>
<td>7.5</td>
<td>A No Amendment: 15.6.1 (d) 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 (b) to (f) (inclusive) of the Permit Scheme - the permit for this activity would be subject to a fee: which defines the criteria’s.</td>
</tr>
<tr>
<td>20</td>
<td>Can you specify where the coring activity scope of work covers additional criteria, what is the criteria</td>
<td>7.5</td>
<td>A No Amendment: 15.6.1 (d) 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 (b) to (f) (inclusive) of the Permit Scheme - the permit for this activity would be subject to a fee: which defines the criteria’s.</td>
</tr>
<tr>
<td>No.</td>
<td>Question/Comment</td>
<td>Page(s)</td>
<td>Response/Amendment</td>
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<tr>
<td>21</td>
<td>Can you confirm when the next working day applies, is it the NRWSA or calendar day?</td>
<td>16.4.2</td>
<td>General comment/No Amendment: Yes, Essex will be providing a summary of the GBA with the consultation response which will be our published to consultants.</td>
</tr>
<tr>
<td>22</td>
<td>When will Essex be providing the cost benefits analysis?</td>
<td>16.4.2</td>
<td>General comment/No Amendment: Essex will be providing a summary of the GBA with the consultation response which will be published to consultants.</td>
</tr>
<tr>
<td>23</td>
<td>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</td>
<td>16.4.2</td>
<td>General comment/No Amendment: Please refer to Section 16.2.1. We intent to adopt the National Condition Text as our standard conditions. This will reduce the admin burden on users. 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.</td>
</tr>
<tr>
<td>24</td>
<td>This requires clarification</td>
<td>1.5.1</td>
<td>Amendment: Thank you for your comment and the section will be re-written to correctly demonstrate actions taken by Essex County Council.</td>
</tr>
<tr>
<td>25</td>
<td>In line with current guidance proposed schemes should be applied to TSS or strategic routes only</td>
<td>5.5.2 - 15.4 &amp; 16.5</td>
<td>Response: Thank you for your comment and any improvements will be in line with current legislation.</td>
</tr>
<tr>
<td>27</td>
<td>How will the improvements be measured?</td>
<td>2.7.3</td>
<td>Response: Essex County Council will measure journey time reliability through the DfT's outlined in Appendix I of the Scheme Document and furthermore will also be utilizing an external consultant to compare existing data with the with information generated through year 1 as part of yearly review of the scheme.</td>
</tr>
<tr>
<td>29</td>
<td>Already covered under current guidance.</td>
<td>2.7.4</td>
<td>Response: Thank you for your comment and this correct, however, this statement supports the scheme and does overcome any current guidance.</td>
</tr>
<tr>
<td>30</td>
<td>Re-word: immediate activities</td>
<td>3.4</td>
<td>Response: Specified works are defined in 6.1 activity categories in the scheme document for immediate activities and also 11.5 of the scheme document gives instruction for timings for permit applications.</td>
</tr>
<tr>
<td>31</td>
<td>Co-ordination is the role of the permit authority?</td>
<td>3.8.3</td>
<td>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.</td>
</tr>
<tr>
<td>32</td>
<td>This should be a joint responsibility with the promoter and permit authority to actively engage with all relevant stakeholders</td>
<td>3.8.4</td>
<td>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.</td>
</tr>
<tr>
<td>33</td>
<td>Will the permit authority share the results with all works promoters?</td>
<td>4.4 - 4.5</td>
<td>Amendment: Re-word: or granting of a variation application</td>
</tr>
<tr>
<td>35</td>
<td>Should read immediate</td>
<td>6.9</td>
<td>Amendment: Thank you for your comment and we will be changing the wording from emergency to immediate.</td>
</tr>
<tr>
<td>36</td>
<td>This is not a requirement under current legislation — TSSA’s — should comply with Safety Code!</td>
<td>10.1</td>
<td>Response: Please note the word “should” rather than “must” therefore in writing legislation it would be good practice however it is not mandatory. That TSSA’s will only be required if activities which need the use of multi-way lights.</td>
</tr>
<tr>
<td>37</td>
<td>Amend – PnR or Refusal</td>
<td>10.1</td>
<td>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 an illustration. Therefore, the scheme reserves the right refuse in these circumstances.</td>
</tr>
<tr>
<td>38</td>
<td>Will a 24 hour service be available and contacts made auditable by Pin Ref?</td>
<td>11.9.2</td>
<td>Response: Essex 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 answeringphone to prove contact have been made with the authority.</td>
</tr>
<tr>
<td>39</td>
<td>How will this be managed to ensure the discounts are applied fairly and accurately?</td>
<td>15.7.1</td>
<td>Response: As outlined in the Methodology described in 15.7.1 of the scheme document.</td>
</tr>
<tr>
<td>40</td>
<td>How will this be managed to ensure the discounts are applied fairly and accurately?</td>
<td>15.7.3</td>
<td>Response: As outlined in the Methodology described in 15.7.3 of the scheme document.</td>
</tr>
<tr>
<td>41</td>
<td>Covered under the Code of Practice for Permits S16.5 – should not conflict with those statements which already exist.</td>
<td>16.9.1 - 16.9.2</td>
<td>Response: Thank you for your comment and concern. However this does not conflict with current statements in Code of Practice for Permits S16.5.</td>
</tr>
<tr>
<td>42</td>
<td>HAUC Guidance Note currently out for consultation - a Section 171 Licence cannot be enforced – elements covered in: Utility Acts</td>
<td>16.10.9</td>
<td>Response: This is the responsibility of the permit authority. Covered under the Code of Practice for Permits S16.5 – should not conflict with those statements which already exist.</td>
</tr>
<tr>
<td>43</td>
<td>Misleading – promoters are required to consult as in 3.8.4 – promoters are not required to provide alternative services - clarification required!</td>
<td>16.13.3.3</td>
<td>Response: This is the responsibility of the permit authority.</td>
</tr>
<tr>
<td>44</td>
<td>This is the responsibility of the permit authority</td>
<td>16.14.2</td>
<td>Response: Work promoters must contact the Environmental Health Officer before applying for permit to work in these hours as this form part of the planning stage of the works and it is the individuals responsibility as outlined in the act (see Section 81, Control of Pollution Act 1974).</td>
</tr>
<tr>
<td>45</td>
<td>This is covered under separate legislation and guidance and should not form part of a permit scheme proposal</td>
<td>20.7</td>
<td>Response: This is covered under separate legislation and guidance and should not form part of a permit scheme proposal.</td>
</tr>
<tr>
<td>46</td>
<td>See 16.10.9</td>
<td>20.14.1</td>
<td>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.</td>
</tr>
<tr>
<td>47</td>
<td>What are the conditions for immediate activities?</td>
<td>Appendix E</td>
<td>Amendment: Thank you, please refer to section 16.4 of the scheme document which outlines the conditions upon immediate activities. Appendix E have been worked.</td>
</tr>
<tr>
<td>48</td>
<td>A copy of the Cost Benefit Analysis has not been made available in the Consultation Document Set</td>
<td>Appendix E</td>
<td>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.</td>
</tr>
<tr>
<td>49</td>
<td>What are the costs of implementing the scheme – excluding your own works?</td>
<td>Appendix E</td>
<td>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.</td>
</tr>
<tr>
<td>50</td>
<td>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</td>
<td>Appendix E</td>
<td>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.</td>
</tr>
</tbody>
</table>

**Appendix E**

| 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. | 15.5.2 & 16.5 | Amendment: Thank you for your comment and concern. However this does not conflict with current legislation. |
| 53 | Journey Times Should be consistent with the Code of Practice for Permits and National Guidance | 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). |
| 54 | Safety of those using street - Legislation under the Code of Practice 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). |
Consultation Comments/ Questions

55 What will be the criteria for measuring the benefits?

Response: Essex County Council will measure journey time reliability through the (PTI) outlined in Appendix I of the Scheme Document and furthermore will also be utilising an external consultant to compare existing data with the information generated through year 1 as part of yearly review of the scheme.

56 Already covered under current guidance: NJUG 10 refers

Response: Thank you 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".

Response: Permitted works are defined in 4.5 but activity categories in the permit scheme document for immediate activities and also 1.1.0 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.

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

Response: Essex County Council are highlighting the need to be prepared to work together with all parties to ensure effective co-ordination of the works activities.

60 Will the permit authority share the results with all works promoters?

Response: This information will publicly available 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

Response: If they wish to apply for a secondary permit application.

62 Replace emergency with immediate

Response: Please note the word “should” rather than “must” therefore in writing legislation it would be good practice however it is not mandatory. That TSA’s will only be required if activities which need the use of multi-way lights.

63 This is not a requirement under current legislation!

Response: 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 refute in these circumstances.

64 Permit refusals should be a last resort. The Permit Modification Request (PMR) should always be used in the first instance via EToN

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.

65 Will a 24 hour service be available and contacts made auditable by HtN Ref?

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 answering to prove contact has been made with the authority.

66 How will this be managed to ensure the discounts are applied fairly and accurately?

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 answering to prove contact has been made with the authority.

67 How will this be managed to ensure the discounts are applied fairly and accurately?

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 answering to prove contact has been made with the authority.

68 Covered under the Code of Practice for Permits S18.5 – should not conflict with those statements which already exist

Response: Thank you for your comment and concern. However this does not conflict with current statements in Code of Practice for Permits S18.5.

69 HAUC Guidance Note currently out for consultation - a Section 171 Licence cannot be enforced – elements covered in Utility Acts

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 as it is a local issue. Once formulated 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!

Response: Providers are not “work promoters” Providers are in relation to a Site Operator/provider.

71 This is the responsibility of the permit authority

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 is the individual responsibility as outlined in the act (see Section 61, Control of Pollution Act 1974).

72 This is covered under separate legislation and guidance and should not form part of a permit scheme proposal

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 modification 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

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 formulated ECC will adhere to any Permit related HAUC Advice notes on this matter.

74 What are the conditions for immediate activities?

Response: Essex County Council will be providing a summary of the Summary CBA with the consultation response which will be our published to consultees. The CBA shows a cost benefit ratio of 1:22 on the highest in the England.

Appendix E

75 A copy of the Cost Benefit Analysis has not been made available in the Consultation Document Set

Response: Essex County Council will be providing a summary of the Summary CBA with the consultation response which will be 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?

Response: Essex County Council will be providing a summary of the Summary CBA with the consultation response which will be our published to consultees. The CBA shows a cost benefit ratio of 1:22 on the highest in the England.
Consultation Comments/ Questions

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

Response: This is only guidance to offer a discount to work outside TSS times; ECC, therefore, do not have a form of discount. Essex County Council, has decided that the scheme discount for working outside traffic sensitive times in 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.

78. Within the current DfT guidance, proposed schemes should be applied to strategically significant routes rather than 100% of all streets

Response: This will be published through the EPI's outlined in Appendix I of the scheme document.

79. ‘to ensure parity of treatment…’ Is a report to be prepared and published demonstrating parity between promoters and authority works?

Response: Essex County Council will measure journey time reliability through the EPI’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 aspect of review of the scheme.

80. How will Essex CC improve forward planning within all promoters individual organisations?

Response: As stated section 3.2.3 of the scheme document is not intended to prevent or delay activities and will measure parity of treatment through the EPI’s outlined Appendix I.

81. Enhanced programming of activities and better forward planning by all activity promoters - How will Essex CC improve forward planning within all promoters individual organisations?

Response: Essex County Council will, all 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.

82. 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

Response: No Amendment: 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 help their plan work and take a professional responsibility for their actions in the same manner a a Highway Authority.

83. This section states that data is fit for purpose to allow full assessment any works. The Permit Authority may use Refusals, Permit Modification Requests and the permit application.

Response: No Amendment: Response: Essex will issue no early start reference until a valid permit has been issued as this will affect DfT EPI's and also promote bad planning which against one of 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’ll be aware a similar policy/proces is in place for early starts within Essex currently in our Notice Regime. The inclusion of Category 0-2 was factored into overall 15% reduction based upon an assessment on the activities considered to offer a reduction.

84. 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 renewed 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 other authorities. This way of dealing with early starts results in a lot less cancellation and less administration overhead for both parties.

Response: Essex will issue early start requests even when valid permit has been issued as this will affect DfT EPI's and also promote bad planning which against one of 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’ll be aware a similar policy/proces is in place for early starts within Essex currently in our Notice Regime. The inclusion of Category 0-2 was factored into overall 15% reduction based upon an assessment on the activities considered to offer a reduction.

85. 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 NRSHA Section 62 (3). Therefore, when such works are taking place, the start/end dates can fluctuate dependant upon the validity period of the particular permit type.

Response: No Amendment: It is important that works start and end on the dates stated on the permit when they take place in Traffic sensitive streets irrespective of the timings of activities.

86. 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 recognize it as a PA and therefore expects a follow up 30 day PA rather than an actual start, this can cause some systems to ‘reject’ the actual start, and/or cause problems with invoicing.

Response: Essex will issue early start requests even when valid permit has been issued as this will affect DfT EPI's and also promote bad planning which against one of 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’ll be aware a similar policy/proces is in place for early starts within Essex currently in our Notice Regime. The inclusion of Category 0-2 was factored into overall 15% reduction based upon an assessment on the activities considered to offer a reduction.

87. The last sentence in this paragraph refers to rectifies on the basis of incorrect coordinates. This should only be an exceptional basis due to the introduction of PMR’s which were designed to accommodate minor changes to data held in 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.

Response: Essex will issue early start requests even when valid permit has been issued as this will affect DfT EPI's and also promote bad planning which against one of 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’ll be aware a similar policy/proces is in place for early starts within Essex currently in our Notice Regime. The inclusion of Category 0-2 was factored into overall 15% reduction based upon an assessment on the activities considered to offer a reduction.

Appendix H

88. Essex Permit Scheme

89. Thames Water

90. Response: Essex will issue early start requests even when valid permit has been issued as this will affect DfT EPI's and also promote bad planning which against one of 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’ll be aware a similar policy/proces is in place for early starts within Essex currently in our Notice Regime. The inclusion of Category 0-2 was factored into overall 15% reduction based upon an assessment on the activities considered to offer a reduction.
Consultation Comments/ Questions

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.

92. Existing ETN covers a new mandatory field where the information requested in this passage must be indicated for any permit application. This requirement is therefore unnecessary and duplicates what is specified in the tech spec for ETN.

93. This is not mandatory within ETN, 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.

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 ETN.

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 ETN allows for a modified application instead of a brand new one. This ensures that cancellations are kept to a minimum and audit trials are complete.

96. as per comment above for 7.3.3

97. Essex uses a phone number that is part of the ESIP system which will be available 24/7. The ESIP system will alert the contract manager that a request has been received. The contract manager can then contact the promoter to discuss the request. The contract manager will also be able to request further information from the promoter. The ESIP system will also ensure that the request is dealt with in a timely manner.

98. Essex does not have a phone number that is part of the ESIP system. The phone number used by Essex is a non-emergency number and is only available during normal working hours. Therefore, it is not possible for Essex to meet this requirement.

99. Essex does not have a phone number that is part of the ESIP system. The phone number used by Essex is a non-emergency number and is only available during normal working hours. Therefore, it is not possible for Essex to meet this requirement.

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105. Essex does not have a phone number that is part of the ESIP system. The phone number used by Essex is a non-emergency number and is only available during normal working hours. Therefore, it is not possible for Essex to meet this requirement.

106. Essex does not have a phone number that is part of the ESIP system. The phone number used by Essex is a non-emergency number and is only available during normal working hours. Therefore, it is not possible for Essex to meet this requirement.

107. Essex does not have a phone number that is part of the ESIP system. The phone number used by Essex is a non-emergency number and is only available during normal working hours. Therefore, it is not possible for Essex to meet this requirement.

108. Essex does not have a phone number that is part of the ESIP system. The phone number used by Essex is a non-emergency number and is only available during normal working hours. Therefore, it is not possible for Essex to meet this requirement.
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 used 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.  

Response: The use of Permit Modification Requests is optional, therefore, the Permit Authority may use Refusal, Permit Modification Requests and Works Commences to ensure data and conditions are fit for purpose to allow full assessment of 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 24-hour 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?

Response: ECC will have 24hr telephone live 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 telephone to prove contact has been made with the authority.

111. For water and sewerage undertakers, power to work in streets is given by LS8 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 LS8, the works are still regulated by NSRWA (albeit they do not require a IO) NSRWA licence due to the existence of s258 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 Highway 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 s258.

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.

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 DfT’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.

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.

Response: promoters 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 the account the environmental Health Office’s requirements

Response: This is a mandatory field in EToN which must be included in all applications, it is not therefore necessary to make it a condition.

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

Response: Yes, However, in certain circumstances supplementary information may be required. This may be in the form of notice text or conditions.

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 what is expected?

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.

117. 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.

Response: The use of Permit Modification Requests is optional, therefore, the Permit Authority may use Refusal, Permit Modification Requests and Works Commences to ensure data and conditions are fit for purpose to allow full assessment of any activity before a Permit is Granted. Furthermore, HAUC guidance notes for Permit related matters and industry best practice will be followed where possible.

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 innovative techniques to minimise congestion on TS streets, and/or work on these streets at non TS times. However, as per NSRWA Section 40E, 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.

Response: Thank you for your comment and this section will be re-written to reflect this.

119. The use of Permit Modification Requests is optional, therefore, the Permit Authority may use Refusal, Permit Modification Requests and Works Commences to ensure data and conditions are fit for purpose to allow full assessment of any activity before a Permit is Granted. Furthermore, HAUC guidance notes for Permit related matters and industry best practice will be followed where possible.

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 DfT’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.

Response: Yes, However, in certain circumstances supplementary information may be required. This may be in the form of notice text or conditions.

Response: The relevant data items in EToN relating to excavation type should match any specific conditions on that permit.

Response: The relevant data items in EToN relating to excavation type should match any specific conditions on that permit.

Response: Yes, However, in certain circumstances supplementary information may be required. This may be in the form of notice text or conditions.

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 DfT’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.

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 DfT’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.

Response: Yes. However, in certain circumstances supplementary information may be required. This may be in the form of notice text or conditions.
2.5.3 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 propose 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 include traffic sensitive streets as defined under regulations 16 of The Street Works (Regulations, Notices, Directions and Designations) (England) Regulations 2007 as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section 1.3.6 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.

2.7.4 Response: Thank you for your comment, this statement merely reflects that’s viewpoint.

2.7.7 No Amendment: Thank you for your comment and duly noted.

3.8.4 Response: Thank you for your support on this matter.

3.8.5 Response: The Permit Authority may use Referrals, Permit Modification Requests and Works Comments to ensure data is fit for purpose to allow full assessment any activity before a Permit is Granted.

4.4 - 4.5 Response: Thank you for your comment, were cores samples are taken from roadworks sites which are suitable to be undertaken and these results will be shared.

6.8 Amendment: Re-word - or granting of a variation application.

10.1 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 DfT application. This can be found on our website.

11.10.4 Response: Thank you for your comment, Essex County Council will word to make this more clear.

15.6.1 [m] Response: Essex County Council will put systems and processes in place to ensure that staff and subsequent invoices reflect discounts and waive charges are not applicable.
<table>
<thead>
<tr>
<th>Question/Comment</th>
<th>Response</th>
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<tbody>
<tr>
<td>How will this be managed and what happens if Essex decide to stop their coring programme?</td>
<td>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.</td>
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<tr>
<td>This is unnecessary as part of a Permit Scheme and therefore should be removed. Defective apparatus is covered elsewhere within legislation – if how would it be recorded and monitored?</td>
<td>Response: It 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 notification of faulty/damaged apparatus as outlined Section 8 of the New Roads and Streetworks Act. Furthermore, it will be recorded and monitored as outlined in the methodology described in 15.3.3 of the scheme document.</td>
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<tr>
<td>We believe these to be unnecessary statements as this is covered under the Code of Practice for Permits S16.5.</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>Response: Work promoters must contact the Environmental Health Officer before applying for permit to work in these hours as this form part of the planning stage of the works and it is the individual's responsibility as outlined in the act (see Section 81, Control of Pollution Act 1974).</td>
</tr>
<tr>
<td>Defective apparatus and its response is outlined under separate legislation and should not form part of a permit scheme submission</td>
<td>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 final version of the scheme 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.</td>
</tr>
<tr>
<td>The initial condition for the Norfolk Permit Scheme will be those identified. [Layer amended?]</td>
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<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
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<tr>
<td>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 DT's advice is that no local conditions will be allowed; only those conditions held within the document can be attached/included on any permit.</td>
<td>Response: Thank you for your comment. However this does not conflict with current statements in Code of Practice for Permits S16.5.</td>
</tr>
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<td>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.</td>
<td>Response: Advice notes on this matter.</td>
</tr>
<tr>
<td>Essex's move to permit 100% of the network.</td>
<td>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, has it no alternative other than to seek approval for a permit scheme. Furthermore, the CBA summary page further supports Essex moving to permit scheme.</td>
</tr>
<tr>
<td>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 DT's advice is that no local conditions will be allowed; only those conditions held within the document can be attached/included on any permit.</td>
<td>Response: Thank you for your comment.</td>
</tr>
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</table>

**Appendix B**

| 136 | How will this be managed and what happens if Essex decide to stop their coring programme? |
| 137 | This is unnecessary as part of a Permit Scheme and therefore should be removed. Defective apparatus is covered elsewhere within legislation – if how would it be recorded and monitored? |
| 138 | We believe these to be unnecessary statements as this is covered under the Code of Practice for Permits S16.5. |
| 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? |
| 141 | We consider it the PA's responsibility to seek consents as part of the application process |
| 142 | Defective apparatus and its response is outlined under separate legislation and should not form part of a permit scheme submission |
| 143 | As response in 16.10.9 |
| 144 | The initial condition for the Norfolk Permit Scheme will be those identified. [Layer amended?] |
| 145 | Why have heading of Condition Upon Immediate Activities if they are no different to Appendix D? |
| 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. |
151 In line with current guidance proposed schemes should be applied to TSS or strategic routes only.

152 Can you confirm that fees charges to utilities are not paying for the processing of permits for Essex County Council works.

153 How are these benefits going to be measured, what is the baseline measurement until the noticing regime?

154 This is already covered under existing guidance and therefore doesn’t need to be part of the scheme.

155 Coordination of highway activities is a Permit Authority role

156 At what intervals will the KPIs be available to works promoters

157 This should be a permit variation not a second permit application.

158 Permit authority should use a permit modification request via ETOn, not refuse the permit.

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.

161 Will telephone contact be required 24/7, for out of hours immediate activity. Will a PIN / Ref number be issued so it is auditable

162 Will Essex follow the HAUC guidance for coring which gives utilities the opportunity to be present when the core is taken.

163 HAUC national conditions are out for consultation and not yet agreed.

164 Will a permit modification request be used rather than refuse permit

165 This is a duplication of 11.9.2

166 HAUC national conditions are out for consultation and not yet agreed

167 Covered under the Code of Practice for Permits S26.5 – should not conflict with those statements which already exist

168 HAUC Guidance Note currently out for consultation - Section 171 Licence cannot be enforced due to certain elements covered in various Utility Acts

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.

170 This is covered under separate legislation and guidance and should not form part of a permit scheme proposal

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 remittance categories 0, 1 or 2 as defined in section 1.3 of the Statutory Reimbursement of Highway 2010. (It should be noted that from time to time to ensure effective traffic management, other streets may be included) as stated in section 1.3.3 of the scheme document.

Response: Essex County Council can confirm that the permit fees paid by utilities is not paying for Essex County Council’s own permit checks.

Response: Please refer to Appendix V which is our KPI’s for the scheme. Furthermore, this will be in our (ECC’s) annual review.

Response: Thank you for your comment and this correct, however, this statement supports the scheme and does override any current guidance

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.

Response: Please refer to Section 4.5 of the Scheme Document.

Response: Amendment: Re word - or granting of a variation application

Response: Essex County Council can confirm that the permit fees paid by utilities is not paying for Essex County Council’s own permit checks.

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, thescheme reserves the right to refuse in these circumstances.

Response: Thank you for your comment and duly noted

Response: Essex will have 24/7 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 phone line to prove contact has been made with the authority.

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.

Response: Correct, however, Essex County Council will adopt any conditions which will be agreed into our (ECC’s) permit scheme as defined in this section of the Scheme Document.

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.

Response: Correct, however, Essex County Council will adopt 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.

Response: Agreed. Thank you for your comment, however, Essex County Council believes that this is required in both sections of the Scheme Document

Response: Correct, however, Essex County Council will adopt 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.

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.

Response: Thank you for your comment and duly noted

Response: Essex County Council can confirm that the permit fees paid by utilities is not paying for Essex County Council’s own permit checks.

Response: Essex County Council believes this is a duplicate and will therefore not consider this priority.

Agreed, Thank you for comment, however, Essex County Council believes that this is required in both sections of the Scheme Document.

Response: Essex County Council can confirm that the permit fees paid by utilities is not paying for Essex County Council’s own permit checks.

Response: Essex County Council believes this is a duplicate and will therefore not consider this priority.

Agreed, Thank you for comments, however, Essex County Council believes that this is required in both sections of the Scheme Document.

Response: Essex County Council believes this is a duplicate and will therefore not consider this priority.

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.

Response: Essex County Council believes this is a duplicate and will therefore not consider this priority.

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**Essex Permit Scheme**

### Consultation Comments/ Questions

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<th>Question/Comment</th>
<th>Response</th>
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| Needs to provide details of when call is required prior to starting works and the contact number to be used | Essex County Council acknowledge that Essex County Council will only be using the national standardised conditions as agreed by HAUC (England). Essex County Council are encouraged that Essex County Council will only be using the national standardised conditions as agreed by HAUC (England). ...

### Changes are high for non-TSS 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 where 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.

### Essex Permit Scheme

**Virgin Media**

Keeping up to date with the latest DfT guidance described in section 1.5.3 of the scheme document.

**Appendix H**

**General Question/Comment**

Essex County Council, has decided that the scheme discount for working outside traffic sensitive times; ECC, therefore, do not have offer a form of discount. Essex County Council, has followed the latest DfT guidance described in section 1.5.3 of the scheme document.

**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. Further consultation with HAUC is scheduled for early 2014 to ensure the scheme remains consistent with the national standardised conditions as agreed by HAUC (England).

**Response:** Please refer to section 22.10.2 of the Scheme Document.

**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 followed the latest DfT guidance described in section 1.5.3 of the scheme document.

**Response:** Thank you for your comment. Essex County Council, follows the latest DfT guidance described in section 1.5.3 of the scheme document. Further consultation with HAUC is scheduled for early 2014 to ensure the scheme remains consistent with the national standardised conditions as agreed by HAUC (England).

**Response:** Thank you for your comment. Furthermore, 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.

**Response:** Thank you for your comment. Moreover, a works promoter would not be charged for that permit. Essex County Council, will not grant permits by default for category 3 & 4 roads. Essex County Council, will put systems and process in place to minimise this occurrence happening when operating this Scheme.

**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.

**Response:** Essex County Council, has decided that the scheme discount for working outside traffic sensitive times; ECC, therefore, do not have offer a form of discount. Essex County Council, has followed the latest DfT guidance described in section 1.5.3 of the scheme document.

**Response:** Essex County Council, will not grant permits by default. Every permit will be charged for that permit. Essex County Council, will put systems and process in place to minimise this occurrence happening when operating this Scheme.

**Response:** Essex County Council, will not grant permits by default. Every permit will be charged for that permit. Essex County Council, will put systems and process in place to minimise this occurrence happening when operating this Scheme.
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 Schemes are to 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.

Q1. Do you consider that the Permit Scheme is suited to the needs of Essex? If not, please explain why not.

A1. No

NJUG 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 disabused 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.

NJUG 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, NJUG 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 level.

This is encouraged in the DfT's Traffic Management Act 2004 (Part 1 - permit schemes) - Additional Advice Note - for developing and operating future Permit Schemes, issued in January 2013. NJUG 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 only on the busiest streets. We urge Essex County Council to reconsider this approach as it will not actively reduce the disruption on busier streets, but encourage the same approach to all works.

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

NJUG 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.

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 Permit Authorities 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." NJUG 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 undertakers' works.

The Code of Practice (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 permitting sites will be to ensure the safety of the general public, workforce and surrounding property. Secondly, operations will be focused on restoring supplies to the surrounding community.

Would not accepting that such a requirement should be mandatory, in line with NJUG'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:

If telephone number is available for immediate works where traffic control is required?

If this number is made available to the operators?

Q4. Do you think the Permit Scheme accurately reflects the requirements of the Traffic Management Permit Scheme (England) Regulations 2007?

A4. No – see Q2.

Q5. Do you think the conditions that apply to permits affect traffic movements? 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 permits authorities to restrict themselves to are the HAUC England Permit Conditions, currently being consulted upon. NJUG welcomes Essex County Council’s commitment to adopt the nationally agreed conditions text developed and approved by HAUC England.

Q6. Are the conditions for not correctly applying for a permit clearly identified?

A6. Yes

If you have answered "no" please explain your reasons:
192 Q17. Are the penalties for not abiding by permit conditions clearly identified? If you have answered “no” please explain your reasons:
A7. Yes

DB. 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 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.
2.5.5 & 2.7 – NJUG welcomes these aspirational sub-objectives and predicted benefits but would challenge Essex to evidence to 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 baseline to demonstrate improvement once the scheme has been implemented?
2. If no historical data is available to establish a baseline 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?

193 Q23. Are there any aspects of the Permit Scheme which require further clarification?
If you have answered “yes” please explain your reasons:
A8. Yes – see next page 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 ETM6 rules.
11.10.2 – Early Starts – NJUG would appreciate clarification as to what eventually 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.

194 Q24. Are the permit scheme timelines realistic?
A8. Yes

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.
Will Network Management team approve each application?
A8. Yes

What and where is this to be recorded?

195 Q25. Have you answered “yes” to the permit scheme?
If you have answered “yes” please explain your reasons:
A8. Yes

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 chance for permits when there is no adverse weather impact, or no prospect of it.

196 Q26. Are there any aspects of the Permit Scheme which require further clarification?
If you have answered “yes” please explain your reasons:
A8. Yes – see next page below

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 % compliance with proposed durations or aligned with the other KPI measures of the scheme.

197 Q27. Are the penalties for not abiding by permit conditions clearly identified? If you have answered “no” please explain your reasons:
A8. Yes

In addition, NJUG would like to highlight that a 10% 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.

198 Illustration - The provision of documents with an application was unavailable through ETM6 until ETM6 6 came on line in April 2014. It may also be impractical to provide illustrations on some work types where the full scope is known until work commences. Therefore all drawing illustrations should be accepted on face value and validated when work commences. Permits should not be unnecessarily 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.

199 Thank you for your comment and duly noted

Highways Agency

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” ( 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/A1088 (part) and A130. The Agency will remain responsible for managing network occupancy on our roads.

Amendment: Thank you for your comment. 1.65 will be amended to read “The Permit Scheme is operated by Essex County Council as the Street-Authority for Essex, hereafter 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, A130 and A13/A1088) and unitary authorities (Suffolk and Thurrock) which are beyond the scope of this permit scheme.”

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### Essex Permit Scheme

#### Consultation Comments/Questions

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<td>Needs further definition for Surface Dressing, stray surfacing, and other works.</td>
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<td>Do we know what these are?</td>
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<td>What are the new sensitive street times?</td>
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<td>Does this mean we have to start whole process again?</td>
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<td>Does this mean Network Management team dictate TM and do they take responsibility for CDM designer duties?</td>
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<td>Imposed or not? What are the responsibilities and liabilities? CDM, HASWA etc</td>
<td>209</td>
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<tr>
<td>What are these?</td>
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</tr>
<tr>
<td>Are the EHO geared up for this?</td>
<td>211</td>
</tr>
<tr>
<td>Currently this is not done for jetting and gully works and would cause a massive rise in administration.</td>
<td>212</td>
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<tr>
<td>Dig outs are not known about in advance and would need to be revisited or phoned through as an emergency.</td>
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<td>Minor works that circumstances change to become &quot;registerable activity&quot; 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.</td>
<td>214</td>
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<td>Likely to fail due to weather, ground conditions and seasonal labour dependency.</td>
<td>215</td>
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<td>More time spent planning each job.</td>
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<td>Likely to put larger float time and leaves down time if unable to fill those gaps.</td>
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<tr>
<td>Likely to be booking road space unnecessarily for programme that may not be approved which will restrict access for others and be abortive administration</td>
<td>218</td>
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<tr>
<td>Complicated to agree dates across boundaries and with SCP especially with different permit schemes.</td>
<td>219</td>
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<tr>
<td>Large impact on resource requirements for permit application.</td>
<td>220</td>
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<tr>
<td>Small scale of works and closing defects means that this is extremely labour intensive and will require all job packs to be ready, checked and committed, reducing flexibility.</td>
<td>221</td>
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<tr>
<td>Extra costs of nightwork and smaller working windows.</td>
<td>222</td>
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<tr>
<td>Increased complaints from residents.</td>
<td>223</td>
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<tr>
<td>Set up during restricted hours will not be allowed and reduce working time further</td>
<td>224</td>
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<tr>
<td>1 month approval lead in.</td>
<td>225</td>
</tr>
<tr>
<td>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.</td>
<td>226</td>
</tr>
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#### Essex Police's Response

<table>
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<tr>
<td>7.2</td>
<td>This will be covered in training workshops.</td>
</tr>
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<td>The permit scheme is designed to aid better planning on work activities on the network.</td>
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<tr>
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<tr>
<td>7.3</td>
<td>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.</td>
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<tr>
<td>7.4</td>
<td>This will be covered in training workshops.</td>
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<tr>
<td>7.5</td>
<td>The permit scheme is designed to aid better planning on work activities on the network.</td>
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<tr>
<td>8.3</td>
<td>These are decisions in which the Permit Authority will consider before granting a permit. In the interest of parity ECC works will subject to the same conditions and timescales as all work promoters.</td>
</tr>
<tr>
<td>10.1</td>
<td>Thank you for your comment and fully noted. This will be covered in training workshops.</td>
</tr>
<tr>
<td>11.14.1</td>
<td>The permit scheme is designed to aid better planning on work activities on the network.</td>
</tr>
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</tr>
<tr>
<td>11.14.1</td>
<td>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 is a safe place or covered.</td>
</tr>
<tr>
<td>16.10.5</td>
<td>Please refer to Appendix F for response for the Permit Authority. This will be covered in training workshops.</td>
</tr>
</tbody>
</table>

#### General Question/Comment

**In Support: Thank you for your comment.**
Consultation Comments/ Questions

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](http://www.magic.gov.uk). This interactive map allows users to access a full range of parameters to gauge levels of risk associated with the traffic flows proposed and the distance to the nearest SSSI or AONB. The IRZ provides 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 12.2.1 and 20.2.1 of the EPS document.

### Protected Species
Read and street works in and around semi-natural habitat (e.g. rideable 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 what the requirements of the works will be in line with achieving party 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 influence the safety of people using or in the street. This aspect is covered by the Safety at Street Works and Road Works Code of Practice as enforced by DfT NEWA and MT/R Highway Act. If this is maintained as an objective Balfour Beatty would like to understand how DfT will enforce the requirements of the any fees to its works in line with achieving party 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 influence the safety of people using or in the street.

General Question/Comment: Response: Thank you for your comment and duly noted.

### Improved Journey Time
Keen to provide a reliable and predictable journey time this is a key benefit of a permit scheme. Currently, journey time is not measured on a local network.

General Question/Comment: Response: Thank you for your comment and duly noted.

### Improved congestion on local 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.

General Question/Comment: Response: Thank you for your comment and duly noted.

### A reduction in delays to the travelling public
Duplicated benefits as the same principle as the above.

General Question/Comment: Response: Thank you for your comment and duly noted.

### Duplicated benefits
A reduction in delays to businesses caused by delays.

General Question/Comment: Response: Thank you for your comment and duly noted.

### A reduction in costs to businesses caused by delays
Does EEC 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.

General Question/Comment: Response: Thank you for your comment and duly noted.

### Promotion of sustainable communities and businesses
This is a tangible benefit that can be derived from the implementation of a permit scheme. Sustainable communities do not rely on the effective management of street or road works or road works to be successful but they rely on improvements both financial and physical and a number of other factors but not the implementation of a permit scheme.

General Question/Comment: Response: Thank you for your comment and duly noted.

### Promotion of a safer environment
This is 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.

General Question/Comment: Response: Thank you for your comment and duly noted.

### Reduced carbon emissions
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 in the street. This aspect is covered by the Safety at Street Works and Road Works Code of Practice as enforced by DfT NEWA and MT/R Highway Act. If this is maintained as an objective Balfour Beatty would like to understand how DfT will enforce the requirements of the any fees to its works in line with achieving party 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 influence the safety of people using or in the street.

General Question/Comment: Response: Thank you for your comment and duly noted.

### Keen to provide a reliable and predictable journey time this is a key benefit of a permit scheme.
For DEFRA, it is not a tangible benefit that can be derived from a permit scheme. However, it is a benefit that can be achieved by a permit scheme and this is the best way to explain this and not limited to, is by reducing the occupation/duration time of works activities, directly affects the travelling public by reducing their exposure to roadworks/footnetworks. Therefore reducing the risk.

General Question/Comment: Response: Thank you for your comment and duly noted.

### Improved journey time
Keen to provide a reliable and predictable journey time this is a key benefit of a permit scheme. Currently, journey time is not measured on a local network.

General Question/Comment: Response: Thank you for your comment and duly noted.

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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.

General Question/Comment: Response: Thank you for your comment and duly noted.

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General Question/Comment: Response: Thank you for your comment and duly noted.
Essex Permit Scheme

Consultation Comments/ Questions

244 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 added 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.

245 Balfour Beatty would prefer a number of self regulatory initiatives to be tried and tested before any permit scheme is 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.

246 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 a thorough cost benefit analysis of the proposed permit scheme. This is especially important when the scheme covers a large area such as the whole of Essex which is one of the most urban areas in the country with a large amount of both utility and road works. This will be a key factor to any business planning to work in the area as they will need to factor in the cost of obtaining a permit.

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 administratively 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.

248 Balfour Beatty believes that the permit scheme document is a comprehensive document which covers all aspects of the permit scheme. However, there are some areas which require further clarification. Firstly, the scope of the scheme is not clearly defined. It is stated in the document that the scheme applies to all Category 3 and 4 streets in Essex. However, this is not clear as there are many areas in Essex that are not Category 3 and 4 streets. It is therefore recommended that the scope of the scheme is clearly defined and that the list of streets that fall under the scheme is provided.

249 Balfour Beatty would also like to comment on the proposed benefit of the scheme. The proposed benefit is stated as "The use of Permit Modification Requests is optional, therefore, the use of Permit Modification Requests will be used only to address major changes to the permit scheme which will be a significant benefit to the operators of the public highway." However, Balfour Beatty has concerns about the use of Permit Modification Requests. These requests are only used to address major changes to the permit scheme, which are rare. Therefore, it is recommended that the proposed benefit is revised to reflect the actual use of Permit Modification Requests.

250 Balfour Beatty would also like to comment on the proposed benefit of the scheme. The proposed benefit is stated as "The DfT guidance clearly states that it is acceptable to cover all roads with a new to offer discounts (lighter touch) are given to permits for permit schemes 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: Strategic significant streets includes traffic sensitive streets as defined under regulation 16 of the Traffic Management Act 2004 (Part 3: permit schemes) – Additional Advice Notes - 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.

251 Balfour Beatty would also like to comment on the proposed benefit of the scheme. The proposed benefit is stated as "The permit scheme document is a comprehensive document which covers all aspects of the permit scheme. However, there are some areas which require further clarification. Firstly, the scope of the scheme is not clearly defined. It is stated in the document that the scheme applies to all Category 3 and 4 streets in Essex. However, this is not clear as there are many areas in Essex that are not Category 3 and 4 streets. It is therefore recommended that the scope of the scheme is clearly defined and that the list of streets that fall under the scheme is provided." However, Balfour Beatty has concerns about the use of Permit Modification Requests. These requests are only used to address major changes to the permit scheme, which are rare. Therefore, it is recommended that the proposed benefit is revised to reflect the actual use of Permit Modification Requests.
### Essex Permit Scheme

#### Consultation Comments/Questions

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<tr>
<td>Q1 Do you consider that the Essex Permit Scheme for Road &amp; Street Activities is suited to the needs of Essex. If no please explain why not: YES BUT</td>
<td>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 5% overstay charges, which even before the last increase were resulting in 90% of all works being completed within the agreed timeframes. Fixed penalties: SSA - restricting works after major road works finishing, 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 and 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 NRHA 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 roads. The inclusion of works from all promoters, including the authority’s own measures also ensures that the scheme is fair and equitable across the region, and the use of optional permits for other activities such as S74 license, 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 what 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 and without such measures the overall benefit of a permit scheme can be questioned.</td>
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<td>Q2 Do you think the Essex Permit Scheme reflects the requirements of the Statutory Guidance for Permits? YES</td>
<td>Essex County Council will still continue with its coring programme without offering a discount on permits. However, Essex County Council will still continue with its coring programme without offering a discount on permits.</td>
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<td>Q3 Do you think the Essex Permit Scheme reflects the requirements of the Code of Practice for Permits? NO</td>
<td>No additional 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 do not apply to the current notice schemes therefore we would expect to see 4% improvement which reflect improvement over the existing regime or the cost/benefit of any scheme is flawed.</td>
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<td>Q4 Do you think the Essex Permit Scheme accurately reflects the requirements of the Traffic Management Permits Scheme (England) Regulations 2007?</td>
<td>YES</td>
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<td>Q5 Do you understand what conditions may be applied in granting a permit? YES BUT</td>
<td>Balfour Beatty understands the intent and policy of Essex in this regard but we would like to point out that some FFNs and prosecutions have recently been successfully defended in this regard. There has been some precedent (London Borough of Oxford) v. Virgin Mediala recently set for such matters where it was deemed that a FFN for working without a permit could not be applied if a permit was in place at the time works started andpaused. We would also encourage ECC to take a practical approach to the application of ECC in particular 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. Essex County Council will still continue with its coring programme without offering a discount on permits. However, Essex County Council will still continue with its coring programme without offering a discount on permits.</td>
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<td>Q6 Are the sanctions for working without a valid permit and for breaching permit conditions clearly identified? YES</td>
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| Q7 Do you think 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 do not apply to the current notice schemes therefore we would expect to see 4% improvement which reflect improvement over the existing regime or the cost/benefit of any scheme is flawed.
2. If monitoring 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 implemented. In BB’s other questions 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. |
| Q8 Are there any aspects of the Essex Scheme that require further clarifying? YES | Please see our detailed comments below |

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1.5.1 Response: 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 CCT? 

1.5.3 Response: Essex County Council undertakes a Cost Benefit Analysis which benchmarks the scheme and through the draft Permit Scheme Document Ref. 2021-09-23 Essex Permit Scheme Consultation, 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.

Q10 Do you have any suggestions for improving the Essex Permit Scheme?

Q11 Do you understand what incentives and discounts may be applied?

Q12 Do you have any other comments on the Essex Permit Scheme?

Response: Thank you for your comment. Answered BB above against Scheme Document Ref.

Response: 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 CCT? 

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.

Response: Essex County Council has designed so that fees are targeted on strategically significant streets will ensure that fees are targeted on strategically significant streets will ensure that permits on minor roads, which is what Essex proposes in line with the maximum fee matrix provided by DfT. 

Response: Essex County Council undertook a Cost Benefit Analysis which benchmarks the scheme and through the draft Permit Scheme Document Ref. 2021-09-23 Essex Permit Scheme Consultation, 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.

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Response: Thank you for your comment. 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 where the same time as the general elections, therefore, we (ECC) have had no change in elected members.

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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 licensing regulations?

Response: Essex County Council undertook a Cost Benefit Analysis which benchmarked the scheme and through the KPIs outlined in Appendix I of the Scheme Document. 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, so 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 resource?

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?

Response: Promoters are encouraged to consider the overall impact of their works as outlined in section 3.4.6 of the scheme document. A additional permit (which will be fully assessed) and/or a #P71 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”, this is 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?

Response: Every application or variation application will be assessed on an individual basis. 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 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 NRSSA legislation relating to the “provision of timely, clear, accurate and complete information”. How will the implementation of the proposed Permit Scheme improve this?

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?

Response: Promoters are encouraged to consider the overall impact of their works as outlined in section 3.4.6 of the scheme document. A additional permit (which will be fully assessed) and/or a #P71 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?

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 it 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?

Response: Please refer to Appendix I.

276 KPI 1 & 2 Time Permanent Reinstatements. Will consideration be given to occasions where 1st Time Permanent Reinstatements was not possible due to imposed durations and/or timing directives limiting the availability, at reasonable cost, of plant and materials?

Response: No. The KPI is set out to measure how many number of first time reinstatements occurred on the network.

277 KPI 8 Of Caring. Can we please confirm that current standard for caring will be the continuing measure for the performance of reinstatement?

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?

Response: Essex County Council undertook a Cost Benefit Analysis which benchmarked the scheme and through the KPIs outlined in Appendix I of the Scheme Document. 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.

279 Will KPI reports be sent to Statutory Undertakers on a monthly basis, as well as being reviewed at the quarterly IACUC meeting?

Response: Yes. They will be 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. 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.

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.

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 EToCo 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.

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 current application and will surely cascade to the residents.

Response: Yes. Every application or variation application will be assessed on an individual basis. 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 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.

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 3.7f? 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?

Response: Every application or variation application will be assessed on an individual basis. 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 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.

283 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 works, which is what Essex proposes to do with the maximum full rates provided by DfT.

Response: Essex County Council undertook a Cost Benefit Analysis which benchmarked the scheme and through the KPIs outlined in Appendix I of the Scheme Document. 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.

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 NRSSA legislation.

Response: Essex County Council undertook a Cost Benefit Analysis which benchmarked the scheme and through the KPIs outlined in Appendix I of the Scheme Document. 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.
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 (i.e. refund for permits issued) in advance of the minimum required timescale?  

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". 

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.  

Response: This is understood solutions 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 changes may be made against a granted variation application.  

287 What provisions will be in place to accept out of hours calls? Is the intention to have 24 hours service to deal with these issues or vocational calls? If there will be a facility for vocational only, why is there a requirement to contact the authority out of hours and not wait until the start of the next working day?  

Response: This will be dealt with by a variation request to move the dates. It defines the object of the advance co-ordination in the first place, if (not limited to); the dates specific working hours then the Promoter must work within those hours.  

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 need for the "Promotor Prefix and District" as requested in 14.13.3.1 whilst the Essex technical specification gives details of changing permit reference numbers when variations are applied and granted.  

Response: Thank you for your comment and duly noted  

290 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 in some cases "less may well equal more"?  

Response: Thank you for your comment.  

291 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 the case that conditions should only be issued by the Permit team when they know that they bring a benefit to the permit application?  

Response: This is explained in the Cost Benefit Analysis (CBA) and the fees were published periodically on Essex County Council's website.  

292 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 all be documented to the wider community?  

Response: This will be published through the KPI's  

293 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 in some cases "less may well equal more"?  

Response: Thank you for your comment.  

294 The document states that "Permit officers only apply Statutory Undertakers, not to Highway Authorities", however the introduction of the new Safety Code of Practice, which applies equally to highway 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 Permitter.  

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 an effort to increase parity across the industry, all incidents where Promoters working on behalf of the Highway Authority fail to meet the requirement be published?  

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?  

Response: Thank you for your comment and duly noted.  

297 It is understood activities have their own set of challenges based upon 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?  

Response: Thank you for your comment and duly noted  

298 The document states under 16.13.1 that the requirement is to "assist inspectors, 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 under numbers, already 4 to 20 digits in length by a further 5 unnecessary characters. It is possible that this will become confusing for elderly people 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.  

Response: This is explained in the Cost Benefit Analysis (CBA) and the fees were published periodically on Essex County Council's website.  

299 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 in some cases "less may well equal more"?  

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300 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 the case that conditions should only be issued by the Permit team when they know that they bring a benefit to the permit application?  

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Response: Thank you for your comment and duly noted.  

307 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 effort to promote it as a positive step by Utilities.  

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.  

308 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 and the table of fees provided. Major works – over 30 days and all major works requiring a traffic regulation order. Major works – 4 to 30 days Major works – up to 3 days  

Response: Thank you for your comment and duly noted  

309 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 the terms of the works being undertaken.  

Response: This is explained in the Cost Benefit Analysis (CBA) and the fees were taken from Essex’s completed ‘STP Permit Matrix’.  

Appendix I  

Response: Answered as described in comment  

Appendix II  

Response: Answered as described in comment  

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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 for 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.

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<td>Q8: Do you think that the monitoring proposed for the scheme is adequate?</td>
<td>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.</td>
</tr>
<tr>
<td>General Question/Comment</td>
<td>Thank you for your comment and duly noted.</td>
</tr>
</tbody>
</table>