

Traffic Management Act 2004
Wiltshire Council Permit Scheme
Consultation Report

1 Foreword

- 1.1.1 Making the best use of our road network is vital for Wiltshire. Our roads facilitate the transport of people and goods, provide access to homes, businesses and other destinations, and provide public space where people shop, socialise or relax. Under the road surface lies essential infrastructure for the communications and services that underpin our lives.
- 1.1.2 Wiltshire Council has a legal duty to manage, maintain and improve the road network, including managing its use and the activities (works) taking place on it.
- 1.1.3 The Council has a range of powers and duties under which they maintain and improve the network and manage its use. These include:
- The Highways Act 1980 principally covering the structure of the network;
 - The New Roads and Street Works Act 1991 covering utility street works;
 - The Road Traffic Regulation Act 1984 regulating the activities of road users; and
 - The Traffic Management Act 2004 which outlines further responsibilities and powers to management the road network.
- 1.1.4 Wiltshire Council intend to introduce a permit scheme, under Part 3 of the Traffic Management Act, to control works undertaken across their road network.
- 1.1.5 In accordance with Regulation 3 of the Traffic Management Permit Scheme (England) Regulations the Council is required to consult on a proposed permit scheme, with defined consultees and interested parties, prior to bringing a scheme into legal effect.
- 1.1.6 The Council issued a consultation on a permit scheme on 9th October 2019.
- 1.1.7 This document outlines the responses received from that consultation and a comment (response) to these by the Council and any associated permit scheme changes.

2 Permit Scheme Consultation

2.1 The Consultation

- 2.1.1 The need to undertake a consultation and the related consultees is set out within Section 3 of The Traffic Management Permit Scheme (England) Regulations. The purpose of the consultation was to seek views and questions from those potentially affected by the introduction of a permit scheme and other interested parties.
- 2.1.2 The consultation ran for a period of 8 weeks, between **9th October to 4th December 2019**. The consultation documents were posted online on the Council's website, with responses sent via an online portal or directly to the street works team via email.

2.2 Consultation Responses

- 2.2.1 Overall, the Council received 145 responses to the consultation. These were received from 8 organisations, listed below, comprising works promoters and interested parties:

- Bristol Water
- Department for Transport
- Hampshire Council
- Network Rail
- Openreach
- SSEN
- Virgin Media
- Wales & West Utilities

- 2.2.2 A full list of the consultation responses received and the Council's comment (response) to these can be found in Appendix A.
- 2.2.3 With consideration to the comments received, the Council see no reason to not proceed with the introduction of a permit scheme into Wiltshire.

2.3 Permit Scheme Changes

- 2.3.1 With consideration to the responses received from consultation, further changes were made to the permit scheme. These changes reflect clarification and use of terminology within the Permit Scheme and not fundamental changes to the overall scope.
- 2.3.2 In addition to these changes, further minor amendments were made to the permit scheme by the Council in consideration to review and input within the Council, including legal services and Officers. These changes did not affect the fundamental scope of the permit scheme, but instead related to use of language and style.
- 2.3.3 A copy of the final permit scheme, to come into legal effect, and a document showing the changes between this and the Consultation Edition version will be published by the Council with this document.

3 Next Steps

- 3.1.1 The Council intends to proceed with the introduction of a permit scheme.
- 3.1.2 In accordance to section 17 of the regulations, the Council will issue formal notice to all consultees providing a copy of the legal order no less than four weeks before the date on which the permit scheme is to come into effect.

4 Organisations consulted

Affiniti	Interoute
Avon & Somerset Police	JAG UK
Avon Fire And Rescue	Kingston Communications (KCOM)
Bath And North East Somerset Council	McNicholas
Bournemouth Water	National Grid Electric Plc
Bristol Water	Network Rail
Century Link Communications Uk Limited	Open Fibre Networks Ltd (was INGN Ltd)
City Fibre	Openreach
Clear Channel	Openreach
Colt Telecommunications	Orange Pcs Group (UK Fujitsu)
Concept Solutions People Ltd	Otc
Ctil	Romec
D S Fire	Royal Mail
Department For Transport	Scottish & Southern Energy Networks
Department For Transport	Somerset County Council
Dept For Transport Stat Roads	South Gloucestershire Council
Dorset County Council	Southern Gas Networks
Dw Fire	Southern Gas Networks
EDF Energy	Southern Water
EDF Energy	Southwest Ambulance Service
Energetics Electricity Ltd & Energetics Gas Ltd	SSE
Environment Agency	SSE Contracting
Envoy Online	SWAST NHS
ESP Utilities Group	SWAST NHS
ESP Utilities Group	Swindon Borough Council
Esso	Telefonica (O2 (Uk) Limited)
Freight Transport Association	Thames Water Utilities
Fulcrum Pipelines	T-Mobile (Uk) Limited
Geo	Truespeed Communications Ltd
Gigaclear	Veolia Water
Glide (Previously Warwicknet Ltd)	Verizon Business Ltd
Gloucestershire Council	Virgin Media
GTC	Vodafone
GTC	Wales & West Utilities
GTT Atlantic (previously Interoute)	Wessex Water
Hampshire Council	West Berkshire Council
Hibernia Atlantic UK Ltd	Western Power Distribution
Highways England	Wiltshire Council
Highways England	Wiltshire Police
Hyperoptic Ltd	WPD Telecoms (Previously Surf Telecoms Ltd)
Independent Next Generation Networks Ltd	Zayo Group Uk Ltd (Formerly Abovenet)
InFocus Public Networks	

Appendix A: Consultation Responses

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
1	Virgin Media	Introduction	1	1	2	Reference to TMA was superseded by The Permit Guidance	Incorrect	No
2	SSEN	Consultation Overview	1	1	4	please clarify how your permit scheme will "control works" differently to works currently being co-ordinated via a notice scheme.	The Consultation Overview provides more information as to how a permit scheme can control works differently, <i>i.e. conditions can be applied and a permit is obtained.</i>	No
3	Wales & West Utilities	Introduction	1	2	1	Permits are an alternative to 'notices' rather than 'evolving' from them.	Comment noted.	No
4	SSEN	Consultation Overview	1	2	1	your consultation period dates differ to those on the consultation letter. (May be required for confirming legal consultation period.	The consultation period ran for the period specified in the formal consultation letter '9th October and 4th December 2019 (inclusive)'. The consultation period ran for the period specified in the formal consultation letter '9th October and 4th December 2019 (inclusive)'.	No
5	SSEN	Introduction	1	2	2	Your comments regarding "similar concepts" to noticing is irrelevant. Permits operate in a totally different way to notices.	Comment noted.	No
6	SSEN	Introduction	1	2	3	To apply for a permit a company requires an SWA code as a statutory undertakers or their representative. I'm not sure a "person" alone would hold the position of a singular promoter.	Comment noted.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
7	SSEN	Consultation Overview	2	1	2	all variations do not need to be agreed under a permit scheme. Requesting a variation can be done via the electronic system without the need for contact. Agreement to the changes will be done by granting the variation. Extensions and early starts can be requested via a permit variation and as long as the appropriate timescales are given no agreement should be needed.	Disagree with this comment. The scope of permit variations is set out within the permit scheme document.	No
8	SSEN	Objectives	2	1	7	The comment following "such as" appears to be missing? Assuming this should state street works and road works?	The permit scheme has been amended.	Yes
9	SSEN	Objectives	2	1	9	Please clarify the statement "works should not be coordinated in isolation".	The permit scheme has been amended.	Yes
10	SSEN	Objectives	2	1	10	Collaboration is something we all strive to achieve but clarification on how this would be achieved through your scheme would be good to hear.	How best to achieve collaboration through the permit scheme can be discussed with all Promoters in the regular coordination meetings.	No
11	SSEN	Objectives	2	1	16	We applaud your statement on parity.	Comment noted.	No
12	Wales & West Utilities	Objectives	2	2		The scheme objectives seem rather 'generic'. There is no reference to West of England Joint Local Transport Plan.	It is not practical for the permit scheme to contain the evaluation methodology. In principle the evaluation will seek to identify direct changes made from the operation of the permit scheme and quantify the benefits from these. In addition, the HAUC (England) Advice Note No. 001/2016 defines a 'Report Template for the Evaluation of Permit Schemes'.	No

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ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
13	Virgin Media	Objectives	2	2		Virgin Media believes that this could be equally achieved through the mandatory NRSWA co-ordination and co-operation requirements at much less cost to works promoters and their customers, without the need for a Permit Scheme, and with no charges on category 3 and 4 roads within the scheme.	The Council has been given a clear direction towards the introduction of a permit scheme by the Secretary of State. The Consultation Overview provides further detail on this and also the reasoning for the proportionate charging.	No
14	Wales & West Utilities	Objectives	2	3	1	The objectives and benefits set out here will need to be reflected in the annual permit evaluation reports to demonstrate that the permit scheme has provided these benefits over and above the existing noticing regime. How will this be monitored?	Comment noted.	No
15	SSEN	Consultation Overview	2	3	3	should this not be Feb 2017 ? Latest version	No. The published version of the Statutory Guidance for Highway Authority Permit Schemes is October 2015. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/465803/statutory-guide-for-permit-schemes.pdf	No
16	SSEN	Consultation Overview	2	5	2	"All works" as a statutory undertaker we have rights under the electricity act 1989 to repair and maintain our equipment. We do not require approval for immediate works and statutory guidance is clear that all immediate works permits should be granted.	Comment noted. There is no such provision within the Statutory Guidance for Highway Authority Permit Schemes. This states "...authorities should provide for the initial stage of immediate activities to be exempted from requiring a permit, but promoters should be required to apply for a permit within 2 hours ...".	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
17	SSEN	Consultation Overview	2	6	1	SSE do not agree a scheme needs to cover all roads. Whilst we thank you for your low fee matrix (compared to the national average and DFT capped rates) we feel that higher charges on the traffic sensitive streets would be less onerous regarding the processing of checking and processing permit charges. I understood permit variation fees of £45 and £35 were standard? Please can you re-evaluate your costs to ensure they are fit for purpose as moving forward as we do not want to see an increase after a year due to a deficit. Your CBA does not appear to show the proposed income against permit types and expected fees.	A very detailed analysis of true costs was undertaken to identify the permit fee levels and as such are fit-for-purpose. All fee levels can be adjusted (to the maximum) to recover prescribed costs.	No
18	SSEN	Consultation Overview	2	10	3	We approve your permit trial initiative and would be happy to contribute.	Comment noted.	No
19	SSEN	Consultation Overview	2	11	3	SSE approve of your comments regarding parity of your own works within your scheme.	Comment noted.	No
20	SSEN	Works Coordination	3	1	2	(1st point) work only undertaken at certain times cannot be achieved with immediate works.	Comment noted.	No
21	Wales & West Utilities	Works Coordination	3	1	2	(Bullet Point 1) – makes no distinction between ‘planned’ or ‘emergency’ works – where works are ‘emergency’ it may not be practical to undertake them at certain times or days	Comment noted.	No
22	Wales & West Utilities	Works Coordination	3	1	2	(Bullet Point 4) - what does ‘paired road’ mean?	Reference to road pairing removed as this is not a standard industry term.	Yes

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
23	Wales & West Utilities	Works Coordination	3	1	2	(Bullet Point 6) – ‘appropriate times, be operated manually’, what criteria will be used to determine this?	Typically traffic-sensitivity timings, however knowledge of the network and peak traffic flow times will also be used.	No
24	SSEN	Works Coordination	3	2	1	Please clarify how conditions will provide flexibility for the promoter.	The term 'flexibility' applies to the context of the sentence, in that the Council will require an outcome instead of stipulating a method of work, therefore providing 'flexibility' in how the condition is achieved.	No
25	SSEN	Works Coordination	3	2	3	3rd sentence , is this a typo and should be permit conditions not applications?	Correct. The permit scheme has been amended.	Yes
26	Bristol Water	Works Coordination	3	2	3	add and for any potential benefit to show societal value, bearing in mind cost for the promoter to apply	Comment noted.	No
27	SSEN	Works Coordination	3	2	4	How should any safety concerns be raised? I would not expect any conditions to be requested by yourselves that would lead to this being required. All works should be continually risk assessed.	Any concerns can be raised through existing communication methods.	No
28	Wales & West Utilities	Works Coordination	3	2		Permit conditions should only be applied where they add benefit to that particular location/set of works.	Agreed.	No
29	SSEN	Works Coordination	3	3	1	Consider rewording removal of the permit to revoked. Permits cannot be removed.	The term 'removal' is in the context of the works, not the permit (which would be revoked).	No
30	Wales & West Utilities	Works Coordination	3	3	2	We would expect the promotor to be contacted first before any permit is revoked.	Section 8.4 of the permit scheme sets out this process.	No

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ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
31	SSEN	Works Coordination	3	3	3	Before revoking a permit we would expect a phone call to advise the reasons why.	Section 8.4 of the permit scheme sets out this process.	No
32	Virgin Media	Works Coordination	3	3		Once a Permit is granted, how would the Permit Authority contact the Promoter if circumstances beyond the Permit Authorities control may occur, and the Promotor should not be charged for granted Permit or another Permit for the same work?	Typically, by phone call, but various methods will be used. Section 10.3 defines the situation where no charge will be applied.	No
33	Bristol Water	Works Coordination	3	3		Permit fee should then be credited?	Section 10.3 of the permit scheme sets out the charges for a follow-up application to complete the work.	No
34	SSEN	Works Coordination	3	4	2	We applaud the inclusion of this statement.	Comment noted.	No
35	SSEN	Consultation Overview	3	4	5	Please clarify what you refer to as "promoter cost data" and not being available. 20% increase in operating costs compared to Statutory undertaker , please supply evidence to support this.	These costs are outlined in section 3.4.3. Cost figures were sought for the national permit scheme evaluation directly from promoters and representative bodies, and not provided. Therefore, an assumption had to be made to allow for this cost within the CBA. Please refer to section 8.4 of the annex for the Evaluation of Street Works Permit Schemes for more detail. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700503/permit-schemes-evaluation-annexes.pdf	No
36	Virgin Media	Works Coordination	3	4		Virgin Media notes that this section is only Operational Guidance, and has no legal standing.	Comment noted.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
37	SSEN	Consultation Overview	3	5	5	Not sure how over £1m in greenhouse gases and £894K on accidents factors in these costs. They do not make sense in relation to a permit scheme.	These calculations are made through the QUADRO models, as a cost impact to society as a result of works on the road network.	No
38	SSEN	Scope	4	1	2	Suggest rewording this sentence to carry out registerable works on a street with a USRN must obtain a permit.	This is set out within section 4.3 of the Permit Scheme.	No
39	Virgin Media	Scope	4	3	1	Virgin Media are disappointed that Wiltshire County Council are considering that all streets that are publicly maintainable by the Authority will be included on their Permit Scheme and all chargeable.	Comment noted.	No
40	Wales & West Utilities	Scope	4	3		No reference is made to 'Streets to be adopted as a maintainable highway' - these should be excluded from the permits.	As these streets have not been adopted that are not 'publicly maintainable' and therefore exempt, however the Permit Scheme Regulations make reference to planned works on streets to be adopted (Part 8(3)).	No
41	Wales & West Utilities	Scope	4	4	1	No specific reference is made to s48 of NRSWA, nor any to works for road purposes (s86 of NRSWA) or major highway works (i.e. Section 278 of the Highways Act 1980).	Specific reference to these terms is within the Definitions section of the permit scheme. Works undertaken under section 278 of the Highways Act 1980 are excluded as they are not works for road purposes or street works by definition.	No
42	Wales & West Utilities	Scope	4	4	4	Should this be referring to 'Regulations' and not the CoP for Co-Ordination? The CoP for Co-Ordination contains six categories (a to f), the permit scheme contains only five categories (a to e) – why is there a difference?	Permit Scheme has been amended in consideration to the comment and also proposed changes to the Code of Practice. The Permit Scheme was written in consideration to the proposed changes, hence the removal of one of the categories.	Yes

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
43	SSEN	Scope	4	4	6	Please clarify this statement , "under permit or notice"?	The Permit Scheme has been amended to meet any changes to the Code of Practice.	Yes
44	Virgin Media	Scope	4	4	6	Virgin Media would like to add lifting chamber lids to enable cable pulling/surveying as per the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters.	The Permit Scheme has been amended to meet any changes to the Code of Practice.	Yes
45	Bristol Water	Scope	4	4	7	a)HAUC Code for Operation of Permit Schemes suggests otherwise?	The Permit Scheme has been amended to meet any changes to the Code of Practice.	Yes
46	Wales & West Utilities	Scope	4	4	7	Exempt works – makes no reference to 'Bar Holes' (see CoP 7.3.5), lifting or replacing manhole or chamber covers, or the replacing of poles, lamp columns or signs where it does not involve the breaking up of the street.	The Permit Scheme has been amended to meet any changes to the Code of Practice.	Yes
47	Bristol Water	Scope	4	4	11	table - Major - is this in line with DfT consultation?	Yes	No
48	SSEN	Scope	4	4	13	This section will be changing under street manager and will not be exclusively just the 3 options. Suggest inclusion of reference to changes in street manager or removal.	The Permit Scheme has been amended for clarification.	Yes
49	Network Rail	Scope	4	4	15	clause includes the word 'only' twice, I suggest the following wording:- A phase ends only when all plant, materials including any signing, lighting, guarding and excavation materials have been removed from site and the highway is returned to full use.	The Permit Scheme has been amended for clarification.	Yes

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
50	Wales & West Utilities	Scope	4	4		Should this section be referring to 'Activities' rather than 'works'?	The term works refers to [Registerable] Activities	No
51	Bristol Water	Scope	4	4		subject to validity periods?	Yes	No
52	Bristol Water	Scope	4	5	1	subject to validity periods?	Yes	No
53	SSEN	Scope	4	5	2	Calendar days are generally only referred to when working on TS streets. Not for non TS streets which operate exclusively in working days and still have a flexible period of working.	Disagree with this comment.	No
54	Bristol Water	Scope	4	6	1	applaud this. - also add the Authority has the knowledge to impose conditions	Comment noted.	No
55	SSEN	Scope	4	6	2	Only if conditions are relevant to the site and works. If immediate works have been completed prior to the permit application, no permit conditions can be relevant in this case.	Comment noted.	No
56	SSEN	Scope	4	6	4	These are mandatory conditions for all permits.	Correct.	No
57	SSEN	Scope	4	7	2	All works should adhere to the safety code of practice. Promoters should not be sanctioned for working practices which are deemed unacceptable but are being used for HA works.	Comment noted.	No
58	SSEN	Scope	4	8	1	Not sure this section is relevant. Please refer to specific codes of practice not just regulations.	This section is relevant for forthcoming changes to regulations.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
59	Virgin Media	Scope	4	8	2	Virgin Media would like clarity of the process for when electronic systems are down Eton / Street Manager are unable to send information and if no access to electronic means.	These arrangements will need to be communicated and agreed outside the scope of the permit scheme as the current technical specification is being removed and replaced with a national system (by the DfT).	No
60	SSEN	Scope	4	8	5	Please clarify "zero ambiguity". Works are site specific and sometimes validity and terms need to be varied.	The Permit Scheme contains scope and methods to apply these changes.	No
61	SSEN	Scope	4	8	6	Please clarify specific regulations to which this statement is base on. How will the register be maintained?	At this stage this cannot be clarified as proposed changes to the regulations and provision of registers is not yet confirmed.	No
62	SSEN	Scope	4	9	1	Statutory guidance for permit schemes refers.	Comment noted.	No
63	SSEN	Scope	4	9	3	Relevance consider removal.	Section removed from the Permit Scheme as it is outlined within the Appendices.	Yes
64	SSEN	Scope	4	9	4	Relevance consider removal.	Section removed from the Permit Scheme as it is outlined within the Appendices.	Yes
65	Bristol Water	Scope	4	9	5	add section 54, 55 and 57 must be removed as per Appendix 1	This is implied.	No
66	SSEN	Scope	4	9	5	Please clarify "NRSWA regime and permit regime to operate effectively together" this does not make sense. Suggest rewording.	Section removed from the Permit Scheme as it is outlined within the Appendices.	Yes
67	Wales & West Utilities	Permit Applications	5	1	2	Please clarify how this cross-referencing will be achieved?	At this stage this cannot be clarified as there are proposed changes to technical specifications and the introduction of a new central Street Manager system.	No

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ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
68	SSEN	Permit Applications	5	2	1	Not all immediate works require a permit. Only those registerable.	Agreed, only specified works.	No
69	Bristol Water	Permit Applications	5	2	2	only on streets subject to early notification on the NSG	No. This would cover all streets.	No
70	SSEN	Permit Applications	5	2	2	This is not mandatory unless noted on the gazetteer. Are you providing a 24hr contact number as our immediate works can start anytime.	No. This would cover all streets. A 24 hour contact number will be provided.	No
71	Wales & West Utilities	Permit Applications	5	2	2	Will this apply to 'out-of-hours' works? If so, how will this be achieved?	Yes. A 24 hour contact number will be provided.	No
72	SSEN	Permit Applications	5	3	1	Major works for a road closure on a 2nd phase does not require a PAA only a PA. Emergency road closures do not require a PAA.	The types of works category are clearly defined within the Permit Scheme.	No
73	SSEN	Permit Applications	5	3	2	Please clarify "likelihood of the Promoter obtaining a permit".	This means, subject to no changes that may impact the works taking place between the granting of the PAA and the follow-up permit application.	No
74	SSEN	Permit Applications	5	4	1	Only refers to Major works.	Disagree. This applies to all works.	No
75	Wales & West Utilities	Permit Applications	5	4	2	Please clarify the sentence in this paragraph 'then the application to the Permit Authority should identify the work in the other Highway Authority area'. This is not a legislative requirement and clarity in how this works in practice is required.	In practice the work will cross into multiple USRNs, each requiring an application (to the relevant Authority) a reference to this permit can be provided in the application.	No

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76	SSEN	Permit Applications	5	4	2	Please clarify. This will not be achievable in Street manager as only permits can be raised.	In practice the work will cross into multiple USRNs, each requiring an application (to the relevant Authority) a reference to this permit can be provided in the application.	No
77	SSEN	Permit Applications	5	6	1	How will this be achieved? If there is an interested party listed on the gazetteer then this will be done automatically.	Agreed. In practice the work will cross into multiple USRNs, each requiring an application (to the relevant Authority).	No
78	Virgin Media	Permit Applications	5	6	1	Virgin media would like this clarified - when this is requested, as only persons of interest listed on the NSG will receive a copy of the permit application.	An interested party may request this information to aid coordination, collaboration or protect their asset.	No
79	SSEN	Timings & Responses	6	2	1	3 months will be 84 days under street manager and 1 month 28 days . Suggest referencing this in the table.	The timescales align to the Statutory Guidance for Permit Schemes.	No
80	Bristol Water	Timings & Responses	6	3	1	can you confirm this covers late start variation applications?	Not sure of the term 'late start variation applications'. Suggest further discussion is required in an operational meeting.	No
81	Virgin Media	Timings & Responses	6	3	2	Virgin Media disagrees with the statement as long as the variation is made >48hrs in advance or if 20% of the duration of the permit remains. Suggest that a telephone call between Promotor and Wiltshire County Council is only required if the above timescales for an extension cannot be met.	Noted. The timescales are set out within the Statutory Guidance for Highway Authority Permit Schemes (section 3.62).	No
82	Bristol Water	Timings & Responses	6	3	3	Add or contact is required after these times?	This would not encourage good behaviour.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
83	Wales & West Utilities	Timings & Responses	6	3	7	No reference has been made to use of a Permit Modification Request (PMR) and Modified Application (MA) – this provides an alternative to an all-out refusal.	Only a grant or reject can be issued by the Council. There may be different terminology for this within systems, but the principle remains as such.	No
84	Bristol Water	Timings & Responses	6	3	10	diagrams don't cover if permit is refused?	The permit scheme sets out the minimum lead times, which would apply after a permit refusal. An agreed early start would be required if this cannot be provided.	No
85	Wales & West Utilities	Timings & Responses	6	4		<p>More clarity is required for early starts. There are two scenarios where early starts are required:</p> <ul style="list-style-type: none"> - where works are already planned, a permit granted and proposed the works dates need to be brought forward - where the full advance notification could not be provided before the proposed planned works dates and there is currently not a PAA/PA in place. <p>For PAA's It should also be noted that an early start must be agreed before a PAA is submitted (i.e. an early start agreement will be required) as a PAA cannot be modified.</p>	This is an operational decision which would need to be made on a case-by-case basis.	No
86	Virgin Media	Permit Content	7	1	11	Virgin Media would like to point out that it is the duty of the Permit Authority to impose the Permit Conditions on the Permit that is to be granted.	Comment noted.	No
87	Wales & West Utilities	Permit Content	7	2	1	Please clarify where it is a requirement under regulations to supply a contact details of 'the person' appointed to manage the work.	The use of the term 'must' has been clarified within the Terminology section.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
88	SSEN	Permit Content	7	2	1	This may not be achievable under street manager. Worth referencing this. Only a work stream contact eg. main call centre number may be included.	The requirement remains for a contact detail to be provided irrelevant of the system in use.	No
89	SSEN	Permit Content	7	3	1	Typo 1st sentence a valid USRN.	Disagree.	No
90	Bristol Water	Permit Content	7	3	2	this would require a line or a polygon which is not a requirement for immediate, standard or minor?	This is confirmed within Section 7.3.	No
91	Virgin Media	Permit Content	7	5	1	Virgin Media acknowledge that the Permit Authority encourages more information including illustrations, but an illustration is not required on all Permits.	Agreed.	No
92	SSEN	Permit Content	7	6	1	Calendar days are only used for TS permits which have a fixed start date. Flexible non TS permits can be raised in working days.	Disagree. A permit will be based on calendar days.	No
93	Wales & West Utilities	Permit Content	7	6	1	There is no legal requirement to include times of working. NCT02a & NCT02b can used to specifically manage working times where appropriate.	Permit Scheme amended for clarification.	Yes
94	Bristol Water	Permit Content	7	6	1	This is only when required under a condition?	Permit Scheme amended for clarification.	Yes
95	SSEN	Permit Content	7	7	4	Please clarify what evidence is required.	This could be a reference or agreement number.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
96	Wales & West Utilities	Permit Content	7	8	2	Noting that this is a 'should' are you inferring that the 'works description' should include the works methodology? There already exists a field for excavation type within the EToN Spec. Excavation techniques are well established across utilities and where non-standard or exceptional techniques are used then condition NC10a may be applied. It should be noted that the planned method of works may change due to site specific circumstances when works commence. Where this information is supplied it should only be on a best endeavour basis.	Comment noted. The EToN Technical Specification will no longer be valid from 1st April 2020.	No
97	Wales & West Utilities	Permit Content	7	8	3	Noting this is a 'should', it is not a legal requirement.	The use of the term 'must' has been clarified within the Terminology section.	No
98	SSEN	Permit Variation	8	3	1	Please clarify how contact will be made.	Typically via a telephone call, subject to the contact details provided. Otherwise an form of electronic communication may be used.	No
99	SSEN	Permit Variation	8	3	3	We strongly believe a permit should only be revoked in exceptional circumstances and then only after prior notification to the street works manager via telephone to explain the circumstances.	Section 8.4 supports this viewpoint.	No
100	SSEN	Permit Variation	8	4	1	As per 8.3.3 above.	Section 8.4 supports this viewpoint.	No
101	Bristol Water	Permit Variation	8	4	3	after the timescales to clear the site?	The revoking of the permit would consider the time required to clear site. Contact will be made beforehand.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
102	SSEN	Permit Variation	8	4	3	If a permit is revoked reinstatement may need to be completed. We cannot be committing an offence if the permit is revoked beyond our control.	The revoking of the permit would consider the time required to clear site. Contact will be made beforehand.	No
103	Virgin Media	Permit Variation	8	4		Virgin Media believe that a Permit should only be revoked for significant safety breaches or in the event of an incident beyond Virgin Medias control. How would Wiltshire County Council contact Virgin Media?	Typically, via a telephone call, subject to the contact details provided. Otherwise an form of electronic communication may be used.	No
104	SSEN	Permit Variation	8	5	1	A refused permit cannot currently be cancelled in street manager.	Comment noted.	No
105	Network Rail	Works under a Permit	9	1	3	Notice Validity - and the like, you may wish to add or as referenced in any future code of practice.	Section amended in consideration to proposed changes within the Code of Practice.	Yes
106	Bristol Water	Works under a Permit	9	1	5	Reasonable period is kept for non TS and Cat 3/4 roads? Diagram needs adding too.	This is clearly defined within section 9.1.	No
107	Wales & West Utilities	Works under a Permit	9	1	5	Starting Window diagram shows 'calendar' days, not working days. The NRSWA working day is defined as Monday to Friday (excluding weekends and Bank Holidays) and therefore the permit end date in this example would be Monday.	Section amended in consideration to proposed changes within the Code of Practice.	Yes
108	SSEN	Works under a Permit	9	2	1	This is not always feasible as leaving on site is not practical. Immediate works will not have the permit details if works have taken place out of hours.	Comment noted.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
109	SSEN	Works under a Permit	9	3	3	Why would this be needed if you do not need the location specified on the permit?	Because the initial location specified on the permit may have changed, resulting in a different impact or consideration to network management.	No
110	Virgin Media	Works under a Permit	9	3		Virgin Media acknowledges Fault Finding section, but would like reference to Telecoms, out of service, blockages etc. to be added into this section as Virgin Media and other Utilities have time scales to meet. Virgin Media acknowledges that we will use best endeavours to keep you informed of any additional excavations whilst works take place. Where there is several blockages/ fault that has been identified there may be a number of excavations which need to take place. It is not practical every time to contact Permit Authority in every instance of every location if in the same street.	Noted. It is not a must the term is encouraged.	No
111	SSEN	Works under a Permit	9	4	2	How should contact be made? Do you have a 24hr contact line?	Yes. A 24 hour contact number will be provided.	No
112	Wales & West Utilities	Works under a Permit	9	5	1	Where works are of any emergency nature, these may also be interrupted due to need of special equipment, fittings or plant. These will not be 'originally planned for' as these works by their very nature are not planned.	Comment noted.	No
113	SSEN	Works under a Permit	9	5	3	Why is this required?	To ensure the works are carried out under a permit.	No

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ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
114	Virgin Media	Permit Fees	10	2	2	Virgin Media acknowledges the reduce fees on all Road Categories within Wiltshire County Council proposed Permit Scheme.	Comment noted.	No
115	SSEN	Permit Fees	10	2	2	We do not agree with charging on all categories please see notes in opening paragraph.	Comment noted.	No
116	Virgin Media	Permit Fees	10	3	1	(Item 7) Virgin Media acknowledge that a variation charge will not apply in instances of fault finding.	Comment noted.	No
117	Bristol Water	Permit Fees	10	3	1	fault finding - does this include fire hydrants?	It covers any relevant fault finding activity.	No
118	SSEN	Permit Fees	10	4	2	We appreciate your discount incentives but how will these be identified?	These will be applied by the Permit Authority on the permit fee.	No
119	Virgin Media	Permit Fees	10	4	3	Virgin Media acknowledges the possible 30% discounts of the fee in this appendix, but asks 10.4.3 that any broadband infrastructure that would provide an economic benefit to the area be included in this appendix.	Comment noted.	No
120	Openreach	Permit Fees	10	5		Openrach request that process of reconciliation and payment of permit fees is provided to us prior to Permit Scheme commences. Openreach request 4 weeks to review draft charges. We operate on a national scale and receive multiple charges of which some of them are invalid therefore the onus is us to review every charge individually.	Comment noted.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
121	Openreach	Permit Fees	10	5		Openreach request that Authorities present Permit draft charges on a monthly basis and in Excel spreadsheet format as the charges need to be uploaded to our system as a .csv file. Openreach are not able to convert PDF format into Excel spreadsheet or .csv format. Production of charges in Excel format will enable us to process these charges in a timely manner.	Comment noted.	No
122	Openreach	Permit Fees	10			Openreach accept that highway authorities need to recoup the cost of running the scheme from permit fee revenue, however we believe that the focus and the higher fees should be on category 0, 1, 2 and traffic sensitive roads.	Comment noted.	No
123	Openreach	Permit Fees	10			Openreach request that the permit fees are reviewed taking into account the Statutory Guidance for Permit Schemes, 'it is strongly recommended that permit fees are only applied to the more strategically significant roads: Category 1, 2 roads and Traffic Sensitive roads. This will mean that although permits would still be required for works on non-strategic routes, it should be very unlikely that these works would attract a permit fee. These permit applications would receive only 'notice' equivalent treatment by the authority.'	Comment noted.	No
124	SSEN	Permit Sanctions	11	1	2	Suggest make reference to immediate works.	Comment noted.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
125	SSEN	Permit Sanctions	11	1	3	A permit condition may be breached if irrelevant to works taking place (ie. if immediate works have already been completed) or if a risk assessment deems the condition unacceptable to follow.	In such cases the Promoter is encouraged to discuss this with the Permit Authority.	No
126	Virgin Media	Dispute Resolution	12			Virgin Media believes any dispute of a Permit, should be resolved Locally as works cannot be delayed, due to waiting for dispute review from Hauc, as most work is customer led and time scales to be met.	As outlined in 12.1.2 it is encouraged to resolve locally.	No
127	Wales & West Utilities	Definitions				'The permit Regulations' should read The Traffic Management Permit Scheme (England) Regulations 2007 as amended by The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015. The 2015 regulations only amended the 2007 regulations, it did not supersede it.	Agreed. Permit Scheme amended.	Yes
128	Hampshire Council	General				Could be worth having your fees stated in a separate document that's not part of the scheme itself. That way it will be easier for you to change fees as costs fluctuate.	Comment noted.	No
129	SSEN	Appendix 1 & 2				Disapplication and Modification of/ to NRSWA - not sure if this is relevant? Suggest removal.	This is relevant for reference.	No
130	Department for Transport	General				Do you have a proposed start date?	A date will be provided in the final version of the document. Due notice, of at least 4 weeks, will be provided to all consultees.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
131	Department for Transport	General				I am sure that you are ensuring the document will be future proofed in relation to Street Manager, the Government response to the consultation that closed 13 September (especially as it may relate to changes to conditions / statutory guidance documents) and changes to the Co-Ord.	Comment noted.	No
132	Department for Transport	General				I found the inclusion of the 2 checklists up front very useful and trust this will help other consultees.	Comment noted.	No
133	Wales & West Utilities	General				No details are provided as to the 'transition arrangements' (i.e. from notices to permits) and how this will be managed.	Transitional arrangements, as per the Statutory Guidance, have been added to the permit scheme for reference.	Yes
134	Wales & West Utilities	General				No details as to how the permit scheme will be monitored has been provided. How will parity between promoters be measured (e.g. KPI's)?	It is not practical for the permit scheme to contain the evaluation methodology. In principle the evaluation will seek to identify direct changes made from the operation of the permit scheme and quantify the benefits from these. In addition, the HAUC (England) Advice Note No. 001/2016 defines a 'Report Template for the Evaluation of Permit Schemes'.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
135	SSEN	General				SSEN wish to feedback the following comments on your permit consultation. We thank you for offering a brief , concise consultation document. There has not been a review of your traffic sensitive streets which I understood was a recommended prerequisite to consulting on a permit scheme. We do not agree that it is necessary to charge on all roads and whilst I thank you for the low charges it would have been better to charge a higher rate on TS streets which would involve more co-ordination and xero cost on non TS streets. This would also keep the clerical time required to process these monthly charges to a minimum.	Comment noted.	No
136	Wales & West Utilities	General				The document is in some places is overly 'wordy'. In some areas it is unclear and needs to be reworded into plain English.	Comment noted.	No
137	Hampshire Council	General				The document sets out a lot of information that is already contained within National docs (eg; response times to permits, advance notice times for permits, works starting windows, conditions etc). If the guidance every changes you'll also need to change your scheme document which might be difficult as it will be a legal instrument. Might be worth stripping this information out of the permit scheme and simply referring to the guidance.	Comment noted.	No

ID	CONSULTEE	SECTION	S1	S2	S3	COMMENT	RESPONSE	AMENDED
138	Wales & West Utilities	General				There is little recognition of the statutory obligations placed on undertakers to provide new services (e.g. gas, water, electricity, etc) and maintain existing apparatus. The purpose of the scheme is understood, but the needs of utility users should not be underestimated, particularly those requiring new services. Delays or working out of works can have a significant impact on customers as well as potential financial implications for commercial organisations or business's.	Comment noted.	No
139	Wales & West Utilities	General				There is no mention of 'Street Manager' which will supersede EToN in early 2020.	The Permit Scheme has been written to be compliant with all known planned regulatory and system changes.	No
140	Wales & West Utilities	General				There is no mention of the use of the Standard Permit Response Codes (HAUC England Advice Note: No: 02-2016) for use with permit refusals or modifications. Will the scheme not be adopting their use?	This is an operational matter and yes, the Council does intend to use these codes.	No
141	Wales & West Utilities	General				There is some inconstant use of terms, works are now generally referred to as 'activities' within permit schemes. There are also references to the 'council' where it should be Permit Authority.	Disagree. The Council do not become a Permit Authority until a permit scheme is in effect. The term 'works' is clearly defined within the permit scheme.	No

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142	Virgin Media	General				Virgin Media acknowledges that prior to the start of the Permit Scheme the council will provide the minimum 4(four) weeks statutory notice to all those who have been consulted with. Also that the trial of the Permit Scheme will commence without fees and penalties applied.	The trial will last as long as possible, ideally 4 weeks or more.	No
143	Bristol Water	Definitions				Working day for noticing purposes not works purposes?	As defined within the permit scheme, e.g. working days for lead time and calendar days for working period.	No
144	Department for Transport	General				You refer in section 2 to the objects of your permit scheme and include in this that all works promoters are treated equally. Equality of treatment of all applicants requesting to undertake registerable activities (not s50) is a regulatory requirement under regulation 40 for the operation of a permit scheme.	Comment noted.	No
145	Hampshire Council	General				Your permit fees seem incredibly low compared to many other Authorities running permit schemes (including us !). I'm sure the SU's will love this. But you might want to double check your figures.	As set out within the Consultation Overview, the permit fee levels are based on calculations using real costs and in accordance to the recoverable prescribed costs.	No