



**HAUC(England) Guidance**  
**Operation of Permit Schemes**  
**(inc. Permit Condition Text)**  
**Feb 2017**  
**Version 1.0**

## Document Summary

The HAUC England guidance on the Operation of Permit Schemes including National Condition Text has been given version 1.0. Any further developments as a result of the review process will be detailed below:

Date	Version	Comment

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## Foreword by Andrew Jones MP

I support the introduction of well-developed and reasonably operated permit schemes as the best means of proactively managing the road network, essential to support the country's economy. I am pleased to see how many authorities have seized the opportunity to introduce such a scheme, and would like to see more. I applaud the work undertaken by HAUC (England) to produce this practical day to day operational guidance to support schemes.



**Andrew Jones MP**  
Parliamentary Under Secretary of state for Transport

## Introduction by Joint Chairs of HAUC (England)

In October 2015, the Department for Transport introduced Statutory Guidance for Permit Schemes which, along with the Statutory Guidance regarding Permit Scheme Conditions issued 17 March 2015 replaced all previous guidance documents. To provide the Street Works community with current and helpful advice HAUC England commissioned this guidance document.

The best outcomes from permit schemes can be achieved where Works Promoters and Permit Authorities work together to achieve the common objective of planning and implementing work effectively so that it has the least possible impact on highway users. Permits provide a powerful tool to help achieve this.

**Peter Loft and David Latham**

## Status

This document comprises guidance from HAUC England, the industry body representing work promoters and highway authorities. The document is complementary to the Department for Transport Statutory Guidance ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/465803/statutory-guide-for-permit-schemes.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/465803/statutory-guide-for-permit-schemes.pdf)).

As such this document sets out the expectations of HAUC England and the Department for Transport for the operation of permit schemes.

## Summary

Permit schemes provide a way to manage activities in the public highway. They were introduced by Part 3 of the Traffic Management Act 2004 (TMA) to improve authorities' abilities to minimise disruption from street and highway works.

Network impacts are best minimised, the travelling public better informed and disruption kept to the minimum when work promoters and permit authorities work together to achieve their common objective of planning and implementing work effectively. Permit schemes provide a powerful tool to help achieve this common objective and help deliver the Authorities network management duty whilst facilitating access for works promoters, to their assets.

Work Promoters have statutory rights to install, access, maintain, and repair their assets within the highway and all parties are still bound under their respective duties under the relevant sections of the NRSWA. It is the Duty of a local traffic authority to manage their road network with a view to achieving as far as is reasonably practicable the expeditious movement of traffic on the authority's road network and the aim is to balance the statutory rights of all works promoters to carry out works with the right of road users to expect the minimum disruption from the works.

It should be noted that early engagement, co-ordination and pre-planning are an essential part of street works and a section has been dedicated to the utilisation and deployment of forward planning information.

This document seeks to clarify and offer guidance on any ambiguous interpretation of the Regulations and Statutory Guidance for both works promoters and authorities. It follows the Regulations and Statutory Guidance but goes beyond that in places, building on discussions in the Permits Working Group (comprising of representatives from the National Joint Utilities Group (NJUG) and the Joint Authorities Group (JAG)) often paralleling the notices regime arrangements.

This reference guide should be used in conjunction with the Statutory Guidance to aid the smooth application of permits, and covers two specific areas – the operational guidance for permit schemes and the application of conditions.

Conditions play an important part within the permitting process and the guidance given within this document defines when and how conditions should be applied and how these should be communicated. It also offers to allay any misinterpretation of conditions by giving clear examples of when appropriate conditions should be used and when existing legislation is sufficient to enable works are deployed in a safe manner.

This guidance also includes sections relating to alignment with the notifications as directed under Section 74, fees applicable, sanctions and reporting methodologies.

It is the intention of HAUC that this document will be reviewed on a regular basis or as changes in legislation dictate engaging with the community as deemed appropriate. The document is divided into two parts:

## **Part I: The Operation of Permits Schemes**

The purpose of this part of the HAUC England guidance document is to help you effectively use permits schemes to reduce any adverse effect that highway occupation would have on traffic (including pedestrians) whilst enabling essential maintenance, repair and improvement of the various apparatus within the highway and the highway itself.

## **Part II: Guidance on the Use of National Condition Text**

The purpose of this part of the HAUC England guidance document is to help you effectively and proportionately use permit conditions to mitigate the impact of street and road works on those affected by them in their daily lives.



# **PART I**

## **Operation of Permit Schemes**

## Part I – Operation of Permit Schemes

The purpose of this part is to help you effectively use permits schemes to reduce any adverse effect that highway occupation would have on traffic (including pedestrians) whilst enabling essential maintenance, repair and improvement of the various apparatus within the highway and the highway itself.

### Early Engagement

Works Promoters and Permit Authorities working together provide the best outcomes when working within a permit scheme. The earlier the engagement the better the planning can be, especially for more major and impactful works. The earliest recorded engagement via an EToN system is a Forward Planning notice.

### Forward Planning Information

Forward planning information on long-term programmes from all activity promoters will help the Permit Authority to co-ordinate activities. It will also help works promoters to identify opportunities for joint working and to co-ordinate the timing of resurfacing. This should include mains replacement programmes or the reconstruction of main roads, which can be planned several years ahead.

Works Promoters are strongly encouraged to give forward planning information about road or street works in their long-term programme, which may include those works in their annual operating programme, or three or five-year rolling programmes. This forward planning information should also include works identified through asset condition surveys. It can be provided at any time before an application for a Provisional Advance Authorisation or permit is required.

It is much easier to adjust the timing of medium and long-term programmes to co-ordinate with the plans of other activity promoters than it is for short-term programmes with detailed plans when contractual commitments may have been made. The early sharing of information will therefore benefit Works Promoters as well as the Permit Authority. While accurate information is important, it is understood that the longer the lead time the greater the uncertainty about timing or even if the scheme will actually come to fruition.

It is essential that information on large-scale or potentially very disruptive works is included in the permits register at the earliest opportunity. This will enable work promoters to:

- take part in early co-ordination;
- consider joint working;
- consider trench sharing;
- highlight other activities which need to be co-ordinated with these works;
- produce reports

The entry should give as much detail as possible including the street involved, the nature of the activity and the proposed dates - which may be just a calendar year. This information should be reviewed and updated regularly to include details as they are finalised.

Work Promoters should send forward planning information about works electronically. The Technical Specification for EToN defines a Forward Planning Information Notice. Promoters are strongly encouraged to use this notice to supply information to the Permit Authority in a consistent way.

Works promoters are also strongly encouraged to review their Forward Planning notices at least quarterly to ensure the information held within the street works register is still current.

- *It must be noted that forward planning information does not remove the need to apply for a Provisional Advance Authorisation or a permit at the appropriate time.*

## 1. What is a permit and when is one required?

A Permit is a means of requesting space to carry out work on the highway either as a statutory undertaker or as a highway authority (collectively known as work promoters). It provides details of location, type of work, duration, extent of highway to be occupied, traffic management required, any mitigation measures to be undertaken and any necessary conditions associated with the works. This information, in a standard form, is submitted as a permit application to the permit authority to assess, co-ordinate and grant, request a modification, or refuse. Permits therefore provide permit authorities with a tool to fulfil their network management duty.

- *Remember that permit schemes are to support the management of how highway space is used whilst enabling essential maintenance, repair and improvement of the various apparatus within the highway and the highway itself.*

### 1.1 Who needs a permit?

You need a permit if you are a statutory undertaker or highway authority (works promoter) undertaking works that require a permit (see Section 1.2 below).

- *Works under a street works licence (under section 50 of NRSWA) do not require a permit but do have to follow the normal NRSWA procedures.*

### 1.2 When is a permit required?

Permits should be obtained from the Permit Authority by promoters for all specified works on a specified street. This includes:

- street works - work on plant and apparatus in the street by statutory undertakers including remedial works;
- works for road purposes - maintenance and improvement works to the road itself carried out by, or on behalf of, the highway authority; and all highway works

Except in the case of immediate works, promoters should obtain a permit before starting their works. The Permit Authority will be able to require conditions to be attached to the permits where appropriate. Promoters should comply with the terms of the permits and any conditions.

One permit can only cover works on one street USRN. A permit is required for all of the following:

1. all activities that involve the breaking up or resurfacing of any street (but see below for pole testing involving excavation);
2. all activities that involve the opening of the carriageway or cycleway of traffic-sensitive streets at traffic-sensitive times;
3. all activities that require the use of any form of temporary traffic control as defined in the Code of Practice for Safety at Street Works and Road Works;

4. all activities that reduce the number of lanes available on a carriageway of three or more lanes;
5. all activities that require a temporary traffic regulation order or notice, or the suspension of pedestrian crossing facilities;
6. all activities that require a reduction in width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time.

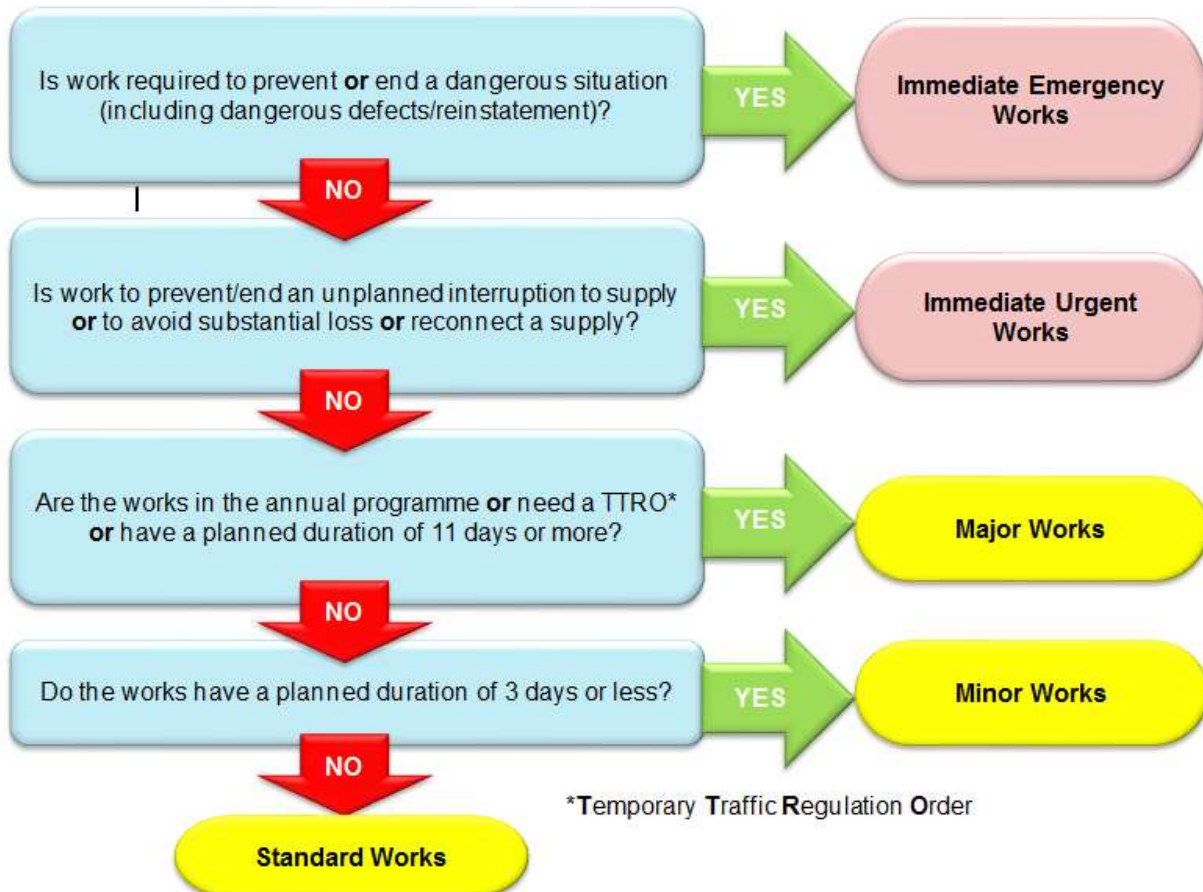
➤ *Where a promoter is using portable light signals and the heads are located on a road that is not part of the main works, but the signals are placed on a traffic sensitive street or cross boundary, it is recommended that a permit is sent to the permit authority for coordination purposes. No fee should apply for this permit.*

### **1.3 When is a permit not required?**

- Traffic Census Surveys
  - Traffic census surveys have deliberately not been included as disclosure of this information prior to a census taking place can encourage a change to the normal pattern of traffic flows.
- Pole testing
  - Pole testing involving excavation does not require pre-registration, and therefore does not need a permit, unless one or more of rules 2 – 6 above apply. However, in all circumstances the work must be registered using section 70 (3) under NRSWA for the purpose of reinstatement inspections within 10 days of completion.
- Core holes
  - Core holes not exceeding 150 mm in diameter do not require registration in advance, unless one or more of rules 2 – 6 above, apply.
- Bar holes
  - Bar holes are used to detect and monitor gas leaks. Bar holes can also be used in the electricity industry to detect faults. These do not require registration in advance. An immediate Permit must be sent within two hours of the start of any other registerable street works to repair any fault, involving excavation or activities defined in 2 – 6 above associated with the bar holes.
- Road markings
  - Road Markings that are not part of other registerable activity and unless the activity infringes any of the rules 2-6 above
- Fire service vehicles
  - Fire service vehicles occasionally need to be parked adjacent to fire

hydrants when these are being tested. These operations are exempt from the requirement to obtain a permit, provided the work is done outside traffic sensitive periods.

#### 1.4 What Category do works fall into?



#### Permits for Major Works

Major Works are those that:

- have been identified in an organisation’s annual operating programme or, if not identified in that programme, are normally planned or known about at least six months in advance of the date proposed for the activity; or
- other than immediate works, require a Temporary Traffic Regulation Order (i.e. not a temporary traffic notice) under the *Road Traffic Regulation Act 1984* for any other works; or
- other than immediate works, have a duration of 11 working days or more.

- Major Works Permits are usually required for the most significant works on the highway, as Permit Authorities will generally need the most advance notice in for such works. This is why there is also requirement to obtain a **Provisional Advance Authorisation (PAA)** as part of the application process for a Major Activity Permit.

### **Permit for Standard Works**

Standard Works are those activities, other than immediate or major activities, that have a planned duration of between 4 and 10 working days inclusive. (Activities lasting less than 10 working days will be classified as major activities if they require a Temporary Traffic Regulation Order, e.g. to close a street or to prevent vehicles from turning left or right.)

### **Permit for Minor Works**

Minor Works are those activities, other than immediate or major activities, where the planned duration is 3 working days or less.

### **Permit for Immediate Activities**

Immediate works comprise:

- Emergency works as defined in section 52 of NRSWA; and
- Works (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required):
  - (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the promoter;
  - (ii) to avoid substantial loss to the promoter in relation to an existing service; or
  - (iii) to reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; including works that cannot reasonably be severed from such works.

These are the equivalent of “urgent works” as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.

## 2. What information is required on a permit

### 2.1 Information required for a Provisional Advance Authorisation application

The promoter applies to the Permit Authority for a “Provisional Advance Authorisation” (PAA) at least three months before the proposed start of major works. Each permit for a major works should have an equivalent PAA, i.e. one PAA per activity, per street.

A Provisional Advance Authorisation lets the promoter know that their activity is approved in principle, pending the grant of the full permit application, and enables them to provisionally reserve occupation of the highway. Therefore an application for a Provisional Advance Authorisation should always specify proposed start and end dates. It is understood that it may be difficult to be certain of the start date three months or more before the event, so the proposed start date is regarded as provisional and may be amended in the application where it will be subject to coordination.

The same information can be provided for a PAA application as for a permit application. All the details will not necessarily be known at the PAA stage but, as a minimum, the following information should be provided in an application to the Permit Authority for a Provisional Advance Authorisation, with sufficient detail for the Authority to understand what is planned and its impact so that the authority can coordinate works accordingly:

- location of works;
- proposed start and end dates and, by inference, expected duration;
- an outline description;
- times of working, including hours of the day and any weekend provisions;
- the road space occupancy;
- method of working;
- traffic management.

These are set out in the Statutory Guidance.

- *Standard, minor and immediate works do not require an application for a Provisional Advance Authorisation*
- *Amendments to the PAA can be accommodated with discussion on the permit application however significant changes will require a replacement of the PAA (for example significant shift in time or change of impact i.e. some incursion changes to full closure or controlled crossing point now affected)*
- *Commitment to apply for a Temporary Traffic Regulation Order within time requirements should be sufficient for a PAA, refusal should only be considered at Permit application stage if this has not been complied with.*
- *It is recommended that all applications for Temporary Traffic Regulation Orders are submitted at submission of the PAA.*



- *The permit authority may, for complicated works or highway locations such as: multiway junctions, roundabouts, or proximity to high usage and status locations, request a Traffic Management (TM) drawing to be sent in advance of the permit application. It is important to send such drawings in advance of the permit application to allow adequate time for the works promoter and authority to assess the proposals and to work in a collaborative manner to achieve the best solution.*

## 2.2 Information Required for a Permit Application

The Information required for a Permit application will include full details of the work to be carried out and include:

- Reference number - Each application should include a unique reference number. Details of the numbering system are given in the Technical Specification for EToN.
- Description of activity - A detailed description of the activity should be provided in plain English to enable the Permit Authority to assess its likely impact.
- Location - Promoters should give the USRN and also an accurate location based on National Grid References (NGRs) and should also provide information about the space taken up by the activity in the street, where the space includes that required for working areas, safety zones and storage. The minimum location that should be provided is one NGR in the centre of the excavation for small excavations or a polyline, where there is a long trench, as set out in the Technical Specification for EToN.
- Timing and duration - Each application for a permit should include proposed start and end dates, and to indicate whether the permit should allow for work at weekends and on bank holidays (where applicable).
  - For traffic sensitive streets, details of the times of day the activity is to be carried out should also be provided, including any proposal to work at night. If the activity promoter proposes to undertake activity on weekends or Bank Holidays to speed up the activity and reduce disruption, this should also be provided. All this information will be taken into account when determining permit dates and applying a condition on duration to the permit.
  - If, for a major activity, the dates on a permit application differ from those on the preceding PAA, the promoter should explain the reason(s) for the change.
- Illustration - Works promoters may need to provide an illustration of the works. It is particularly important that an illustration is provided where the activity is significant in terms of potential disruption due to the position and size of the activity. Such a requirement places an added burden on the works' promoter, so should only be applied where it will provide additional necessary information. This may include more than major works - a small excavation at a critical junction may be more disruptive.

- The illustration should include details of the activity, including for example whether it is likely to affect more than one lane of the street. Details of how this may be transmitted can be found in the Technical Specification for EToN, but the requirement to provide plans, digital photographs and similar will be dependent upon the type of activity and the type of street.
- Works on those streets, or parts of a street, subject to a Special Engineering Difficulty (SED) designation will require a plan and section or other specified information. Approvals for SEDs should be obtained before a full permit application is made.
- Technique to be used for underground works - Details of the planned techniques, such as open cut, trench share, minimum dig technique or no dig should be provided.
- Traffic Management, Parking and Traffic Regulation Orders - Details of the traffic management proposals will be required.
- Any requirement for action by the highway authority such as the need for Temporary Traffic Regulation Orders (TTROs/TTRNs), lifting of parking restrictions and approval for portable light signals must be included, or referred to, in the permit or PAA application.
- Depth - Activity promoters should provide their best estimate of the excavation depth. While this may be expressed as a range, it should nonetheless provide a meaningful indication of the nature and extent of activity involved.
- Reinstatement type - The application should wherever possible indicate whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both. If it is the latter, then promoters should provide details as to where interim or permanent reinstatements will be completed within that permit.
- Inspection units - The application should state the number of estimated inspection units appropriate to the activity, in accordance with the rules laid down in the Inspections Code of Practice and associated regulations. Where there is trench sharing, only the primary promoter is required to give the inspection units
- Contact person - The application should include the name and contact details of the person appointed by the activity promoter to deal with any problems that may occur during the activity, including any provision made by the promoter for out-of-hours contact. The application should include the name of the main contractor carrying out the activity to help with consideration of the application and any discussions that need to take place before the permit is granted.
- *Work promoters should also include any conditions that are felt necessary to undertake the works, as it is the works promoter which is best placed to know the site specific detail.*
- *It is recognised that EToN does not have all of the fields specified above, as such promoters should use best endeavors to include relevant information within the works description field. All parties should be aware*

*that the above information is available to the general public.*

- *Please note that some of the fields specified above are mandatory in EToN. The use of the Footway Closure Box is covered in HAUC(UK) Advice Note No. ANUK - 2014/05 "Footway Closure (Restriction)". The guidance note can be found on HAUC's website <http://hauc-uk.org.uk/publication/51>*

### **2.3 Permits for work to be completed in several phases**

One permit can only contain one phase of an activity. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works. As one permit can only contain one phase, the dates given in a permit application and in the issued permit will denote the dates for that phase. A phase can end only when the highway has been returned fully to public use and all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site.

A promoter should clarify that an activity is to be carried out in phases on the application. Each phase will require a permit and, if a major activity, also a Provisional Advance Authorisation (PAA), which will be cross referenced to the others. A PAA is not required for remedial works for works that are a subsequent phase.

Phased works relate to the same activities. These could be a single or multiple-but-linked excavation, or a trench dug progressively along the street as part of a continuous operation, or they could be where an interim reinstatement is made and the permanent reinstatement is done some time later (within 6 months or as agreed).

### 3. When should a permit application be sent?

Once the appropriate works category has been selected, using the flowchart in “What category does my work fall into?” (Section 1.4) the next important step is to understand the amount of forward notice each different type of permit application needs to be submitted within.

APPLICATION AND RESPONSE TIMES (in working days)						
Activity Type	Minimum application periods ahead of proposed start date		Minimum period before permit expires for application for variation (including extension)	Response times for issuing a permit or seeking further information or discussion		Response times to applications for permit variations
	Application for Provisional Advance Authorisation	Application for Permit		Application for Provisional Advance Authorisation	Application for Permit	
Major	3 months	10 days	2 days or 20% of the original duration whichever is the longest	1 calendar month	5 days	2 days
Standard	n/a	10 days		n/a	5 days	
Minor	n/a	3 days		n/a	2 days	
Immediate	n/a	2 hours after		n/a	2 days	

Whilst each works category has its own timeframe in which to submit a permit application and for that application to be responded to, and further differences for validity periods (explained below) there are some common rules that apply across all notification transactions in relation to timescales.

These are also covered in Section 8.2 of the EToN technical specification, but are worth repeating here – bear in mind these rules are to help all parties:

- Unless stated otherwise, reference to “day” means working day, commonly accepted as 08:00 to 16:30 hours. Calculation of dates in relation to notice periods should therefore exclude weekends and public and bank holidays.
- Reference to “month” means calendar month. If a notice is given on a day for which there is no corresponding day in the relevant month, the earliest start date becomes the first day of the following month, e.g. PAA sent on 31<sup>st</sup> of March, the earliest start date becomes 1<sup>st</sup> of July.
- If the calendar month of an authority response period ends on a non-working day, the last time for responding (and correspondingly, the point at which a permit application would become deemed) is 16:30 on the preceding working day. Any response after that would be deemed to be given on the working day following the end of the calendar month and would therefore be invalid.
- Timing of notification events starts when the web service notification is acknowledged by the recipient’s server.
- Any notification, other than an Immediate Works notification, received after 16:30 (actually 16:40 by the receiving server’s clock to allow for time tolerance) on any

working day (or at any time on a non-working day) is deemed to have been given on the next working day. The actual time and date of receipt should be recorded but calculations of notice and response periods should use the next working day as the effective start date.

- The proposed start and end dates given in notifications can be working or non-working days. Promoters should specify the actual dates on which they intend to start and end the works in order to assist co-ordination.
- Where street authorities resend notifications to replace previous invalid notifications then this correction must be done within the notice or response period of the initial notification. This time restriction does not apply to varying or revocation of valid directions where legally permitted.
- In the case of planned works the notice of Actual Start of an activity should be given by 10.00am the next working day on category 0, 1, 2 and traffic-sensitive streets.
- In the case of Immediate works which start during non-working hours and where the street authority has out of hours arrangements in place then the notification must be sent within 2 hours of work starting. Where the street authority does not have such arrangements in place then the notification is valid if received any time before 10:00am on the next working day; the actual start time may therefore be more than 2 hours before the time of receipt.

The minimum notice periods include the day on which the notification is given but do not include the proposed start date.

- *The reference to 'day' within this section refers to the administration and notification of works via EToN, not site occupancy.*
- *The 10 day permit application for major works should not be sent before the PAA is granted as this causes issues on some EToN systems.*
- *In the case of planned works on Cat 0, 1, 2 and traffic sensitive streets, the submission of accurate and timely information in order that a Permit Authority can properly manage its network is essential, and it is therefore very important that for these types of activities the notice of Actual Start be given by 10.00am the next working day.*

## 4. Granting a Permit Application or PAA

Following submission of a PAA or Permit Application by a Works Promoter, the Permit Authority should assess the appropriateness of the application, based on the information provided. If the permit application meets all the requirements it should be granted without delay, or at least within the timescales detailed earlier. In receipt of a Granted Permit, the Works Promoter will then proceed with their works, as per the permit. Unless circumstances change, or the Works Promoter requests a change then it would be reasonable to expect no further variations to this permit.

Permit Authorities should act reasonably and, as set out in the Statutory Guidance do not refuse a permit where the application meets a scheme's requirements taking into account for example:

- the proposed activity's potential to cause congestion and disruption;
- the needs of other users of the highway, and the integrity of the highway itself;
- how feasible it is for the promoter to comply e.g. given the area of occupancy and the restrictions imposed by the available industry resources and technical capabilities;
- that works can be carried out in compliance with statutory guidance and codes of practice especially in relation to safety (such as Safety at Street Works and Road Works).

If there are minor points of clarification a Permit Modification Request (PMR) can be used for this purpose and further details of using PMRs are outlined in Section 5 below.

## 5. Requesting a Change to a Permit Application

### 5.1 Permit Duration

#### Planned Works

For works where the permit application is requested in advance of the works starting on site, there is the opportunity for the permit authority and works promoter to agree the duration of the permitted works. Where an authority does not agree with the proposed duration they would send a PMR stating the reasons why they feel that the duration is excessive. The work promoter will then need to send a modified permit application with the agreed duration.

- *It should be noted that within EToN if the dates change in a modified permit application, the full notice period will apply and promoters may need to request an early start.*

#### Immediate works

These are works that could have started on site and the permit authority has not had the opportunity to agree the duration prior to those works starting. The permit authority should grant the permit so that the works promoter is not placed in the position where they are committing an offence by working without a permit. Where the permit authority disagrees with the duration, it should issue a S74 duration challenge.

- *In some systems the permit duration is modified by the use of a revised estimated end date transaction*
- *The effect of these transactions on the reasonable period is outlined in Section 9*

### 5.2 Permit Modification Request (PMR)

If, following review of the Permit Application, the Permit Authority considers that changes are needed then a PMR is used.

The introduction of EToN 6 allowed permit authorities to respond to a permit application with a Permit Modification Request (PMR) where the authority is not satisfied with the permit application and as a result cannot grant the application. The use of a PMR provides the promoter with the opportunity to update their permit application with a Modified Application (MA) and allows them to continue their application, subject to the advice given below. It should be noted that where a PMR is given as the response then this is considered a refusal under the Regulations if the promoter does not subsequently submit a MA. Therefore where a Permit Authority has sent a PMR to the Works Promoter, the Works Promoter does not have a permit to work and should submit a MA with the required changes in order to progress the permit application. Any works undertaken without a permit being granted will be subject to sanctions as set out in the Regulations.

Permit Authorities are encouraged to use PMRs in a reasonable manner and should only respond to a permit application with a PMR where it is clear to them, following their assessment of the permit application, that further amendments and/or conditions to the permit application are required. Where a promoter does not agree with the permit authority, they should contact the authority to discuss and seek to resolve any dispute. In the event that a dispute cannot be resolved at local level the normal dispute resolution process should be enacted.

Works promoters are expected to use their best endeavours when completing the permit application to include all the relevant information and all applications will be expected to include what the promoter believes to be the appropriate conditions for the works including for immediate works.

If, following a PMR, a modified application is issued with the same proposed start and end dates as the original application then the response period for the modified application will be the later of:

- the original application response period
- 2 days, starting from when the modified application is received

The original application will not 'deem' if the activity promoter fails to send a modified application following a Permit Modification request.

- *The permit authority should make it clear in the PMR what needs to be changed within the permit application in order to make it acceptable and should use, wherever possible, the HAUC England advice note on Standard Permit Response Codes <http://hauc-uk.org.uk/publication/58>*

*If a PMR is used to request conditions the permit authority should make clear the conditions that are required. This may be by adding the conditions in the condition text if this is a feature available on the relevant EToN system.*

- *Every effort should be made to ensure that all relevant factors are included in a PMR to avoid Multiple PMRs for the same works.*

### **5.3 PMR's and immediate works**

PMR's should not be used to respond to an immediate permit; any required changes to immediate permits (other than for durations which are covered in section 5.1 above) should be requested via the issue of the Authority Imposed Variation notification (AIV) after a Grant response has been issued.

When any works (including planned or immediate) have progressed to completion before the authority has issued any response, a PMR must never be used; EToN does not allow any amendments to any permit once works have been registered or a works stop has been issued.

Promoters should endeavour to make sure that all immediate permits are as accurate as possible with as much detail as possible including any conditions that they feel are pertinent to the works. Authorities should treat immediate permits with high priority to



ensure that any required permit changes can be made by the promoter before the works are completed, thus not creating any coordination or administration issues at a later date.

- *If the AIV is not responded to after a period of 2 working hours, then the details contained within the AIV should be deemed to be accepted by the works promoter.*
  
- *The fee for the variation associated with an AIV should be waived*

#### **5.4 PMR Response times**

There are no set response times for responding to PMRs, however if these are not both generated and responded to in a timely manner then there is a strong possibility that the preferred dates for the works may no longer be feasible. It is strongly recommended that PMRs are generated by the authority early in the notice response period and are responded to by the promoter within 1 working day.

#### **5.5 Comments**

Comments should be used for information only or to provide supplementary information and not to seek clarity or to ask questions. In such circumstances contact should be made with the works promoter to discuss the work.

If a permitting authority is seeking clarity to a permit application it is recommended a PMR is issued using the relevant response code.

## 6. Conditions

All conditions attached to permits must comply with National Conditions (see link below) document. Guidance on the use of these conditions is provided in part II of this document.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/413643/statutory-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/413643/statutory-guidance.pdf).

## 7. Early start

When a promoter wishes to commence an activity at shorter notice than the minimum application periods required under the regulations it is highly recommended that the processes outlined below are followed:

### **When it is known an early start is required before an application has been submitted.**

- An application is submitted containing the dates the promoter proposes to work including notification comments explaining the reason behind the early start request. It is highly recommended that the promoter should telephone the authority to make them aware of the request, especially where the authority response period is after the requested start date.
- The Permit Authority can then Grant the permit if they accept the early start or Refuse the permit if the justification is not valid, or road space is not available.

### **When an application has already been submitted and then an early start is required.**

- A permit variation should be submitted requesting the new dates for the proposed work including notification comments explaining the reason behind the early start request. It is highly recommended that the promoter should telephone the authority to make them aware of the request, especially where the authority response period is after the requested start date. The Permit Authority can then Grant the permit if they accept the early start or Refuse the permit if the justification is not valid, or if road space is not available.
- *Where the early start is at the request of the Permit Authority, the authority should initiate the co-ordination between the relevant parties.*
- *Some authorities may wish to provide an agreement reference or comment to verify that the early start has been accepted.*

## 8. What if things change?

### 8.1 Works not yet started

If works have not started and the permit is no longer required, it is essential that the permit is cancelled as soon as possible to allow the road space to be made available for other works promoters and to maintain up to date accurate information within the streetworks register.

### 8.2 Works in progress

In order that a Highway Authority is able to properly manage its network, it is essential that a Works Promoter provides an accurate location and description of its works, which should include reference to footway, carriageway or verge, and where appropriate, any combinations of these.

Where, due to unforeseen circumstances (e.g. tracing a leak, unmapped structures etc.) the location or other details of the works changes, the Works Promoter should advise the Permit Authority of any alterations.

#### **Location**

Works can be subject to change where a promoter has to make several excavations or registerable openings in the street to locate a fault. An example is where gas has migrated along a duct to emerge from the ground some distance from the actual leak. A series of excavations or openings have to be made from where the symptoms are apparent to trace the point of the fault. In normal circumstances every new excavation would require a permit variation. The arrangements below aim to avoid a succession of variations as each hole is dug. Nonetheless it is important that the permit authority is kept informed so that it can co-ordinate and manage these and other works in the area.

For immediate works requiring a series of fault-finding excavations or openings, the promoter will submit the first permit application containing the location of the initial excavation or opening within two hours of starting work.

- For any further excavations on the same street within 50 metres of the original hole, the promoter should telephone the authority with the new location(s). No permit variation will be needed and no permit charge can apply.
- The promoter will have to apply for a permit variation for the first excavation in each further 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres etc. Standard variation charges can be applied, although the permit authority may opt to waive such charges as a general rule or for particular cases. Separate variations would be required for bands going in opposite directions.
- If the search carries into a different street, or a new USRN (including if the street changes to a different authority), then a separate permit application is needed.

### 8.3 Duration Extension Request

Requests for an extension of duration should be made as soon as they are known to be required and should contain detail of what has become apparent that could not have reasonably been known before the works started. It is not reasonable to request an extension near the end of a project. The Authority should not reasonably decline an extension request where issues that have been found could not reasonably be established before works commenced and where no further coordination issues would occur.

Where works are in progress and a promoter applies for a Duration Variation Application (DVA) there are three possible outcomes set out below;

- i. Where the permit authority agrees with the proposed new duration it should grant the permit DVA. In this instance the permit period and the reasonable period will correspond.
- ii. Where the permit authority disagrees with the proposed new duration again it should grant the DVA and then use the S74 duration challenge to set the reasonable period, after which S74 charges may apply
- iii. Where there is a conflict with other works or events, the permit authority will refuse the DVA and work with the promoter to ensure that the site is cleared as soon as possible

Where 20% or two days (which ever the greater) of the duration of the permit does not remain it is highly recommended that the promoter contacts the authority to inform them that they will be sending a duration variation. This will help minimise these extensions being refused and avoids a situation where the promoter is working beyond the agreed dates on the permit.

➤ *It is important to remember that the street works register needs to reflect actual activity on the highway, it is also for this purpose that the permit should be granted*

### 8.4 Authority Imposed Variation (AIV)

If a Permit Authority needs to make a change to a granted permit it can do so by sending the promoter an Authority Imposed Variation (AIV).

Every effort should be made to ensure that all relevant factors are included in an AIV to avoid Multiple AIVs for the same works.

#### **When should an AIV be sent?**

An AIV should only be sent where it is not possible to send another permit response e.g. grant or PMR and should only be sent due to unforeseen circumstances once a permit has been granted. For instance it may be necessary to change the agreed TM due to other events on the highway.

➤ *This transaction, not a Permit Modification Request, should also be utilised when needing to amend an immediate permit.*

## **How should an AIV be given**

The reason for the AIV should be made clear. It is good practice and highly recommended that an AIV is preceded by a conversation with the works promoter about the reason for the AIV.

## **How an AIV should be responded to**

The correct transaction to respond to an AIV is a permit variation.

There are no legal response times however it is highly recommended, and to be consistent with other EToN provisions, that an AIV is responded to ASAP according to the urgency of the situation and by no later than 2 working hours.

## **What if no response is sent to an AIV**

If the AIV is not responded to after a period of 2 working hours, then the details contained within the AIV should be deemed to be accepted by the works promoter. It is important to note that, under such circumstances; the permit itself remains valid and now includes the amendments stated on the AIV.

## **8.5 Revocation of permits**

Permits should only be revoked by the permit authority in exceptional or unforeseen circumstances, repeated breach of conditions or safety issues e.g. if there is industrial action, flooding, conflicting significant emergency work (mains burst) or other network failure. In such circumstances, the Authority should inform the works promoter as soon as possible and explain the reason for the revocation.

It must be noted that where a permit is granted but subsequently revoked by the Permit Authority prior to commencement of the specified works, the permit Authority can refund in full the permit fee or not charge for the subsequent permit, where the revocation is no fault of the permit holder.

## **9. Permit durations and the reasonable period**

Permit Schemes and s74 Regulations operate in parallel to each other but there are differences between them in terms of determining the reasonable period. S74 charges can only apply once the promoter has over-run the prescribed or reasonable period.

To determine the reasonable period under permit schemes, it is necessary to consider work under three different categories:

### **Proposed Works**

For works where the permit application is requested in advance of the works starting on site the permit authority will grant the permit once agreement has been reached with the promoter as to the reasonable duration of the works, and in this instance the permitted duration and the reasonable period would be the same.

### **Immediate Works**

Where the permit authority agrees with the duration, the reasonable period will be the same as the permit duration. Where the permit authority disagrees with the duration and has issued a S74 duration challenge, the period between the actual start date and the challenge date would be the reasonable period and this will be different to the permitted duration.

### **Works in progress**

If works are in progress and it becomes clear to the promoter that the works will need to continue beyond the period on the permit, then the promoter should send a Duration Variation Application (DVA) to the permit authority. The processes outlined in Section 8.3 above should be followed and will have the following impact on the reasonable period:

- i. Where the permit authority agrees with the proposed new duration and the DVA has been granted, the reasonable period will correspond.
- ii. Where the permit authority disagrees with the proposed new duration again it should grant the DVA and then use the S74 duration challenge to set the reasonable period. The permit duration and the reasonable period will not correspond.

### **9.1 When no agreement can be reached on duration**

If no agreement can be reached on the “reasonable period”, the dispute resolution procedure in Chapter 13 of the Co-ordination Code of Practice should be followed. Until a dispute is resolved, the activity may proceed, provided a permit has been issued and the promoter should work within the terms of that permit, but the authority’s estimate of the duration stands as the Reasonable Period for Section74 charging purposes.

S74 regulations contain provision for mitigations of charges and dispute resolutions; Statutory Undertakers are thus encouraged to record accurately their reasons for requiring an extension to the reasonable period in the following EToN notices: Duration Variation Application and Duration Challenge Non-Acceptance.

Likewise, Permit Authorities should explain as fully and clearly as possible their reason for refusing an extension or indeed a permit.

## 10. Permit Durations and validity periods

The Statutory Guidance currently states:

For category 0, 1, 2, and traffic-sensitive streets, the planned commencement date and finishing date for the activity are the start date and end dates respectively on the permit. The permit will not be valid before the start date on the permit and will cease to be valid once the end date has passed.

On category 3 and 4 streets that are not traffic-sensitive, permit start and end dates should allow for flexibility in the start of the activity but once the activity is started it must be completed within the duration period specified in the permit. The starting date will be the planned start date for the activity but the end date must allow for the activity starting on the last day of the starting window, noting that the last day of the starting window would then be day 1 of the activity duration. If the permit allows working at weekends or on bank holidays, then the permit start and end dates should accommodate that.

- *Please note this is not currently accommodated within EToN.*



## 11. Permit Fees

Allowable Costs and Fees are explained and referenced in more detail in Part 6 of the DfT Statutory Guidance for Highway Authority Permit Schemes (Oct 2015)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/465803/statutory-guide-for-permit-schemes.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/465803/statutory-guide-for-permit-schemes.pdf)

### 11.1 Fees for permit applications

A Permit Authority may charge a fee in respect of each of the following;

- the issue of a permit;
- an application for a permit, where the permit scheme requires a provisional advance authorisation to be obtained as part of that application;
- each occasion on which there is a variation of a permit or the conditions attached to a permit.

It should also be noted that:

- a Permit Authority shall not be liable to pay fees under a permit scheme for its own works but it can use a shadow charging arrangement to show the cost of issuing permits to its own works promoters both to help understand its own costs, and to set those alongside the costs to other promoters
- a Permit Authority shall not charge a fee in respect of a variation of a permit or of a condition attached to a permit if the variation was initiated by permit authority e.g. via an AIV
- a Permit Authority shall not charge a fee in respect of the deemed issue of a permit or a deemed variation of a permit.
- where the Permit Authority has to revoke a permit through no fault of the promoter, it can refund in full the permit fee or not charge for the subsequent permit.
- the fees are set out in regulation 30(4), (5) and (6) and structured to reflect the greater work involved in handling larger works and those on busier roads. It should be noted that these fee levels are intended as maximum fee levels, and it may be appropriate for lower fees to be set.

## 11.2 Fees for PAAs

The fee for a PAA is payable upon **receipt** of the associated permit application, however there are a number of possible scenarios and the recommended charges are outlined in table below:

PAA	Permit Application	Recommended charge for PAA
Received and granted	Not received	No charge
Received not granted	Received and granted	Charge
Not received (but major works) e.g. where standard works move to major works	Received and granted	No Charge
Received and granted	Received and refused	Charge

## 11.3 Fees for permit variations

Fees for permit variations are only payable upon granting of the specific permit variation.

Where a permit variation would move an activity into higher category, the promoter should pay the difference between the permit fee for the two categories as well as the permit variation fee.

## 11.4 Fees for cancelled permits

Ordinarily if a permit that has been granted is cancelled the fee will still apply, however, there may be circumstances, beyond a works promoter's control, whereby the works could not take place e.g. illegally parked cars that the authority is unable to remove. Under such circumstances, if the promoter feels that the fee should not apply, the reasons for this along with any supporting evidence should be provided. The Permit Authority should then give due consideration to cancelling any fees.

## 11.5 Fees for works completed where no permit has been granted

### (Immediate works only)

Occasionally, a Works Promoter will complete works before the authority has had the opportunity to evaluate the permit application:

- Immediate works completed wholly within a weekend: It is recommended that no fee should apply however; this can only apply if all works and the works stop notice has been received prior to the Permit Authority assessing and granting the PA. It is recognised that, in some systems, such permits must be granted in order for it to be cleared from the workflow. It is therefore important that promoters challenge such fees if they feel that they have been made unreasonably.
- Planned works completed without a permit: Where the promoter has discovered the failure to send a permit and is seeking to rectify this, no permit

fee shall apply; however where the permit authority has discovered that the works took place without a permit and the works have subsequently been completed, the fee will still apply.

- *Please note that this advice does not apply to works still in progress. In such circumstances the fee will still apply.*

## **11.6 Fees for permits where Lane rental applies**

Where a Permit Authority is an Approved Authority for 'Lane Rental' under the *Street Works (Charges for Occupation of the Highway) England Regulations 2012*, permit fees may not be charged as well as Lane Rental charges.

## **11.7 Fees for works on TS streets undertaken wholly outside of TS times**

Regulations state that a scheme must provide for a discount for works on traffic-sensitive streets undertaken wholly outside of traffic-sensitive times.

Works promoters should where their system allows indicate on their permit request that works will only take place outside of traffic sensitive time by de-selecting the relevant designation on the permit request, if this facility is not available an appropriate comment should be sent. The fee will be based on this information and not on what a promoter says has happened after the event, it is therefore important to make applications as accurate as possible.

- *There is no need to also add this as a condition on permits though the permit authority may take reasonable action if the works are on site during traffic sensitive times.*

This advice applies only to works undertaken on traffic sensitive streets wholly outside of TS times. The higher charge will apply to works that occupy the highway and take up road capacity during traffic sensitive hours, even though no actual work is physically being undertaken, with the exception of non-disruptive working methods such as plating.

This advice applies regardless of who has instigated the request to work outside of traffic sensitive times.

Some roads are traffic sensitive for only part of the day and for these roads the higher rate will usually apply to all works that take more than a day to complete unless the site is cleared before the onset of traffic sensitive times having returned the highway fully to public use (normal traffic capacity), (e.g. excavation plated after a repair, road returned to full use and all barriers either set back to restore normal traffic capacity or removed before the next TS time and then after the TS time has ended, the site is reinstated and returned to full traffic use before onset of the next TS time).

For roads that are traffic sensitive only on certain days the higher rate applies if occupation continues on site on those dates.

## 11.8 Portable light signal heads

As set out in Section 1.2, no fee should apply for this permit.

## 11.9 Invoicing

A reconciliation template and protocol would assist in the preparation, despatch, reconciliation and settlement of fees

An example of a reconciliation statement is shown in Appendix 1

The recommended period for invoices to be sent is monthly for each promoter and that this invoice is sent within a month of permits being granted.

It is recommended that promoters check the reconciliation statement provided by the authority and respond to any questions raised in a timely manner. The recommended period for response to a statement or question raised in response is two weeks.

It is recommended that all disputes are resolved at a local or regional level. Where in exception this is not possible HAUC (England) and UK operate a mediation process.

Payment should be made within 28 days of the date of the final invoice or as agreed between the two parties.

- *It is strongly recommended that the reconciliation and invoice process runs in a timely manner to avoid issues building up that will become harder to resolve as time passes.*
- *Permit Authorities and Work Promoters are ultimately responsible for the agreement of invoices and not individual contractors or sub-contractors.*

## 12. Sanctions

Sanctions are explained and referenced in more detail at Part 5 of the DfT Statutory Guidance for Highway Authority Permit Schemes (Oct 2015) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/465803/statutory-guide-for-permit-schemes.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/465803/statutory-guide-for-permit-schemes.pdf)

The Regulations provide Permit Authorities with sanctions which they may use to encourage and achieve compliance with their schemes. All Permit Authorities should prepare a statement to indicate how sanctions are intended to be used.

There are two offences relating to schemes; working without a permit (Regulation 19) and breaching a permit condition (Regulation 20)

These offences can be dealt with by means of Fixed Penalty Notices (FPN) or by prosecution through a Magistrates Court, but all parties are encouraged to resolve performance issues through local meetings or by escalation to senior Management, referral to HAUC Forums before resorting to formal Court action.

It should be noted that even though streetworks are being administered by means of a permit scheme, many of the administrative requirements that apply to streetworks, in a noticing environment, are still applicable and are subject to FPN and/or criminal action. These “noticing failures” are explained and referenced in more detail in Chapter 11, of the DfT NRSWA 1991, Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters and associated regulations.

## 13. Error Correction

Where a Permit Authority identifies an error in data recorded, or submitted for recording, it should contact the works promoter to discuss and agree the corrections.

Where the promoter identifies an error the Permit Authority should be contacted to discuss and agree corrections. It is strongly recommended that the originator of an error should submit a correction notice before the end of the next working day following agreement of the correction. This notice should include the corrected data and the name of the person in the recipient organisation who agreed the correction. The error correction process is described in the Technical Specification for EToN.

## 14. Scheme Evaluation and Reporting

All permits schemes must be evaluated and the details and timescales for this are set out in regulations and national guidance. For clarity:

As minimum, schemes must be evaluated after every 12 months of operation for the first three years and thereafter every three years.

The evaluation must consider whether the fee structure needs to be updated in light of any scheme surplus or deficit as well as the costs and benefits of operating the permit scheme. It is suggested that the authority makes reference to the original fee structure as set out within their permit scheme applications, and justification is provided for any change in any permit fees

Each scheme should also state the scheme's objectives and report on how these and the cost/benefits are being achieved.

In order to assist schemes a template has been produced which includes a number of suggested measures. The 'HAUC England Report template for the Evaluation of Permit Schemes' is available on the HAUC(UK)\_web site. <http://hauc-uk.org.uk/publication/59>

Evaluation may also consider whether the scheme is meeting the Key Performance Indicators.

Each scheme evaluation must be made available to stakeholders (those consulted at the scheme development stage, as set out in Regulation 3) within three months of the date on which the evaluation was due.

If a scheme is not evaluated in accordance with the guidance it is not possible to demonstrate good governance and effectiveness of the scheme. Justification of the need to vary the scheme including charges is not possible or permissible if a scheme has not been properly evaluated.

## **Part II**

# **Use of Permit Condition Text**

## Part II – Use of Permit Condition Text

### Introduction

The Traffic Management Permit Scheme (England) Regulations details the types of conditions that Permit Authorities may attach to permits.

1. Guidance for the condition text has been provided by many of the existing permit schemes across England and has been used to produce this document. This data has been used to pull together the best practice found across permit schemes, by condition type.
2. All conditions must comply with and be of the type specified in Regulations and must not conflict with other statutory requirements.
3. Conditions 1a or, 1b and 11a apply to all permits and therefore there is no need for these conditions to be attached to individual permits.
4. Section 4.7.9 of the EToN Technical Specification sets out the structure to be used to provide information about traffic management arrangements, and these are chosen by way of a drop down list. There is no need to also add these as a condition on permits although the Permit Authority may take reasonable action if any of the TM differs to one more severe than that stated in the application.
5. It is highly recommended that permit applications include any conditions that the work promoter feels are appropriate for the works being undertaken
6. Any additional authority imposed conditions applied must be reasonable and comply with Regulations. Any cost implications associated with the use of conditions should be proportionate and carefully considered.
7. Works promoters should ensure that site operatives are aware of the conditions attached to permits and the Traffic Management agreements that are in place.
8. It is recognised that, due to constraints in the maximum number of characters that can be used within the EToN condition field, it is not always possible to add all of the text into the condition text field. In light of this, shorthand text has been provided to assist with ensuring that all relevant conditions can be attached. It must be noted however that, where a shorthand form of the condition text has been used, it shall be read as though the full version of the condition text had been attached and the condition will apply accordingly.
9. When using conditions the relevant National Condition Text (NCT) code should be placed in front of the condition text for clarity. The shorthand text listed in each of the conditions below is added as guidance only. As long as it is clear



what condition is being added and the effect of that condition is clear then the exact wording in the shorthand text is not necessary.

10. It should be noted that there are HAUC Dispute Resolution processes that can be followed where any conditions placed on a permit by a Permit Authority are not considered reasonable by works promoters. <http://hauc-uk.org.uk/publication/13>
11. The Statutory Guidance on use of conditions is replicated below with the addition of further guidance notes indicated by an arrow and italic text below each condition. Where no additional guidance is given the use of the condition is considered to be well understood.

## NCT01a, NCT01b

### EToN Ref: 1 - Date Constraints

#### NCT01a – Duration APPLIES TO ALL PERMITS on streets where the validity window does not apply

##### Condition Text

*For the activities hereby permitted it is a condition of this permit that activities shall not commence before the Proposed Start Date or in the case of Immediate Works the Actual Start Date contained in the application for immediate works and must end by the Estimated End Date provided on this permit. The Proposed Start Date, Actual Start Date and Estimated End Date are as defined in the current EToN specification.*

##### Guidance for use of condition

This condition should be added as a condition on all permits for activities carried out on streets where the validity window does not apply.

#### NCT01b – Duration APPLIES TO ALL PERMITS on streets where the validity window applies

##### Condition Text

*For the activities hereby permitted it is a condition of this permit that activities shall not commence before the Proposed Start Date and must commence within the valid starting window period or in the case of Immediate Works by the Actual Start Date contained in the application for immediate works and once the activities have commenced the activities must take no more than [x number of] days in total to be completed. The Proposed Start Date, Actual Start Date and Estimated End Date are as defined in the current EToN specification.*

##### Guidance for use of condition

This condition should be added as a standard condition on all permits for activities carried out on streets where the validity window applies.

- *NCT01a/NCT01b apply to all permits as appropriate. There is no reason to attach these conditions to a permit application as the appropriate condition will still apply if omitted. If they are attached, the correct condition; NCT01a/NCT01b must be utilised depending on the appropriate validity window. In avoidance of doubt it is advised not to reference NCT01a or NCT01b. The Permit Application is not to be refused for either the inclusion of this condition (unless it is incorrectly applied) or its omission.*

## NCT02a

### EToN ref: 2 - Time Constraints

#### NCT02a Limit the days and times of day

##### Condition Text

*For the activities hereby permitted it is a condition of this permit that activities shall only take place between [start time] and [end time] on weekdays and [start time] and [end time] on Saturdays and [start time] and [end time] on Sundays or Bank Holiday.*

##### Guidance

This condition should be attached to permits where it is necessary to limit the times of day that works are undertaken because the highway needs to be returned to normal use outside of these times e.g. due to conflicts of works or special events etc. For instance the permit may be valid for 3 days but the site can only be occupied between the hours specified on the days specified.

Environmental concerns must be taken into consideration when using this condition.

It should be noted that it may be possible to have more than 1 start and stop time i.e. if you are only permitted to work outside TS times, in which case the text can be suitably amended.

##### Example shorthand text

NCT02a – activities to take place 09.00-19.00 weekdays, 0900-1300 Saturdays all other times highway to be clear

- *This condition is to be used to limit timings of activities. It is to be used to clarify when the highway can be occupied. This is not to be confused with NCT05a which relates to limiting the extent of the works footprint.*

## NCT02b

#### NCT02b Working hours

##### Condition Text

*For the activities hereby permitted it is a condition of this permit that, as agreed, the following [extended] working hours will apply at this site from [start time] until [end time] on weekdays and [start time] and [end time] on (Saturday/Sunday/Bank Holiday).*

##### Guidance

There will be occasions where it is beneficial for a works promoter to clarify the hours that personnel will be working on site, for instance where it is necessary to advance the completion of the works by working extended hours to avoid a nuisance or an obstruction or to prevent a clash with any other event that may be planned for that street.

This condition must only be attached to permits if the works promoter has agreed to the additional/extended hours specified and must not be imposed as a standard condition on permits.

Environmental concerns must be taken in consideration when using this condition.

It should be noted that it may be possible to have more than 1 start and stop time i.e. if you are only permitted to work outside TS times, in which case the text can be suitably amended.

**Example shorthand text**

NCT02b – agreed (extended) hours 07.30-23.00 weekdays, 09.00-12.00 Sat

- *It should be noted that the working day is not the notice day.*
- *If no working hours have been added to the permit application then the agreed assumption is that works will take place within the window of 8am-6pm Monday to Friday and 8am-1pm Saturday. If works take place outside of these times the OOH tick box should be used and the hours of work should be made clear by use of this condition. The Works promoter should make reasonable endeavors to work within the agreed hours, if works take place unreasonably outside these hours without prior agreement the Permit Authority may take reasonable actions.*

### NCT03

#### EToN ref: 3 - Out of hours work

**Guidance**

There is currently no condition attached to this EToN code. If works take place beyond the NRSWA working day as defined in section 98(2) of NRSWA 1991, promoters should tick the out of hours box as set out in 4.7.8 of the EToN Technical Specification.

- *NCT03 – This NCT should not be used. It cannot be attached to any permit as currently there is no condition attached to this code. By checking the OOH box does not impose the use of NCT03.*

## NCT04a

### EToN Ref: 4 - Material and Plant Storage

#### NCT04a - Removal of surplus materials/plant

##### **Condition Text**

*For the activities hereby permitted, it is a condition of this permit that all remaining excavated or stored backfill materials and/or any unemployed plant must be removed from the public highway within (x hours e.g. 24) or by the stipulated time (e.g. at the end of the working day or prior to the site being unoccupied) due to (stipulate reason for application of condition).*

##### **Guidance**

This condition should be attached to permits where it is necessary to limit the area taken up by unused plant/materials. The condition should only be used where the storage of the materials and/or plant may cause problems on site such as congestion. It should be location specific and must not be applied to all permits. It is good practice to include the site specific reason for attaching the condition.

Authorities must ensure that timeframes are reasonable to ensure that this condition can be met - where x = 1 this may be deemed as unreasonable and impractical.

##### **Example shorthand text**

NCT04a – surplus material to be removed by 18.00 each day as close to school.

- *Practical use of this condition would be in areas where there is a night time economy or where there is a need to limit the activity footprint. It is site specific and when requested the reasons for its inclusion are to be given. This condition would be at the request of the Authority.*

## NCT04b

#### NCT04b Storage of surplus materials/plant

##### **Condition Text**

*For the activities hereby permitted, it is a condition of this permit that no materials and/or plant that will not be utilised within the working day are to be stored within or outside of the defined working space from (insert date) until (insert date) due to (stipulate reason for application of condition).*

##### **Guidance**

This condition should be attached to permits where it is necessary to limit the length of time materials or plant can be stored on site before they are actually required. The condition can also be attached to permits where it is necessary to limit the defined area that materials or plant can be stored on site before they are actually required. The condition should only be used where the storage of plant and/or materials may cause problems such as congestion or a special event. It should be location specific and must not be applied on all permits. It is good practice to include the site specific reason for attaching the condition.

**Example shorthand text**

NCT04b Material will only be stored on site Xhrs prior to use/ within [defined working space]

- *This condition will be used when it is necessary to limit the length of time or the area required to store plant and materials on site prior to their use and a valid reason for the application of this condition will be given, e.g. so as not to cause congestion during the works or during a special event. This condition should only be applied on a works by works basis and not applied to all permits. This condition would usually be requested by the Permit Authority.*

**NCT05a****EToN ref: 5 - Road Occupation Dimensions****NCT05a - Width and/or length of road space that can be occupied****Condition Text**

*For the activities hereby permitted it is a condition of this permit that the activity shall occur only within the area [insert description of area or provide traffic management plan reference] including the relevant and required signing, lighting and guarding excluding advance warning and diversionary signs.*

**Guidance**

This condition should be attached to permits where the works site is restricted to an agreed area/length as described in the brackets or specified in the Traffic Management Plan, this may also be used where the work and traffic management is restricted to the footway only. The Traffic Management Plan reference should be included for clarity.

**Example shorthand text**

NCT05a Works restricted to area agreed in TM plan 12345

*In accordance with paragraph 4 in the introduction to this part of the guidance set out above, the relevant EToN TM type need not also be attached as a condition. For example; if a promoter has used the EToN TM type of “No carriageway incursion” then there is not also a need to attach this condition. The Permit Authority may however take reasonable actions if the TM type differs to that stated on the permit.*

**NCT06a****EToN ref: 6 - Traffic Space Dimensions****NCT06a Road space to be available to traffic/pedestrians at certain times of day****Condition Text**

*For the activities hereby permitted it is a condition of this permit that [X]m must be maintained for pedestrians and/or [Y]m must be maintained for vehicles at the specified times.*

**Guidance**

This condition should only be attached to permits where it is necessary to maintain the footway/carriageway dimensions in excess of the statutory minimum [see paragraph 5 of this guidance document].

**Example shorthand text**

NCT06a - A minimum width/length of Xm shall be maintained for peds/vehicles at all times / between 09:30-15:00

- *NCT06a is only to be used where it is required to maintain an existing provision in excess of the widths stated in the code of practice for safety at street works and road works e.g. 1.5m in the footway and 3.75m in the c/w. Practical examples would be areas of high pedestrian footfall i.e. outside stations/shopping centres, sport facilities etc. NCT06a is not to be used as an indication that a pedestrian walkway will be provided. This condition is not to be used to increase residual carriageway widths as it may conflict with the Statutory Safety CoP.*

**NCT07a**

**EToN ref: 7 - Road Closure**

**NCT07a - Road Closed to Traffic**

**Condition Text**

*For the activities hereby permitted it is a condition of this permit that activities shall only take place when [insert road name] or [insert description of the relevant section of the road] is closed to traffic.*

**Guidance**

If a road is closed in its entirety the text could read 'full closure'. If the road is only part closed the text could read 'closure from (point a) to (point b)'. If residential or commercial access is being maintained the text should read 'access maintained'.

**Example shorthand text**

NCT07a – High Street closed from jct High Road to o/s 291 Low Road, access maintained

- *This condition is not to be applied to all permits requiring a road closure but there may be occasions where an authority may require this condition i.e. closure of a minor road on a signalised junction to alleviate congestion on the primary route. NCT07a is site specific where circumstances dictate and is not an addition to the TTRO process in normal circumstances.*

## NCT08a

### EToN Ref: 8 - Light Signals and Shuttle Working

#### NCT08a - Traffic Management Request

**Condition Text**

*For the activities hereby permitted it is a condition of this permit that works or the relevant part of the activity shall only take place when temporary traffic control is deployed by use of x (where x determines type of control i.e. Portable Signals, Stop Go etc.).*

**Guidance**

If the authority believe there to be a need for traffic management to be utilised or more stringent traffic management over and above that detailed within the Safety Code of Practice, then this condition should be deployed.

**Example shorthand text**

NCT08a - 2-way PLS in place, Stop Go 07:00 – 09:00 required due to peak traffic flows causing congestion

- *This condition is to be used where a particular method of traffic control is required, this may be Stop/Go boards to control a parking facility. This could be a lesser or greater requirement than that stated. This may also be required at certain times during the execution of the works. NCT08a would be requested where the promoter has not identified the traffic management or the method identified is considered inappropriate.*

## NCT08b

#### NCT08b- Manual Control of Traffic Management

**Condition Text**

*For the activities hereby permitted it is a condition of this permit that for the traffic management deployed (state type) it is manually operated between (x hours and y hours).*

**Guidance**

If to be manually controlled at any point, these times should be noted in text that reads 'manual control from xx:xx – yy:yy'.

**Example shorthand text**

NCT08b – Manual control between X hours and Y hours

- *This condition is to be applied as per the instruction of the Authority, it is site specific and not applied to all permits that require the use of signals. It is recommended that supplementary text be added in the short text to indicate the outcome required. Examples include traffic is not to build up past Junction A, proactively managing traffic flows through the site based on tidal requirements etc.*



## NCT09a

### EToN ref: 9 - Traffic Management Changes

#### NCT09a - Changes to traffic management arrangements

**Condition Text**

*For the activities hereby permitted it is a condition of this permit that If there are changes to the traffic management arrangements proposed the works promoter must notify the authority before these changes are made.*

**Guidance**

To be used where the Traffic Management used for an activity changes during the course of undertaking that activity. This condition should be applied on a works specific basis where changes to traffic management could cause significant network management problems.

**Example shorthand text**

NCT09a Significant changes in TM will be notified to authority

- *The use of this condition is to inform the authority prior to any agreed changes being made on site. Agreements may be made prior to works commencing or whilst works are in progress. Notification would be by means of a telephone call, and should be followed by a variation to the permit. This condition is to be used by exception.*

## NCT09b

#### NCT09b - Traffic management arrangements to be in place

**Condition Text**

*For the activities hereby permitted it is a condition of this permit that the works comprised in [specified part A/B] of the activities hereby permitted shall be subject to and shall occur only when the following traffic management measures are in place [or as attached in schedule..].*

**Example shorthand text**

NCT09b- part 2 of these works cannot start until the Eastbound lane is open to traffic, as agreed in TM plan 12345

## NCT09c

### NCT09c - Signal Removal from operation when no longer required

#### Condition Text

*For the activities hereby permitted it is a condition of this permit that activities using portable traffic signals must have the signals removed from use as soon as possible and within four hours of completion of works irrespective of day of completion.*

#### Guidance

To be used for activities requiring the use of portable traffic signals where traffic flows would be unnecessarily impacted by the signals remaining in operation beyond the point at which they are required for the work and causing unnecessary disruption (e.g. to stop portable traffic signals being deployed over a weekend when works were completed on the Friday afternoon.)

#### Example shorthand text

NCT09c PTS removal from use

- *Signal heads do not need to be removed from site, only decommissioned and turned away from oncoming traffic. They should not be causing an obstruction for this condition to be complied with.*

## NCT10a

### EToN ref: 10 - Work Methodology

### NCT10a - Employment of appropriate methodology

#### Condition Text

*For the activities hereby permitted it is a condition of this permit that for the activities on this site, as agreed, the works methodology employed will be A, B, C [describe agreed methodology] throughout the duration of the works activity.*

#### Guidance

The methodology to be used must be agreed in advance with the works promoter as this may not be practical or suitable for the works that need to be undertaken. This condition should be used by exception, where the methodology to be used is important to the site conditions. The methodology should be specific to the circumstances of a particular works, for instance, it cannot be used as a standard condition to insist on first time reinstatements on all permit applications [see paragraph 6 of this guidance document].

If, once on site, it is clear that the agreed methodology cannot be used then the promoter must contact the authority straight away during working hours or first thing the next working day to discuss an alternative agreed methodology.

It should also be noted that more than one methodology may be listed.

#### Example shorthand text

NCT10a – works methodology will be hand dig

### NCT11a

#### EToN Reference: 11 - Consultation and Publicity

#### NCT11a APPLIES TO ALL PERMITS - Display of Permit Number

##### Condition Text

*For the activities hereby permitted it is a condition of this permit that activities shall not be carried out unless a site information board(s) displaying the permit reference number is on the site at all times for the duration of the works. This must be displayed in a prominent place at all times so that it may be read easily by the public, clearly displaying the correct permit reference number. For Immediate Works the display of the works reference number is required by 10.00am on the next working day after the works have started on site.*

##### Guidance for use of condition

##### **This condition should apply to all permits.**

A prominent position is considered to be such that the board is placed so that it does not obstruct footways or carriageways but can be clearly read by pedestrians.

The order in which the signs are laid out should be as per the current Safety Code of Practice.

There may be occasions where a particular site will require more than one information board with the permit reference number displayed e.g. large sites, sites with multiple excavations or sites which impact both the footway and the carriageway. Where an authority considers that more than one information board is required to display the permit reference number, they should discuss and agree this requirement with the promoter if including it as a permit condition. The correct permit number should then be displayed on site on the additional information boards at all times for the duration of the works.

- *As NCT11a applies to all permits there is no reason to attach this to the permit application as it will still apply if omitted. If however attached there is no need to request removal. As with NCT01a and NCT01b the permit application is not to be refused for the inclusion or omission of this condition.*

### NCT11b

#### NCT11b- Publicity for proposed works

##### Condition Text

*For the activities hereby permitted, it is a condition of this permit that activities shall not commence unless the Promoter has publicised and/or advised all individual properties and businesses [on X roads] setting out where the works will take place; the nature of the works; the duration of the works; the intended start date [etc.] and contact details of a representative of the promoter.*

##### Guidance

This condition should be used by exception at locations where it is vital that local residents/businesses are notified in advance of an activity due to the sensitivity of the location e.g. close to a school, hospital etc.

or because of the times during which works will take place – e.g. night working.

**Example shorthand text**

NCT11b – publicity/advice to be/has been provided to stakeholders on High Rd

- *Accepted methods of publicity could include advanced information signs, use of Variable Messaging Signs (VMS), social media and letter drops etc. as appropriate. The application must be reasonable and include the method and timescales required appropriate to the impact to the network. Due to the nature of advanced information this condition cannot be applied to immediate permits, and would only apply to minor works where minimum notice periods are not used.*

### NCT12a

**EToN ref: 12 - Environmental**

**NCT12a - Limit timing of certain activities**

**Condition Text**

*For the activities hereby permitted, it is a condition of this permit the following working methodology [insert methodology] shall only take place between [start time] and [end time] on weekdays and/or [start time] and [end time] on Saturdays and/or [start time] and [end time] on Sundays or Bank Holidays and must not continue beyond these times.*

**Guidance**

This condition should only be attached to permits where it is necessary to limit the time of day during which certain activities can take place. As an example, the works may be permitted to take place until 10pm however the element that involves slot cutting can only take place before 6pm.

The reason for the restriction should be made clear e.g. residential area/directions from Authority.

**Example shorthand text**

NCT12a [breaking out] 10.00-20.00 weekdays, 09.00-12.00 Sat

### NCT13

There may be an exceptional circumstance where a specific circumstance means that an additional condition needs to be added to a permit that is not covered by the text of the conditions set out above.

Any such condition ***should;***

- 1 First be agreed with the work promoter (in line with the respective duties imposed by s59 and s60 of the 1991 Act);

- 2 Be specific to both the circumstances of the particular activity and the locality; falls within regulation 10 (2) (a – h);
- 3 Comply with all primary and secondary legislation regulations and that the application of any constraint within a condition does not conflict with the activity promoter's obligations under separate legislation;
- 4 Follow this and any further DfT statutory guidance;
- 5 Have regard to the advice provided as the Highway Authorities and Utilities Committee (England) 2014 / 01 issued August 2014; and
- 6 Be labelled under EToN reference 13.

\*\*Note: The text above for NCT13 has been taken directly from Statutory Guidance

- *NCT13 is not to be routinely utilised. It is only to be used where the site specific requirements dictate. It is not a local condition that would apply over and above NCT01a - NCT12a, or a mechanism to apply previous conditions that are not covered in the Statutory Guidance.*
- *This category can only be used in unique exceptional circumstances. It MUST only be used with approval and be discussed and agreed with the works promoter before application.*

## Appendix 1 – Example of Reconciliation statement

Reference number	Issued Date	District	Permit Reference	Project Ref	Date Granted	Road Cat	Works in TS times	Work Category	Application Type	Discount	Cost
										%	£
CT01-200902L	01-Mar-2009	201	0041ABCD--000001.2.2		11/02/2016	3	Yes	Minor	Variation		
CT01-200902	01-Mar-2009	140	LOR/AB/FRIN/1089A.1.1		12/02/2016	1	Yes	Major	PAA		
CT01-200904	01-May-2009	350	001435BHGT--000002.2.3		12/04/2016	2	Yes	Minor	Permit		
CT01-200904	01-May-2009	520	0042A12589--000001.1.1		16/04/2016	4	No	Immediate	Permit		

Preferences would include:

Invoices broken down by district

Invoices broken down by application type

## Glossary

Term	Explanation
Apparatus	As defined in section 105(1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus"
Bank Holiday	As defined in section 98(3) of NRSWA, "bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated"
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street)
Carriageway	As defined in section 329 of HA 1980, "carriageway means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles"
DfT	Department for Transport
Emergency Works	As defined in section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property"
Fixed Penalty Notice	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty"
Footway	As defined in section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only"
HAUC	The Highway Authorities and Utilities Committee
HAUC (England)	The Highway Authorities and Utilities Committee for England
Highway	As defined in section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway"
Highway Authority	As defined in sections 1 and 329 of the HA 1980
Highway Works	"works for road purposes" or "major highway works"
Immediate Activities	Immediate activities are either emergency works as defined in section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007
JAG (UK)	Joint Authorities Group (UK)
Local Authority	As defined in section 270(1) of the Local Government Act 1972(a) and includes the Common Council of the City of London.
Local highway authority	As defined in section 329 of HA 1980, "local highway authority

	means a highway authority other than the Minister"
Maintainable highway	As defined in section 329 of HA 1980, a "highway maintainable at the public expense means a highway which by virtue of section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense"
Major activities	Major activities are activities which have been identified in a promoter's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the date proposed for the activity; or activities, other than immediate activities, where (i) the authority has indicated to the promoter, or (ii) the promoter considers, that an order under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or activities, other than immediate activities, which have a planned duration of 11 days or more".
Major highway works	As defined in section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway -(a) a reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway"
Minor activities	Minor activities are those activities other than immediate activities where the planned duration is 3 days or less.
National street gazetteer (NSG)	A database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard
Network management duty	As stated in Part 2 of TMA
NJUG	National Joint Utilities Group
NRSWA	New Roads and Street Works Act 1991
Permit	The approval of a permit authority for an activity promoter to carry out activity in the highway subject to conditions
Permit application	The application that is made by a promoter to the authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (section 55 of NRSWA) given under the Coordination regime.
Permit Authority	A local authority or other "street authority" which has be given approval by the Secretary of State to operate a permit scheme



	on all or some of its road network.
Permit Scheme	A scheme approved by the Secretary of State (pre April 2015) or Local Authority Order (post April 2015)
Protected street	Any street that serves a specific strategic major traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which undertakers can place the equipment that would otherwise lawfully have been placed in the protected street.
Provisional Authorisation	Advance The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA.
Registerable	Registerable activities correspond to specified works in the regulations.
Reinstatement	As defined in section 105(1) of NRSWA, "reinstatement includes making good"
Road	"highway"
Road category	This means one of the road categories specified in paragraph 1.3.1 of Chapter S.1 of the code of practice "Specification for the Reinstatement of Openings in Highways"
Road works	Works for road purposes
Special Engineering Difficulties (SED)	By virtue of section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets or extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property.
Standard activities	Standard activities are those activities, other than immediate activities, that have a planned duration of between 4 and 10 days inclusive.
Statutory right	As defined in section 105(1) of NRSWA, "statutory right means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street works licence"
Street	As defined in section 48(1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed as a way or not"
Street authority	As defined in section 49(1) of NRSWA, "the street authority in relation to a street means, subject to the following provisions (a) if the street is a maintainable highway, the highway authority, and (b) if the street is not a maintainable highway, the street managers"
Street works	As defined in section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing

	apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street"
Street works licence	As stated in section 50(1) of NRSWA, "the street authority may grant a licence (a "street works licence") permitting a person (a) to place, or to retain, apparatus in the street, and (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street)
TMA	<i>The Traffic Management Act 2004</i>
Traffic order	This means an order made under section 1, 6 or 9 of the <i>Road Traffic Regulation Act 1984</i>
Traffic sensitive street	This means a street designated by a street authority as traffic sensitive pursuant to section 64 of NRSWA and in a case where a limited designation is made pursuant to section 64(3) any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation
Undertaker	As defined in section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be"
Unique street reference number (USRN)	As defined in the British Standard BS7666
Urgent activities	Urgent activities are (a) activities (not being emergency activities) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required) (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; (ii) to avoid substantial loss to the undertaker in relation to an existing service; or (iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and (b) Includes activity that cannot reasonably be severed from such activities
Works	In the context of this document 'works' includes; street works, works for road purposes and any other activities on the highway that require a permit.
Working day	As defined in section 98(2) of NRSWA, "for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day"

Works for road purposes	As defined in section 86(2) of NRSWA, "works for road purposes means works of any of the following descriptions executed in relation to a highway: (a) works for the maintenance of the highway; (b) any works under powers conferred by Part V of the <i>Highways Act 1980</i> (improvement); (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles"
Works Promoter	A works promoter is anyone (including Utility Companies, Statutory Undertakers, Local Authorities Road Work Providers and Contractors) responsible for undertaking works on the highway.