

**MINUTES OF A MEETING OF NORTH HORSHAM PARISH COUNCIL  
PLANNING, ENVIRONMENT AND TRANSPORT COMMITTEE  
HELD ON THURSDAY 20<sup>th</sup> FEBRUARY 2020 AT 7.30pm  
AT ROFFEY MILLENNIUM HALL, CRAWLEY ROAD, HORSHAM**

**Present:** Committee Members

Cllr M. Cockerill, Cllr J. Davidson (Vice Chairman), Cllr Mrs R. Ginn, Cllr Mrs J. Gough, Cllr R. Knight, Cllr D. Mahon, Cllr R. Millington, Cllr T. Rickett BEM, Cllr D. Searle, Cllr R. Turner (Chairman), Cllr I. Wassell, Cllr Mrs S. Wilton.

\*denotes absence

**In attendance:** Ross McCartney – Committee Clerk,  
Cllr G. Swallows and Cllr G. Hussey – Rusper Parish Council.

**PET/770/20 Public Forum**

There were 2 members of the public present who did not speak. Both were members of Beech Road Residents Association and People Against Needless Development Action (PANDA).

**PET/771/20 Apologies for absence**

There were no apologies for absence.

**PET/772/20 Declarations of Interest**

There were no declarations of interest.

**PET/773/20 Minutes**

The Minutes of the Committee Meeting held on 23<sup>rd</sup> January 2020 were agreed and signed by the Chairman as a true record.

*Cllr R. Millington and Cllr D. Mahon arrived.*

*With agreement of the Committee the meeting was adjourned for a brief presentation from Rusper Parish Councillor G. Swallows who presented the views of Rusper Parish Council on Homes England's West of Ifield Development Consultation.*

*Cllr M. Cockerill arrived.*

*With the agreement of the Committee agenda item 8.4 was brought forward to this point in the meeting.*

**PET/774/20 Consultation: Homes England - West of Ifield development** – Homes England, the Government's housing accelerator, is seeking to create three new neighbourhoods on land to the west of Ifield over the next 30 years. The consultation ends on 1<sup>st</sup> December 2020. The development is in Rusper parish.

At the Planning, Environment and Transport Committee (PET) Committee Meeting on 23<sup>rd</sup> January 2020 the matter was deferred to seek the views of Rusper Parish Council. Rusper Parish Councillor G. Swallows gave a comprehensive overview of Rusper Parish Council's observations.

**It was RESOLVED to:**

- 1. Offer support and receive updates from Rusper Parish Council.**
- 2. To respond to the consultation highlighting concerns regarding the wider impact the development will generate; increased transport movements, depletion of environmental assets and the subsequent affects this imposes, particularly in relation to drainage issues for the south west of Horsham.**

#### **PET/775/20 Chairman's Announcements**

1. A letter was sent to the Parish Council by a resident regarding the poor state of a footpath, located from Treadcroft Drive coming onto Chennels Way. The letter was forwarded to West Sussex County Councillors A. Baldwin and P. Catchpole, the issue was also reported on the Love West Sussex website page. West Sussex County Council's (WSSCC) Highway Steward notified those involved that 'the site had been inspected and there were no intervention level defects present, the footway is a public footpath and is not a formalised public highway. It has been passed onto the area engineer to place onto a future site for excess materials to be placed along to help bind up the surface.' The area manager will contact Cllr P. Catchpole in regard to the application for a community Highway Scheme for the footpath.
2. Horsham Association of Local Councils (HALC), as agreed at its meeting on 27<sup>th</sup> January 2020, had written to Horsham District Council (HDC) asking them to challenge the Government over the number of houses it is being required to build in the forthcoming years and to ask Government for a significant reduction in the allocated numbers of houses. Members of the Parish Council were given the opportunity to comment on the letter prior to it being finalised.
3. HDC's Countryside and Ecology Manager has confirmed that HDC has the missing information board for the Motte and Bailey site (Chennelsbrook Castle) and is in the process of making a new frame for the board. The board will be back in place soon.
4. A new Tree Preservation Order has been put onto several trees on the boundary of Roffey Cricket Club. See official notice attached (Annex 1)
5. A letter from 'People Against Needless Development Action (PANDA)' had been sent to all members of the PET Committee and the Parish Clerk. The letter highlighted concerns regarding Fairfax Properties pre-application proposal in Roffey South for circa 474 units, which was presented and noted by the PET Committee on 23<sup>rd</sup> January 2020. The Parish Council had received other correspondence highlighting concerns. Those who have written have been given the dates of the Parish Council's PET Committee meetings, as there is an opportunity

for them to speak during the public forum when the PET Committee consider the planning application. Parish Councillors are not able to comment on planning applications until they have been validated by the Local Planning Authority and presented at a properly convened meeting of the PET Committee. At the time of the meeting, the application had not been submitted to HDC.

*The 2 members of public left the meeting.*

6. Cllr D. Searle and Cllr T. Rickett had attended the Gatwick Northern Runway meeting organised by Gatwick Airport on 13<sup>th</sup> February 2020. Cllr D. Searle produced a written report, which was circulated to the committee.
7. Notice of public local inquiry has been received for a Definitive Map Modification Order (DMMO) for an additional footpath commencing at the end of Coney Croft cul-de-sac to the public footpath. Information regarding the notice will be available in the Parish Council Offices.

**PET/776/20 Traffic Regulation Order (TRO) for double yellow lines at Roffey Corner, Crawley Road**

At the Planning, Environment and Transport Committee Meeting held on 23<sup>rd</sup> January 2020 it was agreed to apply for a TRO for the installation of double yellow lines in Crawley Road adjacent to the grass verge at Roffey Corner. The draft application was circulated with the agenda.

TRO's are prioritised on; safety, traffic conditions, environment and economy and on how people will benefit from the new proposals.

WSCC's TRO webpage and Traffic Officer for Horsham Area advises to contact local residents/businesses in the area affected by the proposed TRO and ask them whether they support the idea. Names and addresses of those that support the request can be included to aid the application and will increase the chances of succession.

**It was RESOLVED to:**

- 1. Agree the proposed Traffic Regulation Order application.**
- 2. Advertise the proposed TRO on the Parish Council's website and Facebook page, in Horsham Pages magazine and West Sussex County Times newspaper requesting resident's support for the application.**
- 3. Submit the application 2 weeks after the advertisement has been printed in the Horsham Pages magazine.**

**PET/777/20 North Horsham Development Parish Liaison Meeting**

The North of Horsham Parish Liaison Development Meeting was held on 12<sup>th</sup> February 2020. The draft notes had been circulated to the committee, but were subject to further checks before being published on the website.

## **PET/778/20 Consultations**

**1. Horsham District Council Local Plan 2019-2036** – The 1<sup>st</sup> Draft of the Local Plan is scheduled to be released and will be on consultation from 17<sup>th</sup> February 2020 to 30<sup>th</sup> March 2020. Cllr Mrs J. Gough and Cllr Mrs R. Ginn attended a workshop on 6<sup>th</sup> February 2020 regarding the Local Plan. **It was RESOLVED to set up a working party appointing Cllr Mrs J. Gough, Cllr Mrs R. Ginn and Cllr R. Turner to formulate a response to the consultation which will be presented at the next Planning, Environment and Transport Committee meeting.**

**2. West Sussex County Council Permit Scheme (Road and Street Works)** – WSCC is proposing a change to the WSCC Permit Scheme document and fee structure. The consultation will close on 21<sup>st</sup> February 2020 at 5pm. See scheme attached (Annex 2).

The consultation was discussed at the previous Planning meeting on 23<sup>rd</sup> January 2020 but was deferred to give extra time for the committee members to review the updated scheme. At the meeting Cllr D. Searle made comments that work on public highway can often overrun and cause impact on the transport network. It was suggested a way of improvement is to introduce a higher rate fee system for when road and street works overrun the allotted timescales. Cllr D. Searle had produced a written report and circulated it to the committee.

**It was RESLOVED to support the 6 objectives outlined in section 1.2.1 in the Permit Scheme document. However, the Parish Council want to see WSCC introduce into the document a ‘lane rental system’ at a reasonably high cost to encourage the contractors to complete the work in the shortest possible time.**

**3. Horsham Blueprint Business Neighbourhood Plan (Pre-submission) (Regulation 14)** – A copy of the consultation documents was circulated to the Committee. The consultation runs from 10<sup>th</sup> February 2020 to 24<sup>th</sup> March 2020.

**It was RESOLVED to defer this item to the next Planning, Environment and Transport Committee meeting, to give extra time for the committee members to review the consultation documents.**

## **PET/779/20 Planning Appeals**

It was noted that there were no Planning Appeals to the date of the meeting.

## **PET/780/20 Planning Applications**

Members noted receipt of the schedule of Planning Applications received under the Town and Country Planning Act 1990 from HDC since 23<sup>rd</sup> January 2020 and considered each application in turn.

**It was RESOLVED that the Committee’s comments on each planning application be forwarded to HDC (appended as part of the minutes).**

**PET/781/20 Planning Decisions**

An ongoing schedule of planning decisions made by HDC had been circulated to members of the Committee.

**It was RESOLVED to note the schedule of planning decisions.**

**PET/782/20 Date of next Meeting**

The next meeting is scheduled for Thursday 19<sup>th</sup> March 2020 at 7.30pm.

There being no other business, the Chairman closed the meeting at 9.05 p.m.

.....Chairman

.....Date

**SCHEDULE OF PLANNING APPLICATIONS FOR CONSIDERATION  
20<sup>TH</sup> FEBRUARY 2020**

<b>DC/19/1239 – amendment</b>	<b>Roffey North</b>
<p><b>Site Address:</b> 52 Shepherds Way  <b>Proposal:</b> Erection of 3.No dwellings with associated landscaping, creation of a new vehicle access onto Shepherds Way and associated car parking</p>	<p><b>NHPC previous comment:</b>            Objection, this is an overdevelopment of the site. The access point in Crawley Road is dangerous as it will be difficult to see traffic from the obstructed view because of the layby and mature tree by the church. Concerns are raised as the mature tree that blocks the view of oncoming traffic is not depicted in any of the plans, which may hinder an accurate assessment of the application, especially since only a desktop survey has been conducted. There could be a wider impact of mature trees in the vicinity. The access point proposed in Crawley Road implies a negative impact on traffic movement safety and pedestrian safety particularly as it is adjacent to a pelican crossing. Sunday parking is accentuated due to the neighbouring church, blocking visible site lines of oncoming traffic. An entrance from Shepherds Way would be safer. There will be significant increase in traffic movement, particularly due to large scale developments in north Horsham, which further increase the risk of the proposed access point, which has not been considered by West Sussex County Council.</p>
<p><b>Parish Council Comment:</b>            Objection.            In considering this revised application, the Parish Council feels that the proposal continues to represent an overdevelopment of the site.            Access to the highway from two of the dwellings is directly onto Crawley Road, and as such this has the potential to lead to highway safety and visibility issues due to the proximity to the layby outside All Saints Church and the large tree that impedes the view of</p>	

<p>traffic from Roffey Corner. These features do not appear to be shown on the site or location plans and may not, therefore, give a full picture of the wider issues of the proposed driveway onto Crawley Road. In this regard it is considered that such an access point could represent a potential adverse impact on pedestrian and vehicle safety because of the close proximity of the pelican crossing and consequential queueing traffic near the driveway.</p> <p>Parking congestion and a general increase in vehicle movements in the vicinity arises when there are services at the church which are not just restricted to Sundays.</p> <p>Whilst reiterating its view that the proposal represents overdevelopment, the Parish Council would suggest that a safer option would be for vehicular access to all dwellings on the site to be from Shepherds Way.</p> <p>The Council would also like to draw attention to the wider impact on traffic movements in Crawley Road that will inevitably increase as the North of Horsham Development progresses, this cumulative impact needs to be taken into account for all potential developments on key routes in North Horsham parish, but rarely seems to be so when applications of such nature are reviewed in relation to highway and transport impacts.</p> <p>Finally, the Parish Council has noted the concerns of the District Council's Conservation Officer in regard to the adverse impact of the dwellings on the setting of the parish and would strongly endorse these views.</p>	
<b>HDC Decision</b>	

<b>DC/19/2154 – amendment</b>	<b>Roffey North</b>
<b>Site Address:</b> 1 Charmans Close <b>Proposal:</b> Erection of a two storey front and single storey side extension.	<b>NHPC previous comment:</b> No objection.
<b>Parish Council Comment:</b> No objection.	
<b>HDC Decision</b>	

<b>DC/19/2340</b>	<b>Roffey North</b>
<b>Site Address:</b> 2 Earles Meadow <b>Proposal:</b> Retrospective application for the removal of existing front garden boundary hedge and erection of a fence	
<b>Parish Council Comment:</b> No objection, provided it will not cause an adverse visual impact on the entrance to the estate. It was noted that the non-permeable hard surface installed for the driveway of the house has not been included on this application.	
<b>HDC Decision</b>	
<b>DC/20/0089</b>	<b>Horsham Rural</b>

<b>Site Address:</b> Graylands Estate Langhurst Wood Road	
<b>Proposal:</b> Retrospective application for the installation of mezzanine floors to Unit 27 and Unit 28	
<b>Parish Council Comment:</b> No objection.	
<b>HDC Decision</b>	

<b>DC/20/0125</b>	<b>Roffey South</b>
<b>Site Address:</b> 77 Beech Road	
<b>Proposal:</b> Surgery to 1 x Oak	
<b>Parish Council Comment:</b> No objection subject to the comments of HDC's Tree Officer.	
<b>HDC Decision</b>	

<b>DC/20/0149</b>	<b>Roffey South</b>
<b>Site Address:</b> Chesterton Court Manor Fields	
<b>Proposal:</b> Surgery 1 x Oak	
<b>Parish Council Comment:</b> No objection subject to the comments of HDC's Tree Officer.	
<b>HDC Decision</b>	

<b>DC/20/0152</b>	<b>Horsham Rural</b>
<b>Site Address:</b> Unit 25 Graylands Estate Langhurst Wood Road	
<b>Proposal:</b> Change of use of current office and storage to a hair salon	
<b>Parish Council Comment:</b> No objection in principle however, the Parish Council would like confirmation from HDC that there will be adequate parking for cars and cyclists.	
<b>HDC Decision</b>	

<b>DC/20/0169</b>	<b>Holbrook West</b>
<b>Site Address:</b> The Rising Sun 41 Pondtail Road	
<b>Proposal:</b> Erection of 2x externally illuminated fascia signs, 1x externally illuminated hanging sign and 1x externally illuminated free standing sign.	
<b>Parish Council Comment:</b> Objection, the Parish Council considers that the proposed illuminated signs are inappropriate in the residential area.	
<b>HDC Decision</b>	

<b>DC/20/0179</b>	<b>Roffey North</b>
<b>Site Address:</b> 73 Crawley Road	
<b>Proposal:</b> Erection of a single storey rear extension	
<b>Parish Council Comment:</b> No objection.	
<b>HDC Decision</b>	
<b>DC/20/0236</b>	<b>Roffey North</b>



<b>Site Address:</b> 118 Lambs Farm Road	
<b>Proposal:</b> Demolition of existing conservatory and erection of a single storey rear flat roof extension	
<b>Parish Council Comment:</b> No objection.	
<b>HDC Decision</b>	

<b>DC/20/0286</b>	<b>Roffey North</b>
<b>Site Address:</b> Site Office Southern Storage Area 1 Off Parsonage Way	
<b>Proposal:</b> Installation of 1 x 9m wooden pole (7.3m above ground)	
<b>Parish Council Comment:</b> No objection.	
<b>HDC Decision</b>	

<b>DC/20/0294</b>	<b>Holbrook East</b>
<b>Site Address:</b> 21 Coleridge Close	
<b>Proposal:</b> Surgery to 1 x Oak and 1 x Elm	
<b>Parish Council Comment:</b> No objection subject to the comments of HDC's Tree Officer.	
<b>HDC Decision</b>	

# **Annex 1**

Dated: 30<sup>th</sup> January 2020

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TOWN AND COUNTRY PLANNING ACT 1990

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**The**  
**Roffey Cricket Club, Crawley Road, Horsham**  
**TREE PRESERVATION ORDER 2020**

**Tree preservation order number: TPO/1528**

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**The Horsham District Council, in exercise of the powers conferred on them by section 198 of the Town & Country Planning Act 1990 make the following Order**

**Citation**

- 1. This Order may be cited as the **Roffey Cricket Club, Crawley Road, Horsham, Tree Preservation Order 2020.**

**Interpretation**

- 2. (i) In this Order “the authority” means the Horsham District Council.  
  
(ii) In this Order any reference to a numbered section is a reference to the section so numbered in the Town & Country Planning Act 1990 and any reference to a numbered regulation is a reference so numbered in the Town & Country Planning (Tree Preservation) (England) Regulations 2012.

**Effect**

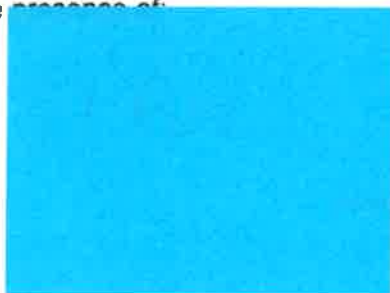
- 3. (i) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
  
(ii) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –  
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or  
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,  
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

- 4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this thirtieth day of January, 2020

THE COMMON SEAL of the HORSHAM DISTRICT COUNCIL was hereunto affixed in the presence of:



of Legal & Democratic Services/~~Chief Executive~~  
(Authorised by the Council to sign in that behalf)



**TREES SPECIFIED INDIVIDUALLY**  
(enclosed in black on the map)

- T1: Oak
- T2: Oak
- T3: Oak
- T4: Oak
- T5: Oak
- T6: Oak
- T7: Oak

**THIS IS THE PLAN REFERRED TO IN THE**  
**HORSHAM DISTRICT COUNCIL**

Rofley Cricket Club, Crewley Road, Horsham

518588E 152121N

**TREE PRESERVATION ORDER 2020**

Reference No: TPO1526	Scale: 1:1,000 & 1:5,000
Date: 25/01/2020	Checked: WJ
Drawn: CG	Revisions:
Drawn No: 001	



**Horsham District Council**

Peckside, Chart Way, Horsham  
West Sussex RH12 1PL

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## SCHEDULE

### SPECIFICATION OF TREES

#### **Trees specified individually** (encircled in black on the map)

Reference on map	Description	Situation
T1	Oak	Position as indicated on map
T2	Oak	Position as indicated on map
T3	Oak	Position as indicated on map
T4	Oak	Position as indicated on map
T5	Oak	Position as indicated on map
T6	Oak	Position as indicated on map
T7	Oak	Position as indicated on map

#### **Trees specified by reference to an area** (within a dotted black line on the map)

Reference on map	Description	Situation
None	None	None

#### **Groups of trees** (within a broken line on the map)

Reference on map	Description (including numbers of trees in the group)	Situation
None	None	None

#### **Woodlands** (within a continuous black line on the map)

Reference on map	Description	Situation
None	None	None

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to England only, substantially revoke and replace the Town & Country Planning (Trees) Regulations 1999, to the extent to which they apply to England. They also revoke the Town & Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town & Country Planning (Trees) (Amendment No. 2) (England) Regulations 2008.

Part 2 prescribes the form of tree preservation orders and the procedure for their making, provisional effect, confirmation, variation and revocation. The prescribed form is set out in the Schedule to the Regulations.

Part 3 of the Regulations sets out prohibited activities in relation to a tree protected by an order and exceptions. Under regulation 13 a tree protected by a tree preservation order may not be cut down, topped, lopped, uprooted or wilfully damaged or destroyed without the consent of the local planning authority, unless an exception applies. These exceptions are set out in section 198(7) and 200(1) of the Town & Country Planning Act 1990, and in regulation 14 of the Regulations.

Section 198(7) provides exceptions relevant to section 39(2) of the Housing and Planning Act 1986 (c.63) (saving for effect of section 2(4) of the Opencast Coal Act 1958 (c.69) on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c.10) (licences under that Act to fell trees comprised in a tree preservation order).

Section 200(1) provides that a tree preservation order does not have effect in respect of anything done by or on behalf of Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967 or otherwise under their management or supervision or anything done by or on behalf of any other person under a plan of works approved by the Forestry Commissioners under a forestry dedication covenant (as defined in section 5 of the Forestry Act 1967) or under conditions of a grant or loan made under section 1 of the Forestry Act 1979 (c.21).

Regulation 14 contains exceptions to the requirement for consent and regulation 15 contains exceptions for trees in conservation areas.

Part 4 of the regulations prescribes the procedure for applications for consent under tree preservation orders.

Part 5 prescribes the procedure for appeals and for their determination. Regulation 19 grants a right of appeal in respect of a refusal to grant consent, a grant of consent subject to conditions or a failure to determine an application for consent within the prescribed time period.

In Part 6, regulation 24 provides for compensation claims, subject to exceptions, to be made where loss or damage has been incurred as a consequence of a refusal to grant consent, a grant of consent subject to conditions or a refusal of approval required under a condition.

Part 7 contains miscellaneous provisions. Regulation 25 provides that the prescribed time for the purposes of sections 206(1)(b) (replacement trees) and 213(1)(b) (enforcement of controls as respects trees in conservation areas) is whenever the cutting down or uprooting of a tree is authorised only by virtue of regulations 14(1)(a)(i) or 14(1)(c) (dead or dangerous trees).

Regulation 26 revokes the Town & Country Planning (Trees) Regulations 1999, the Town & Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town & Country Planning (Trees) (Amendment No. 2) (England) Regulations 2008, subject to transitional, transitory and saving provisions in respect of certain classes of order. This regulation also saves regulation 17 of the Town & Country Planning (Trees) Regulations 1999 (amendment to the Town & Country Planning General Regulations 1992).

Under section 193 of the Planning Act 2008 (c.29), all tree preservation orders made prior to the date on which these Regulations come into force take effect with the omission of all of their provisions other than any that identify the order or identify the trees, groups of trees or woodlands to which the order applies.

A full impact assessment of the effect that this instrument will have on the costs of business, charities and the voluntary sector has been prepared in relation to these Regulations. The assessment has been placed in the Library of each House of Parliament and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk). The assessment may also be accessed at [www.communities.gsi.gov.uk](http://www.communities.gsi.gov.uk).

# **Annex 2**



County Hall  
West Street  
Chichester  
West Sussex  
PO19 1RG



Date 10<sup>th</sup> January 2020

Dear Consultee,

**Consultation of the Updated West Sussex County Council Permit Scheme**

In accordance with Regulation 3(1) and Regulation 5 of The Traffic Management Permit Scheme (England) Regulations 2007 ("the Regulations"), I am inviting your views on the updated West Sussex County Council Permit Scheme (WSCCPS).

The document has been brought up to date being designed for ease of use whilst taking account of the legislative changes coming to the Streetworks industry in the coming year.

The proposals also include a review of the fees charged with a new fee structure to meet the needs of network management in West Sussex.

An updated permit fees matrix and cost benefit analysis have been prepared as part of the fee review and are attached to this consultation.

Responses to the consultation should be sent to [jeff.elliott@westsussex.gov.uk](mailto:jeff.elliott@westsussex.gov.uk) and the deadline for receipt of responses is no later than 5pm on Friday the 21st February 2020.

All responses received by this date will be taken into consideration and, if West Sussex County Council considers it to be appropriate, amendments will be made to the draft Modified Permit Scheme.

Information provided in response to this consultation (including personal information) may be subject to publication or disclosure under the access to information regimes (e.g. the Freedom of Information Act 2000 or Environmental Information Regulations 2004). If you would like your response to be treated confidentially, please indicate the reasons for this in your response.

Thank you for your time in considering this document and the proposals it sets out.

Yours faithfully,

Highway Network & Traffic Manager

West Sussex County Council

**January 2020**

**West Sussex County Council**

**West Sussex County Council Permit Scheme**

**For Road and Street Works**

Traffic Management Act 2004

<b>Document Information</b>	
<b>Date:</b>	December 2020
<b>Project Name:</b>	New West Sussex County Council Permit Scheme(WSCCPS)
<b>Authors:</b>	Jeff Elliott Jason Setford-Smith
<b>Version:</b>	Final

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## 1 INTRODUCTION

- 1.1.1 This Permit Scheme, to be known as the **West Sussex County Council Permit Scheme (WSCCPS)** and hereinafter referred to as the 'Permit Scheme', is made under Part 3 of the TMA and the Traffic Management Permit Scheme (England) Regulations 2007 as amended, (the Regulations), and has been prepared with regard to the Statutory Guidance issued by the Secretary of State to assist Highway Authorities wishing to become Permit Authorities and in accordance with the requirements set out in the Regulations.
- 1.1.2 The West Sussex County Council Permit Scheme is a Single Permit Scheme for the purposes of Part 3 of the Traffic Management Act 2004 (TMA) and the Traffic Management Permit Scheme (England) Regulations 2007 (the Permit Regulations).
- 1.1.3 The WSCCPS will apply to all of the roads under the control of West Sussex County Council and applies within the administrative boundaries of West Sussex County Council.
- 1.1.4 The Permit Scheme will apply to adopted and publicly maintainable streets identified on the National Street Gazetteer (NSG).
- 1.1.5 In accordance with Regulation 4 (g) it is intended that the Permit Scheme is going to start operation in April 2020.
- 1.1.6 The generic term 'activities' has been used rather than works to reflect the fact that the Scheme may eventually cover more than street and road works in subsequent Regulations. These are the specified works as set out in the Regulations.
- 1.1.7 The term "Promoters" will be used for both Statutory Undertakers (including Utility Companies) and West Sussex County Council as the Highway Authority.
- 1.1.8 A glossary of the main terms contained within this document is provided below.
- 1.1.9 Permit Schemes provide an alternative to the existing notification system contained in the New Roads and Street Works Act 1991 (NRSWA).
- 1.1.10 Under the Permit Scheme, the activities undertaken by the Highway Authority, its partners or agents are treated in exactly the same way as a Statutory Undertaker.
- 1.1.11 The Permit Scheme will operate alongside the NRSWA noticing system. The same or equivalent definitions and requirements are used, as in the NRSWA notice system, namely:
- Categories of activities/works, (major, standard, minor and immediate activities/works)
  - Street gazetteers, including street referencing by means of a Unique Street Reference Number (USRN) and Associated Street Data (ASD)
  - Street reinstatement categories as defined in the NRSWA Reinstatement Specification
  - Streets designated as Protected Streets, streets having Special Engineering Difficulties, (SED), or a Traffic Sensitive Street
- 1.1.12 Where it is implemented on the specified streets, and in accordance with the Regulations, the Permit Scheme will result in the disapplication and modification of the following Sections of the NRSWA:

- Sections of NRSWA disapplied: s53; s54; s55; s56; s57; s66
- Sections of NRSWA modified: s58; s58A; s64; s69; s73A; s74; s88; s89; s90; s93; s105; Schedule 3A
- Regulations modified: The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 SI 2007/1951

1.1.13 Changes to Section 58 and 58a (restrictions on works following substantial road works) and Section 74 (charges of occupation of the highway where works are unreasonably prolonged) apply only to Statutory Undertakers activities.

1.1.14 The Permit Scheme makes arrangements so that similar procedures are followed for Highway Authority Promoter activities in relation to timing and duration, in order to facilitate the operation of the Permit Scheme.

1.1.15 Before varying or revoking the Permit Scheme, the Permit Authority shall consult the persons referred to in regulation 3(1).

## 1.2 OBJECTIVES

1.2.1 The objectives of the Permit Scheme are;

- Reduced disruption on the road network
- Improvements to overall network management
- A reduction in delays to the travelling public
- A reduction in costs to businesses caused by delays
- Promotion of a safer environment
- Reduced carbon emissions

## 2 STREETS

2.1.1 "Street" refers to that length of road associated with a single Unique Street Reference Number (USRN).

2.1.2 Where a single street on the ground has more than one USRN, separate Permits will be required for each USRN to which an activity relates.

2.1.3 Streets that are not highways maintainable at public expense or private streets, are not included in the Permit Scheme.

2.1.4 Where a street is expected to become a maintainable highway, controls on specified activities under the Permit Scheme will only apply after the street has become a maintainable highway.

## 3 ACTIVITIES

3.1.1 The Permit Scheme controls the following activities undertaken on the public highway and defined as Registerable:

- Street works as in Part 3 of NRSWA, as defined by s48, except for works by licensees under Section 50 of NRSWA
- Works for road purposes as defined by Section 86 of NRSWA – maintenance and improvement works to the road itself, carried out by, or on behalf of, the Highways

Authority

- Major Highway Works (including Developer activities under Section 278 of the Highways Act 1980)
- Other activities that may be introduced under future regulations

3.1.2 The following activities also requiring a Permit are defined in the Street Works (Registers Notices Directions and Designations) (England Regulations 2007 as specified works are Registerable for all Promoters and information related to them has to be recorded on the register:

- Involve the breaking up or resurfacing any street
- Involve opening the carriageway or cycleway of traffic-sensitive streets at traffic-sensitive times.
- Require any form of temporary traffic control as defined in the Code of Practice for Safety at Street Works and Road Works.
- Reduce the lanes available on a carriageway of three or more lanes.
- Require a temporary traffic regulation order or notice, or the suspension of pedestrian crossing facilities.
- Require a reduction in the width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time

3.1.3 Works for road purposes may include some works carried out by Undertakers, such as street lighting. It is for Promoters to ensure that Permit applications for such activities are made and that the activity is registered, as appropriate.

3.1.4 Certain types of activities are exempt from requiring a Permit and are non-Registerable:

- 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
- 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.

3.1.5 Other activities that do not require a Permit:

- Replacing manhole or chamber covers - that do not involve breaking up the street
- Replacing poles, lamps, columns or signs in the same location where that does not involve breaking up the street
- Bar holes

- 3.1.6 Activities licenced under Section 50 of the NRSWA are not included in the Permit Scheme but will have to follow the normal NRSWA procedures.

### **3.2 ACTIVITY PHASES**

- 3.2.1 One Permit can only relate to 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 where all the works described in the works description are completed, for example a separate Permit would be required for interim, permanent and remedial reinstatements.
- 3.2.2 A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site and the highway is returned to full use.
- 3.2.3 A Promoter must clarify when an activity is to be carried out in phases on the application. Each phase will require a separate Permit and, if a major activity involving asset activity also a PAA, which will be cross referenced to the other Permits.
- 3.2.4 Phased activities must relate to the same works, with applications submitted using the same works reference.

### **3.3 LINKED ACTIVITIES**

- 3.3.1 Linked activities carried out at separate locations in the same street must be treated as belonging to the same set of works using the same works reference.
- 3.3.2 If an activity involving more than one street forms part of one project in management and contractual terms, separate Permits and Provisional Advance Authorisations must be obtained for each street.
- 3.3.3 Customer connections associated with the installation of a new main or cable run or the replacement or renewal of existing assets will be considered to be linked activities when the work is completed as a single occupancy of a single street. If an activity relating to the installation of customer connections is undertaken at a later date, then the Promoter shall apply for a separate Permit.

### **3.4 INTERRUPTED ACTIVITIES**

- 3.4.1 If an activity is interrupted and delayed, it is the responsibility of the Promoter to contact the Permit Authority to agree what action should be taken.
- 3.4.2 If Permit Authority is satisfied that the excavation can remain open during the interruption, then a variation will be required and an extension to the Permit will be granted.
- 3.4.3 If the Permit Authority considers that the opening should be reinstated, and the road returned to full traffic use then the Promoter will need to apply for a further Permit to complete the work at a later date. A Permit fee may be charged for the new Permit.

### **3.5 CROSS BOUNDARY ACTIVITIES**

- 3.5.1 Where a project with activities in more than one street straddles the boundary between the Permit Authority and an adjacent Authority, separate Permit applications, including any PAAs, should be submitted to both Authorities.
- 3.5.2 A single project reference should be included on the applications so that both Authorities can consider the impact and co-ordinate the activities together.

### **3.6 COLLABORATIVE ACTIVITIES**

- 3.6.1 The Permit Authority encourages collaborative working between Promoters.

- 3.6.2 Where two or more Promoters decide to enter into such arrangements, one must take on the role of the Primary Promoter with the overall responsibility for the activities and will be the point of contact with the Permit Authority. While the Secondary Promoter(s) will be required to make a Permit application for the activity for which they are responsible, only the Permit application made by the Primary Promoter will need to show the number of estimated inspection units.
- 3.6.3 The Primary Promoter's Permit application must give details of the Promoter(s) involved and the extent of the collaborative working
- 3.6.4 The Primary Promoter must also ensure that the estimates of works duration are agreed and confirmed with the Secondary Promoter(s) when submitting the PAA and/or Permit applications. This is necessary in order to comply with the overrun charging requirements in the Permit and NRSWA Regulations.

### **3.7 REMEDIAL ACTIVITIES**

- 3.7.1 In the event of remedial works being required after the expiry of a Permit, an application must be made for a new Permit. This Permit must be cross referenced to the original Permit using the original reference number on each subsequent phase.

### **3.8 ACTIVITY START AND END DATES**

- 3.8.1 In relation to 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 unless a variation is granted.
- 3.8.2 In category 3 and 4 streets that are not traffic-sensitive, the Permit will be Granted with a start and end date and duration for the activity which is set as a condition. The start date of the Permit will be the proposed start date of the activity. However, because both competition for space and the expected level of disruption is likely to be lower on less busy streets, there will be flexibility on the start of the activity – "starting window" - equivalent to the validity period on a NRSWA notice. The starting windows are:
- 5 DAYS FOR MAJOR AND STANDARD ACTIVITIES
  - 2 DAYS FOR MINOR ACTIVITIES.
- 3.8.3 The Permit will therefore allow for the set duration to be completed if the activity starts on the last day of the starting window.

### **3.9 ACTIVITIES EARLY STARTS**

- 3.9.1 The Permit Authority will consider a Promoter's request for an early start before or after applying for a Provisional Advance Authorisation or a Permit application.
- 3.9.2 Where this is agreed, and a previous application has already been submitted, the Promoter shall submit a variation to a Permit, or in the case of a Provisional Advance Authorisation, include the revised dates on the application for the Permit. If the Permit has already been granted or deemed, a variation charge will apply.
- 3.9.3 A reference number will be issued by the Permit Authority and must be quoted on the Permit application or Permit variation application.
- 3.9.4 Requests for early starts may or may not be agreed by the Permit Authority at their discretion but will not be unreasonably refused, and it is the responsibility of the Promoter to satisfy the Permit Authority as to the necessity for any proposed early start.



### 3.10 OVER RUNNING ACTIVITIES

- 3.10.1 Charges for over running street works, under Section 74 of the NRSWA, will be made alongside the Permit Scheme although these regulations are modified to incorporate the process of setting and modifying the duration of the activity through the Permit application, approval and variation processes.

## 4 PERMITS

- 4.1.1 There are two types of Permit and the requirements relating to the timing of applications for each will be different:
- Provisional Advance Authorisation (PAA)
  - Permit
- 4.1.2 Any Promoter of specified activities who wishes to carry out such an activity on a specified street **must** obtain a Permit from the Permit Authority. The Permit will allow the Promoter to:
- Carry out the specified activity
  - At the specified location
  - Between the dates shown and for the duration shown
  - Subject to any conditions that may be attached or required
- 4.1.3 A Permit application can only be for one street.
- 4.1.4 Where the specified activity involves a number of specified streets, a separate PAA and/or Permit will be required for each street.
- 4.1.5 Permit applications for specified activities covering more than one specified street shall be cross-referenced to all related applications.
- 4.1.6 Where the Permit Authority is content with the proposal, it will Grant a Permit within the response times detailed in Table 1.

### 4.2 A PROVISIONAL ADVANCED AUTHORISATION (PAA)

- 4.2.1 A PAA replaces the Advance Notice under Section 54 of NRSWA.
- 4.2.2 PAAs are a means of enabling Major works to be identified co-ordinated and programmed in advance by allowing activities to be provisionally reserved by the Permit Authority pending the Authority's subsequent decision on whether, and with what conditions, to grant a Permit for the activities.
- 4.2.3 A Promoter who wishes to undertake Major activities, on a specified street **must** apply for a PAA at least 3 months in advance of those activities starting on the highway, or as agreed with the Permit Authority.
- 4.2.4 Subsequent applications for Permits for Major activities that have not been preceded by a PAA, will not, except in exceptional circumstances, be accepted by the Permit Authority.
- 4.2.5 Each application for a PAA will be limited to one street.
- 4.2.6 An application for a PAA must include a full description of the activity and specify start and end dates, although the start date may be considered as provisional and can be amended in the application for a final Permit.
- 4.2.7 A fee will be charged for the granting of a PAA in addition to the fee which is charged

for the granting of the Permit.

- 4.2.8 The granting of a PAA does not prevent the Permit Authority from subsequently refusing to grant a Permit to which the PAA relates, if circumstances change drastically an explanation will be provided.
- 4.2.9 A copy of each application for a PAA is to be provided by the applicant upon request by a relevant Authority and by any person having apparatus in the street to which the application relates.

### **4.3 A PERMIT**

- 4.3.1 These are full Permits with complete details of the Registerable activities on a specified street.
- 4.3.2 The information required to support an application for a PAA should be equivalent to, but should not exceed, that required in support of an application for a Permit.
- 4.3.3 The timing of Permit applications to the Permit Authority will depend on the proposed activity.
- 4.3.4 A copy of each application for a Permit is to be provided by the applicant upon request by a relevant Authority and by any person having apparatus in the street to which the application relates.
- 4.3.5 All Permits will be subject to conditions.
- 4.3.6 All Permit applications shall be submitted to the Permit Authority in accordance with the timescales given in Table 1 and must include a description of the proposed activity together with the proposed start and end dates of the activity.
- 4.3.7 Where the Permit application differs from an associated PAA application, the applicant must explain the reasons for any variation.

### **4.4 CLASSES OF PERMIT**

- 4.4.1 There are four classes of Permit:
- Major
  - Standard
  - Minor
  - Immediate

### **4.5 MAJOR PERMITS**

- 4.5.1 Major Permits are for activities which:
- Have been identified in an organisation's annual operating programme, or if not identified in that programme, are part of a scheme which is planned or known about at least 6 months in advance of the proposed start date, but only includes activities on the affected streets and locations within that scheme that have been identified at least 6 months in advance as likely to require Permits; or
  - Other than immediate activities, require a temporary traffic regulation order, (i.e. not a temporary traffic notice), under the Road Traffic Regulation Act 1984 for any other activities

4.5.2 Major Permits are split into 3 sub-categories:

- Over 10 days and all major activities requiring a traffic regulation order
- Activities 4 to 10 days and meeting the requirement detailed in 4.5.1 above
- Activities up to 3 days and meeting the requirement detailed in 4.5.1 above

4.5.3 Promoters are required to obtain a Provisional Advance Authorisation as part of the application process for a Major Permit.

#### **4.6 STANDARD PERMITS**

4.6.1 Standard Permits are for activities that have a planned duration of between 4 and 10 days inclusive.

4.6.2 Activities lasting less than 10 days but which require a traffic regulation order, such as a temporary road closure, will be classified as a Major Activity and will be subject to the requirements in 4.5 above.

#### **4.7 MINOR PERMITS**

4.7.1 Minor Activities are those activities, where the planned working is 3 days or less. Activities lasting less than 3 days but which require a traffic regulation order, such as a temporary road closure, will be classified as a Major Activity and will be subject to the requirements in 4.5 above.

#### **4.8 IMMEDIATE PERMITS**

4.8.1 Immediate Activities are either

- Emergency works as defined in Section 52 of NRSWA; or
- Urgent Activities
  - I. (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):
  - II. To prevent or put an end to an unplanned interruption of any supply or service provided by the Promoter.
  - III. To avoid substantial loss to the Promoter in relation to an existing service
  - IV. 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.
  - V. Including works that cannot reasonably be separated or severed from such works.

4.8.2 Immediate activities do require a Permit but as such activities are concerned with emergency or urgent situations, a Promoter can start work before applying for a Permit provided, they apply for a Permit within 2 hours of the activities commencing.

4.8.3 However, where it is necessary to carry out excavation in the Highway, Promoters must contact the Permit Authority by telephone immediately, if identified on the NSG.

4.8.4 Where the activity is identified within the normal working day (i.e. after 08.00 hours and before 16.30 hours), a Permit application must be made as soon as reasonably practicable and in any event, within two hours of the activity starting.

- 4.8.5 If work starts outside of working hours, an application for a Permit must be submitted by 10am the next working day.
- 4.8.6 If the Permit Authority disputes whether an activity, or part of an activity, is immediate, the Promoter must demonstrate conclusively that it is.

#### **4.9 WORKING WITHOUT A PERMIT**

- 4.9.1 It is an offence for a Statutory Undertaker, or a person contracted to act on its behalf to undertake activities without a Permit, except to the extent that the Permit Scheme provides that this requirement does not apply.
- 4.9.2 Where it is believed that such an offence is being committed, the Permit Authority may issue a fixed penalty notice and require the party concerned to remove the works and return the street to full use.

### **5 PERMIT CONDITIONS**

- 5.1.1 The Permit Scheme allows for the attaching of conditions to Permits. These will be specified in detail on the Permit and will reflect any constraints on the original application.
- 5.1.2 In general, conditions will be varied for each Permit, as each set of circumstances will be different. The detailed 'Standard' wording of all conditions is available in the document "Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions", which is currently held on the Department for Transport website.
- 5.1.3 The Promoter should endeavour to have a copy, either electronic or hard copy, of the current Permit on site for inspection.

#### **5.2 CONDITIONS APPLIED TO ALL PERMITS**

- 5.2.1 West Sussex County Council will adopt solely the nationally agreed conditions text as set out in the amended 2015 statutory guidance. West Sussex County Council will adopt any changes made to the conditions following regulation change applied from the date of any said revised statutory guidance being applied.

#### **5.3 CONDITIONS FOR IMMEDIATE ACTIVITIES**

- 5.3.1 Promoters of immediate activities must contact the Permit Authority by telephone immediately if identified in the NSG.
- 5.3.2 A full description of the immediate activities being carried out must justify why the activity has been categorised as immediate activities.
- 5.3.3 The Permit Authority may impose further conditions prior to granting a Permit or after granting by way of an imposed Variation. Imposing such conditions will be in discussion with the Promoter of the activity and will be included in the subsequent Permit.
- 5.3.4 Once granted, the Works reference number must be prominently displayed on the site information board for each set of works by 10am the next working day.

#### **5.4 BREACH OF CONDITIONS**

- 5.4.1 If the Permit Authority considers that a Promoter is failing to comply with the conditions of a Permit, then it may revoke the Permit. Before revoking a Permit, the Permit Authority will contact the Promoter to warn them of its intention and allow the situation to be discussed.
- 5.4.2 Where it appears to the Permit Authority that a condition has been breached and that the Promoter or a person contracted to act on its behalf has therefore committed an

offence it will take action as described in Section 10.

## **5.5 AVOIDANCE OF CONFLICT WITH OTHER LEGISLATION**

- 5.5.1 The Promoter should bring such conflicts to the attention of the Permit Authority who will then be responsible for resolving the issue with the other legislative bodies or groups that may be involved and amending the Permit conditions accordingly.
- 5.5.2 If the Promoter has safety concerns about conditions set by the Permit Authority, it should raise these concerns with the Permit Authority and if necessary, challenge the condition.

## **6 PERMIT APPLICATIONS**

- 6.1.1 PAA and Permit applications must be made electronically.
- 6.1.2 The timing of applications for Permits and PAAs and the Permit Authority's response will vary according to the proposed activity. The minimum times are given in Table 1 and Promoters should give as much notice as possible to ensure that the co-ordination process can be facilitated effectively.
- 6.1.3 Where the activity is dependent on a Temporary Traffic Regulation Order (TTRO), temporary traffic signal approval, or the suspension of parking regulations, the relevant timescales should be taken into account by the Promoter, and applicants are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA.
- 6.1.4 The application process will begin at the time of receipt of the application by the Permit Authority. The electronic system will provide an auditable record of when an application was received.
- 6.1.5 The Permit Scheme sets down the application and response times for dealing with Permit applications and variation applications in Table 1. In all cases the time period is measured from the time of receipt of the application by the Permit Authority.
- 6.1.6 A "response" means a decision to grant, refuse or request a modification. Where there are reasons why the Permit cannot be granted in the terms applied for, the response indicating that a Permit will not be granted in those terms will explain the reasons to the applicant.
- 6.1.7 In the event of a system failure, Promoters shall adopt the following procedure:
- After three attempts to give an application by electronic means, notification should be given by telephone and email for immediate activities and variations.
  - Other applications may be given by email.
  - Following recovery of the service a copy of the application should be sent by normal electronic means to ensure information on the works is correctly recorded in the register
- 6.1.8 The Permit Authority will issue an individual reference number. This number must be displayed in the text on an electronic application following recovery of service to ensure correct cross-referencing.

## **6.2 INFORMATION REQUIRED IN A PERMIT APPLICATION**

- 6.2.1 In the case of Provisional Advance Authorisation applications, the Promoter should provide the most accurate information available at the time of making the application.



- 6.2.2 All Permit applications must include the contact details, if different from the normal contact number, of any person appointed by the Promoter to deal with any problems that may occur during the activity, including any provision made for out-of-hours contact of the Promoter.
- 6.2.3 This must include details for Secondary Promoters if collaborative working is in place.
- 6.2.4 Where a street has more than one USRN, separate Permit applications will be required for each USRN to which an activity relates.
- 6.2.5 A sufficiently detailed description of the activity, in plain English, must be provided to allow the Permit Authority to assess the impact of the activity.
- 6.2.6 Regarding collaborative working, all Promoters must be identified and details of the scheme must be provided.
- 6.2.7 The Promoter must give an accurate location based on National Grid References, (NGR).
- 6.2.8 In the case of Major works, start and end NGRs must be supplied as a minimum. If the proposed works deviates from a straight line, for example, follow the curvature of a street, a poly line (line centre of site) will be preferred.
- 6.2.9 For Standard, Minor and Immediate works, a centre point NGR must be supplied as a minimum. As with Major works, a poly line will be preferred when:
- The activity or trenches are expected to be over 10 metres in length
  - Activity locations on the application in the same street are separated
  - Activity areas or trenches deviate from a straight line.
- 6.2.10 In addition, if required, dimensions should be given of the space that will be taken up by the activity in the street including space for the storage of materials, working space, safety zone, provision for pedestrians and traffic management.
- 6.2.11 Each Permit application must include the proposed start and end dates of the activity and the times of the day when the activity is to be carried out. The applicant must also indicate if it is intended for work to continue over weekends and bank holidays and if night working is required.
- 6.2.12 PAA and Major Activity Permit applications on Traffic Sensitive Streets must be accompanied by an illustration(s) of the works and include details of the activity and the extent of Highway occupancy. The illustration will comprise plans, Sections, digital photographs and similar material as appropriate.
- 6.2.13 Illustrations must also be submitted with the application for Major, Standard and Minor activities on non-Traffic Sensitive Streets where the activity is significant in terms of potential disruption due to the position and size of the activity, or where the Permit Authority considers an illustration is necessary.
- 6.2.14 Details of the planned techniques, including open cut, trench share, minimum dig technique or no dig must be provided.
- 6.2.15 Promoters must provide their best estimate of the excavation depth of the activity. This may be expressed as a range where appropriate.

### **6.3 REINSTATEMENT TYPE**

- 6.3.1 Permit applications must indicate wherever possible, whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both.

- 6.3.2 Where the activity is completed with an interim reinstatement, a separate Permit application will be required for the permanent reinstatement where this is to be undertaken outside the duration of the Permit, using the original works reference number.

#### **6.4 INSPECTION UNITS**

- 6.4.1 The Promoter is required to indicate the provisional number of inspection units appropriate to the activity in accordance with the rules laid down in the Inspections Code of Practice and in The Street Works (Inspection Fees) (England)(Amendment) Regulations 2009 and any further amendments thereof.
- 6.4.2 Where there is trench sharing, only the Primary Promoter is required to give the inspection units.

#### **6.5 TRAFFIC MANAGEMENT AND PARKING BAYS**

- 6.5.1 The Promoter must supply full details of their traffic management proposals including any requirement for action by the Highway Authority such as the need for Temporary Traffic Regulation Orders (TTROs) and approval for portable light signals. Evidence of application/agreement for a TTRO must be provided with the PAA/Permit application.
- 6.5.2 In the case of the suspension of a parking bay being required, an application by the Promoter must be made to the Highway or Permit Authority as Parking Authority. This must be separate from any Permit application and evidence of the agreement by the relevant Parking Authority must be included in the Permit application.
- 6.5.3 Applicants should be aware that such action by the Highway Authority may involve additional costs and Promoters should familiarise themselves with the timescales relating to TTRO and parking applications.

#### **6.6 NOTIFICATION TO INTERESTED PARTIES**

- 6.6.1 Where the NSG indicates other interested parties, Permit applications will be copied to those parties by the Works Promoter.
- 6.6.2 Promoters are required to check whether any parties have registered such an interest prior to submitting an application for a PAA or Permit.
- 6.6.3 Promoters must carry out the necessary consultations as set down in Sections 88, 89 and 93 (as amended) and Sections 90 and 91 of the NRSWA.

#### **6.7 APPLICATIONS DEEMED TO BE APPROVED**

- 6.7.1 If the Permit Authority fails to reply to an application for a Permit or PAA or Variation within the designated response times, the PAA, Permit or Variation is deemed to be granted under the terms of the application.
- 6.7.2 The proposed start and end dates, description, location, duration, traffic management, etc. will be included in the Permit and associated conditions for the activity. This detail will then be binding on the Promoter as it would have had the Permit been issued within the timescale. Breaching the conditions will constitute an offence.
- 6.7.3 No fee will be applied to deemed Permits.

#### **6.8 TABLE 1 – APPLICATION TIMINGS**



Activity Type	Minimum application period ahead of proposed start date		Minimum period before Permit expires for application for variation (including extension)	Response times for issuing a Permit of seeking further information or discussion		Response times for responding to applications for Permit variations
	Provisional Advance Authorisation	Application		Provisional Advance Authorisation	Application	
Major	3 Months	10 days	2 days or 20% of original duration whichever is the longer	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	

## 6.9 ISSUING OF PERMITS

- 6.9.1 A Granted Permit will be issued electronically with the details placed on the Permit register and copies supplied to any Promoter, Authority or other relevant body that has asked to be informed about activities on a particular street.
- 6.9.2 The Permit will specify in detail the activity it allows and its duration. The start and end dates will be in calendar days to prevent any ambiguity over the duration of the Permit.

## 6.10 ERROR CORRECTION

- 6.10.1 Where the Permit Authority identifies an error in data recorded in, or submitted for recording in, the Permit register, it will contact the Promoter.
- 6.10.2 Where the Promoter identifies an error, they will contact the Permit Authority to discuss and agree the corrections to be made. If an error has been identified on an application, the Promoter shall submit a Modified Application by the end of the next working day following the agreement of the correction.
- 6.10.3 This Modified Application should include the corrected data and the name of the person in the Permit Authority who agreed that the correction should be made.
- 6.10.4 This procedure cannot be used without the prior agreement of both parties.
- 6.10.5 A variation fee will be payable where the identified error has been caused by the Promoter.

## 7 PERMIT REFUSALS

- 7.1.1 Whilst the Permit Authority cannot refuse legitimate activities the Permit Authority

reserves the right to refuse or issue a Permit Application Modification Request for a Permit application where it considers that elements of the application (e.g. timing, location or conditions) are not acceptable.

- 7.1.2 If the Permit Authority decides to refuse the application or issue a Permit Application Modification Request, it will contact the Promoter within the response time given in Table 1 to explain why the application is not satisfactory and what amendments are needed in order to achieve a successful application.

## **7.2 GROUNDS FOR REFUSAL**

- 7.2.1 The following are examples that are likely to lead to applications being refused or subject to requests for further information or modification to address them.
- 7.2.2 Where further conditions are required.
- 7.2.3 Where the data supplied is not sufficient or contradictory.
- 7.2.4 Overlapping Activities; where other activities are scheduled to take place in the same street, or other streets affected by the proposed activity, at the same time.
- 7.2.5 Timing and Duration; An activity Promoter must ensure that the proposed duration of the activity is the legitimate time needed to complete the activity in an efficient and economic manner and the legitimate interests of other users of the highway.
- 7.2.6 Location of Activity; A Permit must specify the location where the activity is to take place. The Permit Authority may refuse to issue a Permit due to the proposed location of the activity. Refusals on this basis would only apply;
- in relation to the installation of new apparatus - it cannot be used to require existing apparatus to be moved, or
  - where disruption would be reduced by installing the apparatus in an alternative street where it is reasonable to use the alternative street or a different location within the same street.

## **7.3 RIGHT OF APPEAL**

- 7.3.1 The Promoter has a right of appeal, in accordance with the Dispute Resolution process set down in Section 11 if it is unable to reach agreement with the Permit Authority over the terms it requested, or the conditions attached.
- 7.3.2 In the case of immediate activities, it may be that the Permit Authority may direct the work to stop, subject to safety and legal considerations, such as Health and Safety legislation, until the issues are resolved.

## **7.4 RESTRICTIONS ON FURTHER ACTIVITIES**

- 7.4.1 Where a Promoter wishes to apply for a Permit to carry out specified activities on a specified street where a Section 58 or 58A Notice under NRSWA is in force, and the activities are not covered by the specific exemptions of that notice, the Promoter must explain the reasons for which the consent is sought.

## **8 REVIEWS, VARIATIONS AND REVOKING PERMITS**

- 8.1.1 Circumstances beyond the Permit Authority's control may occur which may cause the Authority to review the Permit and as a result, may lead to the conclusion that the Permit or its conditions need to be changed or revoked.
- 8.1.2 As soon as the Permit Authority is aware that it may be necessary to vary or revoke

a Permit, it will contact the Promoter to discuss the best way of dealing with the situation. This discussion may lead to an agreement on the variation required. In that case, the Permit Authority will then grant a revised Permit on those terms when the Promoter applies for a Variation.

- 8.1.3 Variations should be sought as soon as changes are identified to avoid a criminal offence being committed by work being undertaken in breach of the conditions associated with that Permit.
- 8.1.4 Within the Permit Scheme, the Permit Authority has the power, under Regulation 15 of the Traffic Management Permit Scheme (England) Regulations 2007, to review, vary or revoke Permits and Permit conditions on its own or a Promoter's initiative. However, the Permit Authority is under no obligation to let activities run beyond the Permitted period.
- 8.1.5 Any activities that exceed the Permitted duration will be committing an offence and could be subject to Section 74 overrun charges.
- 8.1.6 If a Promoter wishes to cancel a Permit or withdraw a Permit application for which they have no further use, they should use the appropriate electronic means.
- 8.1.7 A PAA cannot be varied once granted.
- 8.1.8 Where a PAA has been given but a Permit has not been granted and the proposals change, the Promoter must inform the Permit Authority immediately of the proposed changes and a revised application for a PAA or Permit should be made.

## **8.2 SUSPENDING OR POSTPONING AND ACTIVITY**

- 8.2.1 If a Promoter would like to start an activity at a later date after a Permit has been issued, a Permit Variation will need to be applied for. There is no option to suspend or postpone an activity.
- 8.2.2 No fee will apply for Permit Variations initiated by the Permit Authority unless, at the same time, the Promoter applies for variations which are not the result of the circumstances causing the Permit Authority's action.

## **8.3 TIMING OF VARIATIONS**

- 8.3.1 Permit Variations may be made at any time after a Permit has been issued up until the end date of the Permit. Once this date has passed, applications for variations cannot be made.
- 8.3.2 If a variation is required, the Promoter is encouraged to telephone the Permit Authority to discuss, prior to submitting a Duration Variation Application electronically, to improve co-ordination.

## **8.4 VARIATION FOR IMMEDIATE ACTIVITIES**

- 8.4.1 In the event of immediate activities requiring a series of fault-finding excavations or openings the following procedure shall apply where it is necessary to undertake works beyond the initial excavation or opening covered by the first application.
- 8.4.2 As they are immediate works, the Promoter will submit the first Permit application within two hours of starting work. That first application will contain the location of the initial excavation or opening:
  - For any further excavations or openings on the same street within 50 metres of the original hole, the Promoter is encouraged to telephone the Permit Authority with the new location. No Permit variation will be needed and no variation charge will

apply

- The Promoter must apply for a Permit variation for the first excavation in each new 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres, etc. Standard variation charges will apply; however the Permit Authority may use their discretion to waive these charges.
- For additional excavations within each band, the Promoter is encouraged to telephone the Permit Authority with the new location. No Permit variation will be needed, and no variation charge will apply
- If the search carries into a different street or a new USRN, (including if the street changes to a different Permit Authority), then a separate Permit application will be needed

8.4.3 Conditions for these activities may be varied to take into account the fact that a new location, even within the permissive bands, can be more disruptive.

## **8.5 INFORMATION REQUIRED FOR VARIATION APPLICATIONS**

8.5.1 Applications for Permit variations must contain the following information as applicable:

- The Permit reference number
- The revised timescale
- Any change to the description of the activity
- A revised illustration
- Any change to the method of excavation
- Any variation to the depth of the excavation
- Any changes to the reinstatement method
- Any changes to the conditions
- Any changes to Traffic Management including TTROs

8.5.2 If agreement cannot be reached regarding a variation, the Permit Authority may issue an Authority imposed variation on the terms it considers reasonable. If the Promoter disagrees with the decision, it will have the option to invoke the dispute resolution procedure (See Section 11).

8.5.3 If the Permit Authority considers that a Promoter is failing to comply with the conditions of a Permit, then it may revoke the Permit or issue a Fixed Penalty Notice (FPN).

8.5.4 Before revoking a Permit, the Permit Authority will contact the Promoter to warn them of its intention and allow the situation to be discussed.

8.5.5 A Promoter will be committing an offence if it continues to work after a Permit has been revoked.

8.5.6 If a Promoter wishes to cancel a Permit for which it has no further use, or to cancel or withdraw an application that has been submitted but for which a Permit has not

yet been granted, it should use the appropriate electronic cancellation notice containing the relevant Works Reference number. There is no fee payable for this process; however, Permits already granted will still be charged.

- 8.5.7 A Promoter will be committing an offence if it works or continues to work after the cancellation of a Permit.

## **9 PERMIT FEES**

- 9.1.1 To meet the additional costs of operating the Scheme, Regulation 30 gives the Permit Authority the power to charge a fee in respect of the following:
- The application for a PAA in respect of Major activities
  - The issuing of a Permit
  - Each occasion where there is a variation of a Permit or the conditions attached
  - Where a Permit variation would move an activity into a higher category, the Promoter will be required to pay the difference between the Permit fee for the two categories as well as the Permit variation fee
- 9.1.2 Fees will not be charged for Permits issued for the Highway Authority's own works for road purposes.
- 9.1.3 Monthly invoices will be issued to each Promoter with all Permits referenced.
- 9.1.4 A summary may be issued to each Promoter every two weeks so amounts can be confirmed prior to the invoice being raised.
- 9.1.5 The Permit Authority retains the option to waive or reduce fees at its discretion.
- 9.1.6 The Permit Authority will review its scale of fees annually to ensure that the overall fee income does not exceed the allowable costs across a number of years.
- 9.1.7 The outcome of the annual fee reviews will be published and open to public scrutiny.
- 9.1.8 Fees for specified activities which involve several Permits will be discounted where the applications are submitted together on the same day.
- 9.1.9 Details of the Permit Fees and associated Fees Policy are available from the West Sussex County Council web site.

## **10 SANCTIONS**

### **10.1 UNDERTAKING ACTIVITIES WITHOUT A PERMIT**

- 10.1.1 It is a criminal offence for a Statutory Undertaker, or a person contracted to act on its behalf, to undertake specified activities in a specified street in the absence of a Permit, except as set down in Section 4.
- 10.1.2 Any person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- 10.1.3 It is a criminal offence for a Statutory Undertaker, or a person contracted to act on its behalf to breach a Permit Condition.
- 10.1.4 Where a Statutory Undertaker or a person contracted to act on its behalf undertakes without a Permit, works for which a Permit is required, or breaches a Permit condition, the Permit Authority may take one or more of the following courses of action depending on the seriousness and persistence of the offences:
- Serve a notice requiring that Statutory Undertaker to take such reasonable steps

as detailed in the notice to remedy the situation within a specified timescale

- Where a Statutory Undertaker fails to comply with the requirements of such a notice within the timescale the Permit Authority may undertake the specified steps and recover the costs that are reasonably incurred from the Statutory Undertaker
- Issue a Fixed Penalty Notice (FPN), against the Statutory Undertaker
- Prosecute the Statutory Undertaker

10.1.5 Remedial action could include the removal of the activity; rectifying the breach of conditions or discontinuing any obstruction.

10.1.6 In the event that the Permit Authority subsequently considers that an FPN which has been given ought not to have been given, it shall give to the person to whom that notice was given a notice withdrawing the FPN.

10.1.7 Any offences which run alongside the Permit Scheme under NRSWA will still apply and appropriate action will be taken.

## 11 DISPUTE RESOLUTION

11.1.1 West Sussex County Council welcomes the opportunity to informally resolve disputes before resorting to formal resolution procedures.

11.1.2 If disputes are not informally resolved within 14 calendar days, they will be referred to SEHAUC or HAUC England as appropriate on the following basis:

Straightforward issues.

11.1.3 Where West Sussex County Council and the Promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of the regional SEHAUC (that is those not representing parties directly involved in the dispute) for review. That review should take place within ten days from the date of referral by either party. Both parties will accept the result as binding.

Complex issues.

11.1.4 If West Sussex County Council or the Promoters(s) involved the dispute think the issues are particularly complex, HAUC England will be asked to set up a review panel of four members – two Utility and two Street Authorities. One of the four persons will be appointed as Chair of the panel by the HAUC England joint chairs.

11.1.5 Each party must make all relevant financial, technical and other information available to the review panel.

11.1.6 The review would normally take place within ten working days from the date on which the issue is referred to HAUC England by either party. Both parties will accept the conclusions of the review panel as binding.

### 11.2 INDEPENDENT ADJUDICATION

11.2.1 If agreement cannot be reached by the procedure above, the dispute can be referred to independent adjudication.

11.2.2 Adjudication within the Permit Scheme will only be used by West Sussex County Council and the Promoter(s) if they agree in relation to the matter under dispute, that: -

- The decision of the adjudicator will be deemed to be final; and

- The costs of adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them.

11.2.3 Where the adjudication route is followed, West Sussex County Council and the Promoter(s) will apply to the joint chairs of HAUC England, who will select and appoint the independent adjudicator from a suitable recognised professional body.

## 12 PERMIT REGISTERS

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

12.1.2 The register will contain information about current and planned activities and will be available electronically to Promoters to assist them in planning and co-ordinating their own works at the earliest possible stage

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

## 13 PERFORMANCE INDICATORS AND MONITORING

13.1.1 To demonstrate parity of treatment for all Promoters, particularly between the Highway Authority and Statutory Undertakers, Key Performance Indicators, where these are set out in the Guidance, will be used.

13.1.2 Parity will be measured through Key Performance Indicators (KPIs).

13.1.3 The KPIs will be discussed at the local co-ordination meetings and at other meetings with Promoters. In addition, the KPIs will be made available to any other person on request or via the Authority's website.

13.1.4 The Permit Scheme will be evaluated after each anniversary of the first 3 years, when the scheme comes into effect, then yearly or 3-yearly after that.

13.1.5 The evaluation shall include consideration of:

- whether the fee structure needs to be changed in light of any surplus or deficit
- the costs and benefits (whether or not financial) of operating the scheme: and
- whether the Permit scheme is meeting key performance indicators where these are set out in the Guidance
- The outcome of each evaluation shall be made available to the persons referred to in regulation 3(1).

## 14 GLOSSARY

Activity	Any works undertaken by Statutory Undertakers and the Highway Authority (or their agents/contractors) and any other works that may be covered in future regulations.
Additional Street Data	Additional Street Data (ASD) refers to other information about streets held on the NSG concessionaire's website alongside the NSG.
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".
Appeal	If there is an unresolved disagreement between the Promoter and the Permit Authority about the terms and conditions of the Permit or PAA, the Promoter may appeal against the Permit Authority's decision to either SEHAUC or HAUC England.
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".
Bar holes	Bar holes are used to detect and monitor gas leaks.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).
Bridge	As provided in Section 88(1)(a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street
Bridge Authority	As defined in Section 88(1)(b) of NRSWA, "Bridge Authority means the Authority, body or person in whom a bridge is vested".
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.
Code of Practice for Permits	As Published by the department of Transport March 2008.
Collaborative working	Includes trench sharing, multi-utility working, utility works for road purposes situations and compliance testing.
Cycle Track	As defined in Section 329 of the HA 1980, "cycle track means a way of constituting or comprised in a Highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles".
Day	A working day, unless explicitly stated otherwise.
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".
Excavation	"Breaking up" (as defined above).
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".
Geographical Information system (GIS)	A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface.
HA 1980	The Highways Act 1980
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 Section 328 of the HA 1980, "Highway means the whole or part of a highway other than a ferry or waterway".
Highway works	"Works for road purposes" or "major highway works".
Immediate Works	As stated in Section 8.5, immediate activities are either emergency works as defined in Section 52 of NRSWA or urgent 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.
In	As defined in Section 105(1) of NRSWA, in a context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property under, over, along or upon it".
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 Minister.
Main roads	All streets in reinstatement categories 0, 1 and 2 and these streets in categories 3 and 4 which are traffic sensitive for all or part of the time.
Maintainable Highway	As defined in Section 329 of HA 1980, a "Highway maintainable at the public expense means a highway which virtue of Section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense.
Maintenance	As defined in Section 329 of HA 1980 "maintenance" includes repair, and "maintain" and "maintainable" are to be considered accordingly.
Major Activities	As stated in Section 9.2, Major activities are those which: <ul style="list-style-type: none"> <li>• 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 proposed date of activity.</li> <li>• Other than immediate activities require a temporary traffic regulation order, (i.e. not a temporary traffic notice), under the Road Traffic Regulations Act 1984 for any activities.</li> </ul>
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 – <ol style="list-style-type: none"> <li>a) a reconstruction or widening of the highway;</li> <li>b) works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts);</li> <li>c) substantial alteration of the level of the highway;</li> <li>d) works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts);</li> <li>e) the construction or removal of a road hump within the meaning of Section 90F of the Highways Act 1980;</li> <li>f) works carried out in exercise of the powers conferred by Section 184 of the Highways Act 1980 (vehicle crossings over footways and verges);</li> </ol>

	g) provision of a cattle-grid in the highway or works ancillary thereto; or h) Tunneling or boring under the highway"
Minor Activities	As stated in Section 9.4, minor activities are those activities other than immediate activities where the planned duration is 3 days or less.
Minor Road	Street in reinstatement categories 3 and 4 which are not traffic sensitive at any time.
National Grid Reference	Location reference using nationally defined eastings and northings.
Nationally consistent Street gazetteer (NSG)	A database defined as an "index of streets and their geographical locations created and maintained by the local Highways Authorities" based on BS 7666 standard.
NRSWA	New Road and Streetworks Act 1991.
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local Highway Activities.
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street.
Permit	The approval of a Permit Authority for a Promoter to carry out activity in the highway subject to conditions.
Permit Application	See Section 10. The application that is made by a Promoter to the Authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (Section 55 of NRSWA) given under the Co-ordination regime.
Permit Authority	See Section 1.4. A local Authority or other "Highway Authority" which has been given approval by Order to operate a Permit Scheme on all or some of its road network.
Permit Scheme	See Section 1. A Scheme approved by Order under which Permits for activities are sought and given.
Promoter	A person or organization responsible for commissioning activities in the streets covered by the Permit Scheme. The Promoter will usually be a Statutory Undertaker or the Highway or Traffic Authority.
Protected Street	See Section 1.6. A street that has been designated as a protected street. It 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 Statutory Undertakers can place the equipment that would otherwise lawfully have been placed in the protected street.
Provisional Advance Authorisation	See Section 8.2. The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA.
Registerable activities	See Section 3 Registerable activities are as listed.
Reinstatement	As defined in Section 105(1) of NRSWA, "reinstatement includes making good".
Relevant Authority	As defined in Section 49(6) of NRSWA, "references in this Part to the relevant Authorities in relation to any works in a street are to the Highway Authority and also  a) where the works include the breaking up or opening of a public sewer in the street, the Sewer Authority; b) where the street is carried or crossed by a bridge vested in a Transport Authority, or crosses or is crossed by any other property held or used for the purposes of a Transport Authority, that Authority; and c) where in any other case the street is carried or crossed by a bridge, the Bridge Authority"

Remedial work	Remedial works are those required to put right defects identified and in accordance with the provisions of the Code of Practice for Inspections and regulations.
Road	See "Street".
Road Categories: Type 0 Type 1 Type 2 Type 3 Type 4	Roads carrying over 30 to 125 million of standard axles 10 to 30 million of standard axles 2.5 to 10 million of standard axles 0.5 to 2.5 million of standard axles Up to 0.5 million of standard axles
Road works	See "Works for road purposes" definition below.
Special Engineering Difficulties (SED)	See Section 1.6. By virtue of 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 of 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.
Specified Area	That geographical area to which the Permit Scheme applies.
Specified Street	Those streets to which the Permit Scheme applies.
SROH	Specification for Reinstatement of Openings in the Highway.
Standard Activities	Standard activities are those activities, other than immediate activities, that have a planned duration of between 4 and 10 days inclusive.
Statutory 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".
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 maintainable highway, the street managers".
Streetworks	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 Highway 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	The Traffic Management Act 2004.
Traffic	As defined in Section 105(1) of NRSWA, "traffic includes pedestrians and animals".
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works".
Traffic regulation order	This means an order made under Section 1, 6 or 9 of the Road Traffic Regulation Act 1984.
Traffic sensitive street	See Section 1.6. This means a street designated by a Highway Authority as traffic sensitive pursuant to Section 64 of NRSWA and in a case where a limited designation is made pursuant to Section 64(3) any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.
Transport Authority	As defined in Section 91(1)(a) of NRSWA, "Transport Authority means the Authority, body or person having the control or management of a transport undertaking".
Temporary Traffic Regulation Order (TTRO)	This means an order made under Section 14 of the Road Traffic Regulation Act 1984 and amendments.
Trunk road	As defined in Section 329 of the HA 1980, "trunk road means a highway, or a proposed highway, which is a trunk road by virtue of Section 10(1) or Section 19 of the above or by virtue of an order or direction under Section 10 of the above or under any other enactment".
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 reconnection is delayed until after the expiration of the appropriate notice period; and b) Includes activity that cannot reasonably be separated or severed from such activities.
Working day	As defined in Section 98(2) of NRSWA, "for the purposes of this Part a working

	day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a Bank Holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day".
Works	Street works or Works for road purposes.
Works for road purposes	As defined in Section 86(2) of NRSWA, "works for road, purposes mean 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 Highways Act 1980 (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".

END

# West Sussex County Council Permit Scheme Fees Policy



## FEES

Regulation 30 gives the Permit Authority the power to charge a fee in respect of the following:

- i. The application for a PAA in respect of Major activities
- ii. The issuing of a Permit
- iii. Each occasion where there is a variation of a Permit or the conditions attached
- iv. Where a Permit variation would move an activity into a higher category, the Promoter will be required to pay the difference between the Permit fee for the two categories as well as the Permit variation fee

## FEE POLICY

Fees will not be payable in the following circumstances:

- i. By the Highway Authority in respect of its own works for road purposes, however a record of the Permit and fee will be used for reporting purposes and fee reviews.
- ii. Any work undertaken on a fire hydrant.
- iii. Where a Permit is deemed to be granted because the Permit Authority failed to respond to an application within the time set down in Section 10.7 of the scheme document.
- iv. If a Permit variation is initiated by the Permit Authority or the Authority has to revoke a Permit through no fault of the Promoter.
- v. Where a Promoter wishes to cancel a Permit for which it has no further use, or to cancel or withdraw an application that has been submitted but for which a Permit has not yet been granted.

Lower fees or discounted fees will be given in the following circumstances:

- i. Where several Permit applications for works that are of part of the same project but which are carried out on more than one street, but on a scale comparative to one street, are submitted at the same time.
- ii. Where several Promoters are working within the same site submit applications at the same time. Where the Highway Authority Promoter is collaborating with Statutory Undertakers, those Undertakers will be eligible for the discount.
- iii. Where works are undertaken wholly outside of traffic sensitive times on Traffic Sensitive Streets.

## RATE OF DISCOUNT

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

## OPTION TO WAIVE OR REDUCE FEES

The Permit Authority retains the option to waive or reduce fees at its discretion.

## REVIEW OF FEES

The Permit Authority will review its scale of fees annually to ensure that the overall fee income does not exceed the allowable costs.

The outcome of the annual fee reviews will be published and open to public scrutiny.

As far as possible the fees and costs should be matched over a financial year. However, it is recognised that estimating the fee levels will involve incorporating the effect of various factors that will inevitably have a degree of uncertainty around them. In the event that fees and costs do not match the actual outturn for the year in question, adjustments may be made to fee levels for the subsequent years so that across a number of years fees do not exceed the allowable costs.

## West Sussex County Council Permit Scheme Fees Table

Reinstatement category of street	Main Roads			Minor Roads
	0, 1 and 2	3 and 4		3 and 4
Street designated as traffic sensitive or not	All streets	Traffic sensitive at some times/locations		Non traffic sensitive at any time or location
Time and location of activity	Any time and location	Any part within traffic sensitive times / locations	Wholly within non traffic sensitive times / locations	Any time and location
Provisional Advance Authorisation	£105*	£105	£73.50	£75
Major Works - over 10 days and all major works requiring a traffic regulation order	£240*	£240	£168	£150
Major works - 4 to 10 days	£130*	£130	£91	£75
Major works - up to 3 days	£65*	£65	£45.50	£45
Standard Activity	£130*	£130	£91	£75
Minor Activity	£65*	£65	£45.50	£45
Immediate Activity	£60*	£60	£42	£40

\* A discount will be applied where works are undertaken wholly outside of traffic sensitive times on Traffic Sensitive Streets. See Above. Note: That in line with the Permit Authorities policies and procedures, the above fees will be reviewed on an annual basis.

### PERMIT VARIATION FEES

£45 for activities on category 0, 1 & 2 streets, and on 3 & 4 traffic sensitive streets.

£35 for activities on category 3 and 4 non traffic sensitive streets.

If a Permit variation moves an activity into a higher fee category, the Promoter will be required to pay the difference in Permit fee.

No fee is payable if a Permit variation is initiated by the Permit Authority.

The review will take into account the on-going Scheme costs and inflationary rates.

The fees will not exceed the maximum charges as set by the DFT.

All Promoters will be notified of any changes to the fees.

**Existing NRSWA Work Volumes and Estimated Number of Permits**

Category 0-2 and Traffic Sensitive Streets							
Current NRSWA Notification Regime Volumes		Estimated Number of Permits per Year					
Actual Volumes by Works Category Type		Estimated Number of Permits by Activity Type					
Works Category	No. of Notified Street Works per Year	Activity Type	Permit Applications	Permits Required for Remedial Works	Cancelled/ Abandoned Works	Allowance for Phased Works	Total Permits
Major	0	Provisional Advance Authorisation	0	N/A	N/A	0	176
Standard	0	Major	0	0	0	0	176
Minor with Excavation	0	Standard	0	0	0	0	376
Minor without Excavation	0	Minor	0	0	0	0	2817
Urgent	0	Immediate	0	0	0	0	1103
Special Urgent							
Emergency							
Remedial Works	157						
Cancelled/Abandoned Works	2732						
<b>Sub Total</b>	<b>0</b>	<b>Sub Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4648</b>

Category 3-4 Non-Traffic Sensitive Streets							
Current NRSWA Notification Regime Volumes		Estimated Number of Permits per Year					
Actual Volumes by Works Category Type		Estimated Number of Permits by Activity Type					
Works Category	No. of Notified Street Works per Year	Activity Type	Permit Applications	Permits Required for Remedial Works	Cancelled/ Abandoned Works	Allowance for Phased Works	Total Permits
Major	0	Provisional Advance Authorisation	0	N/A	N/A	0	705
Standard	0	Major	0	0	0	0	705
Minor with Excavation	0	Standard	0	0	0	0	1722
Minor without Excavation	0	Minor	0	0	0	0	9988
Urgent	0	Immediate	0	0	0	0	5386
Special Urgent							
Emergency							
Remedial Works	202						
Cancelled/Abandoned Works	3498						
<b>Sub Total</b>	<b>0</b>	<b>Sub Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18506</b>
<b>TOTAL</b>	<b>0</b>	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>23154</b>

Estimated Number of Permit Variations			
Category 0-2 and Traffic Sensitive Streets			
Estimated Number of Permit Variations per Year			
Estimated Number of Permit Variations by Activity Type			
Activity Type	Total Number of Permits	Permit Variation (%)	Total Number of Permit Variations
Provisional Advance Authorisation	176	N/A	N/A
Major	176	20%	35
Standard	376	10%	38
Minor	2817	5%	141
Immediate	1103	5%	55
<b>Sub Total</b>	<b>4648</b>	<b>N/A</b>	<b>269</b>

Category 3-4 Non-Traffic Sensitive Streets			
Estimated Number of Permit Variations per Year			
Estimated Number of Permit Variations by Activity Type			
Activity Type	Total Number of Permits	Permit Variation (%)	Total Number of Permit Variations
Provisional Advance Authorisation	705	N/A	N/A
Major	705	20%	141
Standard	1722	10%	172
Minor	9988	5%	499
Immediate	5386	5%	269
<b>Sub Total</b>	<b>18506</b>	<b>N/A</b>	<b>1082</b>



