

Public Document Pack



NOTICE OF MEETING

Meeting	Executive Member for Environment and Transport Decision Day
Date and Time	Tuesday, 25th September, 2018 at 2.00 pm
Place	Chute Room, Ell Court South, The Castle, Winchester
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

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AGENDA

1. **COMMUNITY TRANSPORT CONTRACTS** (Pages 3 - 16)

To consider a report of the Director of Economy, Transport and Environment seeking approval for a procurement process which will commission the next round of community transport contracts, most of which expire on 31st March 2019.

2. **HIGHWAYS PERMIT SCHEME** (Pages 17 - 128)

To consider a report of the Director of Economy, Transport and Environment regarding the consultation carried out on the Highways Permit Scheme proposed to replace the existing Noticing System for managing street works in Hampshire and seeking authority to implement the proposed scheme from 1 April 2019.

3. **REFURBISHMENT OF A35 REDBRIDGE CAUSEWAY** (Pages 129 - 138)

To consider a report of the Director of Economy, Transport and Environment seeking approval to engage with HCC's highway service provider Skanska for both early contractor involvement and delivery of major refurbishment works estimated at £20m on four bridges on the A35 Redbridge Causeway

4. **ROAD AGREEMENT PROCESS** (Pages 139 - 154)

To consider a report of the Director of Economy, Transport and Environment updating on the progress of the Road Agreements Improvement Programme to date and setting out a proposal to develop policy covering the adoptions of residential estate roads.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact members.services@hants.gov.uk for assistance.

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Environment and Transport
Date:	25 September 2018
Title:	Community Transport Contracts
Report From:	Director of Economy, Transport and Environment

Contact name: Kevin Ings

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1. Recommendations

- 1.1. That the Executive Member for Environment and Transport gives authority to procure and spend up to the value of £6.24 million (for the maximum six year period), of which £3.6 million will be funded from Hampshire County Council resources, and to make the necessary contractual arrangements for the community transport services identified in Appendix 1 of this report, to commence on 1 April 2019 for an initial period of 2 years, with the option to extend for up to a further four years, subject where appropriate to the agreement of other funders where they also contribute towards these services, and the availability of the County Council's own financial resources.
- 1.2. That the Executive Member for Environment and Transport authorises the Director of Economy, Transport and Environment to use funds from the vehicle replacement reserve up to the value of £1.88 million for vehicle replacement in accordance with the current Community Transport Operating Model.
- 1.3. That the overall approach to tendering, as set out in Section 6 of this report, is agreed in principle, and that the Director of Economy, Transport and Environment is given delegated authority to finalise the detail in consultation with the Executive Member for Environment and Transport.
- 1.4. That approval is given for the County Council to enter into Deeds of Agreement for funding with each of the respective funding partners for the initial contract terms, and subsequently to cover any contract extensions as outlined in this report.
- 1.5. That the overall approach to reviewing fares is agreed in principle as set out in this report, and that authority is delegated to the Director of Economy, Transport and Environment to develop future fares arrangements in consultation with the Executive Member for Environment and Transport.
- 1.6. That the County Council accepts bids from Section 19 Transport Act 1985 permit operators ("Section 19 Permit Operators") who can demonstrate that they have a main occupation other than that of being a road transport provider, and that should the final licensing approach by the Department for Transport on the use of Section 19 Permits identify that an alternative method of operation is

necessary, contract operators will be required to convert to this within an agreed timescale.

2. Executive Summary

- 2.1. Contracts for most community transport services expire on 31 March 2019. This report seeks approval for a procurement process which will commission the next generation of community transport contracts.
- 2.2. The report also sets out the overall approach for commissioning these services which is consistent with the current Community Transport Operating Model which was approved by the Executive Member for Environment and Transport at a decision day on 23 March 2017.
- 2.3. The report also proposes a review of fare structures for Dial-a-Ride and Call and Go services and the basis on which bids to the County Council from Section 19 Permit Operators should be invited.

3. Contextual information

- 3.1. As part of its approach to realising savings for 2019, the County Council has already given a commitment to protect its existing core funding for community transport services.
- 3.2. In partnership with other funders, mainly district councils, the County Council has previously awarded contracts to provide a network of Dial-a-Ride and Call and Go services across Hampshire. Dial-a-Ride and Call and Go services primarily serve the individual needs of people with mobility difficulties (frail, older and disabled people) whilst Call and Go services are also available to people without access to their own transport and who live more than 400 metres from their nearest bus stop. Services provide some 72,500 individual passenger trips per annum.
- 3.3. The County Council also provides funding to Minibus Group Hire Schemes in Hampshire. Four district councils in Hampshire (Eastleigh, East Hampshire, New Forest and Test Valley) also contribute to these schemes, which provide wheelchair accessible minibuses to voluntary and community groups. Funding helps to support staff and office costs in overseeing the operation of these schemes, which deliver over 188,500 passenger trips per annum.
- 3.4. As most contracts for the above services will have run their full term by 31 March 2019, this report proposes that these services should now be re-tendered with new contract awards from 1 April 2019 in order to ensure continuity of service for service users. It also sets out the basis on which services should be commissioned.
- 3.5. In addition to the above, the County Council has historically provided grants to YelaBus, a community transport operator in Yateley. Previous grant awards have been made to YelaBus on the basis that future support should be consistent with the current Community Transport Operating Model. Given this, it is proposed that the funding previously awarded to YelaBus should be included in the proposed re-tendering process and incorporated into the overall contract spend, which will be available to support community transport services in the Rushmoor and Hart area of Hampshire.

4. Community Transport Contracts to be tendered

- 4.1. The community transport services to be re-tendered as part of this procurement exercise are listed in Appendix 1 of this report. This includes the Basingstoke Dial-a-Ride service which has a contract expiry date of 30 September 2019. Including the Basingstoke Dial-a-Ride service in this procurement will ensure that all future contract terms for these services are consistent.
- 4.2. Appendix 1 shows an annual value of £1.04 million in 2018/19 for these contracts. The County Council's annual contribution of £0.6 million towards these contracts will be provided from the Community Transport Budget. The procurement exercise will package these services together by area. The scope for including other suitable transport already commissioned or provided by the County Council will also be considered. These figures exclude vehicle replacement costs which are covered in a separate recommendation.
- 4.3. In order to award contracts for the above community transport services following the tendering process, it is proposed that the Executive Member for Environment and Transport gives authority to procure and spend up to a value of £6.24 million (six year cost), and to enter into two year contracts from 1 April 2019 with an option to extend for up to a further four years, subject where appropriate to the agreement of other funders where they also contribute towards these services and the availability of the County Council's own financial resources.
- 4.4. A separate recommendation seeks authorisation for use of funds from the vehicle replacement reserve up to the value of £1.88 million over the six year period. The balance of the fund over the life of the six year contract term will be sufficient to meet the contractual requirements for vehicle replacement. Payments would be subject to the submission of a satisfactory business case by the operator. This is in accordance with the current Community Transport Operating Model where operators take the responsibility for vehicle replacement arrangements with additional payments being made through contracts to cover the cost of this.
- 4.5. The services will be commissioned using the Dynamic Purchasing System for vehicles with 16 seats or fewer, and the County Council's contributions towards the community transport services will be met from the Community Transport Budget and existing vehicle reserves.
- 4.6. The contributions from other funding partners towards the proposed contracts will need to be covered by Deeds of Agreement with the County Council, which will ensure the maintenance of funding arrangements between the County Council and its partners. The Deeds of Agreement will confirm funding partners' financial contributions for the initial contract award period, as set out in 4.3 of this report, and also their vehicle replacement contributions. Contracts will have the option to run for an initial two year term, and further Deeds of Agreement may need to be put in place beyond this to allow contracts to run their full term. It is therefore proposed that the Executive Member gives approval for the County Council to enter into Deeds of Agreement with each of the respective funding partners for the initial contract terms and subsequently to cover any contract extensions as outlined in this report.

5. User Engagement Process

- 5.1. An engagement process with Dial-a-Ride and Call and Go service users has taken place in preparation for the proposed procurement exercise. The engagement process has sought service users' views on:
 - a) How they currently use the service.
 - b) How their service could be improved.
 - c) The proposal to remove the use of the Older Person's Pass on Dial-a-Ride and Call and Go services – this enables users to travel at half fare for most journeys on these services.
- 5.2. The questionnaire was separate from the public transport consultation which is open to all residents on proposals to change street lighting, supported passenger transport services, and the concessionary travel scheme.
- 5.3. The questionnaire was distributed to approximately 2,000 people who have used these services since the beginning of 2018. Some 876 responses have been received from users.
- 5.4. The responses from 5.1(a) and 5.1(b) above will contribute to the tender design and a summary of these will be included in the tender document for potential bidders to consider when making their tender submissions. The responses to 5.1(c) above will be included in the report on the results of the public consultation, which will be presented to a future decision day.

6. Tender Process

- 6.1. Prior to the tenders being issued for the services listed in Appendix ,1 a number of decisions need to be made. Approval is sought for the overall approach outlined below in order to allow officers to proceed with the process of preparing and issuing of tenders.
- 6.2. Services will be commissioned through the Dynamic Purchasing System. Conditions of contract and service specifications will set clear quality standards for the services being tendered to ensure that the quality of service to users remains high.
- 6.3. To manage tender prices, tenderers will be required to indicate the level of service they can provide for a declared budget for each service. Any bid in excess of the available budget will be rejected. The evaluation of tenders will be based on quality and price, but as price will be capped, service quality and pattern of service will be given a higher emphasis over price.
- 6.4. The services being tendered will be split into lots and a decision will need to be taken on where to set the upper limit in terms of what any one tenderer will be awarded. This could either be based on the number of lots or the maximum contract value awarded to a successful tenderer. There is a balance to be struck between preventing the creation of a dominant provider and ensuring that the County Council and its funding partners are able to benefit from any efficiencies which could arise from several schemes being operated together. This should build on the efficiency savings of £83,340, of which £63,923 accrued to the County Council, and which have already been identified as part

of the negotiations to extend the existing contracts for their final contract year (2018/19).

- 6.5. At the decision day on 23 March 2017, the Executive Member for Environment and Transport agreed the current Community Transport Operating Model, outlined in Appendix 2 of this report, which details how the County Council should commission and support community transport services in the future. The proposed tendering exercise will also be guided by this.
- 6.6. The tendering process will be designed to ensure quality of service to users whilst also encouraging tenderers to submit realistic bids within the available budget. It is proposed that the overall approach is agreed in principle and that the Director of Economy, Transport and Environment is given delegated authority to develop the detail in consultation with the Executive Member for Environment and Transport.
- 6.7. The County Council will also need to seek the agreement of the respective funding partners which jointly fund these contracts with regard to the arrangements for the tendering process.

7. Contributions from service users

- 7.1. The current Community Transport Operating Model proposes that contributions which service users and organisations make to community transport services commissioned by the County Council should be reviewed.
- 7.2. Fare levels for Dial-a-Ride and Call and Go services vary considerably across Hampshire with some fare structures being significantly more complicated than others. The revenue from fare income for individual services, as a percentage of their overall operating costs, is between 7% and 42%. In some instances these user contributions can be higher because of lower operating costs as a result of the use of volunteers. At some schemes, fares have not been increased for a number of years, partly as a result of the current contract arrangements.
- 7.3. The award of new contracts from April 2019 provides an opportunity to review the existing fare arrangements at services across Hampshire. It is proposed, therefore, that fares should be reviewed, guided by the following principles:
 - a) That users should be making a similar level of contribution towards the overall costs of Dial-a-Ride and Call and Go services across the county. This may be best achieved by moving towards more common fares for all services.
 - b) That users should be making a greater contribution towards the overall cost of services in the future.
- 7.4. It is proposed that the overall approach to reviewing fares is agreed in principle and that the Director of Economy, Transport and Environment is given delegated authority to develop future fares arrangements in consultation with the Executive Member for Environment and Transport. These arrangements will also need to be agreed with the funding partners for individual services.
- 7.5. Any new fares arrangements resulting from the review will need to take account of the outcome of any decision on the proposal to remove the use of

the Older Person's Pass on Dial-a-Ride and Call and Go services – this enables users to travel at half fare for most journeys on these services – which formed part of the recent public consultation.

8. Section 19 (Transport Act) Permit Issues

- 8.1. Community Transport services in Hampshire operate using Permits issued under Section 19 and 22 of the Transport Act 1985, which allow non-profit making operators to operate for 'hire and reward' without having to meet the full Public Service Licence (PSV) requirements. The Department for Transport recently issued a consultation document, which the County Council responded to, and which outlined proposed changes to the current licensing arrangements for vehicles operating under Section 19 Permits.
- 8.2. In summary this would require operators of these vehicles to obtain a PSV Operator's licence and subsequently only use PSV drivers who have received a Certificate of Professional Competence in driver training, or else who were able to meet one of three exemptions set out in the proposed changes to the current licensing arrangements.
- 8.3. The consultation document suggested that one of these exemptions could apply to organisations which "have a main occupation other than that of being a road transport provider", the suggestion being that these organisations could continue to operate under Section 19 (Transport Act) Permits. Most of the community transport services identified in this report are operated by Councils for Voluntary Service in Hampshire that would appear to meet the requirements of this exemption.
- 8.4. The final licensing approach that will be proposed by the Department for Transport is as yet unclear. However, the County Council will need to undertake the proposed procurement exercise in advance of knowing what this final approach might be. Given this, it is proposed that the procurement exercise should accept bids from Section 19 Permit Operators who can demonstrate that they have a main occupation other than that of being a road transport provider. Any contracts would then be issued to these operators on the basis that, should the final approach by the Department for Transport identify that an alternative method of operation was necessary, the operator of the contract would be required to convert to this within an agreed timescale.

9. Conclusion

- 9.1. This report seeks authority for a procurement exercise which will include the services listed in Appendix 1 of this report and sets out the outline arrangements for the procurement exercise, which is guided by the current Community Transport Operating Model. It also proposes a review of fare structures for Dial-a-Ride and Call and Go services, and the basis on which bids to the procurement process from Section 19 Permit Operators should be invited.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> Revised Community Transport Operating Model Reference 8131	<u>Date</u> 23 March 2017
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

The proposals in this report have been developed with due regard to the requirements of the Equality Act 2010, including the Public Sector Equality Duty and the Council's equality objectives. As the proposal will not amend existing arrangements for service users there should be no impact upon those with protected characteristics.

This is because the proposed budget available for providing services will remain unchanged from the funding levels available to existing operators. A user engagement process has taken place with service users across Hampshire and this will inform the design of tenders for the proposed procurement exercise. The successful bid for each lot in the tender will also be subject to its own impact assessment following the procurement exercise.

2. Impact on Crime and Disorder:

2.1. It is not anticipated that there will be any impact upon crime and disorder arising from this decision.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

The services will be able to provide group travel opportunities and so reduce the need for individual car journeys.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

As sustainable travel modes of transport become more important in mitigating climate change, the proposals support travel options for groups and individuals which are in keeping with the need to reduce carbon emissions.

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Appendix 1

Community Transport Services To Be Re-tendered

Area	Service	2018/19 contract figure	HCC contribution	Partner funding
Basingstoke	Basingstoke Dial a Ride	£262,054	£107,442	£154,612
East Hants	East Hants Call & Go	£26,730	£17,214	£9,516
	Alton Dial a Ride	£4,947	£2,474	£2,474
	East Hants Group Hire	£42,017	£27,731	£14,286
Eastleigh	Eastleigh Dial a Ride	£149,511	£74,756	£74,756
	Eastleigh Group Hire	£47,012	£42,757	£4,255
Fareham & Gosport	Fareham Dial a Ride	£46,838	£23,419	£23,419
	Gosport Dial a Ride	£40,761	£20,381	£20,381
	Fareham Group Hire	£9,504	£9,504	£0
	Gosport Group Hire	£10,350	£10,350	£0
Havant	Havant Call & Go	£27,892	£15,341	£12,551
	Havant Group Hire	£31,866	£31,866	£0
New Forest	New Forest Call & Go	£49,318	£24,659	£24,659
	New Forest Group Hire	£23,513	£11,756	£11,756
Rushmoor & Hart	Rushmoor Dial a Ride	£55,673	£27,837	£27,837
	Fleet Link	£30,020	£15,010	£15,010
	Yateley Shopper	£1,794	£1,794	£0
	Rushmoor & Hart Group Hire*	£21,169	£21,169	£0
Test Valley	Test Valley Call & Go	£21,638	£10,819	£10,819
	Test Valley Group Hire	£27,044	£22,717	£4,327
Winchester	Winchester Dial a Ride	£86,640	£43,320	£43,320
	Denmead Shopper	£2,608	£1,174	£1,434
	Winchester Group Hire	£17,127	£17,127	£0
		£1,036,029	£580,617	£455,412

*Includes current contribution to YelaBus

Appendix 2

Current operating model for providing community transport services

The current community transport operating model seeks to respond to the existing operating environment, work within the current financial limits, and make a meaningful contribution towards the council's transformation agenda. It seeks to enable value for money services to be provided which deliver the maximum benefit to both the local community and users alike. In particular the model aims to take the opportunity to enable a more co-ordinated approach to all the Community Transport services, in which the council is involved.

Given the above, the framework for the operating model is set out below:

- a) Award contracts after 1 April 2017 following a competitive process. Two year contracts with the option to extend for up to a further four years will generally be preferred in order to secure the best value for money, encourage service investment from the operator and support and promote the sustainability of schemes;
- b) Review how the existing funding from the County Council for the Minibus Group Hire Schemes is distributed so that this more closely reflects population, need, and use across Hampshire;
- c) Procure services across wider areas which go beyond the existing district council boundaries. This could build on the existing work of the Councils for Voluntary Service (CVSs) to work in clusters and potentially offer efficiencies to accommodate any reduction in the funding which might be available for these schemes in the future;
- d) Support the replacement of vehicles for all services, as resources allow, through additional payments under the terms of individual contracts. Payments would be based on a business case submitted by the scheme and guided by a rigorous analysis of existing vehicle utilisation. The level of payment would ensure the Council's first claim on the vehicle asset. Operators would be required to purchase second-hand and demonstrator vehicles where possible to achieve greater value for money for the council;
- e) Commission the Minibus Group Hire Schemes alongside their respective Dial-a-Ride and Call and Go services and other appropriate transport provided by the County Council in the future. Given that many of these services are interdependent and complement each other, this would achieve better value for the Council, as recently demonstrated through a procurement exercise in the Basingstoke area;
- f) Develop a common branding for schemes and vehicles. Service names such as Dial-a-Ride, Call and Go, and Group Hire could be simplified and advertised through on-board destination displays and not through the vehicle livery itself, thus offering the appearance of a more joined up "community transport offer" in the local community. This would be possible where the Council is the major shareholder in the vehicles which the operator uses to deliver the service;

- g) Review the contributions which users and organisations make to those community transport services commissioned by the County Council in order to explore the opportunities for differing service levels. This would include looking at and consulting on the discount available to concessionary fares pass holders who currently use Dial-a-Ride and Call and Go services. An equalities impact assessment would need to be undertaken before any changes were agreed.

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Environment and Transport
Date:	25 September 2018
Title:	Highways Permit Scheme
Report From:	Director of Economy, Transport and Environment

Contact name: Adrian Gray

Tel: 01962 846892

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1. Recommendations

- 1.1. That the Executive Member for Environment and Transport notes the response to the consultation with utility companies and other key stakeholders, and approves the amended Permit Scheme, as attached to this report, for adoption as the Hampshire County Permit Scheme in place of the existing Noticing System for managing street works in Hampshire from 1 April 2019.
- 1.2. That the Executive Member for Environment and Transport gives authority for a local Order to be made, in consultation with the Head of Legal Services, using powers conferred by Section 33A of the Traffic Management Act 2004 (amended), in order to bring the proposed Highways Permit Scheme into force.
- 1.3. That authority is delegated to the Director of Economy, Transport, and Environment to make minor amendments and updates to the Hampshire County Permit Scheme as necessary prior to the making of the Order, and in consultation with the Executive Member for Environment and Transport, in order to finalise any details or matters of presentation.

2. Executive Summary

- 2.1. The purpose of this paper is to update the Executive Member for Environment and Transport on consultation carried out on the Highways Permit Scheme proposed to replace the existing Noticing System for managing street works in Hampshire and to seek authority to implement the proposed scheme from 1 April 2019.

3. Contextual information

- 3.1. The New Roads and Street Works Act 1991 provides utility companies with legal rights to place and maintain their apparatus in the public highway. Utility companies must work in accordance with National Codes of Practices and Specifications. Under the current Noticing system for managing street works in Hampshire, utility companies must submit notices of their works to the County

Council to enable works to be coordinated. Similar processes are in place to manage County Council works and other licensed works.

- 3.2. Each year the County Council coordinates approximately 35,000 utility works and 25,000 County Council works and other licensed activities. These works generate in the region of 230,000 notices. The County Council uses these notices to coordinate works.
- 3.3. Under a Permit Scheme, all works promoters, including the County Council, will require a Permit before working.
- 3.4. Permit Schemes were introduced by Part 3 of the 2004 Traffic Management Act as amended by the Deregulation Act 2015. The structure of schemes is described by the 2007 Traffic Management Permit Scheme (England) Regulations as amended in 2015.
- 3.5. In June 2018, the Executive Member for Environment and Transport gave authority to consult with utility companies and other key stakeholders on the proposed Highways Permit Scheme, known as the Hampshire County Permit Scheme (HCPS), with the results to be reported to the Executive Member as part of a further report later in the year on the implementation of the proposal. This report summarises the result of that consultation.
- 3.6. In July, the Secretary of State for Transport wrote to Hampshire County Council asking that it consider introducing a permit scheme by 31 March 2019, stating that the Government believes that operating a street works permit scheme is a far more effective way of proactively managing street and road works on the local road networks than operating under the older, more passive street works noticing system.
- 3.7. Hampshire County Council as the Permit Authority is required to evaluate the Permit Scheme annually for the first three years of operation, and then every three years thereafter. The evaluation must:
 - state the Permit Schemes cost and benefits;
 - assess whether the fee structure needs to be updated in light of any surplus or deficit;
 - state the Permit Schemes objectives and report on how these are being achieved; and
 - address whether the Permit Scheme is meeting other performance indicators as set out in the Permit Scheme.
- 3.8. Each scheme evaluation must be made available to stakeholders (consulted at development stage) within three months of the date of the evaluation.

4. Finance

- 4.1. Permit schemes were introduced in the Traffic Management Act 2004 to enable Highway Authorities to increase resources managing works on the highway, thereby reducing traffic congestion and protecting the highway asset.
- 4.2. The costs for these additional resources relating to Statutory Undertaker works can be recovered from utility companies. The costs associated with a local authority's own work cannot be included in the charge applied to utility

companies. A local authority must bear the cost of applying the same scrutiny for its own works as it imposes on others.

- 4.3. Utility companies will pay a fee for their permit to be assessed and processed. The fees recovered from utility companies will cover the costs of an enhanced service to better manage and coordinate their works, and the Regulations only permit charging the additional costs of the Permit Scheme. These costs are predominantly made up from the additional staff and management required to operate the Permit Scheme.
- 4.4. The Department for Transport provides an assessment tool to assist local authorities developing a permit scheme to identify the associated resourcing requirements. This assessment tool has been used to identify the resource requirements for the HCPS based on previous years' works notices and the permit application process. The permit charges have been set to recover the full cost of the additional resources required to process permits.
- 4.5. The County Council and partner organisations, including local councils, will be required to apply for a permit in the same way as a Statutory Undertaker, and bear the cost of the permit application where a charge is applicable. Additional costs will therefore be incurred for the County Council's own work. Actual costs will vary and depend on the specific work and location. The additional cost for individual works is anticipated to be modest and offset by the overall benefits derived from a permit scheme.
- 4.6. DfT guidance on the assessment of Permit Schemes indicates that implementing a Permit Scheme may be anticipated to reduce the number of works by 5% compared with a Noticing System. This reduction in the number of works will have a commensurate beneficial reduction in traffic congestion, pollution (from idling vehicles), and disruption to residents and businesses.
- 4.7. Atkins was commissioned to undertake Cost Analysis in line with DfT guidance. The Benefit Cost Analysis used data on road works carried out in the last three years (2015-2017) in Hampshire to establish the average number and duration of works in Hampshire, together with Annual Average Daily Traffic flow (2016) on different categories of road using information from 396 count sites in the county. The DfT software, QUADRO (Queues And Delays at Roadworks), was used to estimate the cost and benefits of a permit scheme over a twenty-five year appraisal period (2019-2043).
- 4.8. Based on the data, the total cost over the twenty-five year appraisal period is approximately £21million, with a total value of benefits over the period of £289 million. This gives a Benefit Cost Ratio of 42.2, and demonstrates very high value for money.
- 4.9. Following the Permit Scheme coming into effect, there will be a four week period during which the Permit Scheme will operate without charges applied to permit requests so works promoters may adjust their programming to conform to the Scheme.

5. Performance

- 5.1. The HCPS focusses on works and roads that will have the greatest impact on the travelling public, residents, and businesses in Hampshire. Permits will apply to all works, but the enhanced (charged) service will not apply to minor and immediate works on non traffic sensitive streets (mainly minor rural roads and residential streets). Minor works are those that are planned to take three days or fewer, and typically include water meter repairs, pothole repairs, and utility connections to residential properties. Immediate works are those needed to restore a customer that has lost a utility service or fix a problem causing a danger, such as a gas leak or a burst water main. Charges for works on non traffic sensitive streets will not be made as their impact on traffic and residents is generally minimal. This is consistent with Department for Transport (DfT) advice that schemes should target improvements to ensure more effective use of the strategic network.
- 5.2. Permits for all works on all other streets will be charged on a sliding scale depending on the nature of the works and the type of road directly affected. These charges reflect the amount of additional management and controls that will be undertaken to minimise disruption arising from the works. Discounted permit charges will be applied where statutory undertakers plan their works more effectively to further minimise disruption e.g. by working only at night or outside of peak traffic times. Again, this is consistent with DfT advice that schemes should target fees and offer discounts to improve performance and reduce occupation of the network, especially on strategic routes.
- 5.3. Permit Schemes place a legal obligation on all statutory undertakers and other works promoters (including the County Council). Working without a valid permit and failing to comply with any conditions attached to that permit are enforceable and carry the option of prosecution or issuing a fixed penalty notice.
- 5.4 The Scheme is being designed with the following outcomes in mind:
- To proactively manage the local highway network to maximise the efficient use of road space;
 - To improve the quality of works information and quality and compliance with relevant legislation, specifications and Codes of Practice;
 - To improve the reliability and accuracy of activity information to the public;
 - To protect the right of the public to use the highway in a lawful manner;
 - To protect the structure of the street and any apparatus within it;
 - To ensure parity of treatment for all activity promoters; and
 - To manage road works and street works to support public transport reliability.

6. Consultation and Equalities

- 6.1. Between 20 June and 31 July 2018, consultation on the Highways Permit Scheme was carried out in accordance with “The Traffic Management Permit Scheme (England) Regulations 2007”. Statutory consultees included: those who have executed works on the public highway, the emergency services, relevant local authorities, and the Secretary of State. In addition, the County Council also consulted with parish councils, County Council works promoters, and related practitioners.
- 6.2. The County Council has received no objections to the proposed HCPS. Many parish Councils that responded were supportive of the proposed scheme. Most utility companies that responded appreciated the scheme having a greater focus on works that were likely to have a significant impact on traffic. Most utility companies who responded also expressed concerns over the assumption that the scheme would realise a 5% reduction in works. This 5% reduction arises from advice provided by the DfT. The County Council believes that better managed works will reduce the total number of perceived works on the highway by limiting the number of temporary reinstatements, improving reinstatement quality and promoting collaborative working. The majority of other comments received can be summarised as follows:
- a) The scheme should provide further explanation on how it will demonstrate parity between County Council works and utility works;
 - b) Some terminology in the document should be amended to ‘future-proof’ it for new developments in software and technology;
 - c) The scheme should be updated to align with the latest legislation and advice;
 - d) The scheme document should be streamlined to make it more focussed and easier to read;
 - e) The scheme document should clarify a number of identified technical matters;
 - f) The scheme document should clarify how discounted permits will be identified;
 - g) The scheme document should set out the procedure for the ‘settling in’ period when the scheme starts.
- 6.3 The County Council has considered all responses provided and has amended the scheme document where necessary.

7. Next Steps

- 7.1. Following approval for the Hampshire County Permit Scheme by the Executive Member for Environment and Transport, the Director of Economy, Transport and Environment will make the associated Order in consultation with the Head of Legal Services.

- 7.2. Prior to making the Order, minor amendments that do not alter the substance of the Permit Scheme may be made by the Director of Economy, Transport and Environment.
- 7.3. There is a minimum period of four weeks between making the Order and its coming into effect. The intention is that the Order and the Hampshire County Permit Scheme will come into effect from 1 April 2019, with the Order being made in late 2018.
- 7.4. During this period, consultees will be provided with a copy of the Order. Wider publicity in advance of the Permit Scheme's coming into effect may also be appropriate.
- 7.5. Following the Permit Scheme's coming into effect, there will be a four week period during which the Scheme will operate without charges applied to permit requests. This grace period, which is strongly recommended under the Regulations, provides an opportunity for works promoters to adjust their programming to conform with the Scheme, and for internal processes to be tested and problems resolved.
- 7.6. The Permit Scheme will be evaluated annually for the first three years of operation, and then every three years thereafter. The evaluation will be reported to the Executive Member for Environment and Transport and made available to stakeholders (consulted at development stage) within three months of the date of the evaluation.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Coordination and Regulation of All Works on Hampshire County Council's Highways' Scrutiny Review http://hantsweb-staging.hants.gov.uk/councilmeetings/advsearchmeetings/meetingsitemssummary.htm?sta=&pref=Y&item_ID=2903&tab=1&co=&confidential=	12 th May 2011
Highways Permit Scheme http://democracy.hants.gov.uk/documents/s19302/Report.pdf	5 June 2018
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
Traffic Management Act	2004
Traffic Management Permit Scheme (England) Regulations.	2007
Deregulation Act.	2015

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Statutory Guidance for Highway Authority Permit Schemes (October 2015)	Department for Transport publication
DfT Advice Note “ For local authorities developing new or varying existing permit schemes” (June 2016)	Department for Transport publication

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

The proposal will provide the County Council with additional control over streetworks, enabling improvements to coordination which have a positive impact on all road users and residents. In some cases, more proactive management of the local highway network to maximise the efficient use of road space may result in better outcomes for groups such as wheelchair users seeking to use footways. In addition, improved protection of the structure of streets and street apparatus could be of additional benefit to some elderly people and people with disabilities who are potentially at more risk of incidents arising from faulty footway surfaces.

2. Impact on Crime and Disorder:

2.1. Uncoordinated or poorly managed road works can cause disputes. An effective Permit Scheme will help reduce conflict.

3. Climate Change:

a) How does what is being proposed impact on our carbon footprint / energy consumption?

The proposal will have a beneficial impact on climate change by the more effective management or road works that will have a commensurate beneficial reduction of traffic congestion and pollution (from idling vehicles).

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

It is considered that the proposal will have no impact on the need to adapt to climate change and be resilient to its longer term impacts.

**HAMPSHIRE COUNTY COUNCIL
ECONOMY TRANSPORT AND ENVIRONMENT DEPARTMENT**

HAMPSHIRE COUNTY PERMIT SCHEME

Permit Scheme Content

Sections

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Appendices

- | | |
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| Appendix A | Permit Fees |
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1. Background

- 1.1 The Traffic Management Act 2004 (TMA) introduced permit schemes in order to improve Highway Authorities' ability to minimise disruption from street and road works.
- 1.2 Hampshire County Council's permit scheme, titled the 'Hampshire County Permit Scheme (HCPS)', applies to all publically maintained highways for which Hampshire County Council is the Highway Authority.
- 1.3 The HCPS is enabled by Part 3 of the TMA (sections 32 to 39) and the Traffic Management Permit Scheme (England) Regulations 2015, and has been developed in accordance with Department for Transport (DfT) Statutory Guidance for Highway Permit Schemes (Oct 2015), DfT advice note for local authorities developing new or varying existing permit schemes (Jun 2016) and the DfT permit fees guidance (July 2008). The HCPS conforms to the HAUC (England) Guidance, Operation of Permit Schemes Feb 2017, the 2007 Regulations as amended by the 2015 Regulations and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015). The HCPS will also be amended, where necessary, to conform to any relevant and authorised successor documents.

1.4 Chosen design for Hampshire County Permit Scheme

- 1.4.1 The Hampshire County Permit Scheme (HCPS) is based on good practice taken from schemes across the South East Region. Specifically the scheme reflects best practice in the West Sussex, South East and Kent permit schemes, amended to meet the priorities for residents and road users in Hampshire. The County Council wishes to recognise and thank experts from Statutory Undertakers and Authorities from the region who have helped develop the HCPS.
- 1.4.2 Two options for the HCPS were considered: A full scheme, whereby permits would incur a fee for all activities on all roads (similar to the West Sussex scheme), and a partial scheme, with permit charges significantly reduced or discounted where activities are deemed to have minimal disruption (similar to the Kent County Council scheme). The partial scheme option was assessed as the most appropriate scheme for the County Council in focusing resources to those activities and locations with the greatest opportunity to reduce disruption for residents and road users. This approach is consistent with DfT guidance.

1.5 General Principles

- 1.5.1 Permit Schemes are designed to help regulate works-related activities undertaken on the public highway. They replace earlier noticing regimes prescribed in the New Roads and Street Works Act 1991 (NRSWA) whereby Statutory Undertakers and others notify highway authorities of their intention to work on the highway. Permit schemes use similar concepts to the notice system in a number of key areas to ensure consistency.

- 1.5.2 It is intended that the HCPS will come into operation from 1st April 2019. Consultation in compliance with the 2015 Regulations has been undertaken and the County Council has considered and reviewed feedback. The HCPS has been amended appropriately.
- 1.5.3 During the development of the HCPS, the County Council has taken into consideration the requirements of the Equality Act 2010.
- 1.5.4 The HCPS will be operated by Hampshire County Council as the Street Authority for Hampshire. The scheme applies to all publically maintainable roads and road categories set out in paragraph S1.3.1 of the Specification for the Reinstatement of Openings in Highways (Third Edition) within the area encompassed by the Highway Authority's boundaries, with the exception of Highway England's Motorways & Trunk Roads.
- 1.5.5 The HCPS applies to any highway activities undertaken Hampshire County Council as the Highway or Traffic Authority and any Statutory Undertaker responsible for commissioning works-related activities in streets covered by the Permit Scheme. In the Permit Scheme, these persons or organisations will be referred to as a Promoter. Permits do not apply to licences under Section 50 of NRSWA 1991 or other activities licenced by the Highways Act 1980. The County Council may apply similar 'permit conditions' to such activities for the purposes of coordination.
- 1.5.6 Hampshire County Council Promoters must apply for permits in the same manner as a Statutory Undertaker and must comply with all conditions and requirements of the HCPS. Fees and charges for Highway Authority activities will not apply, but shadow fees, charges and performance data will be collated to demonstrate parity.
- 1.5.7 All activities comprising and categorised as "specified works" in the 2015 Regulations will require a permit. NRSWA, the Statutory Guidance for Highway Permit Schemes (Oct 2015), and the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) describe the registerable activities that will require a permit.
- 1.5.8 The Scheme will operate in accordance with the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Permit Schemes (Oct 2015).

2 Objectives and Benefits of the Permit Scheme

- 2.1 Any activity undertaken in a street has the potential to cause disruption. Activities can reduce the width of the street available to traffic, pedestrians and other users, and can also inconvenience businesses and local residents.
- 2.2 The scale of disruption caused is relative to the type of activities being undertaken, the capacity of the street, the duration and timing of the activities and the methods employed to carry them out. Activities on those streets where the traffic flow is close to, or exceeds, the physical capacity of the street will have greatest potential to cause congestion, disruption and delays.

- 2.3 Section 16 of the TMA requires the County Council to secure the expeditious movement of traffic (including pedestrians, cyclists and other vulnerable road users) on its own and neighbouring networks.
- 2.4 The HCPS has been developed to more effectively co-ordinate and regulate works-related activities to minimise traffic disruption on key routes and improve the quality of works related information provided to residents and road users and to comply with the County Council's Network Management Duty and other statutory duties. It is therefore essential that all Promoters carefully plan their works especially as regards taking all reasonable actions to prevent avoidable disruption to traffic and residents.

2.5 The Permit Scheme Objectives

2.5.1 The strategic objective for the HCPS is to assist the County Council execute its Network Management Duty under Section 16 of the TMA and assist Promoters install and maintain services and assets with minimum disruption to residents and road users by improving the planning, scheduling and management of works-related activities.

2.5.2 The sub-objectives of the HCPS are:

- a) To proactively manage the local highway network;
- b) To maximise the efficient use of road space;
- c) To minimise traffic disruption arising from activities on key routes;
- d) To minimise disruption to residents arising from significant schemes in residential areas;
- e) To improve the compliance with relevant specifications and Codes of Practice;
- f) To improve the quality, reliability and accuracy of works information to the public;
- g) To improve stakeholder engagement for significant works schemes;
- h) To ensure parity of treatment for all Promoters.

2.6 Aligned Objectives

2.6.1. Hampshire County Council's transport strategy as set out in the Local Transport Plan (LTP) (2011-2031). The LTP recognises that a well-functioning, reliable transport network plays a crucial role in supporting wider economic prosperity.

2.6.2 The Local Transport Act 2008 contains a statutory requirement for the County Council to produce and review Local Transport Plans and policies. The County Council's responsibilities for transport are both statutory and discretionary, and are aimed at achieving objectives set out in its Corporate Aims.

2.6.3. In terms of transport, the County Council has a legal and statutory duty to manage the road network to improve the movement of traffic, including coordination of all road-works.

2.6.4 The corporate aims of the County Council are set out in the authority's Serving Hampshire - Strategic Plan for 2017– 2021, with four strategic aims:

1. Outcome 1: Hampshire maintains strong and sustainable economic growth and prosperity
2. Outcome 2: People in Hampshire live safe, healthy and independent lives
3. Outcome 3: People in Hampshire enjoy a rich and diverse environment
4. Outcome 4: People in Hampshire enjoy being part of strong, inclusive communities

2.6.5 In terms of transport, the County Council's strategic aim that Hampshire maintains strong and sustainable economic growth and prosperity encompasses the coordination of all road-works in planning and delivering appropriate development and infrastructure.

2.6.6 The HCPS has been developed to be consistent with the County Council's Strategic Plan for 2017– 2021 and LTP (2011-2031).

2.7 Benefits

2.7.1 The likely benefits to be derived from the operation of the HCPS have been identified as:

- a) Improvements to overall network management;
- b) Reduced congestion on the key road network;
- c) Reduced disruption to residents from significant works projects;
- d) Improved journey time reliability;
- e) Improved general quality of life, particularly for residents.

2.7.2 Activities will always need to be carried out by Promoters, but people will be more understanding if they perceive that the activities are being regulated by the County Council and Promoters in ways that minimise impact. These quality of life factors are of particular relevance for highly disruptive activities on residential roads.

2.7.3 Benefit Cost Analysis has been undertaken in line with Department for Transport guidance for local authorities developing permit schemes. The Benefit Cost Analysis used data on road works carried out in the last three years (2015-2017) in Hampshire to establish the average number and duration of activities in Hampshire, together with Annual Average Daily Traffic flow (2016) on different categories of road using information from 396 count sites in the county. The Department for Transport software, QUADRO (Queues and Delays at Roadworks), was used to estimate the cost and benefits of a permit scheme over a twenty-five year appraisal period (2019-2043).

2.7.4 The total cost over the twenty-five year appraisal period has been estimated at £21million. The total value of benefits over the twenty-five year appraisal period has been estimated at £289million. The benefits result from the reduction in road works due to the implementation of the permit scheme. The majority of benefits relate to

travel time savings and reductions in vehicle operating costs, but there are further predicted benefits in terms of a reduction in accidents and carbon emissions.

3. Permit Scheme Principles for Co-Ordination

- 3.1 Effective co-ordination and management to ensure that traffic disruption is minimised as far as reasonably practical, whilst allowing Promoters the required time and space to complete their works effectively. It is not intended that the scheme should delay or prevent any necessary and lawful activities from being undertaken. Rather the HCPS aims to achieve a balance between the interests of those making use of the street and those wishing to install or maintain apparatus, assets and services in the street.
- 3.2 Before any planned activities are undertaken on a street the Promoter must obtain a permit from the County Council. Permits for immediate activities are obtained retrospectively within 2 working hours of works starting.
- 3.3 All Promoter activities will be treated in the same way as regards the setting of restrictions and coordination. Conditions used by the HCPS will be those set out in the DfT Statutory Guidance (Permit Scheme Conditions) March 2015 and the HAUC (England) Guidance, Operation of Permit Schemes.
- 3.4 The Permit Scheme objectives will be facilitated by improving performance in line with the Authority's Network Management Duty in relation to the following key factors:
 - a) Enhanced co-ordination through better management;
 - b) Promoting collaborative working by facilitating permit discounts for appropriate activities;
 - c) Promotion of innovative techniques and working methods that minimise disruption resulting in discounts for permits;
 - d) Promotion of liaison and dialogue between all stakeholders by encouraging greater stakeholder engagement;
 - e) Improving activities information accuracy through greater monitoring of permit compliance and implementing FPN's where necessary;
 - f) Improving the programming and planning of activities by engaging in discussions through scheme and coordination meetings.

3.5 Principles for Promoters

- 3.5.1 It is essential that everyone involved in undertaking activities on the highway take both the Permit Scheme objectives and the broader TMA and NRSWA objectives of expediting activities and keeping traffic moving into account. To meet these objectives the County Council and Promoter must adhere to six key principles:
 - a) The need to balance potentially conflicting interests of road users and residents with the Promoters and their customers;
 - b) The importance of close co-operation and liaison between the County Council and the Promoter;

- c) The importance of engagement with stakeholders for highly disruptive activities;
- d) The need for Statutory Undertakers to install and maintain apparatus and the duties of the County Council to protect the highway asset and the lawful use of the highway by traffic;
- e) The acknowledgement that activities programmes and practices may have to be adjusted to ensure that disruption is minimised and the statutory requirements are met;
- f) The provision of timely, clear, accurate and complete information.

3.5.2 The HCPS will give the County Council greater influence over how and when activities are carried out although the responsibility for planning, supervising and executing activities remains with the Promoter.

3.5.3 Promoters must consider the needs of all road users, whether they are pedestrians, cyclists or motorists, throughout the planning and execution of activities. Promoters must specifically consider the needs of road users who may have a disability, and for whom work-related activities may have an impact requiring specific mitigation measures.

3.5.4 Promoters should have regard to existing road activities and consider how their proposals will integrate with such activities and the broader operation of the local and strategic highway network. This has implications for:

- The timing of activities, e.g. avoiding peak traffic times, expediting the activities, working out of hours to complete activities in a timely manner.
- The method with which activities are carried out, including:
 - o Road safety, health and safety legislation and The Construction (Design and Management) Regulations 2015
 - o The effective management of noise e.g. using noise barriers, undertaking the noisiest elements of work prior to 23:00 (This is likely to require liaison with local Environmental Health teams).
 - o The co-ordination of activities with other Promoters.

3.5.5 For activities likely to cause significant disruption promoters should seek to identify parties affected by proposed activities and discuss their proposals with these parties, amending proposals, where appropriate, to minimise specific impacts. Such parties include, but are not limited to: parish, district and town councils, neighbouring authorities, public transport operators, schools, businesses and residents. Where the County Council identifies specific stakeholder liaison requirements these will be alerted to the Promoter.

3.5.6 Activities that are likely to cause significant disruption should have their permit applied for as early as possible and the statutory application periods should be considered to be a minimum. Whenever possible Promoters should provide longer periods of advance notice. This will provide the County Council and the Promoter more time to consider, apply and act on any conditions or modifications that may be appropriate. Wherever possible Promoters are encouraged to make use of Forward Planning notices and local coordination meetings to assist in advance warning of major works.

3.5.7 Promoters should consider the space needed to undertake the whole activity, including any areas needed for storage. The Promoter must consider the impact of the whole activity on traffic and local residents, businesses, and also on the environment.

3.6 Collaborative Working

3.6.1 Collaborative working should be considered wherever possible and safe. This includes not only sharing of activity space, but also any follow-on activities or multiple activities within the street. The primary objective of collaborative working is to coordinate activities so that they take place within the same set of traffic management or tailored traffic management by different activities within the same street, thereby reducing working durations and minimising disruption. The County Council and Promoters should work together to identify instances where collaborative working is an option. For example, this may be facilitated at coordination meetings or identifying opportunities through Forward Planning Notices.

3.6.2 A discounted permit fee will be charged for any permit where the activities are carried out with collaborative working involving more than one other Promoter and/or trench / activity area sharing. For example, where Promoters group together to undertake activities as a single project, or where subsequent activities are identified as being able to take advantage of existing traffic management. Collaboration should be identified on the relevant permits and alerted to the County Council so that discounts can be applied. Permit fee discounts are identified in Appendix A.

3.7 Forward Planning

3.7.1 Forward planning information on potentially highly disruptive activities shall be included in the permits register at the earliest opportunity. This will enable Promoters to:

- a) Take part in early co-ordination;
- b) Consider collaborative working;
- c) Consider other activities being undertaken in the area;
- d) Consider concerns from interested parties and stakeholders.

3.7.2 Forward planning information should be provided as early as possible and with as much information as possible. This information should be updated whenever appropriate. Forward planning information does not remove the need to apply for a Provisional Advance Authorisation or a permit at the appropriate time. Wherever possible forward planning notices should be submitted using the Prescribed Electronic Format Technical Specification.

4. Key Performance Indicators (KPI) and Evaluation of the HCPS

- 4.1 An authority implementing a permit scheme must indicate how it will ensure parity in respect of its own and 3rd party activities. The HCPS will use the seven KPIs contained within the DfT's Statutory Guidance for Highway Authority Permit Scheme (Oct 2015), to measure performance and ensure parity. The County Council will continue to submit the performance scorecard data to the NSG hub.
- 4.2 The HCPS also introduces its own KPIs in order to determine the effect of its own priorities and targets. These KPIs are set out in Appendix B.
- 4.3 The HCPS will be reviewed every year for the first three years of operation and thereafter every three years. The review will consider the following aspects:
- a) Whether the permit fee structure needs to be changed in light of any surplus or deficit;
 - b) Whether the permit scheme is meeting the latest key performance indicators set out by the DfT / HAUC (England) and the KPIs set within the HCPS itself;
 - c) Whether the permit scheme is meeting its objectives.
- 4.4 HCPS evaluation Reports may include measurement of success against the key objectives of this Permit Scheme and will follow the latest published HAUC (England) Permit Advice Note and Permit Scheme Evaluation Report template.

5. Common Elements with NRSWA

- 5.1 The only Highway / Traffic Authorities that the County Council shares borders with that do not currently operate a permit scheme are Highways England and Portsmouth City Council (as at June 2018). To facilitate working across highway authority boundaries, the HCPS uses the same or similar definitions or requirements as used in the NRSWA notice system for:
- a) Registerable activities / works;
 - b) Categories of activities / works;
 - c) Street Gazetteers;
 - d) Reinstatement categories;
 - e) Street designations.
- 5.2 The County Council will continue to receive applications, issue and receive notices and otherwise communicate electronically using the Prescribed Electronic Format Technical Specification.
- 5.3 All streets publically maintained by the County Council are included within the Permit Scheme. These are the specified streets as set out in the Regulations. Trunk roads and motorways for which Highways England is the highway authority are not included in the Permit Scheme. Private streets are also not included in the HCPS but will be included if the street is subsequently adopted and becomes publically maintainable.

5.4 Street Gazetteer

- 5.4.1 The County Council will continue to maintain a 'level 3' Street Gazetteer including a list of Unique Street Reference Numbers (USRN) and Additional Street Data (ASD). All relevant Designations will be held against a USRN.
- 5.4.2 In relation to permits, the term "street" refers to an individual USRN i.e. to part of a whole street where a street is subdivided. Details about the Street Gazetteer, and ASD associated with each street on the Street Gazetteer are maintained on the Register.

5.5 Streets with Special Designations and Controls

- 5.5.1 Streets designated under NRSWA with special controls, protected streets, streets with special engineering difficulty and traffic-sensitive streets, will have the same designations under the Permit Scheme and will be detailed on the street gazetteer.
- 5.5.2 The reinstatement category, as given in the ASD must be treated as definitive. If the County Council has not entered reinstatement categories for streets on the NSG, the streets will all be treated as category 4 for the purposes of the Permit Scheme and for overrun charges and other elements of NRSWA.

6. Permit Scope

- 6.1 The Permit Scheme applies to all registerable activities as defined in NRSWA undertaken on any publicly maintainable highway that is the responsibility of the County Council. The Permit Scheme does not apply to licences under Section 50 of NRSWA 1991 or other activities licenced by the Highways Act 1980. The County Council may apply similar 'permit conditions' to such activities for the purposes of coordination.
- 6.2 The term "registerable activities" corresponds to what are "specified works" under the 2007 Regulations as amended by the 2015 Regulations, and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015).
- 6.3 The start and end dates for permits are calendar days and include non working days such as weekends and bank holidays. The permit will include information on the duration of the activity.
- 6.4 All registerable activities must have an appropriate permit. Undertaking such activities without a permit will result in an offence being committed. Valid Immediate activities can commence with a retrospective permit application.

7. Provisional Advance Authorisation (PAA)

- 7.1 PAAs must be obtained for certain activities as described in the 2007 Regulations as amended by the 2015 Regulations. PAAs fulfil a similar function to notices served under S54 of NRSWA. The HCPS has a requirement for PAAs to be obtained for major activities only. The PAA application shall follow the requirements of the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017). PAAs must provide a description and location of the proposed activity and the proposed start and end dated. The Promoter must provide the final, detailed information must be supplied at least 10 working days before the activity is due to commence.
- 7.2 Where the proposals for a previously granted PAA have to change, and the full permit has yet to be issued, the Promoter must inform the County Council of the new proposals. The purpose of the PAA is to allow the Promoter to advise that they have work to undertake and would like to provisionally reserve workspace on the highway, although it must be made clear that the granting of a PAA does not guarantee that a permit will be subsequently issued.

8. Permit Application

- 8.1 The information which is required for each permit application is described in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017). This information must be supplied electronically using the Prescribed Electronic Format Technical Specification.
- 8.2 With the exception of immediate activities, activities must not commence until a permit has been obtained from the County Council. Immediate activities can start but a retrospective permit must be obtained within 2 working hours of the start of the activity.
- 8.3 Applicants should also note that in line with the 2007 Regulations as amended by the 2015 Regulations, permits and PAA's will be copied to any authority, Statutory Undertaker or other relevant body that has requested to see notices or permit applications on certain streets. This is usually achieved automatically via records placed on the ASD by the 3rd party.
- 8.4 Where an activity crosses the boundary between Hampshire County Council and its neighbouring authorities, the Promoter must also apply for a permit from or submit a notice to that authority as well.
- 8.5 The minimum times within which applications must be made are set out in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017). Promoters are however encouraged to contact the County Council as early as possible to assist in identifying problems and resolving issues to try to achieve early approval. This could be achieved via Forward Planning Notices, early discussions or through coordination meetings.

8.6 Activity Categories

- 8.6.1 Applications from Promoters when booking road space through the Permit Scheme must use the following activity categories: Major, Standard, Minor and Immediate as defined in the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015).

9. How to Make a Permit Application

- 9.1 Any Promoter, as prescribed in the 2007 Regulations, as amended by the 2015 Regulations, who wishes to perform or carry out an activity on a street within an area covered by the Permit Scheme must first obtain a permit from the County Council. This allows the Promoter to execute the activity as described on the approved permit.
- 9.2 Permit applications must be made electronically using the Prescribed Electronic Format Technical Specification, but where this is not possible, they may also be made by alternative means, i.e. by email. Alternative forms of permit application delivery must be agreed with the County Council first.
- 9.3 The description of activities must be in plain English and avoiding any technical jargon. Standardised descriptions with some site specific amendments will assist in the analysis and approval of permit applications. All Promoters are strongly encouraged to develop standard activity descriptions.
- 9.4 One permit application must be made for each USRN to which the activity applies.

9.5 The Application Process

- 9.5.1 A permit application process starts when the County Council receives the application not when it is sent. In most cases when using the Prescribed Electronic Format Technical Specification the process should be almost instantaneous and the precise time that the application is received is defined by the time of the electronic acknowledgement returned by the receiving site.
- 9.5.2 Where a permit application has failed and the notice or application cannot be sent for valid reasons, such as server failure, notification or application can be given by email or telephone for immediate activities with a formal notice or application sent as soon as reasonably practical. Major, Standard or Minor activity permit applications can be made by email and the formal electronic application should be sent retrospectively as soon as possible.
- 9.5.3 Once operation of the electronic system has been restored, the retrospective application or notice should be sent to the County Council in order to ensure that the activities are loaded onto the street works register.

10. Content of Permit Applications

- 10.1 All permit applications and PAAs received by the County Council must contain the required level of the minimum information required on a permit application is as described in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Scheme (Oct 2015).
- 10.2 Illustrations and plans – Wherever possible Promoters should provide an illustration / plan of the activity with their permit application, where they consider there is potential for disruption due to the position and size of the activity. Where the County Council requires a plan, which is not submitted as part of the application, the application may be refused. The Prescribed Electronic Format Technical Specification provides information regarding the form of such plans and the method by which it should be submitted to the County Council. Activities on streets subject to a Special Engineering Difficulty require a plan and section as described in Schedule 4 of NRSWA. Whenever temporary multiway traffic lights are required, a plan showing the layout of the site and the phasing of the lights must be provided with the Temporary Traffic Signal application. The County Council may also ask for additional information to be provided prior to the approval of any permit application. Where a Promoter cannot submit details via the Prescribed Electronic Format Technical Specification the Promoter should contact the County Council to agree alternative methods.
- 10.3 Where the Promoter has identified a requirement for action on the part of the County Council or its nominated agent this should be clearly identified in the application or confirmed via a separate email or liaison with the appropriate County Council team, making reference to the permit application reference number. Processing costs for additional requirements are not within the scope of the permit fees and will be applied separately. Examples of required action by the County Council are as follows:
- a) The need to make Temporary Traffic Regulation Orders (TTRO's);
 - b) The approval for all temporary traffic signals. Applications should be made using the latest notice or permit in accordance with the latest Prescribed Electronic Format Technical Specification. Applications to use portable traffic signals on "immediate" activities must also be supported by the Promoter in accordance with the most up to date version of the "Safety at Street Works and Road Works, A Code of Practice". Justification for use of 24 hour portable traffic signals must also be provided.
 - c) The approval for the storage of materials or plant on the highway;
 - d) The requirement to suspend any bus stops and / or install a temporary bus stop;
 - e) The approval for the deactivation of permanent traffic signals or the suspension of pedestrian crossings. In these instances an associated traffic management plan should be provided where the work affects a traffic sensitive street.
- 10.4 Inspection Units - To ensure consistency the County Council requires permit applications to include the provisional number of estimated inspection units appropriate to the activity, in accordance with the rules laid down in the latest

NRSWA Inspections Code of Practice and The Street Works (Inspection Fees) (England) (Amendment) Regulations 2004.

- 10.5 Site Depth - A Permit application requires a Promoter to provide their best estimate of the excavation depth as part of the application. This estimate may be expressed as a range, but should nonetheless provide a meaningful indication of the nature and extent of activity involved.
- 10.6 Reinstatement Type - The application should, wherever possible, indicate whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both.
- 10.7 Planned techniques – A permit application should include details of the planned techniques to be used to undertake the activity.
- 10.8 Traffic Management – A permit application should include details of traffic management proposals for the activity.
- 10.9 Location – A permit application must include information describing the location of the activity and provide a location using National Grid References.
- 10.10 Duration – A permit application must include start and end dates and whether the Promoter wishes the permit to cover bank holidays and weekends.
- 10.12 Contact details – A permit must include the contact information for any ‘day to day’ matters that may arise during the activity. Such contact information should also include out of hours contacts where available.
- 10.13 Proposed Conditions - Promoters are encouraged to support their applications with suitable conditions should they find that the location, type of work to be undertaken, road category or any other site based circumstance require consideration.
- 10.14 If the County Council does not agree with the condition(s) applied or requires additional conditions then it will try to discuss the requirements on a site by site basis. Formally, it can either:
- a) Refuse the request (except for immediate activities) with an inclusion of a comment to reflect the change required. This will require a new permit application or permit modification to be submitted by the Promoter. Or
 - b) Respond to the request using a Permit Modification Request. This will also require a variation to the existing permit.
- 10.15 The County Council will consider all permit applications from all Promoters on an equal basis.
- 10.16 Form of the Issued Permit**
- 10.16.1 A permit will be issued in accordance with the Prescribed Electronic Format Technical Specification. A permit application will be generated by the Promoter

and granted by the County Council, unless the application is deemed to have been granted, e.g. where no grant or refusal has been issued within the period described in the HAUC (England) Guidance on the Operation of Permit Schemes (Feb 2017). The permit will contain all relevant conditions and will be dated in calendar days so that there is no ambiguity about the validity and terms of the permit.

- 10.16.2 In accordance with the 2007 Regulations as amended by the 2015 Regulations and the Prescribed Electronic Format Technical Specification, each permit will have a unique reference number.
- 10.16.3 For all permits it is a requirement that where there are any other linked permits, references to those other linked permits must also be included with the permit. This can be achieved by using a linked project reference or quoting other relevant reference numbers in the activity comments or description.
- 10.16.4 Where remedial activities or activities to make an Interim trench permanent are to be carried out, following completion of permitted activities a separate permit is required. This new permit application must be raised using the same activity reference as the parent activities.
- 10.16.5 Where a Promoter makes a permit application or variation to a permit application as a result of the County Council's action e.g. where the County Council has imposed a variation, it is strongly recommended that a comment is included to this effect within the application. This will assist the County Council in determining variations where no fee is applicable.

11. Timings of Permit Applications

- 11.1 For effective planning and co-ordination, information needs to be provided to the County Council in good time. In accordance with the advice contained in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017), the Permit Scheme provides for the minimum time periods before the proposed start date of an activity by which time the relevant permit application must be made by the Promoter and a subsequent response made by the County Council.
- 11.2 It is essential that applications for permits and variations are made in a timely manner.
- 11.3 The County Council is aware of the need to be proactive in running a scheme. Time limits have been set out in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015 committing the County Council to respond to applications within set periods).

- 11.4 A “response” for these purposes means a decision to grant, refuse or issue a permit modification request. Where there are reasons why the permit could not or should not be granted in the terms applied for, (e.g. because of insufficient or obviously incorrect information or because of a clash with other activities), the response indicating that a permit will not be granted in those terms will explain the reasons. This will enable the Promoter to make a revised and compliant application.

11.5 Timing of Applications and Responses

- 11.5.1 The time period for a response to an application starts at the time of receipt of the application by the County Council. Prescribed Electronic Format Technical Specification should normally provide an auditable record of the actual date and time of the receipt of the application, however, the calculation of the application and response time for a permit received after 16:30 will use the next working day as the effective receipt date.

11.6 Minimum Application Times

- 11.6.1 The HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015 set out minimum application times for permits.
- 11.6.2 In accordance with the Prescribed Electronic Format Technical Specification where a major activity does not involve asset activity, a PAA cannot be generated and therefore in such circumstances a permit application will be made in the first instance.

11.7 Early Starts

- 11.7.1 The County Council shall consider Early Starts in accordance with the HAUC (England) Guidance, Operation of Permit Schemes 2017. Where it is not possible for a Promoter to adhere to the minimum permit application periods, the County Council may consider applications where mitigating circumstances justify it. Agreements for starting earlier than stated on the initial permit application will be confirmed by the issuing of another permit or the granting of a variation. If the County Council has requested an earlier start then there will be no fee charged. If an early start is agreed before the initial permit is submitted, the initial permit will be submitted with the agreed date and no additional permit variation will be needed.
- 11.7.2 Where a permit application is granted, thereby providing such permission, it will be recorded by the County Council. Where permission is not granted the permit application will be refused. It is recognised that some early starts will be required to achieve a positive outcome to potential collaborative working arrangements, however, a Promoter proceeding with the planned work following a refusal would be working without a permit.

11.8 Variations and Extensions

- 11.8.1 To vary or extend a permit, a permit application should be made by the Promoter a minimum of two working days before the permit expires or at a point when the existing permit has more than 20% of its duration to run, whichever is the longer. It is recognised that there may be situations when this timescale cannot be adhered to owing to exceptional site conditions.
- 11.8.2 Where the Promoter fails to apply for a permit variation or extension within the relevant time limits, the County Council may consider applications to vary or extend permits where the Promoter is able to provide mitigating circumstances justifying the reason for not being able to adhere to the relevant timings.

11.9 Maximum Response Times

- 11.9.1 The HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015) set out the time limits within which the County Council will respond to permit applications. If the County Council fails to reply to permit applications within the given response time, the permit is deemed to be granted in the terms of the application.
- 11.9.2 A “response” for the purposes of the Permit Scheme means a decision to grant, refuse or issue a permit modification request, in accordance with the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015). Where there are reasons why the permit cannot or should not be granted in the terms applied for (e.g. because of insufficient or obviously incorrect information or because of a clash with other activities), the response indicating that a permit will not be granted in those terms will explain the reasoning. This will enable Promoters to make a revised and compliant application. The County Council will utilise the standard permit condition text as set out in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the HAUC (England) Advice Note (Ref 2016/002) Standard Permit Response Codes for refusal text when a permit is refused.
- 11.9.3 Temporary Traffic Signal Applications must be made using notice type 2700 – Temporary Traffic Signal Application in accordance with the latest version of the Prescribed Electronic Format Technical Specification. Providing that a complete application has been received a response granting the approval will be given by the County Council using notice type 2800 – Temporary Traffic Signal Application Response in accordance with the latest version of the Prescribed Electronic Format Technical Specification, within the response period for the permit application. For those Promoters unable to use the Prescribed Electronic Format Technical Specification for temporary traffic signal applications the County Council will provide a proforma that can be emailed or attached to notices or permits.

11.10 Phasing of Activity

- 11.10.1 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 activity. For example a separate permit would be required for interim, permanent and remedial reinstatements.
- 11.10.2 The dates given in a permit application and in the issued permit will denote the dates for that phase. A phase can end only when 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.
- 11.10.3 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.
- 11.10.4 Phased activities must relate to the same activity, with applications submitted using the same activity reference.

11.11 New Customer Connections

- 11.11.1 A new main or cable run, which includes new customer connections, can be classed as one phase if all the work is completed in a single occupation of the street. Otherwise a new permit must be obtained for the customer connections stage.

12. Decisions with Regards to Permit Applications

- 12.1 The County Council on reaching a decision for a permit application must act reasonably and, in particular must consider whether issuing the permit will accord with the statutory duties to co- ordinate and to manage the network and the objectives of the Permit Scheme. All Promoters will be treated equally and any decisions regarding permits will be made purely on the traffic elements of the activity, in line with the objectives of the scheme.
- 12.2 When reaching decisions on permit applications, the County Council will consider all aspects of the proposed activity and other influences that may affect traffic. These include, but is not limited to:
- a) The road network capacity
 - b) Safety (major impacts e.g. on traffic signal operation)
 - c) The scope for collaborative working arrangements, including trench and duct sharing between Promoters
 - d) The overall effect upon the local and regional highway network

- e) The optimum timing of activities from all aspects, including the legislative requirement for the activity taking place e.g. new customer connections, duty to maintain under the Highways Act
- f) The effect on traffic, in particular, the need for temporary traffic restrictions or prohibitions
- g) Appropriate techniques and arrangements particularly at difficult road junctions and pinch points
- h) The working arrangements required in protected streets, traffic-sensitive streets, and streets with special engineering difficulties
- i) The effect of skip, scaffold, storage and hoarding licences, pavement licences, any known special events and other licences or consents issued in respect of affected streets under the Highways Act 1980
- j) The environmental impact of the proposed activities
- k) Developments for which planning permission has been granted on streets affected by the activities
- l) The benefits to be achieved from extended working hours
- m) Effect of a planned activity to public transport routes
- n) Contingency plans for expedient removal of site occupation

12.3 Permit Issue and Deemed Permit

- 12.3.1 Where the County Council is satisfied with the permit application, having considered all relevant matters set out in the application and all other material considerations, including ensuring the statutory duties to coordinate and to manage the network and that the Permit Scheme objectives are met, it will issue a permit to the Promoter within the response time.
- 12.3.2 The permit will cross reference the details provided in the application, including any associated documentation such as drawings, and any conditions imposed by the County Council.
- 12.3.3 Where the County Council fails to meet the response times defined in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015), the permit is deemed to be granted and in such terms only as reflected in the application. In such circumstances there will be no fee charged.

12.4 Refusal of Permit Applications

- 12.4.1 The County Council will not refuse a permit application that meets the requirement of the HCPS. However, it can refuse a permit application for non immediate activities (and a Provisional Advanced Authorisation), if elements of the proposed activity, such as timing, location or conditions are not acceptable. In such cases the County Council will respond to the Promoter as soon as possible and within the response period specified in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) to explain why the application is not satisfactory and which aspects need modification. The County Council will use the standard permit

response codes as described in HAUC (England) Advice Note (Ref 2016/002). The County Council will only refuse a permit in exceptional circumstances. Normally the County Council will request that the permit be modified rather than refuse the permit.

- 12.4.2 A Promoter may cancel or withdraw an application by an electronic notice at any point prior to the County Council granting, or refusing, the permit application. No fee will be charged in such cases.

13. Permit Variations

- 13.1 The Permit Scheme allows for the variation of permits and for conditions to be attached to permits. This allows the County Council to actively manage other activities on the network in the light of changing circumstances. Variations can take place at any time after the permit has been issued and before the activity has commenced or during the activity itself. However, if a variation to a permit is required by the Promoter, the application to vary the permit must be made before the permit end date is passed and in accordance with the requirements of the Prescribed Electronic Format Technical Specification.
- 13.2 PAAs cannot be varied. In circumstances where a PAA has been given but a full permit has not been issued and proposals change, the Promoter must advise the proposed changes to the County Council who will indicate whether or the existing PAA needs to be cancelled and a new one sent. Minor changes are usually included on the permit application.
- 13.3 Data changes are notified as new applications (prior to approval) or variations (post approval). Error corrections for registration notices and activity status corrections are still relevant however, and should be made in accordance with the relevant Code of Practice.
- 13.4 Where the Promoter needs to apply to vary a permit or to vary permit conditions they should contact the County Council to discuss the matter at the earliest possible time.

13.5 Variation and County Council's Initiative

- 13.5.1 The County Council may impose variations upon permits already granted or deemed. This may be required where it is considered that upon commencement of a granted or deemed permit, further conditions or requirements are needed to reduce the impact of the activities on the Public Highway. Such imposition should only take place when circumstances could not have been reasonably predicted.
- 13.5.2 Once a permit is issued it will provide the Promoter with reasonable confidence that the road space will be available for them. Nevertheless, even where a permit has been issued by the County Council, circumstances beyond the County Council's control may require a review of the permit and may lead them to conclude that the permit or its conditions require changing.

- 13.5.3 Such changes will be the exception and will only happen when the new circumstances could not have been reasonably foreseen or where the impact is significant. Examples of such circumstances include:
- a) Problems which would lead to traffic being diverted onto the road where an activity was underway or about to start, but the permit had been issued
 - b) Roads closed by floods or burst mains
 - c) A dangerous building or structure
 - d) Significant traffic disruption has ensued
 - e) Additional activities have come to light in the same street (or nearby) that will now conflict with the planned activity
- 13.5.4 If the consequent disruption cannot be suitably mitigated, it may then be necessary to vary the permit for the activity e.g. by changing the time or manner of working.
- 13.5.5 In such circumstances the County Council will contact the Promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements of those involved. The aim of these discussions is to try to reach an agreement and see if a variation is a feasible option.
- 13.5.6 If agreement is reached, the County Council will issue an Authority Imposed Variation to the Promoter. The Promoter may then cancel the existing permit and apply for a new permit in those terms, or they may apply for a permit variation. The latter will be more appropriate if the Promoter needs to reconsider elements of its plans within the parameters agreed with the authority
- 13.5.7 If agreement cannot be reached, the County Council will revoke the permit. The Promoter would have the option of invoking the dispute resolution procedure where it disagrees.
- 13.5.8 No fee is payable for either the permit variation, or a new permit for the original planned activity if appropriate, as a result of a variation initiated by the County Council. If at the same time the Promoter seeks a variation which is not the result of the circumstances causing the County Councils action, a variation fee would be payable.

14. Revocation

- 14.1 There is no mechanism in the Permit Scheme to formally suspend or postpone a permit, only to vary or revoke one. If the County Council has to suspend or postpone an activity for which it has already given a permit but which it intends must happen at a later date, the County Council will contact the Promoter and agree that a variation is submitted by the Promoter. There will be no fee for this permit variation.

- 14.2 A Promoter who wishes to cancel a permit, for which they have no further use, should use the cancellation notice as specified in the Prescribed Electronic Format Technical Specification. There is no fee for a cancellation notice, but normally no refund of the fee paid for issuing the permit will be made. Where the works could not take place for reasons beyond the Promoters control the County Council may consider refunding the permit. Promoters should supply evidence and reasons should they wish to seek a refund under these circumstances.
- 14.3 The County Council can revoke a permit at its own initiative where there has been a breach of a condition. In such circumstances the County Council may use the provisions replacing section 66 NRSWA to clear the street, if required.
- 14.4 The circumstances in which the County Council will revoke permits on its own initiative are as follows:
- a) As with variations, where circumstances arise which require the County Council to review the permit, the County Council may conclude that the permit needs to be revoked rather than simply being varied
 - b) Revocation will be the exception and will be where the circumstances could not have been reasonably predicted or where the impact is significant
 - c) All revocations will be made using the Prescribed Electronic Format Technical Specification
- 14.5 No charge will be made for revocation where a permit is revoked on the County Council's own initiative. If as a result of the revocation a Promoter has to apply for a new permit there would be no fee for the new permit, except where the original permit is revoked as a consequence of any action or omission on the part of the Promoter. In these circumstances, revocation will only be used as an alternative to criminal action, where it is reasonable, taking into account the nature of the breach and where it is proportionate.
- 14.6 Where the Promoter disagrees with the County Council's decision in any of the above respects, then the Promoter may invoke the dispute resolution procedure.

15. Fees

- 15.1 In accordance with the provisions set out in Section 37 of the TMA and the 2007 Regulations as amended by the 2015 Regulations, the County Council may charge a fee for each of the following:
- a) the issue of a permit
 - b) an application for a permit, where the Permit Scheme requires a Provisional Advance Authorisation to be obtained as part of that application
 - c) the granting of a Provisional Advanced Authorisation which has subsequently been followed up with a Permit Application in line with the prescribed Electronic Format Technical Specification
 - d) each occasion on which there is a variation of a permit or the conditions attached to a permit after it has been granted. (Except in the case of an Authority Imposed Variation (AIV))

- 15.2 The County Council will charge Fees in accordance with the 2007 Regulations as amended by the 2015 Regulations. The HCPS permit fees and discounts are set out in Appendix A.
- 15.3 Permit fees do not include costs charged or recoverable by Highway Authorities, or its appointed agent, in relation to consents or other requirements such as for Temporary Traffic Orders, Notices or parking suspensions related to other activities being carried out.
- 15.4 It is not the purpose of fee charging under the Permit Scheme to generate revenue for the County Council although subject to the constraints set out the County Council may cover its costs.
- 15.4.1 Fees are payable by Statutory Undertakers, but highway authorities are not charged. This is due simply to the fact that the money charged would only circulate around a highway authority. Data on the fees that the County Council would have been charged will be collated to demonstrate parity.

15.5 Level of Fees

- 15.5.1 The 2007 Regulations as amended by the 2015 Regulations and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015) set a maximum flat fee for permit variations initiated by the Promoter with a lower fee for category 3 and 4 non traffic-sensitive streets and a higher fee for category 0, 1 and 2 and traffic-sensitive streets.
- 15.5.2 If a permit variation moves an activity into a higher fee category, the Promoter will be required to pay the difference in permit fee as well as the permit variation fee.
- 15.5.3 All the HCPS fee levels are at or within the current Regulations and Statutory Guidance maximum. County Council has made use of existing Regulations and guidance to determine the level of fees needed to recover the costs of additional resources required to achieve the scheme's objectives.
- 15.5.4 The permit Fees for the HCPS will be published on Hampshire County Council's website.
- 15.5.5 It is possible for different charging categories to be relevant to a single USRN. To ensure the correct permit fee is always applied, spatial data is required.

15.6 Circumstances where no Fee will be Charged

- 15.6.1 No fee will be charged in the circumstances described below:
- a) Cancellation of a permit - prior to the County Council's determination, a Promoter cancels a permit application
 - b) Refusal of Permit or Variation - when an application for a permit or variation is refused

- c) Revocation of Permit - where a permit is revoked on the County Council's initiative and the Promoter had to apply for a new permit, there would be no fee for the new permit, except where the original permit is revoked as a consequence of any action or omission on the part of the Promoter
- d) Variation of Permit at the County Council's initiative - for permit variations initiated by the County Council, unless at the same time the Promoter seeks variations which are not the result of the circumstances causing the County Council's action - in that case a variation fee would be payable
- e) In addition, if the Promoter decides to cancel the existing permit as a result of the County Council imposed variation, any new permit for the originally planned activity would not be subject to a fee. The Promoter will need to clearly identify this case on the new permit application
- f) Deemed Permits - where the County Council fails to serve a response to an application for a permit or variation, within the relevant response time and the permit is subsequently deemed to be granted
- g) Coring Activity - Coring activities are not charged for unless the nature of the activity makes the work Registerable as described in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) - where a permit for this activity would be subject to a fee
- h) Highway Authority Activities - permits required by the Highway Authority. (Although budget adjustments may be made in order to fund the service provided)
- i) Phasing of Activities to Lessen Risk and Inconvenience to Highway Users - where temporary reinstatement is required by the County Council e.g. to minimise risk to the public and allow safe passage and the County Council request the Promoter submits a new permit application for the remaining activities, no fee will apply for the permit application
- j) Any work on a fire hydrant
- k) Where the activity is Diversionary Works as a result of Major Highway or Bridge Works, initiated by the Highway Authority as described in S86 of NRSWA

15.6.2 Where a Promoter expects a permit or variation would not be subject to a fee, it is strongly recommended that they include a comment to this effect within their application.

15.7 Circumstances where Fees may be reduced

15.7.1 Where an Application has been made (and is subsequently granted), stating clearly that activities will not take place (at any time or any day) within the Traffic Sensitive periods as indicated on the ASD supplied within the Authority National Street Gazetteer submission, so long as such time constraints are met during activities throughout the full duration of the permit then a discount will apply. Such Permit Applications (and Provisional Advanced Authorisations) may be required to contain specific time related conditions.

- 15.7.2 The variation process may be used to alter such timings and conditions, however, such application may be reasonably refused. Any reductions to permit fees may be removed by the County Council in this instance. Where, upon evidence gained, it is clear that the indications of Traffic Sensitivity impact are not being followed throughout the activities, the fee reduction may be removed by the Authority. If related Timing Conditions are also being breached, Offence or Offences may have occurred.
- 15.7.3 Where collaborative activities are being undertaken a discounted fee will apply to permit applications to all activities involved. The Promoters will clearly need to identify such situations and alert them to the County Council.
- 15.7.4 Where activities are being undertaken as part of a strategic National infrastructure project or where the activities provide significant economic benefit to the local economy or the local Authority, as determined by the County Council. This is provisional on the Promoter discussing the project with the County Council at an early stage and undertaking appropriate planning, coordination and stakeholder liaison. For ongoing projects discounts may be discontinued if the County Council becomes aware of an increase in complaints from third parties or avoidable traffic disruption.
- 15.7.5 Where a Promoter makes use of specific techniques or working methods that significantly reduce traffic disruption then discounted permits may apply. The Promoter must provide evidence to support a claim for a discounted permit.
- 15.7.6 Where a Promoter expects a permit or variation would be subject to a fee discount, it is strongly recommended that they include a comment to this effect within their application.
- 15.7.7 Permit fee discounts are described in Appendix A.
- 15.7.8 Where a Promoter anticipates that a fee reduction is appropriate it is strongly recommended that they include a comment to this effect on their application. Failure to do so may result in no reduction being applied by the County Council.

15.8 Fee Review

- 15.8.1 The County Council will review fees at the end of year three to ensure that overall fee income does not exceed allowable costs. In the event of any surplus in a given year, the fee income will be applied towards the cost of the Permit Scheme in the next year and the fee levels adjusted accordingly.
- 15.8.2 A sustained surplus would indicate that the income was regularly exceeding the prescribed costs and that the fee levels should be adjusted. In such circumstances Hampshire County Council will adhere to relevant regulations to effect any amendments to the HCPS.
- 15.8.3 The outcome of fee reviews will be published and open to scrutiny.

16. Permit Conditions

16.1 Principles for Conditions

- 16.1.1 The Permit Scheme includes for the attaching of conditions to permits and also specifies the types of conditions that may be applied. Any permit issued will specify in detail the activity it allows and the conditions attached. Any constraints in the original application will be reflected in the conditions in the permit.
- 16.1.2 In applying conditions the County Council will consider the proposed activity's potential to cause disruption. Where possible, conditions attached to a permit will provide flexibility for the Promoter by requiring an outcome rather than stipulating the method by which the work must be carried out. When setting any condition, the County Council must act reasonably and take account of how feasible it is for the Promoter to comply not only with the condition being imposed but also on their ability to meet their statutory obligations.
- 16.1.3 Where the County Council considers a condition attached to a permit has been breached, it may impose sanctions.
- 16.1.4 The County Council may revoke the permit if conditions are breached.
- 16.1.5 The County Council may vary the conditions of a permit issued, as an Authority Imposed Variation (AIV). This will also be done in accordance with the prescribed Electronic Format Technical Specification.

16.2 Condition Types

- 16.2.1 The conditions the County Council can apply to permits will be as set out in the standard condition text as described in the HAUC (England) Guidance. Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015).
- 16.2.2 The County Council will adopt solely the Nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. It is recognised that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and the County Council will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.
- 16.2.3 Of these, certain conditions apply to all permits. There is no need for the Promoter or the County Council to formally attach the National Condition Text relating to national conditions that apply to all relevant permits.

16.2.4 The County Council may take reasonable actions if any of these conditions are breached.

16.2.5 Conditions applied to a permit by the County Council will be pertinent to the objectives of the HCPS including the reduction of congestion and disruption, recognising the needs of other users of the highway, the integrity of the highway itself and the need for essential activities and activities to be carried out.

16.3 Applying a Condition to a Permit

16.3.1 Where the County Council considers it necessary and appropriate to impose conditions that differ from the proposals in the permit application, the County Council will state the reasons for this action on their refusal of the permit. The Promoter can then choose whether to make a modified permit application, cancel the activity or dispute the matter.

16.3.2 For the application of permits, the main principle behind the Prescribed Electronic Format Technical Specification is that when the Promoter submits an application to the County Council they may enter the conditions of the permit, for example the timing, duration and work methodology. The County Council cannot amend the content of a permit, including the conditions attached.

16.3.3 If the County Council does not agree with the condition(s) applied or requires additional conditions the application may be either:

- a) Refused with the inclusion of a comment to reflect the changes required. A complete refusal should only be used in exceptional circumstances
- b) Responded to with the issuing of a Permit Modification Request which is also a form of Refusal

If a permit is still required, the Promoter should submit a subsequent, modified permit application with any agreed changes. It is the responsibility of the Promoter to ensure the application meets the permit conditions specified by the County Council.

16.3.4 Promoters are encouraged to consider the inclusion of conditions on their permit during the initial application. By doing so, the likelihood of the County Council refusing a permit with a subsequent re-application, could be minimised.

16.3.5 Where a Promoter recognises that multiple conditions should be used, or as indicated by the County Council, all multiple conditions should be included on the permit application.

16.4 Conditions upon Immediate Activities before Permit Issued

- 16.4.1 Activities that are necessary for emergency or urgent reasons (i.e. immediate activities) can commence and continue for an initial stage without requiring a permit to be obtained first. The County Council has the power to impose conditions. Where an application has been initially granted and further practical conditions, reasonably unforeseen at the time of granting are required to lessen the impact of the activities upon the highway further conditions may be imposed through an Authority Imposed Variation (AIV) application.
- 16.4.2 Until a permit is issued following an application for an immediate activity, a Promoter will be required to work within the terms of their application, for example, if the application refers to specific working hours then the Promoter must work within those hours.
- 16.4.3 Promoters of immediate activities must contact the County Council immediately where the specified strategic street is susceptible to unplanned disruption as indicated in the ASD for the County Council.
- 16.4.4 Promoters must make application to the County Council or its appointed agent, for any Temporary Traffic Regulation Order or Notice for immediate activities by the end of the next working day, even if work on site has been completed.

16.5 Conditions Available on Site

- 16.5.1 The County Council recognises the importance for the Promoter work-force to have access to the permit detail, including conditions when carrying out the planned activity. It is considered good practice for the Promoter to ensure this information is available on site.
- 16.5.2 Work undertaken in breach of a condition, or without a valid permit, on the basis of lack of knowledge from the Promoter work-force will not be accepted by the County Council as any form of mitigation for such failure.

16.6 Imposing Conditions upon Highway Authority Permits

- 16.6.1 Standard conditions will be imposed upon all permits regardless of Promoter. In addition, the County Council will impose conditions upon a permit in respect of activities to be carried out by or on behalf of a highway authority in the same form and for the same reasons for any Promoter.

17. Inspections

- 17.1 The procedures for dealing with all aspects of inspections under the Permit Scheme, with the exception of those related to overrun charges under Section 74 NRSWA and permit condition checks, will reflect the procedures set out in the most current Code of Practice for Inspections.

17.2 Section 74 Inspections

17.2.1 These inspections are related to activities that should have been completed by a due date or have been notified as having done so. No charge will be made for such inspections under the HCPS. These will be undertaken as part of other highway inspection activities.

17.3 Permit Condition Inspections

17.3.1 Ad-hoc inspections may be used to assess compliance with permit conditions specified in individual permits although there will be no fee charged for specific permit condition inspections. Such inspections will be carried out as part of other highway inspection activities.

18. Sanctions

18.1 Where activities have been undertaken without a notice or conditions have not been adhered to the County Council may use the sanctions provided by the Permit Regulations.

18.2 Where there is proof that a Statutory Undertaker has committed an offence and it is both practicable and appropriate, the County Council should contact the Promoter before taking action and seek to discuss the matter in order to establish whether such action is required. After repeated offences the County Council may seek to take action without first contacting the Promoter.

18.3 The County Council may take action for unauthorised activities, where a Promoter:

- a) Undertakes, without a permit, activities for which a permit is required to have been obtained; or
- b) Breaches a permit condition.

18.4 Any Promoter not working within the content of an issued permit (either granted or deemed) will be seen as undertaking activities, without a permit, for which a permit is required to have been obtained. It is the Promoter's responsibility to ensure the content of the permit accurately reflects the proposed activity.

18.5 Criminal Offences

- 18.5.1 It is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake activities without a permit.
- 18.5.2 Permit offences only apply to Statutory Undertakers, not to highway authorities, however the County Council will monitor the performance of its own Promoters to ensure a consistent approach is taken. Performance data pertaining to County Council Promoters will be collated. It will therefore be a matter of public record if the County Council acts in such a way that would amount to the commission of an offence under the 2007 Regulations as amended by the 2015 Regulations.
- 18.5.3 The 2007 Regulations as amended by the 2015 Regulations provides that it is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake activities in breach of a condition.

18.6 Fixed Penalty Notices (FPN)

- 18.6.1 The 2007 Regulations as amended by the 2015 Regulations authorise the County Council to issue Fixed Penalty Notices (FPN's) in respect of the criminal offences. Fixed Penalty Notices offer the offender an opportunity to discharge liability for an offence by paying a penalty amount. The County Council will operate FPNs to address most permit and noticing offences and measure performance.
- 18.6.2 FPNs, where issued via electronically, shall conform to the Prescribed Electronic Format Technical Specification.

18.7 Prosecution

- 18.7.1 The County Council may consider need to proceed to prosecution of an offence. The County Council will follow its own enforcement policy to determine whether a prosecution is the most appropriate action, taking into account the severity of the offence and the interests of the public.
- 18.7.2 Once a Statutory Undertaker has paid either the full penalty or the authorised discounted amount of an FPN and this payment is made within the required period, no further proceedings will be taken for that offence.
- 18.7.3 If the Statutory Undertaker does not pay the penalty within the 36 calendar days the County Council may bring proceedings in the Magistrates' Court for the original offence. Legal action must be taken before the expiry of the six months deadline from the date of the offence for bringing a case before the Magistrates' Court, (Section 127 of the Magistrates' Courts Act 1980). This is the case even if the FPN was not given for some time after the offence was committed.

18.7.4 In circumstances where an FPN has been issued in relation to an offence, but the County Council subsequently forms the view that it would be more appropriate to prosecute the offender, Hampshire County Council must withdraw the FPN before bringing the proceedings unless the payment of the FPN has been made.

18.7.5 Further, in rare or severe instances, the County Council may consider the most appropriate action in the circumstances is to proceed directly to prosecution of the offence.

18.8 Application of Money by the County Council

18.8.1 The County Council may deduct from the fixed penalties received under Section 37(6) TMA, the reasonable costs of serving FPNs.

18.8.2 The County Council shall apply any net proceeds from the costs of serving FPNs to promoting and encouraging safe, integrated, efficient and economic transport facilities and services to, from and within its area.

18.8.3 The County Council will need to be able to demonstrate that the costs of managing the process for and serving FPNs are reasonable and that the net proceeds after deducting these costs are being correctly applied. Those enquiring should note that accounts are generated annually

18.8.4 Although it is not a requirement that separate accounts should be kept for operating FPNs it should be possible to follow the audit trail to check income and expenditure

18.9 Other Offences under NRSWA

18.9.1 Any offences relating to sections of NRSWA which run in parallel to Permit Schemes will continue to apply. These include offences relating to reinstatements, overrunning activities and failure to send appropriate notices.

18.10 Revocation of Permit

18.10.1 Whilst it is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake activities in breach of a condition, as a further alternative to taking criminal action in such circumstances against the Statutory Undertaker the County Council may revoke the permit. Similar action is also likely to be undertaken where County Council activities breach permit conditions or work without a permit.

18.11 Keeping of Records

18.11.1 The County Council will keep records of all sanctions under the HCPS.

19. Dispute Resolution

19.1 The TMA provides wide powers to devise a suitable dispute resolution procedure and to identify the stages of the permit application process at which it can be invoked. There are no prescribed statutory dispute resolution procedures as yet and therefore the approach taken is to build on arrangements which already exist through the Highways Authorities and Utilities Committee (HAUC (England) at local and national level for resolving disputes.

19.2 The County Council and Promoter are expected to use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure. This might, for instance, be achieved by referring the issue to management for settlement.

19.3 Incidence of Dispute Resolution

19.3.1 Four stages of the permit process provide for dispute resolution:

- a) A Promoter applies for a permit. The County Council confirms it will only issue the permit with conditions attached or with different dates to the application. The Promoter believes one or more of these conditions are unreasonable or unrealistic. The two parties are unable to resolve their differences; or
- b) A Promoter who has been issued with a permit and has started work realises that they will no longer be able to comply with the original permit. The Promoter therefore applies to the County Council for the permit to be varied or extended. The two parties are unable to reach agreement on any variation or whether any variation should be allowed; or
- c) Where Authority Imposed Variations cause dispute between the Promoter and County Council and the situation may require resolution; or
- d) A promoter disagrees with the County Council's decision regarding the revocation of a permit.

19.3.2 The County Council and Promoter should try, wherever possible, to resolve their disagreements between themselves. However, it is recognised that occasionally this may not be possible.

19.4 Appeals Procedure

19.4.1 The dispute resolution procedure for appeals under the HCPS may be by dispute review, adjudication or arbitration.

19.5 Dispute Review

- 19.5.1 If agreement cannot be reached locally on a matter arising under any part of the HCPS the dispute will be referred for review on the following basis:
- a) Straightforward issues - Where the two parties consider the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of the South East HAUC (SEHAUC) (that is those not representing parties directly involved in the dispute) for review. That review should take place within five working days from the date of referral. Both parties are recommended to accept the result as binding.
 - b) Complex issues - If the parties to the dispute think the issues are particularly complex, they should/will ask HAUC (England) to set up a review panel of four members - two statutory undertaker and two County Council representatives. One of the four persons will be appointed as Chair of the panel by the HAUC (England) joint chairs.
- 19.5.2 Each party must make all relevant financial, technical and other information available to the review panel. The review would normally take place within ten working days from the date on which the issue is referred to HAUC (England). It is recommended that both parties accept the advice given by the review panel as binding.

19.6 Adjudication

- 19.6.1 agreement cannot be reached by the procedure above, for instance if one or more of the parties does not accept the ruling of SEHAUC or HAUC (England) review as binding, the dispute will be referred to independent adjudication provided that the parties agree that the decision of the adjudicator is deemed to be final. 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. Where the adjudication route is followed, the parties should apply to the joint chairs of HAUC (England) who will select and appoint the independent adjudicator from suitable recognised professional bodies.
- 19.6.2 Where the parties do not agree that the decision of the adjudicator is deemed to be final the Promoter will have the option of challenging the County Council's decision through the administrative court by way of judicial review.

19.7 Arbitration

- 19.7.1 Disputes relating to matters covered by the following sections of NRSWA may be settled by arbitration, as provided for in Section 99 NRSWA.

20. Related Matters And Procedures

20.1 National Infrastructure Projects

20.1.1 In Hampshire the roll out of superfast broadband is a major National infrastructure project and also links to the County Councils priorities. Other National infrastructure projects known at the time of writing (2018) are the Smart Motorway projects for both the M27 and the M3 and the Esso Southampton to London pipeline project. The County Council is committed to working with all Promoters to ensure that these projects can be delivered efficiently and effectively without unreasonable detrimental affect to traffic, residents and businesses.

20.2 Hampshire County Council (as the Permit Authority) Contact Details

20.2.1 The Council will publish its main contact details on its 'OD' file. Additional 'day to day' contact information will be published at relevant local HAUC meetings, coordination meetings and on an ad hoc basis as needed. Some contact information may also be published on the gazetteer.

20.3 Overrun Charging Scheme – Section 74 NRSWA

20.3.1 The County Council will operate overrun charging under Section 74 NRSWA alongside the Permit Scheme. Section 74 schemes are not compulsory. An authority does not require Secretary of State approval to operate a Section 74 scheme.

20.3.2 "Section 74 Regulations" are currently applied by the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations. Any enactment which amends, applies, consolidates or re-enacts the provisions of these Regulations shall be constructed as a reference to the Regulations by virtue of that subsequent enactment. The operation of the overstaying regime however is modified under the Permit Scheme to incorporate the process of setting and modifying the duration of the activity (or "works" in Section 74 terms) through the permit application, approval and variation processes.

20.3.3 Activities carried out by or on behalf of the Highway Authority are not subject to Section 74 overrun charges. However, under the HCPS Promoters of such activities will be required to follow the same procedures as Promoters who are Statutory Undertakers.

20.3.4 For all activities the "reasonable period" for NRSWA Section 74 purposes will be the same as the duration of the activity set out in the permit. Variations may be granted to extend the duration of the permit and this will set the revised "reasonable period", however Section 74 durations may still be challenged after a variation to the duration has been granted.

20.3.5 The start and end dates will be in calendar days, even though many aspects of Permit Schemes will operate on working days. Where a permit allows working at weekends or on Bank Holidays, the permit start and end dates will also accommodate that, even though those days do not count towards the reasonable period under NRSWA Section 74.

20.4 Section 58 & 58a NRSWA Restrictions

20.4.1 Details of Section 58 and 58A NRSWA restrictions will be provided as required under the NRSWA Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters (Oct 2012).

20.4.2 Similar procedures will be followed for highway activities in relation to Section 58 and 58a restrictions, in order to facilitate the operation of the HCPS and, as far as possible, parity of treatment for all Promoters.

21. Changes to the HCPS and Ceasing to Operate the HCPS

21.1 It may be necessary to change the HCPS from time to time or to cease to operate the scheme.

21.2 The County Council may vary or revoke the permit scheme. Prior to this application The County Council will consult with all relevant statutory consultees. Any variation to the permit scheme must contain the relevant explanation and justification for the change(s).

21.3 Where revision to permit Regulations by the Secretary of State necessitates changes in existing schemes, new Regulations will make provision for such changes.

22. Street Work Registers, Gazetteers and Access to Registered Information

22.1 The County Council is committed to maintaining a Register of all activities. All permit activities will be referenced to an individual USRN and will include details of the activity and a map based location.

22.2 Everyone has a right to inspect the County Council's register, free of charge, at all reasonable times, except as noted below where there are restrictions. "All reasonable times" means normal office hours (e.g. 08:00 to 16:30, Monday to Friday except Bank Holidays).

22.3 The County Council will publish a limited content version of their register on a public website or version of their register. This will be available 24 hours a day, seven days a week, except for those occasional times when it will be unavailable due to upgrade and maintenance.

22.4 Much of the detailed information in the register is unlikely to be of interest to the Public and it is the responsibility of the County Council to decide how much information to make available in this way. Permit applications and notices contain information such as names and telephone numbers of contacts in organisations. Whilst the County Council will restrict such contact information being published, the Promoter should take responsibility to ensure information contained in free-text fields does not contain information that they do not want to be published. The County Council will make it clear that they are not responsible for the accuracy of information concerning those activities for which they are not the Promoter.

22.5 The websites will allow records to be searched by the USRN or the “street descriptor” (the street name, description or street number) as given in the NSG. Highways England has its own methods of disseminating such information on trunk roads and motorways. Public access to websites will be read-only to prevent unauthorised amendment to records.

22.6 Restricted Information

22.6.1 Restricted information is anything certified by the Government as a matter of National security, or information which could jeopardise the Promoter’s commercial interests such as details of a contract under negotiation. The Promoter must indicate restricted information on the application.

22.6.2 The right of access to restricted information is limited to:

- a) persons authorised to execute any type of activity in the street; or
- b) persons "otherwise appearing to the authority to have a sufficient interest".

22.6.3 Any person wishing to see restricted information must satisfy the County Council, as a minimum, that their interest is greater than the general interest of the ordinary member of the public.

22.7 Street Gazetteer

22.7.1 The Permit Scheme recognises that a key element of controlling or managing an activity is knowing accurately where the activity will take place, in which street and where in the street.

22.7.2 There is already a Nationally consistent street gazetteer system for identifying streets that is used under NRSWA whereby every highway authority produces a Local Street Gazetteer (LSG) and a copy is held centrally by the NSG Custodian. Each of these local gazetteers shall contain the information, required by and defined in the NSG Custodian documentation, about the streets in Hampshire County Council’s area.

22.7.3 Promoters must obtain full copies and updates of the street data from the NSG Custodian’s website.

- 22.7.4 Under this system each street has a Unique Street Reference Number (USRN). The HCPS provides for the same system to be used, along with the Additional Street Data linked to those streets.
- 22.7.5 USRNs can refer to a whole street (as identified on the ground) or, if the street is long, to part of a street between significant junctions. Under the Permit Scheme a “street” refers to that length of road associated with a single USRN, i.e. to part of a whole street where a street is subdivided.
- 22.7.6 The County Council has reviewed its NSG prior to the implementation of the HCPS and will continue to review the data to ensure its accuracy and relevancy.

22.8 Additional Street Data (ASD)

- 22.8.1 Additional Street Data (ASD) refers to other information about streets held on the NSG Custodian’s website alongside the NSG data. Highway authorities, Promoters and other interested and approved parties may obtain copies and updates to this data from the Custodian.
- 22.8.2 The County Council continues to review its ASD to ensure that the data is accurate and relevant.

23 Transitional Arrangements

- 23.1 The basic rules of transition will apply on all roads where the Permit Scheme operates:
- a) The Permit Scheme will apply to all activities where the administrative processes, such as an application for a permit or Provisional Advance Authorisation, commence on or after the commencement date;
 - b) Activities which are planned to start on site more than one month after the changeover date (for standard and minor activities) or more than three months after, (for major activities), must operate under the Permit Scheme. This means that even if the relevant section 54 or section 55 NRSWA notice has been sent before the relevant changeover date, the Promoter must cancel the NRSWA notice for that activity, (or phase of activity), and apply for a permit.
 - c) Any other activities which have started under the notices regime and which will start on site less than one month or three months, (for Major activities as above), after the changeover date, (according to activity category), will continue under that regime until completion.
- 23.2 Given the advanced notice of the changeover there should be few activities where these rules will create difficulties. Activities co-ordinated in the run-up to the imposition of a restriction might be such a situation. In those few cases, Promoters must contact the County Council so that discussions can take place to ensure a practical way of dealing with the activities can be resolved.

- 23.3 23.3. The County Council will operate a 'bedding in period' of 1 calendar month (1st – 30th April) where no permit charges or FPN's will be applied. This will enable Promoters and the County Council to become familiar with the HCPS.

24. Payment of Permit Scheme Fees

- 24.1 All Promoters, except those undertaking works for road purposes, will be required to pay the appropriate fee for a permit to the County Council under the HCPS. Where the Promoter does not comply with the terms of the permit, a penalty may be applied using a Fixed Penalty Notice. This penalty will become payable to the County Council. The County Council may retain the permit fees and FPN penalties separately for accounting purposes.

- 24.2 In most cases the Statutory Undertaker will already have arrangements in place for payments to Hampshire County Council in relation to NRSWA, e.g. for inspection or for section 74 overrun charges. These arrangements can be used for permit fee payments provided there is transparency over precisely which permit a payment is for. In any event, the County Council will provide reasonable flexibility over how payments are made, although electronic payments are the preferred option.

24.3 Payment Options for Permit Fees

- 24.3.1 The range of payment options available are:

- a) By debit or credit card
- b) BACS or online banking
- c) By direct debit
- d) By post – Please avoid paying by cheque wherever possible.

- 24.3.2 While the use of electronic payment methods is strongly encouraged, in the event of a systems failure a Statutory Undertaker may use any of the other options available.

- 24.3.3 The Statutory Undertaker must set up payment facilities, provide contact details and agree methods of payment with the County Council's Finance Department.

- 24.3.4 Details of how fees can be paid are contained in Appendix C.

24.4 Permit Fee Payment and Reconciliation

- 24.4.1 There is no specific legislation regarding the reconciliation and invoicing arrangements for permit fees, however, it is recognised the internal financial arrangements of the County Council and Statutory Undertaker do differ and some flexibility must be provided for this process.

- 24.4.2 As a standard process for permit fee payment and reconciliation it is expected that an account for a specified period will be produced, containing the permit fees to be charged for that period. Each account will have a reference number which can be used as the reference for any payment, instead of the individual permit numbers.
- 24.4.3 The County Council will submit this account to the relevant Statutory Undertaker to provide an opportunity for them to reconcile the charges to be invoiced for the specified period, prior to the generation of an invoice for payment.
- 24.4.4 The County Council will confirm with each Statutory Undertaker the invoicing arrangements together with the frequency of the account reconciliation and/or invoicing. This section contains a standard payment and reconciliation model.
- 24.4.5 The following standard procedure for the reconciliation and payment of permit fees (based on the HAUC (England) Guidance. Operation of Permit Schemes 2017) is recommended:
- a) An account of the permit fees to be charged for during the specified period will be produced by the County Council and submitted to the Statutory Undertaker to review for reconciliation. Normally accounts will be sent monthly for permits granted in the previous month.
 - b) There will be a period of 10 working days after receipt of the full account to confirm fees and charges for the entire period.
 - c) During both of the reconciliation periods it is the Statutory Undertakers responsibility to liaise with Hampshire County Council if they have any comments or queries on the content of the account.
 - d) Once the reconciliation period is complete and the payment agreed, a full invoice for the full period will be issued. Payment will be required within 28 calendar days.
 - e) Once the account charges have been agreed, the Statutory Undertaker must notify the Permits team if they need to issue a purchase order to HCC. This will need to be sent to the Permit team as soon as possible prior to the invoice being raised in order not to cause a delay.
- 24.4.6 If during the reconciliation Hampshire County Council and Statutory Undertaker cannot reach agreement on a permit fee and any details are still under discussion, these fees will be omitted from the final account for the period and subsequent invoice. Fees under discussion can be included or not included as a result of discussions, in a later invoice.
- 24.4.7 Held over charges from a previous period may be included in such a statement. For example, these may include charges that were previously queried or PAA charges held back from a previous period which were awaiting the granting of permit for the activities.
- 24.4.8 The account period and subsequent invoicing frequency may vary but only with prior agreement being obtained from the relevant Statutory Undertaker.

Appendices

Appendix A Permit Fees

Hampshire County Council Permit Scheme Fees		
Reinstatement category of street	Road Category 0-2 or Traffic Sensitive Cat 3 & 4	Road Category 3-4 Non-Traffic Sensitive
Provisional Advance Authorisation	£100	£75
Major Activity (Including requiring a TRO for 11 days or more)	£240	£145
Major Activity – 4 to 10 days (requiring a TRO)	£130	£75
Major Activity – up to 3 days (requiring a TRO)	£65	£45
Standard activity	£130	£75
Minor Activity	£65	£0
Immediate activity	£60	£0

Permit Reduction

- A permit fee reduction of 50% will be applied to all collaborative activities
- A permit fee reduction of 30% will be applied to other activities where disruption has been minimised, as described in Section 15.

Permit Variation Fees

For permit variations, the County Council will charge:-

- £45 for all activities on category 0, 1 and 2 streets and category 3 and 4 streets that are traffic-sensitive;
- £35 for major activities on category 3 and 4 & non traffic-sensitive streets.

Appendix B Key Performance Indicators (KPIs)

Every authority wishing to implement a permit scheme must indicate how it intends to demonstrate parity of treatment for Promoters in its application. The HCPS will adopt the KPI's set out in the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015). Data will be collected for all Promoters.

- TPI 1 Works Phases Started (Base Data)
- TPI 2 Works Phases Completed (Base Data)
- TPI 3 Days of Occupancy Phases Completed
- TPI 4 Average Duration of Works
- TPI 5 Works Phases Completed after the reasonable period
- TPI 6 Number of deemed permit applications
- TPI 7 Number of Phase One Permanent Registrations

In addition, the HCPS will adopt the following, scheme specific, KPI's

- KPI 1 No. of activities completed outside of agreed timescales
- KPI 2 No. of activities with collaborative working
- KPI 3 No. Of activities where condition s relating to advance publicity were applied by either the Promoter or the County Council
- KPI 4 No. Of FPN's served

Appendix C Detailed Information for Payment of Permit Fees

The following information is supplied to enable Promoters to pay permit fees:

- a) By debit or credit card by visiting einvoicepayments.hants.gov.uk or by using our automated phone payments service. There may be a charge if you pay using a credit card.
- b) BACS or online banking – please quote the invoice number as a reference (see top right corner at the beginning of the invoice)
- c) By direct debit –The County Council will automatically collect payments from the agreed bank or building society and The value of the invoice will be collected no less than 15 days after the invoice date shown.
- d) By post – if you can, please avoid paying by cheque. The cheque should be made payable to Hampshire County Council, making sure that the invoice number reference is noted on the reverse (see top right corner at the beginning of the invoice). Send your cheque to the following address: IBC, Ell East, The Castle, Winchester, Hampshire SO23 8UB.

HCC NRSWA Consultation Responses – For Consultation Use

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
Section 15.6.1 j	District Council	<p>Can you confirm whether works being carried by WCC under the Traffic Management Agency Agreement with HCC would be exempt from fees as they are being carried out on behalf of the Highway Authority. Section 15.6.1 j)</p> <p>This would typically include installing new street furniture such as road signs, bollards, etc.</p> <p>Thanks</p>	<p>Works carried out on behalf of HCC are unlikely to attract a charge. Works undertaken by WCC using its own powers are likely to attract a nominal charge to cover operating costs.</p>
Page 71	Parish Council	<p>Although this scheme seems to be perfectly viable and has some commendable features it does not address the two main problems we as a Parish Council and our residents experience with road works.</p> <p>First is the lack of coordination. We have been informed that when a road is resurfaced the utilities are not supposed to dig it up for five years except in emergencies. From local experience it is quite clear that this principle is totally ignored by the utility companies.</p> <p>Other countries have far better legislation to enforce the discipline necessary so that new surfaces are not destroyed shortly after they been laid down.</p>	<p>The permit scheme is based on UK legislation and there are existing powers which the County Council exercises to restrict new surfaces being dug up (Although new services or emergency works are exempt from such restrictions). These powers will be unaffected by the permit scheme.</p>
	Parish Council	<p>Secondly although we often receive notification of work on major trunk roads within the County when it comes to being kept informed on work on local roads, provision of such information is often not forthcoming. If a permit system is put in place it should be simple, courteous and helpful to keep the local parish council informed.</p>	<p>Information about all works that the County Council is aware of can be found on roadworks.org. It is hoped that the permit scheme will help improve liaison for the most disruptive types of work.</p>
1.4.1	HCC	1.4.1' South East' what?	South East permit scheme (SEPS)
1.5.5	HCC	1.5.5 'The HCPS will also apply to works undertaken by	Correct. At the time of writing there is no charge for permits for

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		Hampshire County Council as the Highway or Traffic Authority. ‘ but 5.6.1 j) states it wont be charged not true parity? Not that I am complaining	HCC works. Though this may change.
Para 1.4.1	HCC	A couple of points for clarity: <ul style="list-style-type: none"> Para 1.4.1 – Should it say best practice in West Sussex, South East and Kent permit schemes? 	No as it is referring to the schemes, not the regions.
Para 1.5.6	HCC	<ul style="list-style-type: none"> Para 1.5.6 – Should there be a full stop after HCPS? 	Correct. This has been amended.
1.3	DfT	1.3 Your scheme is not based on Part 3 of TMA and the related regulations it is enabled by same.	Agreed. This has been amended.
3.3	DfT	3.6.3 You may not be charging a fee for a permit but you might want to make it clear that you can still apply conditions to the permit.	Agreed. We will make this clear.
3.6.3	DfT	3.6.3 You refer to EToN across the document but you might want to future proof it by saying “by the current electronic means” or similar to reflect the development of Street Manager.	Very good advice. We will review the document and amend references to EToN.
16.2.1	DfT	16.2.1 It is not the HAUC Permit Conditions 2017 . From March 2015 they are in a statutory guidance document which authorities must have regard to so it is this reference you need to use.	Agreed and changed accordingly.
17.3.1	DfT	17.3.1 There is no inspection process for permits or use of permit conditions. You can of course inspect them but you need to make it clear that there is no fee or statutory process here.	Agreed and changed accordingly.
	DfT	Generally I am not feeling it for how your scheme will be evaluated in accordance with regulation 16 A of the amendment regulations 20125. Clear / separate bit of	Agreed. The objectives have been updated and additional KPI's incorporated. Following on from the first year of assessment additional documentation may be produced to provide more

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		the report maybe or linked to KPIs. How will you show utilities the flip side to the benefits of the permit scheme that you are in fact adding value to a permit application they are paying for?	details of improving the assessment process.
	Parish Council	At the CPC meeting held on Monday 2 July 2018, your consultation was briefly discussed and agreed by councillors that your proposal is a reasonable step to try and co-ordinate road and street works.	N/A
	Government Department	Thank you for consulting us on the above application. We have no objection to the proposal as submitted.	N/A
Page 73	Parish Council	Thank you for inviting us to comment on the above consultation. The Parish Council has considered the documents and has no comment.	N/A
Page 73	Parish Council	<p>I write further to your e-mail below regarding the new consultation as named above.</p> <p>This consultation was referred to the council's Planning & Transportation Committee who met on Wednesday, 4th July and the comments below are recorded in the Minutes of that meeting:</p> <p>Councillors agreed that its response to the consultation was that they supported Hampshire County Council's proposal to exercise its powers to introduce a system of permits and road works.</p> <p>I should be grateful if you would kindly enter these</p>	N/A

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		<p>comments as the formal response from us.</p> <p>Kind regards, Pat</p>	
Page 74	Utility Company	<p>Please find below our comments on the points laid out in the Consultation Document:-</p> <p><u>General</u></p> <p>We do not believe that a Permit Scheme will reduce the number of roadworks that take place. All works carried out on behalf of SW are essential, and must be carried out whether a Permit or Noticing regime is in place (i.e. safety, leakage repairs, new connections, asset repairs etc).</p>	<p>The DfT Advice for Highway Authorities developing permit schemes indicates that such schemes may reduce street works by 5%. The County Council believes that the actual number 'may' not be reduced (although there may be some reduction owing to more use of first time permanent works or shared works). However, there is highly likely to be a reduction in the disruption from street and road works owing to the County Council taking a more proactive stance on coordination. Accordingly we will consider amending any references to a 5% reduction in the number of street works.</p>
1.4.2	Utility Company	<p><u>Consultation Document</u></p> <p>1.4.2 - We strongly support the approach of Hampshire CC adopting a partial scheme as opposed to a full scheme.</p>	N/A
2.7.3	Utility Company	2.7.3 - No Cost Benefit Analysis has been released as part of the Consultation, should this not be provided?	This has been subsequently provided to those who have requested it.
3.3	Utility Company	3.3 - Should the DfT Statutory Guidance (Permit Scheme Conditions) March 2015 be referred to here as well as the HAUC(England) guidance, as the statutory guidance is higher up the hierarchy, with the HAUC(England) document supporting the statutory guidance?	Guidance from the DfT suggests that the HAUC document takes priority for this reference.
5.2	Utility Company	5.2 - Should a note about EToN being superseded by Street Manager be added to future proof the Permit	Agreed. Reference to EToN has been removed throughout the document and replaced with reference to a National agreed

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		Scheme?	electronic / technical system.
6.4	Utility Company	6.4 - Suggest further clarification is provided around the 'issuing of another Permit' . As per the HAUC (England) Guidance, should the process not be that the Permit Application is submitted containing the dates the promoter proposes to work (including comments to back this up) or a permit variation should be submitted requesting the new dates?	Agreed. This has been explained in the section describing early starts.
8.1, 9.2, 9.3	Utility Company	8.1, 9.2, 9.3 - As per 5.2 above.	Agreed. Reference to EToN has been removed throughout the document and replaced with reference to a National agreed electronic / technical system.
10.3	Utility Company	10.3 - What is the process for including 10.3 (i), (iv), (vi) within the permit application, as this is currently outside of the scope of EToN? Further clarification required. Will this be by EToN comment, followed by a separate process?	Agreed. This section has been amended.
12.4 & 12.5.1 (b)	Utility Company	<p>12.4 & 12.5.1 (b) – Refusal of Application – We have concerns that refusal of a permit could result in a contravention of our statutory rights, and could result in failure to comply with other legislation (the Water Industry Act etc). For non major activities on minor roads, We suggest the permit be deemed to be accepted in all cases, so that it mirrors as closely as possible the works being dealt with under the noticing regime. We fear that there is a risk that a permit could be refused for a non-valid reason, & would also like to stress that duration of works should not be challenged unnecessarily.</p> <p>We would also like confirmation that Immediate Works Permits will not be refused & that any required changes will be in line with 5.3 of the HAUC(England) guidance - permit should be granted followed by an Authority Imposed Variation.</p>	Agreed. This has ben clarified.

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13.6	Utility Company	13.6 – We strongly disagree with this, as this contravenes 8.2 of the HAUC (England) Guidance, which clearly states that the promoter will only have to apply for a permit variation for the first excavation in each further 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres etc. It does not state that variations will be required for ‘any further excavations’. Other Permit Schemes (KCC, SEPS) in our Area of Operation are in line with 8.2 of the Permits Guidance - If excavationary works take place at a location (e.g. Leakage) and the leak is found at another location, a permit is still required for the 1 st location as excavation has taken place, and for any further excavations on the same street within 50 metres of the original hole, we telephone the Permit Authority with the new location. No permit variation will be needed and no permit charge will apply, as long as additional excavations are within a 50M band. We should only apply for a permit variation only for the first excavation in each further 50 metre band away from the original hole in the same street. Southern Water believes it would be reasonable (and in compliance with the Guidance) for this to be applied to the Hampshire CC Permit scheme.	Agreed. Section removed. HAUC guidance will apply.
15.6.1 (g)	Utility Company	15.6.1 (g) - suggest this be reworded slightly to give complete clarity, so that the document clearly states that any coring activities not exceeding 150mm diameter would not be subjected to a fee, unless one or more of rules 2 – 6 stipulated under 1.2 of the HAUC (England) Guidance makes the coring activity a registerable activity.	Agreed. Section clarified.
16.2.1 & 2	Utility Company	16.2.1 & 2 - as per comment for 3.3 above regarding DfT Statutory Guidance.	As above for HCC’s response. This section is referring to the conditions which are included in the HAUC document.

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16.4.1	Utility Company	16.4.1 – Our ETON system (EXOR) cannot send a Permit Modification request on an immediate works so we will not be able to comply with this. Also, this is in contravention with 5.3 of the HAUC (England) guidance, which states that 'PMR's should not be used to respond to an immediate permit'.	Agreed. Section has been updated.
16.7	Utility Company	16.7 - Suggest this section be removed & replaced with a reference back to the DfT Statutory Guidance (Permit Scheme Conditions) March 2015 & HAUC (England) Permit Guidance document, as this is covered by both documents & further duplication is not required.	Agreed. This has been removed.
16.8.1	Utility Company	16.8.1 – We see the granting of a variation but not the extension of the reasonable period as revenue raising. Why would the reasonable period not be extended in line with the variation extension?	Section has been clarified.
16.9	Utility Company	16.9 - Suggest this section be removed & replaced with a reference back to the DfT Statutory Guidance (Permit Scheme Conditions) March 2015 & HAUC (England) Permit Guidance document, as this is covered by both documents & further duplication is not required.	Agreed. This has been removed
16.9.7	Utility Company	16.9.7 specifically – If the Safety at Streetworks CoP stipulates a one metre minimum of footway, then the Permit condition should relate to one metre, not anything greater. As per DfT requirements “no conditions should be introduced that already exist in other legislation and NO condition can exceed legislation”. We have concerns that conditions ‘may be applied’ that are not in line with the ‘Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions March 2015’. Will Hampshire CC be reviewing s16.9 of the draft Permits Scheme document in line with the Statutory Guidance?	This section has been removed.
16.10,	Utility	16.10, 16.11, 16.2, 16.13, 16.14 - Suggest these	Agreed. These sections have either been removed or remain but

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16.11, 16.12, 16.13, 16.14	Company	sections be removed & replaced with a reference back to the DfT Statutory Guidance (Permit Scheme Conditions) March 2015 & HAUC (England) Permit Guidance document, as this is covered by both documents & further duplication is not required.	slightly reworded.
Chapter 20	Utility Company	Chapter 20 -suggest this is removed fully & reference made to the Co-ordination CoP as this is covered in that document. No need for duplication.	Agreed. Most of this has been removed. Some small elements remain where the County Council wishes to emphasise an issue that is specifically related to the schemes objectives.
24.5.5	Utility Company	24.5.5 - We cannot comply with this as our Finance standard turnaround times are at least 45 days.	28 days is what the HAUC guidance doc recommends. HCC will work with all SU's to determine reasonable payment timescales.
Appendix A	Utility Company	Appendix A - Permit Fees – As previously mentioned, SW applauds Hampshire CC in Zero rates Permit fees for Non TS Cat 3 & 4 Streets (which the DfT should ensure all HA's follow this good practice). However, we would like to request that Hampshire CC consider reducing Permit fees on Standard Activities from £75 on non TS streets & if required increasing fees for major works? Could Hampshire CC also confirm that there will be zero charges for minor /immediate works carried out on Cat 3 & 4 streets that are TS but works are carried out during non TS times?	This has been clarified in the document.
	Utility Company	<u>General Comments</u> Will Hants CC be having a trail before Permit Fees are introduced? Suggest at least 1 month minimum, with 2 months preferable to allow the Scheme to bed in.	Yes, this has been included in the document.
	Parish Council	The parish council met last night and agreed that it supported your proposals.	N/A

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	Environment Agency	Thank you for consulting with us on your Scheme. The Scheme falls outside our remit so we are unable to comment.	N/A
	Parish Council	<p><u>Response to HCC Consultation on Permit Scheme for Roads</u></p> <p>1. CVPC welcomes the underlying objective of a permit scheme, but has significant reservations about the apparent complexity of its planned implementation.</p>	Permit Schemes were introduced by Part 3 of the 2004 Traffic Management Act as amended by the Deregulation Act 2015. The structure of schemes is described by the 2007 Traffic Management Permit Scheme (England) Regulations as amended in 2015.
Page 79	Parish Council	2. The overall impression is of a convoluted, wordy, excessively-long document that fails to match the exhortation to permit applicants at para 9.4 for simple use of English.	In developing the HCC permit scheme, statutory guidance has been followed, but the final permit scheme will be streamlined to make it clear and concise, referencing already published guidance where ever possible.
Page 79	Parish Council	3. There is much use of unfamiliar abbreviations. A glossary would be a useful addition.	The permit scheme documentation invokes and describes a number of regulations and consequently the terminology is necessarily technical. Consideration will be given to producing a compendium document specifically for a non-technical audience to assist in interpreting the meaning.
	Parish Council	4. There are many references to legislation without quoting any detail with the result that many aspects require extensive external research. Related links would assist.	It is intended that the permit scheme will refer to other published guidance and statutory instruments with the aim of producing a concise document and avoiding duplication where ever possible. An added benefit is that the changes to these reference documents can be made without requiring the permit scheme itself to be revised. The main audience for the permit scheme is works promoters who will be familiar with these, but there may be scope within a compendium document for a non-technical audience to provide the requested links and/or further information.
	Parish Council	5. An application checklist could be another useful contribution to simplifying use of the system.	Works promoters are expected to be familiar with how to apply for a permit. The HCC street works team will be able to advise individuals and organisations undertaking works for whom a

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			<p>permit application process is unfamiliar. Guidance can be provided on-line in the form of FAQs and examples.</p>
	Parish Council	<p>6. There seem to be inconsistencies with regard to emergency road works. (paras 6.5, 16.4) when judged against para 18.5 which includes no caveats when stating that “It is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake works without a permit. “</p>	<p>The permit scheme recognises that emergency works must be undertaken to make safe. Subsequently a permit must be applied for. In a number of cases this will apply to work undertaken after the defect has been made safe. The street works team may from time to time be required to make a judgement regarding whether works undertaken are emergency works.</p> <p>6.5 Valid Immediate works can commence with a subsequent permit application, as defined within the Permit Scheme.</p> <p>16.4.1 Activities that are necessary for emergency or urgent reasons, (i.e. immediate activities), can commence and continue for an initial stage without requiring a permit to be obtained first.</p> <p>18.5.1. It is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake works without a permit.</p>
	Parish Council	<p>7. What justification is there for declaring that weekends and public holidays are non-working days? One of the major dissatisfactions with road works is extended periods when no work seems to be taking place whilst the obstruction remains. The scheme should encourage 7-day working whenever practical.</p>	<p>Working days are defined in the relevant statutory Codes of Practice as being Monday to Friday 08:00 to 16:30 (excluding bank holidays). See Section 8. 3. 4 of the Code of Practice for the Coordination of Street Works and Works for Road Purposes. If this definition changes then the permit scheme will adopt the legislated changes.</p> <p>Conditions may be applied to individual works to direct specific requirements. Lane rental proposals may provide further opportunities to encourage construction plans that minimise duration on high impact roads.</p>

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	Parish Council	8. Para 3.7 should specify a proactive role for HCC in facilitating forward planning and minimising excessive traffic disruption caused in combination with other works in the area.	This is part of the street works service. Forward planning notices are used to coordinate other works to avoid, as far as is possible, clashes that might lead to avoidable disruption.
	Parish Council	9. Given that East Sussex have put their Street Gazetteer on line, does HCC plan to do the same? If not, why not? (para 5.4)	Hampshire's Street Gazetteer can be found online at roadworks.org
	Parish Council	10. It is not clear if the scheme will be self-funding and what extra staff and facilities will be required to administer the scheme. Given current constraints on budgets, the scheme should be completely self-funding, including covering all setup costs.	It is intended that the scheme will be self-funding in respect of utility works. The costs of the permit application for HCC works will be the responsibility of the authority.
Page 81	Parish Council	11. What is the justification for waiving fees for collaborative works (3.6l.3) and how will this affect the financial viability of the scheme? Minimum proportions of the elements of the collaborative working need to be specified to forestall potential abuse of the concession.	One objective of the permit scheme is to reduce the number of road works by encouraging collaboration. Permits fees will only be waived where there is genuine collaboration i.e., where there is evidence of works promoters working together to minimise disruption.
	Parish Council	12. Inclusion of streets subsequently to be maintained publically should specify inclusion 'when', not 'if they qualify'. (para 5.3)	Not all such streets will be adopted, therefore HCC feels it more 'realistic' to state "if" rather than "when".
	Parish Council	13. Overrun charging is hidden in external references, but which reference is not clear when merely stating 'Section 74', for example. (para 17.2)	S74 refers to S74 of the New Roads and Street Works Act 1991 whereby overrun charges can be applied. Practitioners are aware of this legislation. However, this point will be clarified in the permit scheme document.
	Parish Council	I would like to respond to the consultation on permits for road works by asking whether a system could be introduced to inform Parish Clerks when works will take place in their parishes please. At least then we could alert our Business Association and other organisations and residents who might be affected.	As part of the permit scheme roll – out we are reviewing our methods of communications with Parish and District Councils with a view to improving information exchange.

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	HCC	<p>Thanks for the chance to comment. I have only three:</p> <ol style="list-style-type: none"> 1. Tree works are often carried out in response to an emergency. I could not find any reference to emergency works – it might be useful to state somewhere that emergency works are outside the scope of the permit scheme if this is the case. 	<p>Emergency works = Immediate works. These instances are covered in the documents.</p>
Page 82	HCC	<ol style="list-style-type: none"> 2. Para 7 in the contents is listed at ‘Types of Permit’ where I expected to find some helpful definitions. I think the contents table needs an update as para 7 is ‘Registerable activities – Specified works (still no definitions!) This just refers back to the legal instruments which to be honest is frustrating if you’re trying to find out if you need a permit or not. 	<p>HCC will provide training to internal Promoters to help with these definitions.</p>
	HCC	<ol style="list-style-type: none"> 3. Personally, and this may not be the right place, I’d find it helpful to have a ‘When do I need a permit?’ type definitions as this is the first question that I’d need to answer before getting into the detail. This may be dealt with somewhere else, but I would find a definition of the major, minor, standard works useful. <p>Otherwise it looks clear and reasonable, I like the share space = no fee. Thanks,</p>	<p>HCC will provide training to internal Promoters to help with these definitions.</p> <p>The collaboration discount has been clarified to a 50% reduction in Permit fee.</p>
	Parish	Thank you for informing the Parish Council of this	As part of the permit scheme roll – out we are reviewing our

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
	Council	<p>proposal. We are very pleased to note that parish councils will be informed and consulted. It seemed a little muddling just when the parish council would be informed of the roadworks and by whom, however we would like to strongly request that the PC is involved at the very early stage and before permission is granted.</p> <p>Obviously the PC recognises that roadworks are necessary but many of its roads are in fact single track lanes. It would therefore be helpful to everyone if the PC was consulted prior to granting consent so that it could raise possible issues and also contribute solutions based on its local knowledge.</p> <p>(The last time this occurred I had to object at a late stage because the alternative routes were either through a ford, which can be impassable and has claimed lives, or on a track which is legally only a public footpath and which was impassable except by off-road vehicles. There was therefore potentially no access for either emergency vehicles or residents with non-4x4 vehicles.)</p>	<p>methods of communications with Parish and District Councils with a view to improving information exchange.</p> <p>The County Council will try to take on board all relevant concerns, but conditions are limited by National legislation and there are strict and tight timescales to respond to a permit application. This may limit what concerns / solutions can be acted on.</p>
	Parish Council	<p>Thank you for giving us the opportunity to comment on this consultation.</p> <p>As long as any proposed permit scheme ensures that all parties are adequately and accurately notified of road and street works - and that those works are expedited with the minimum of disruption then the parish council supports the nationally agreed conditions as laid out in your email.</p>	<p>The intent of the scheme is to minimise avoidable disruption to traffic wherever possible.</p> <p>As part of the permit scheme roll – out we are reviewing our methods of communications with Parish and District Councils with a view to improving information exchange.</p>
	Parish	My council has requested I respond to the above	Quality of reinstatements is outside the remit of the permit

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
	Council	<p>consultation with the following points: What concerns the Parish Council most about work on the street and pavement is the quality of the re-instatement once the work is complete. It is not clear whether the permit scheme applies to pavements/footways, but there are places in the village where the hatch-potch of repairs has left the surface of the road or the pavement in a far worse condition than originally. This creates the environment for potholes in the road and, on the pavement depressions are often left so that water does not flow away leaving lots of puddles. The result of poor workmanship when re-instating, which has lead to potholes, then creates concerted criticism of HCC and their contractors in the approach to repairing. This is accentuated when the contractors instructed to carry out repairs on potholes leave clearly visible potholes nearby because they have not been marked up for repair. There does not seem to be anything in this document about the standard of work and HCC's powers to ensure re-instatement is to a high quality.</p>	<p>scheme. However, existing legislation compels all utility companies to undertake their reinstatements in accordance with National Specifications. Where failures of compliance are noted then the utility company has to return and rectify any problems at their cost.</p>
	Parish Council	<p>The Parish Council are also concerned that the charging mechanism will have unintended consequences such as utilities not carrying out or delaying essential repairs.</p>	<p>Charges are necessary to operate the service. The charges reflect the costs to the County Council to operate the scheme and are in line with Nationally set charge maximums. Experience from other Authorities that have been running permit schemes for many years indicate that utility companies do not delay necessary repairs as they have a statutory duty to maintain their assets.</p>
	Utility Company	<p>Our comments following review of the proposed Hampshire Council Permit Scheme (HCPS) We have carefully reviewed the proposed HCPS and hereby provide the following in response. All our works are essential for the operation of the water supply network, with demand driven by customers, so</p>	<p>The DfT Advice for Highway Authorities developing permit schemes indicates that such schemes may reduce street works by 5%. The County Council believes that the actual number 'may' not be reduced (although there may be some reduction owing to more use of first time permanent works or shared works). However, there is highly likely to be a reduction in the</p>

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		we are of the view that the permit scheme will not reduce the number of works to be undertaken on the Hampshire Network.	disruption from street and road works owing to the County Council taking a more proactive stance on coordination. Accordingly we will consider amending any references to a 5% reduction in the number of street works.
	Utility Company	<input type="checkbox"/> We would support a partial Permit Scheme rather than the full scheme.	This scheme is a 'full scheme' ie it requires permits for all registerable works. But charges are not made for works that have minimal impact on traffic.
	Utility Company	<input type="checkbox"/> Please could you explain the mechanism to be used to charge for works undertaken outside of Traffic Sensitive times?	Discounts will be applied to all works carried out O/S of TS times. This working restriction would need to be indicated on the permit application.
	Utility Company	<input type="checkbox"/> We would be in support of the introduction of no cost on minor/immediate works on road categories 3 & 4.	N/A
Page 85 2.6.2	Utility Company	<input type="checkbox"/> 2.5.2 To protect the right of the public to use the highway in a lawful manner. Please can you explain what 'lawful manner' refers to?	The public have a right to pass and re-pass on a public highway (Highways Act 1980)
2.7.3	Utility Company	<input type="checkbox"/> 2.7.3 We request that the cost benefit analysis document be provided by Hampshire CC.	This has been supplied following this request.
3.5.4	Utility Company	<input type="checkbox"/> 3.5.4 We request further information as to how we are to manage 'noise'	This would be using processes already in place within the industry. The County Council and local Environmental Health officers can provide site by site advice.
3.5.6	Utility Company	<input type="checkbox"/> 3.5.6 More advanced notice is not always possible	Agreed.
3.5.7	Utility Company	<input type="checkbox"/> 3.5.7 We suggest this to be in the PERMIT CONDITIONS section instead?	Agreed. This section has been amended.
3.6.1	Utility Company	<input type="checkbox"/> 3.6.1 We also believe in collaborative working, which is a shared responsibility. Hampshire County Council also have a duty to coordinate these activities. We	Agreed. This section has been amended.

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		suggest this be made clear in this section.	
3.6.3	Utility Company	<input type="checkbox"/> 3.6.3 We will need some confirmation that both parties will not be charged for working collaboratively.	The process for collaborative working has been revised.
6.4	Utility Company	<input type="checkbox"/> 6.4 We request further clarification please? As the variation costs us extra in fees, this should be in alignment with the HAUC guidance document which states that the dates submitted should be the preferred date.	This has been clarified.
10.7	Utility Company	<input type="checkbox"/> 10.7 Our EToN has limited free text, so this will not always be possible. Also, we do not know what issues we will come up against before we dig.	Agreed that this will not always be possible, but the scheme does not state that this is essential.
10.9	Utility Company	<input type="checkbox"/> 10.9 We suggest that this section be removed.	Agreed. This section has been removed.
10.10	Utility Company	<input type="checkbox"/> 10.10 This should be in alignment with the HAUC guidance document. We would appreciate a discussion rather than an outright refusal.	Agreed. This section has been amended.
10.12.6	Utility Company	<input type="checkbox"/> 10.12.6 We request advice on what the process is.	This section has been removed.
11.10.3	Utility Company	<input type="checkbox"/> 11.10.3 This is not mandatory.	Agreed. This section has been amended.
12.4.1	Utility Company	<input type="checkbox"/> 12.4.1 Certain types of works can be undertaken under powers granted by the Water Industries Act. We suggest that HCC use the response codes as per the HAUC guidance document. Reasons for refusal must be listed. Refusals are not allowed for immediate works as per the HAUC guidance.	Agreed. This section has been amended.

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14.2	Utility Company	<input type="checkbox"/> 14.2 HAUC guidance document states we can let a permit lapse rather than cancel.	Agreed. This section has been amended.
15.6.1	Utility Company	<input type="checkbox"/> 15.6.1 We request clarification for this section.	This section has been clarified. HCC can also discuss this with SEW outside of the consultation process.
20 & 22	Utility Company	<input type="checkbox"/> Sections 20 & 22 We suggest removing these sections.	Most of these sections have been removed. Some elements remain where the County Council wishes to emphasise issues relevant to the HCPS.
24.5.2	Utility Company	<input type="checkbox"/> 24.5.2 Time-frame required. 28 days in arrears or as agreed.	This section has been clarified.
Appendix A	Utility Company	<input type="checkbox"/> Appendix A – We request clarification of the permit reduction section.	The permit discounts have been clarified throughout the document. However, the County Council can discuss the process for discounts with SEW outside of the consultation.
Page 87	Utility Company	Please find below our comments on the points laid out in the Consultation Document:- <u>General</u> <ul style="list-style-type: none"> We do not believe that a Permit Scheme will reduce the number of streetworks that take place as all Utility works carried are essential (for example customer connections have to be carried out). 	The DfT Advice for Highway Authorities developing permit schemes indicates that such schemes may reduce street works by 5%. The County Council believes that the actual number 'may' not be reduced (although there may be some reduction owing to more use of first time permanent works or shared works). However, there is highly likely to be a reduction in the disruption from street and road works owing to the County Council taking a more proactive stance on coordination. Accordingly we will consider amending any references to a 5% reduction in the number of street works.
	Utility Company	<ul style="list-style-type: none"> Our members cannot find any reference within the document to the National Permit response codes. 	This has been rectified.
	Utility Company	<ul style="list-style-type: none"> Our members would like to know what mechanism Hampshire CC will use to identify non payment of permit (i.e. works on non TS streets) or will this be down to the Utility to identify? 	This has been clarified in the document. Further clarification can be provided with each Promoter or at Hants HAUC.
1.4.2	Utility	Consultation Document	N/A

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
	Company	1.4.2 - Our members support the approach of Hampshire CC adopting a partial scheme as opposed to a full scheme, with the introduction of zero costs on immediate and minor works on non Traffic Sensitive Category 3 & 4 streets.	
1.5.6	Utility Company	1.5.6 Our members believe that Hampshire highways works should be collated also to demonstrate parity.	Agreed. This has been clarified in the document.
2.5.2	Utility Company	2.5.2 'To protect the right of the public to use the highway in a lawful manner' - Our members would like to ask how this will be achieved?	This refers to the rights of the public to 'pass and re pass' as described in the Highways Act 1980.
2.6.4	Utility Company	2.6.4 We believe that the strategic aims are not really applicable to the scheme document.	The strategic aims give a background to the County Councils scheme objectives.
2.7.1	Utility Company	2.7.1 We would like to ask if there is any data to confirm that reduced carbon will be a likely benefit of the HCPS?	This is being reviewed.
2.7.3	Utility Company	2.7.3 - No Cost Benefit Analysis has been released as part of the Consultation. Our members believe that it is a legal requirement to produce one on the introduction of a Permit Scheme.	A CBS has been released to those who have requested it.
3.3	Utility Company	3.3 - We believe that the DfT Statutory Guidance (Permit Scheme Conditions) March 2015 be referred to here as well as the HAUC(England) guidance, as the statutory guidance is higher up the hierarchy, with the HAUC(England) document supporting the statutory guidance.	Both have been added to the document.
3.5.4	Utility Company	3.5.4 Our members would like further clarification on the 'effective management of noise'.	There is good practice within the industry, for example, using noise barriers, doing the loudest elements of work prior to 23:00

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
			etc. Advice can be provided on a case by case basis by County Council staff and Environmental Health officers.
3.5.5	Utility Company	3.5.5 Our members believe that Hampshire Permit Scheme should be coordinating in general, with promoters contacting 3rd parties for major works (only if applicable). changes to works proposals should not be based on opinions of local councillors.	Often local councillors know their patch well and can offer valid suggestions to reduce complaints. Actual coordination will still be handled between the Promoter and county Council officers.
3.5.6	Utility Company	3.5.6 This should be not be 'must' as statutory notice periods will apply. Our suggests this paragraph be removed from the scheme document.	Agreed. This has been clarified.
3.5.7	Utility Company	3.5.7 As this is a standard DfT Permit condition this should be removed from the Scheme document.	Agreed, this has been amended.
3.6.1	Utility Company	3.6.1 We believe collaborative working to be a shared responsibility with the Authority.	Agreed. This section has been amended.
3.6.3	Utility Company	3.6.3 We would like further clarification on this & how will this be monitored? Does neither promoter pay the Permit fee & is there a need to change works type and will variation costs apply?	The discount process for collaborative works has been revised and clarified.
5.2	Utility Company	5.2 - Should a note about EToN being superseded by Street Manager be added to future proof the Permit Scheme? We suggest adding 'nationally defined electronic system'.	This has been amended throughout the document.
6.4	Utility Company	6.4 - Suggest further clarification is provided around the 'issuing of another Permit' . As per the HAUC (England) Guidance, (S7, P26) should the process not be that the Permit Application is submitted containing the dates the promoter proposes to work (including comments to back this up) or a permit variation should be submitted	This has been clarified.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		requesting the new dates?	
6.5	Utility Company	6.5 - We suggest deletion of 'subsequent' as an immediate permit is retrospective as per appropriate timescales.	The document has been amended to take this into account.
7.8.3	Utility Company	7.8.3 - PAA submitted and granted - We suggest it is not required to resubmit for change as can be amended on the PA for minor changes.	This section has been amended.
8	Utility Company	8 - As above, future proof the scheme & remove references to Eton.	Agreed. This has been amended throughout the document.
90	Utility Company	8.2 - Promoters can only comply with this if added on gazetteer - there is no process to inform other utilities' & HAs etc otherwise. This should be down to the permit co-ordinator to advise & inform.	Agreed. This section has been amended.
9.2 & 9.3	Utility Company	9.2 & 3 - As above, future proof the scheme & remove references to Eton.	Agreed. This has been amended throughout the document.
10.3	Utility Company	10.3 - What is the process for including 10.3 (i), (iv), (vi) within the permit application, as this is currently outside of the scope of EToN so unable to include in the PA. Further clarification required. Will this be by EToN comment, followed by a separate process? Suggest Removing MUST as not enforceable - Applications for PTS are not mandatory within the ETS & some promoters are unable to send or add attachments.	This section has been clarified.
10.3 (iv)	Utility Company	10.3.(iv) How can promoters apply on the permit for a bus stop suspension?	This section has been clarified.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
10.3 (iii)	Utility Company	10.3.(iii) unable to apply on permit	This section has been clarified.
10.7	Utility Company	10.7 EToN comments box has limited free text , and often unable to clarify until excavation.	Noted.
10.9	Utility Company	10.9 Suggest this paragraph be removed.	Agreed. This section has been removed.
10.10.1	Utility Company	10.10 - 1 - This should not be the case for immediate works, as refusal of immediate works permits contradicts the HAUC(England) Permit guidance.	Agreed. This section has been amended.
10.10.2	Utility Company	10.10 - 2 - This will be a modified PA as opposed to a new PA as per HAUC(England) guidance. Any refusals should be discussed prior to refusal.	Agreed. This section has been amended.
10.12.3	Utility Company	10.12.3 - We would like to know where is this should be displayed?	Agreed. This section has been clarified.
10.12.6	Utility Company	10.12.6 - We would like to request the process for this?	This has been clarified elsewhere in the document.
11.7.2	Utility Company	11.7.2 - We suggest reference to early start guidance in the HAUC(England) Guidance.	Agreed. This section has been amended.
11.8.1	Utility Company	11.8.1 - We suggest that allowances need to be made where urgent issues arise and that any requests should not be dismissed without due consideration.	Agreed. This section has been amended.
11.9.2	Utility Company	11.9.2 - As per response to 11.7.2 - refer to early start guidance as there is no format grant.	Noted. But the County Council does not feel that this needs to be changed.
11.10.3	Utility Company	11.10.3 - We would like to see the (non mandatory) process defined.	Agreed. This section has been clarified.
12.4	Utility	12.4 - Refusal of permits not allowed under 5.3 HAUC	Agreed. This section has been amended.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
	Company	(England) Guidance, for immediate works - permit should be granted followed by an Authority Imposed Variation. We also suggest using the appropriate response codes & under 12.4.1 cross referencing the reasons for refusal.	
12.5	Utility Company	12.5 - Should the grounds for refusal be as per the HAUC (England) guidance?	Agreed. This section has been amended.
13.2	Utility Company	13.2 - Minor changes should be on the PA as opposed to the PAA.	Agreed. This section has been amended.
13.4	Utility Company	13.4 - We would like due consideration for exceptional circumstances such as out of hours working.	Agreed. But this can be determined at a local level or at Hants HAUC.
13.6	Utility Company	13.6 – We do not agree with this, as this contravenes 8.2 of the HAUC (England) Guidance, which clearly states that the promoter will only have to apply for a permit variation for the first excavation in each further 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres etc. It does not state that variations will be required for ‘any further excavations’.	Agreed. This section has been removed.
14.2	Utility Company	14.2 - A permit can legally be allowed to lapse (although cancellation is best practice). As per 11.4 of the HAUC (England) guidance, a Permit Fee can be refunded due to special circumstance (e.g. unable to work as parking bay suspensions not processed., illegally parked cars etc).	Agreed. This section has been amended.
15.1	Utility Company	15.1 d) - AIV is not subject to charge.	Agreed. This section has been amended.
15.6.1	Utility	15.6.1 g) - We suggest clarification to ensure the	Agreed. This section has been clarified.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
	Company	meaning is understood, needs to meet criteria under 1.2 of HAUC guidance & the definition of a registerable activity.	
15.7.1	Utility Company	15.7.1 - We would like clarification of the discount levels e.g. 30% on collaboration discount	The sections describing discounted permit fees have been clarified.
15.8.1	Utility Company	15.8.1 - CBA required to prove costs of the scheme.	The CBA has been subsequently provided to those who have requested it.
16.2.1 & 16.2.2	Utility Company	16.2.1 & 2 - as per comment for 3.3 above regarding DfT Statutory Guidance.	Agreed. This has been amended.
16.2.3	Utility Company	16.2.3 - Remove references to Eton	This has been rectified throughout the document.
16.4.1	Utility Company	16.4.1 – Some EToN are unable to send a Permit Modification request on an immediate works so would not be able to comply with this. Also, this is in contravention with 5.3 of the HAUC (England) guidance, which states that 'PMR's should not be used to respond to an immediate permit'.	Agreed. This section has been amended.
16.4.5	Utility Company	16.4.5 - Suggest removal of this paragraph as not required - unable to enforce conditions on immediate works, as unknown.	Agreed. This section has been removed.
16.5.1	Utility Company	16.5.1 - We suggest that no clarification on interpretation is required, as DfT Statutory Guidance and HAUC (England) Guidance already covers this.	Noted. The section remains but has been clarified.
16.10.3	Utility Company	16.10.3 - We suggest this should not be on every permit & should apply for site specific reasons only.	Agreed. This section has been removed.
16.7, 16.8,	Utility	16.7, 16.8, 16.9. 16.10, 16.11, 16.2, 16.13, 16.14 -	Agreed. Many of these sections have been removed. A few

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
16.9, 16.10, 16.11, 16.12, 16.13, 16.14	Company	Suggest these sections be removed & replaced with a reference back to the DfT Statutory Guidance (Permit Scheme Conditions) March 2015 & HAUC (England) Permit Guidance document, as this is covered by both documents & further duplication is not required.	remain where the County Council considers it appropriate to emphasise an issue that is especially pertinent to the objectives of the HCPS.
18.1	Utility Company	18.1 - As per Permit Regulations, this is only for breaches of regulations 19 & 20.	Agreed. This section has been amended.
18.2	Utility Company	18.2 - We suggest changing the 'may' to 'should' contact the Statutory undertaker.	Agreed. This section has been amended.
18.5.2	Utility Company	18.5.2 - How will Hampshire CC demonstrate the monitoring of the performance of Highway Authority promoters to demonstrate parity?	The County Council will measure the performance of its own promoters. This section has been amended accordingly
18.6.2	Utility Company	18.6.2 - Remove Eton references	References to EToN have been removed throughout the document.
18.6.3	Utility Company	18.6.3 - Can Hampshire CC clarify relevance in this section to the Permit Scheme?	This section has been removed.
18.7.4	Utility Company	18.7.4 - We would like reasonableness and in public interest being taken into account.	Agreed. This section has been amended.
18.8.1,2,3,4	Utility Company	18.8.1, 2, 3, 4 - We do not believe that there is an FPN Scheme as such, this is a process under permit scheme - suggest changing scheme to sanction.	Agreed. This has been amended.
19.3.1	Utility Company	19.3.1 - three stages mentioned actually list four stages in the document.	This section has been amended.
20	Utility Company	Chapter 20 -suggest this is removed fully & reference made to the Co-ordination CoP as this is covered in that document. No need for duplication.	Agreed. Much of this section has been removed. A few remain where the County Council considers it appropriate to emphasise an issue that is especially pertinent to the objectives of the HCPS.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
22	Utility Company	22 - We suggest removal and reference to Co-ordination Code of Practice.	Agreed. Much of this section has been removed. A few remain where the County Council considers it appropriate to emphasise an issue that is especially pertinent to the objectives of the HCPS.
23	Utility Company	23 - We would like to ask if there will be a grace period for FPN's being served? SEJUG suggests 2 months from start of scheme at least.	A 'bedding in' period of 1 month has been included in the HCPS.
24.5.5	Utility Company	24.5.5 - Clarification required - draft usually a month in arrears 11.9 HAUC guidance refers to monthly invoices.	Agreed. This has been clarified.
Appendix A Page 95	Utility Company	Appendix A - SEJUG suggests that Permit fee reductions are included in a specific chapter of Scheme. Where TS works are carried out outside of TS times on category 3 & 4 street , should this not be Free of charge as opposed to not just 30% discount? How is the discount to be applied on what basis on permit application? We suggest Standard activity at £75 is too high, can these costs not be offset against Major works on Cat 3 & 4 streets?	The fee table has been clarified. Fees have deliberately been removed from the main body of the scheme document to facilitate ease of amendment. £75 for standard works on Cat 3 & 4 roads is comparable to the disruption for major works lasting between 4-10 days on a similar road. The County Council considers this to be appropriate. Though this will be open for review.
Appendix C	Utility Company	Appendix C - We suggest removing as a standard condition. As per DFT statutory guidance conditions cannot exist outside of this guidance, therefore no new conditions can be created. DFT Statutory conditions must be used only.	Agreed. These have been removed.
	Utility Company	<u>General Comments</u> Will Hants CC be having a trail before Permit Fees are introduced? Suggest at least 1 month minimum, with 2 months preferable to allow the Scheme to bed in.	A 'bedding in' period of 1 month has been included in the HCPS. In addition the County Council will be operating NCT's with notices prior to the commencement of the scheme.
	Utility	Introduction	N/A

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
Page 96	Company	<p>We welcome the opportunity to comment on the proposed permit scheme by Hampshire County Council</p> <p>Key Points regarding the Permit Scheme Consultation</p> <p>As you are aware all new permit schemes now have to follow the January 2013 DfT Additional Advice Note for developing and operating Permit Schemes focusing only on the busiest streets (strategically significant streets). Permit authorities must also encourage works promoters to work wholly outside of traffic-sensitive times by offering discounted fees. By following DfT advice both the Council and works promoters will be able to focus on working together to plan those works likely to cause the most disruption, rather than a blanket approach including streets that are not traffic-sensitive.</p> <p>.</p>	
	Utility Company	<p>Comments relating to Sections of the proposed Scheme</p> <p>1.4.2 We acknowledge that Hampshire County Council have assessed two options, 1. Permit fees on all roads, 2. Partial scheme with permit charges significantly reduced or discounted, and that Hampshire County Council has chosen the second option as their preferred scheme, which is consistent with DfT guidance.</p>	N/A
	Utility Company	<p>1.5.2 We acknowledge that Hampshire County Council will comply with 2015 Regulations and will review feedback prior to the closing date of the Consultation</p>	N/A
	Utility	2.5.1, 2.7.1	Noted. However the County Council still feels that a permit

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
Page 97	Company	<p>& 3 We note that Hampshire County Council believes that the scheme will improve the ability to minimise disruption from street and road works, however, we believe that this could be equally achieved through the mandatory NRSWA co-ordination and co-operation requirements at much less cost to works promoters and their customers, without the need for a Permit Scheme.</p> <p>We already promote improvements to timing and duration of works and there are many examples of innovation in working practices that have resulted in reduced occupation of the highway – advanced planning; use of minimum-dig technology; shared or sequential occupation of the carriageway etc.</p>	scheme could further improve coordination.
	Utility Company	3.6.3 We acknowledge that no permit fee will be charged where works are carried out with collaborative working involving one or more Promoter and/or trench/ works area sharing.	This has actually been clarified in the document. A discount will now apply to all collaborative works.
	Utility Company	16.2.1 We acknowledge and are encouraged that Hampshire County Council will only be using the national standardised conditions as agreed by HAUC (England 2017)	N/A
	Utility Company	Appendix A We acknowledge that Hampshire County Council will apply a reduction of 30% where works take place outside of traffic sensitive times.	N/A
	Utility Company	Other We would like Hampshire County Council to hold an Operational meeting with all Utilities to review and discuss the document before final draft is finalised	This is a good idea. The County Council will try to facilitate such a meeting.
	HCC		Agreed. The document has been pared down as much as

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		<p>Please see below our formal response to this consultation.</p> <p>We agree to the proposals in principle, provided the below are taken into consideration:</p> <ul style="list-style-type: none"> □ The document provided to the consultee is a lengthy document. A shortened summary note with flow charts, highlighting the responsibilities of clients shall be provided to STG 	<p>possible.</p> <p>The Streetworks team will work with all Promoters to assist in the understanding of the HCPS.</p>
Page 98	HCC	In the Client role, STG will have the ability to view the details of permits.	Yes, STG will still have the ability to view the details of permits.
	HCC	In case fixed penalties are introduced where Hampshire County Council (HCC) is the works promoter, guidance shall be provided in advance	The Streetworks team will be happy to work with all HCC works promoters to improve and enhance existing 'penalty' clauses in contracts to reflect similar penalties applied to utility companies.
	HCC	The permit references shall correspond to the job numbers for each scheme	This would be a decision for HCC as the works promoter
	HCC	Clear guidance should be provided as how to employ Statutory Undertakers where HCC are the works promoter.	Where utility companies are employed by the County Council to undertake 'Works for Road purposes' then the County Council is the Works Promoter. Where utility companies are exercising their own statutory duties to undertake works then they are the Works Promoter.
	HCC	Guidance should also be provided where Statutory Undertakers' works overrun or they fail to comply with the programme of works	This is outside the scope of the permit scheme.
	Utility Company	We do not agree a permit scheme will reduce the volume of works taking place as regardless of whether a HA operates a permit scheme or a noticing scheme we have a programme of proactive works and have to respond to reactive works.	The DfT Advice for Highway Authorities developing permit schemes indicates that such schemes may reduce street works by 5%. The County Council believes that the actual number 'may' not be reduced (although there may be some reduction owing to more use of first time permanent works or shared works). However, there is highly likely to be a reduction in the

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
			disruption from street and road works owing to the County Council taking a more proactive stance on coordination. Accordingly we will consider amending any references to a 5% reduction in the number of street works.
1.4.2	Utility Company	1.4.2 We support this idea of adopting a partial scheme and likes this common sense approach	N/A
1.5.6	Utility Company	1.5.6 If Hants have a supplier or contractor submitting permits why would they not be charged?	Essentially charging internally would mean transferring budget from one part of the County to another. This would not be an effective use of public funds.
2.5.2	Utility Company	2.5.2 I don't know how a permit scheme enforces lawfulness any more than the NRSWA. Whether this be a noticing HA or a permit HA	N/A
2.7.1	Utility Company	2.7.1 I would be interested to see data of what the air quality is in Hants currently and where they expect it to be post-permit scheme going live	The County Council is considering how such data could be gathered.
3.5.5	Utility Company	3.5.5 We do not support this, this is part of the service that should be covered by the HA. It is not for the works promoter to be contacting district and parish councils. Promoters pay a permit fee for the HA to manage this co-ordination. We absolutely do not support this	Many projects that cause significant disruption benefit greatly from stakeholder liaison by the Promoter.
3.5.6	Utility Company	3.5.6 We work to the NRSWA lead times; immediate, minor, standard and major. Hants can't enforce this.	N/A
3.6.1	Utility Company	3.6.1 HA must co-ordinate work as part of running a permit scheme, whilst we will always look to work	N/A

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		collaboratively we will be driven for the need to do so by the HA's co-ord team	
3.6.3	Utility Company	3.6.3 Please confirm how this will work, the statement is ambiguous. It does sound like a positive step but we would like clarification	Discounts for collaborative working has been revised and clarified in the document.
6.4	Utility Company	6.4 Why do we need another permit? Paragraph 7 early start process in HAUC England Permit guidance covers how this should work and this is how we work	This has been amended in the document.
10.3.ii	Utility Company	10.3.ii This has the potential to cause problems, TTRO, TTS and bus stop suspension forms cannot be sent on EToN. It should be made clear that whilst forms may need to be sent (via email) within a certain timeframe any promoter who uses a 3 rd party supplier to supply TM cannot do this	This has been clarified in the document.
10.10	Utility Company	10.10 Ideally all HA's running permit schemes would all view NCT's the same, if Hants have their own expectations I would expect this to be shared.	Any confusion can be discussed on a case by case basis. The County Council will operate to the NCT guidance and take on board any updates or advice arising from the relevant forums.
10.10.1	Utility Company	10.10.1 A new permit would not be required, only a modification	Agreed. This has been amended.
14.2	Utility Company	14.2 If HA wants a reason for cancellation this was the opportunity to ask for one and make it part of the scheme. If the permit has not been granted or has been deemed then a fee should not be payable	Agreed, but This is not what this section was referring to. These comments are covered elsewhere in the document.
15.6.1	Utility Company	15.6.1 j) What about diversionary works where our works are for HA purposes	Agreed. This has been included.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
15.7	Utility Company	<p>15.7 Consider more discounts such as (examples taken from other permit schemes):</p> <ul style="list-style-type: none"> * Activity that provides significant economic benefit to the local authority or council. For instance, supplies for a new development, or where it is demonstrated that a network investment programme is being undertaken to meet customer demand. From our perspective this would include work undertaken as part of the Fibre First programme. * Where works are requested to take place prior to resurfacing works and a S58 restriction. * Several permit applications for works that are part of the same project, but are carried out on more than one street - must be submitted at the same time. * Completion of reinstatement defects if completed within Code of Practice timescales * 95% or greater pass rate on Category A site inspections in quarter 	The scheme already provides for discounts for collaborative works. Further discounts have been included for National schemes or those that provide significant economic benefit to the community.
16.2.3	Utility Company	16.2.3 As a national utility company we see inconsistencies from highway authorities in relation to this relaxation. We therefore appreciate the relaxation being included in Hants permit scheme.	N/A
16.10.5	Utility Company	16.10.5 This is contradictory	Much of this section has been removed or revised.
20.19.1	Utility	20.19.1 As part of the permit scheme I would like it	Agreed, however, the County Council is committed to improving

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
	Company	made clear, the promoter wouldn't necessarily know of any environmental impact unless told by the co-ordinating HA.	the data on its gazetteer and some environmental information has already been uploaded.
24.3.1	Utility Company	24.3.1 We appreciate this being there	N/A
24.5.5	Utility Company	24.5.5 a) HA need to keep a close grip on payments due, we would be really disappointed if we got deluged with a massive list of finance issues every six months. No reason why Hants can't issue drafts on a fortnightly or monthly basis to our finance team with the resource they will have from the permit scheme b) For a national utility company 10 days is too short a timescale to turn draft permit fee invoices around. Suggest 30 days as a good option.	This section has been clarified and amended to include advice from the HAUC guidance.
Appendix A	Utility Company	Appendix A We think it is a sensible charging structure	N/A
	Utility Company	Over all considerations: <ul style="list-style-type: none"> We welcome the scheme not charging for immediate and minor works on non TS 3 & 4 streets. Will this also apply to category 3 & 4 streets where works are wholly carried out outside TS times? 	No, discounts will apply to activities undertaken on TS Cat 3&4 streets outside of TS times.
	Utility Company	<ul style="list-style-type: none"> Suggest all references to Eton be amended / removed as this will not valid after street manager and reference to this would be advisable. 	This has been done throughout the document.
CBA	Utility Company	<ul style="list-style-type: none"> Reference to but no Cost benefit analysis shown or included in consultation 	The CBS has been subsequently provided to those who have requested it.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
1.3	Utility Company	Specific references: 1.3 – clarify part 3 as scheme is based on this.	Some slight amendments have been made to this section.
1.5.5	Utility Company	1.5.5 – Scheme will not apply to persons applying via a S 50 licence.	Agreed. This section has been amended.
1.5.6	Utility Company	1.5.6 – with reference to parity suggest “shadow fees and charges should be collated not may be”.	Agreed. This section has been amended.
2.5.2	Utility Company	2.5.2 'To protect the right of the public to use the highway in a lawful manner' – please clarify what this refers to and how this will be achieved?	This is a reference to the Highways Act 1980 whereby the public have a right to use the public highway.
2.6.4	Utility Company	2.6.4 – Nice but not relevant to a permit scheme?	Agreed, but gives useful context for the scheme.
2.7.1	Utility Company	2.7.1 – Benefits – How is this proven eg, reduction in delay to travelling public, reduced carbon emissions – no cost benefit shown or included in appendix.	Analysis will be carried out each year for the first 3 years then every 3 years. Analysis will measure against the objectives and benefits. The CBA has been subsequently released to those who have requested it.
3.3	Utility Company	3.3 – How will this parity be monitored? Suggest reference to permit refusal codes . Should be Permit Statutory guidance 2015.	As described elsewhere in the document Conditions will be applied evenly to all Promoters. Performance data will be provided to compare all Promoters together. Other advice suggests that the HAUC document is the correct reference.
3.4	Utility Company	3.4 – How will you promote collaboration and is there to be a discount on the permit costs?	This has been described elsewhere in the document.
3.5.4	Utility Company	3.5.4 – How will you effectively manage noise ? We have to work 24/7 in repairing faults.	This will be undertaken by using existing; well established good practice and technology (eg noise barriers and doing the noisiest elements of the work prior to 23:00). Site by site advice can also be obtained from the County Council or local Environmental Health officer.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
3.5.5	Utility Company	3.5.5 – This should be limited to Major works or works outside schools/ hospitals etc.	Noted. But the County Council may identify other stakeholder that would benefit from greater liaison.
3.5.6	Utility Company	3.5.6 – Not always possible to provide longer periods of advance notice, we use forward planning where we can. Suggest add reference to forward planning notices to promote this.	Noted. Comment re FP notices has been added.
3.5.7	Utility Company	3.5.7 – Already a standard condition – not required.	Agreed. This has been amended.
3.6.1	Utility Company	3.6.1 – To achieve collaboration we require contact details of adjacent works to our requirements. Will you provide this?	This section has been clarified.
3.6.3	Utility Company	3.6.3 – How will this work ? Will both parties have a free permit or just the secondary?	This section has been clarified.
5.2	Utility Company	5.2 – Suggest reference to Street Manager which will supercede Eton.	This has been rectified throughout the document.
6.4	Utility Company	6.4 – We should be able to apply for an early start for the date requested if discussed in advance of the applicable. (Southampton allow this) We should not have to pay for a modification permit.	This has been taken into account elsewhere in the document.
6.5	Utility Company	6.5 –Clarify 'subsequent' as an immediate permit is retrospective as per normal guidance. .	Agreed. This has been corrected.
8.2	Utility Company	8.2 - Promoters can only comply with this if added on gazetteer - there is no process to inform other utilities' & HAs etc otherwise. This should be down to the permit co-ordinator to advise & inform.	Agreed. This has been amended.
10.3	Utility Company	10.3 - aren't 2 way lights assumed on the traffic signal notice?. How are we to apply for bus stop, parking suspensions, deactivation of signals , suspension of pedestrians crossings? There is not a standard	This section has been clarified.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		application for any of these on Eton 6 . We can attach documents but that is all.	
10.7	Utility Company	10.7 – We do not know until the works are in progress. We attempt to do 1 st time reinstatement but this is not always possible, What is the relevance as there is a process for interim to perm and no mandatory requirement under the SROH or in the permit guidance. .	The document has been amended to recognise that this is not always possible.
10.9	Utility Company	10.9 No relevance to the scheme	Agreed. This has been removed.
10.10.1	Utility Company	10.10 - 1 – Under permit guidance you cannot refuse an immediate works, .	Agreed. This has been clarified.
10.10.2	Utility Company	10.10 - 2 - No new permit required only a modified one with a PMR, .	Agreed. This has been amended.
10.12.6	Utility Company	10.12.6 – How are we to copy permits? If interested parties are not on the USRN then they will not get a copy.	Agreed. This has been removed.
11.9.2	Utility Company	11.9.2 – See 6.4 – apply for permit with early start date. No formal grant procedure.	Agreed. This has been removed and clarified elsewhere.
12.4.1	Utility Company	12.4.1 – No refusal of immediate permits as per the permit guidance.	Agreed. This has been clarified.
12.5	Utility Company	12.5 – Are you going to use standard refusal codes?	Yes
13.2	Utility Company	13.2 – Not always required as the PA will have the details and any minor changes can be included as required.	Agreed. This has been clarified.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
13.5	Utility Company	13.5 – the 50m rule should apply. If a 2 nd excavation goes over 50m then a variation with the additional Eastings and Northings should apply.	Agreed. This section has been removed.
13.6	Utility Company	13.6 – do not agree as a fault can have a number of excavations either side of the street. All locations (if known on the initial application will be added to the works description). A variation is not required unless over 50m.	Agreed. This section has been removed.
15.1 (d)	Utility Company	15.1 d) - AIV is not subject to charge if a modified permit is submitted.	Agreed. This section has been amended.
15.6.1 (e)	Utility Company	15.6.1 (e) how will this “free permit” be arranged?	Agreed. This section has been clarified.
15.8.1	Utility Company	15.8.1 – Cost benefit analysis should be shown before any fees are amended. .	This will be the subject to the annual / 3 yearly review.
16	Utility Company	16 – Conditions and condition text – suggest not required as clearly set out under statutory permit guidance.	Agreed. A number of sections have been removed. Some remain where the County Council considers the need to emphasise an aspect of importance or priority to the HCPS.
16.4.1	Utility Company	16.4.1 – A PMR cannot be used once an immediate permit is in progress. You can only send an AIV as we can't vary the immediate permit with regard to conditions.	Agreed. This section has been amended.
16.4.5	Utility Company	16.4.5 – unable to enforce any conditions with relation to immediate works. Many works are already complete when the permit is submitted so irrelevant.	Agreed. This section has been removed.
16.5.1	Utility Company	16.5.1 – As per permit guidance	Agreed. This section has been clarified.
16.10.3	Utility Company	16.10.3 – Should be works specific as not always able to ensure this is done.	Agreed. This section has been removed.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
16.11.2	Utility Company	16.11.2 - not possible on immediate works as excavation usually complete at time of application.	Agreed. This section has been removed.
18.2	Utility Company	18.2 -. This should be changed to “should” contact the promotor. We need to ensure the problem is dealt with immediately and steps are taken . Without immediate phone contact from site this is difficult to resolve.	Agreed. This section has been amended.
18.5.2	Utility Company	18.5.2 - How will Hampshire CC demonstrate the monitoring of the performance of Highway Authority promoters to demonstrate parity?	This section has been clarified to demonstrate how the County Council will measure its own works.
18.8.1	Utility Company	18.8.1, - There is no FPN scheme.	Agreed. This has been changed.
19.3.1	Utility Company	19.3.1 - three stages mentioned actually list four stages in the document.	Agreed. This has been corrected.
20.7.8	Utility Company	20.7.8 – Surely this should be costs charged back to the Council if damaging or exposing our cable under their works? Why should a statutory undertaker pay for the privilege?	This section has been removed as it is not needed for the scheme.
23	Utility Company	23 – Will you have an amnesty for FPN’s being served for the 1 st month or 2 of the scheme whilst it gets underway?	A ‘bedding – in’ period of 1 month has been added to the scheme.
24.5.5	Utility Company	24.5.5 – Will the draft be 1 month in advance or as requested?	This section has been clarified. Some flexibility will be agreed depending on the financial arrangements in each organisation.
	Geoplace	The key in terms of any permit scheme is to drive behaviour change and that starts with planning. It would be good to have a few words in the introduction about planning of works, its implied in your words but not spelt out.	Noted. The background has been amended.
	Geoplace	I think you need to remove the EToN references and	This has been corrected throughout the document.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		use a more generic term around electronic transfer of data.	
4.3	Geoplace	4.3 the scheme needs to be reviewed every year for the first three years and then every three years.	Agreed. This section has been amended.
Page 108	Geoplace	Question regarding NSG in terms of have you reviewed the NSG, the ASD and in particular special designations. May also be value in re looking at reinstatement categories as traffic flows have probably increased by some margin. Especially number of type 3 roads may well be type 2 now.	A good point and something that we do on an ongoing basis.
	Geoplace	9.2 I think the regs state electronically is the only option , however, if your allowing other means will there be an extra charge? You don't want a utility using this paragraph to get past a system disaster there end and email you permit applications.	Agreed. This section has been clarified.
10.2	Geoplace	10.2 is very “clunky” and I am not sure its saying anything. To me perhaps it needs simplification... The authority needs illustrations/plans where; a. Where works involve any special engineering difficulty b. Where there are temporary traffic light requests.. Etc , etc.	This section has been clarified.
15.7	Geoplace	15.7 Permit Fee reduction , you may wish to consider fee reductions for National infrastructure projects and pressure will be on for the Fibre to Premises project to be more fee flexible. Also did you consider fee structures to incentivise behaviour change in areas of reinstatement compliance etc? For instance you have	Agreed. This section has been amended.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		<p>performance indicators to check scheme performance you could incentivise that with fee structure which will truly change planning and execution of works. Just a thought.</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 109</p>	<p>Parish Council</p>	<p>I refer to the above consultation.</p> <p>Having suffered, and continue to do so, from a succession of road works, traffic lights and road closures because of the lack of communication between HCC and the various utility companies in Four Marks, this document was well timed, and welcomed.</p> <p>The document was discussed in detail at a recent Parish Council meeting, and would like to comment as follows:</p> <ul style="list-style-type: none"> • The 60 page consultation document was extremely difficult to read with all the acronyms and various references, and they believed that a 10 page summary document, in plain and understandable English would have been more appropriate. 	<p>The document is necessarily a technical one for use by practitioners. However, we are seeking to streamline the document and remove unnecessary technical jargon.</p>
	<p>Parish Council</p>	<ul style="list-style-type: none"> • Whilst the Parish Council would be very supportive of permit schemes, and for all the companies to work together, the proposals make no commercial sense. There are no penalties or motivations to ensure the various companies comply. There must be a way to enforce compliance and communication between the utility companies. 	<p>The proposed project cannot make a commercial profit as the Regulations do not permit this. Penalties and enforcement powers already exist and are exercised and will continue to be exercised under the permit scheme.</p>

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
Page 110	Parish Council	<p>Four Marks would be a good case study to use as an example as to why working together is of paramount importance. Together with the neighbouring parish of Medstead we have experienced the ‘worse case scenario’ with four separate new developments being constructed, all within a mile of each other, one after the other, and two simultaneously. Each one has separately had various utility companies successively dig up the road, resurface, dig it up again, resurface, dig it up again, road closed, road open, road closed again. We currently have one utility company digging up the A31, and your operation resilience works are currently taking place on the A31, with nightly road closures, and we know that as soon as it is finished, and we have a nice new road surface, Mr Utility will be along within weeks digging it all back up again.</p> <p>Thank you for taking the time to read our comments and hope that there is a positive and satisfactory way to move forward as a result of this consultation.</p>	N/A
1.4.2	Utility Company	<p>Please find attached some comments and thoughts from us on the proposed Hampshire permit scheme. I would also like to thank you for providing the opportunity for us to be involved in the consultation. Regards</p> <p>1.4.2 nice to see – less focus on non TS minor and immediate works</p>	N/A

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
3.3	Utility Company	3.3 The reference should be to the DfT Statutory Guidance (Permit Scheme Conditions) March 2015	Agreed. Document amended.
3.5.5	Utility Company	3.5.5 This approach would only be practical for major works	Disagree. It should be possible to do this for any works that are significantly disruptive.
3.5.6	Utility Company	3.5.6 Whilst we agree with the sentiment, the word 'must' indicates that there is a legal obligation attached to considering something as a minimum. The word 'must' needs to say 'should'	Agreed. This has been amended.
3.5.7	Utility Company	3.5.7 does not belong here – relates to conditions etc	This section has been amended.
3.6.3	Utility Company	3.6.3 Does this mean every permit – e.g. primary and secondary promoters?	Yes, but please note that this section regarding collaborative works has been clarified.
Page 111	Utility Company	6.4 As per the HAUC (England) Guidance, (S7, P26) the process should allow a Permit Application to be submitted containing the dates the promoter proposes to work (including comments to back this up rather than putting in fictitious dates	Agreed. This has been amended and clarified elsewhere in the document.
7.8.2	Utility Company	7.8.2 Nice to see this clarification in a permit scheme	Noted.
7.8.3	Utility Company	7.8.3 This should be via the PA for minor changes as per HAUC permit guidance Page 16	This is clarified elsewhere in the document.
8.2	Utility Company	8.2 if such information is included on the USRN in LSG	Noted
9.3	Utility Company	9.3 Future proof this – EtoN will be defunct – possibly change all references to EToN to be 'prescribed electronic system'	This has been corrected throughout the document.
10.2	Utility Company	10.2 cannot send PLS form via EToN as not mandatory and our provider does not provide the function in their standard interface for integrated works management system and we do not have the facility to add	Agreed. This section has been amended and clarified.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		attachments to EToN – security reasons. Concerned at the statement about refusals if not included on application if other method of transmission is utilised.	
10.3	Utility Company	10.3 There is no facility within EToN to record these, the notification textbox is limited to 500 characters. Clarification required on expectations here. Will this be by EToN comment, followed by a separate process? Suggest removing MUST as not enforceable – Applications for PTS are not mandatory within the ETS & some promoters are unable to send this notification or add attachments	Agreed. This section has been amended and clarified.
10.6	Utility Company	10.6 Consideration must be given to limited text fields available to add	Noted.
10.7	Utility Company	10.7 Consideration must be given to limited text fields available to add	Noted.
10.10.2	Utility Company	10.10.2 Response to PMR's is not a new application, it's a modified application	Agreed. This section has been amended.
10.12.1	Utility Company	10.12.1 EToN future proofing	This has been corrected throughout the document.
10.12.2	Utility Company	10.12.2 “a permit is issued or refused for every permit that is granted” this does not make sense. What is this trying to say? Please clarify	This appears to have been a typo which has been corrected.
11.1	Utility Company	11.1 Please could the full reference be quoted here...which statutory guidance?	This has been amended (HAUC (England) Guidance, Operation of Permit Schemes (February 2017))
11.4	Utility Company	11.4 To ensure clarity and consistency the HAUC (England) Advice Note (Ref 2016/002) Standard Permit Response Codes should be used/referenced	Noted. This is clarified elsewhere in the document.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
11.7.2	Utility Company	11.7.2 Suggest the adoption of THE HAUC guidance for operation of permit scheme with regard to the admin of early starts	Noted. This section has been amended and clarified.
11.8.1	Utility Company	11.8.1 Often this is not practical in reality. There will be occasions where problems are only recognised/found on the day before the last day or even on the last day – any such requests should not be dismissed without due consideration	Agreed. This section has been amended.
11.9.1	Utility Company	11.9.1 This section seems to be almost duplicate of 1.7, suggest they are merged	Agreed. This section has been removed.
11.10.2	Utility Company	11.10.2 HAUC (England) Advice Note (Ref 2016/002) Standard Permit Response Codes should be used/referenced	Agreed. This has been amended.
11.10.3	Utility Company	11.10.3 the word 'must' indicates that there is a legal obligation attached to the use of this notification. This is a non mandatory function within EToN and consideration must be provided for other means where promoters do not have the facility to be able to issue these via EToN - the word 'must' needs to say 'should' TWUL cannot send PLS form via EToN as our provider does not provide the function in their standard interface for integrated works management system.	Agreed. This has been amended and clarified.
12.4.1	Utility Company	12.4.1 5.3 HAUC (England) Guidance, should be referenced for immediate permits – permit should be granted followed by an Authority Imposed Variation	Agreed. This has been amended.
12.5 12.5.1	Utility Company	12.5/12.5.1 Regulation 9 of the permit regulations as amended in 2015 state that a permit scheme 'shall set	Agreed. These sections have been removed.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		out the grounds on which a permit can be refused' sharing examples is useful but this does not meet this regulation.	
13.2	Utility Company	13.2 As per 2nd bullet at bottom of page 16 of the HAUC guidance for operation of permit schemes minor changes can be included on the subsequent PA.	Agreed. This has been amended.
13.4 (b)	Utility Company	13.4 (b) Consideration needs to be given to those variations identified out of hours or over a weekend when there is not normally any availability to speak to coordinators. Or is Hampshire going to be providing an OOH service to manage any such requests?	Agreed. This will need to be handled on a site by site basis at a local level.
13.6	Utility Company	13.6 page 27 of HAUC guidance for the operation of permit schemes should be referred here. It clearly states that the promoter will only have to apply for a permit variation for the first excavation in each further 50 metre band away from the original hole in the same street, i.e 50 – 100 metres, 100 – 150 metres etc It does not state that variations will be required for 'any further excavations'	Agreed. This section has been removed to avoid confusion.
14.2	Utility Company	14.2 Ok although we would not expect a charge to be made for cancellations due to some inaction from the HA	Noted.
15.1 (d)	Utility Company	15.1 (d) unless AIV	Agreed. This section has been amended.
15.6.1 (g)	Utility Company	15.6.1 (g) clarification to ensure the meaning is understood, needs to meet criteria under 1.2 of HAUC guidance & the definition of a registerable activity.	Agreed. This section has been amended.
15.7.1	Utility	15.7.1 would be helpful for the level d discounts are	Disagree. The level of discounts is stipulated in the Appendices

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
	Company	specified here	to assist in potential future amendments.
15.8.1	Utility Company	15.8.1 unable to identify this without a cost benefit analysis with this consultation	The CBA has been subsequently released to organisations who have requested it.
16.2.1	Utility Company	16.2.1 The reference should be statutory guidance for the highway authority permit schemes – permit scheme conditions	Agreed. This section has been amended.
16.2.1	Utility Company	16.2.1 The only standard conditions allowable are those held within the statutory guidance. All other national conditions detailed are to be added on a case by case basis and cannot be used as a blanket standard condition by permit schemes.	Agreed. This section has been removed.
16.2.2	Utility Company	16.2.2 EToN future proofing	This has been corrected throughout the document.
16.4.1	Utility Company	16.4.1 5.3 HAUC (England) Guidance, should be referenced for the immediate permits – permit should be granted followed by an Authority Imposed Variation	The HAUC guidance has been referenced earlier. The AIV issue has been amended.
16.5.1	Utility Company	16.5.1 no clarification on interpretation – there is a single	Noted. This section has been removed.
16.7	Utility Company	16.7 Suggest that the sections are describing condition types are removed as the details have been superseded by the DfT statutory guidance	Agreed. This section has been removed.
16.8	Utility Company	16.8 suggest Hampshire use the process detailed on p28 HAUC guidance for the operation of permit schemes 16.10.3 The only standard conditions allowable are those held within the statutory guidance. All other national conditions detailed are to be added on a case	Agreed. This section has been removed.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		by case basis and cannot be used as a blanket standard condition by permit schemes.	
18.2	Utility Company	18.2 Would suggest the use of should rather than may	Agreed. This section has been amended.
18.6.2	Utility Company	18.6.2 Change EToN	This has been corrected throughout the document.
18.6.3	Utility Company	18.6.3 Why is this here? Unsure that this statement brings anything to this section. seems out of place.	Agreed. This section has been removed.
18.7.4	Utility Company	18.7.4 Would like to see this paragraph make mention of such action being in the public interest and reasonable	Agreed. This section has been clarified.
18.8.1	Utility Company	18.8.1 What is a FPN scheme?	This has been corrected.
19.3.1	Utility Company	19.3.1 This shows 4?	Agreed. This has been amended.
20.1.1	Utility Company	20.1.1 and also within it submitted OD file	Agreed. This section has been amended.
20.2	Utility Company	20.2 This whole section seems unnecessary in the scheme as it is duplicating information which is available publicly elsewhere. Do not believe that the inclusion of this whole section adds any value could simply refer to Coordination COP for this section and section 22.	Agreed. This section has been removed.
24.4.1	Utility Company	20.4.1 Suggest that section 11.9 HAUC guidance for operation of permit schemes is used here – details a process and template	Agreed. This section has been amended.
Appendix C	Utility Company	Appendix C bullet point 3 As per DfT Statutory Guidance conditions cannot exist outside of this guidance, therefore no new conditions can be created.	Agreed. This Appendix has been removed.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		DfT Statutory conditions must be used only. Suggest that this section is removed as only standard conditions can be those detailed in the statutory guidance	
Page 117	Utility Company	<p>Please find below our comments on the Hampshire County Permit Scheme (HCPS) Consultation Document:</p> <p><u>General Comments</u></p> <p>Will Hampshire County Council (HCC) be having a trial before Permit Fees are introduced? We suggest at least 2 month minimum, to allow the Scheme to bed in.</p> <p><u>We do not believe a Permit Scheme will reduce the number of streetworks that take place as all Utility works carried out are essential (for example customer connections have to be carried out).</u></p>	<p>The County Council will operate a ‘lead in’ time period for permits before permit fees are applied.</p> <p>The DfT Advice for Highway Authorities developing permit schemes indicates that such schemes may reduce street works by 5%. The County Council believes that the actual number ‘may’ not be reduced (although there may be some reduction owing to more use of first time permanent works or shared works). However, there is highly likely to be a reduction in the disruption from street and road works owing to the County Council taking a more proactive stance on coordination. Accordingly we will consider amending any references to a 5% reduction in the number of street works.</p>
	Utility Company	We would like to know what mechanism HCC will use to identify non payment of permit (i.e. works on non TS streets) or will this be down to the Utility to identify?	This will be the responsibility of the Promoter to identify where discounts apply.
1.4.2	Utility Company	<p><u>Consultation Document</u></p> <p>1.4.2 We support the approach of HCC adopting a partial scheme as opposed to a full scheme, and the introduction of zero costs on immediate and minor works on non Traffic Sensitive Category 3 & 4 streets.</p>	N/A
1.5.5	Utility Company	1.5.5 We welcome the inclusion of HCC works.	N/A
1.5.6	Utility Company	1.5.6 We believe that HCC works should be collated to demonstrate parity.	Agreed. This section has been amended.
2.7.1	Utility	2.7.1 We ask is there any evidence that reduced	

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
	Company	carbon will be a likely benefit of the HCPS?	
2.7.3	Utility Company	2.7.3 - No Cost Benefit Analysis has been released as part of the Consultation. PW believe that it is a legal requirement to produce one upon the introduction of a Permit Scheme.	The CBA has subsequently been released to those who have asked for it.
3.2	Utility Company	3.2 Permit must be obtained before any works are undertaken – immediate works are covered at 6.5	Agreed. This has been clarified.
3.5.1	Utility Company	3.5.1 Should this section include a reference to our statutory rights e.g. to install new services?	Agreed. This has been added.
3.5.4	Utility Company	3.5.4 We would like further clarification on the 'effective management of noise'.	This will be handled through well established good practice such as the use of noise barriers and undertaking the noisiest elements of the work prior to 23:00.
3.5.5	Utility Company	3.5.5 Would this section and the need for consultation affect minor works?	This mainly refers to any works that are likely to cause significant disruption.
3.5.6	Utility Company	3.5.6 This should be not be 'must' as statutory notice periods will apply. We suggest this paragraph be removed from the scheme document.	Noted. This section has been amended.
3.5.7	Utility Company	3.5.7 As this is a standard DfT Permit condition we believe this should be removed from the Scheme document.	Agreed. This section has been removed.
3.6.3	Utility Company	3.6.3 We would like further clarification on this & how will this be monitored? Does neither promoter pay the Permit fee & is there a need to change works type and will variation costs apply?	This process has been clarified.
5.2	Utility Company	5.2 Should a note about EToN being superseded by Street Manager be added to future proof the Permit	This has been corrected throughout the document.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		Scheme? We suggest adding 'nationally defined electronic system'.	
8	Utility Company	8 As above, future proof the scheme & remove references to Eton.	This has been corrected throughout the document.
8.2	Utility Company	8.2 Promoters can only comply with this if added on gazetteer - there is no process to inform other utilities' & HAs etc otherwise. This should be down to the permit co-ordinator to advise & inform.	Agreed. This section has been clarified.
9.2	Utility Company	9.2 & 3As above, future proof the scheme & remove references to Eton.	This has been corrected throughout the document.
10.2	Utility Company	10.2 We note the requirement for Plans to accompany applications.	N/A
10.3 (iv)	Utility Company	10.3(iv) How can promoters apply on the permit for a bus stop suspension?	This is a separate process identified at Hants HAUC meetings.
10.7	Utility Company	10.7 EToN comments box has limited free text , and often unable to clarify until excavation.	Noted.
10.10	Utility Company	10.10 - 1 This should not be the case for immediate works, as refusal of immediate works permits contradicts the HAUC(England) Permit guidance.	Agreed. This section has been amended.
10.10	Utility Company	10.10 - 2 This will be a modified PA as opposed to a new PA as per HAUC(England) guidance. Any refusals should be discussed prior to refusal.	Agreed. This section has been amended.
10.12.6	Utility Company	10.12.6 We would like to request the process for this?	This section has been removed as it is clarified elsewhere.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
11.8.1	Utility Company	11.8.1 We suggest that allowances need to be made where urgent issues arise and that any requests should not be dismissed without due consideration.	Agreed. This section has been amended.
11.10.1 12.3.3	Utility Company	11.10.1 and 12.3.3 We note accommodation is made for Permits to be Deemed	Agreed. This section has been amended.
12.4	Utility Company	12.4 - Refusal of permits not allowed under 5.3 HAUC (England) Guidance, for immediate works - permit should be granted followed by an Authority Imposed Variation.	Agreed. This has been amended.
12.4.2	Utility Company	12.4.2 We assume we lose the fee if we cancel after the permit is approved?	You are correct.
12.5.1 (a)	Utility Company	12.5.1a) How will we see the Permit Register, will a web page be advised to us?	This section has been removed.
13.4	Utility Company	13.4 We would like due consideration for exceptional circumstances such as out of hours working.	This section has been amended.
14.2	Utility Company	14.2 A permit can legally be allowed to lapse (although cancellation is best practice). As per 11.4 of the HAUC (England) guidance, a Permit Fee can be refunded due to special circumstance (e.g. unable to work as parking bay suspensions not processed., illegally parked cars etc).	Agreed. This section has been amended.
15.8.1	Utility Company	15.8.1 CBA required to prove costs of the scheme.	The CBA has subsequently been released to those who have requested it.
16.2.3	Utility Company	16.2.3 Remove references to Eton	This has been corrected throughout the document.
16.4.5	Utility Company	16.4.5 Suggest removal of this paragraph as not required - unable to enforce conditions on immediate works, as unknown.	Agreed. This section has been removed.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
16.7 16.8 16.9 16.10 16.11 16.12 16.13 16.14	Utility Company	16.7, 16.8, 16.9, 16.10, 16.11, 16.12, 16.13, 16.14 – We suggest these sections be removed & replaced with a reference back to the DfT Statutory Guidance (Permit Scheme Conditions) March 2015 & HAUC (England) Permit Guidance document, as this is covered by both documents & further duplication is not required.	Agreed. A number of sections have been removed. Some remain where the County Council considers the need to emphasise an aspect of importance or priority to the HCPS.
18.2	Utility Company	18.2 We suggest changing 'may' to 'should' contact the Statutory undertaker.	Agreed. This has been amended.
18.5.2	Utility Company	18.5.2 How will HCC demonstrate the monitoring of the performance of Highway Authority promoters to demonstrate parity?	Performance data will be collected for all Promoters and shared at Hants HAUC and performance meetings.
18.6.2	Utility Company	18.6.2 - Remove Eton references	This has been corrected throughout the document.
Chapter 20	Utility Company	Chapter 20 We suggest this is removed fully & reference made to the Co-ordination CoP as this is covered in that document. No need for duplication.	Agreed. This section has been removed.
22.9.7	Utility Company	22.9.7 Refers to works promoters supplying centre line of street per WSCC scheme but has never been an issue with them?	This section has been removed.
23	Utility Company	23 We ask if there will be a grace period for FPN's being served? We suggests 3 months from start of scheme.	A 'bedding in' period of one month has been added to the scheme.
24.5.5	Utility Company	24.5.5 - Clarification required - draft usually a month in arrears 11.9 HAUC guidance refers to monthly invoices.	Agreed. This section has been amended.
	Utility Company	HCPS good to see Kent CC Scheme used as a preferred option.	Noted

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
1.4.2	Utility Company	Please ensure early engagement with Work Promoters following consultation before implementation.	Noted
1.5.2	Utility Company	All are your duties under NRSWA . Traffic Management Act (TMA) Network Management Duty (NMD)does not require a Permit Scheme As NMD Section 16	Noted
2.5	Utility Company	How will you interact with neighbouring Permit / Notice Authorities	As per existing arrangements – via coord meetings, sharing data and use of National works plotting systems such as roadworks.org.
2.7	Utility Company	These are aspirational. Please identify the base line statistics being used to assess these. Where are the figures that have been used in the Benefit Cost Analysis?	Agreed. The section has been amended. The CBA has subsequently been provided to any organisation who has requested it.
2.7.2	Utility Company	ORR demands Network Rail to deliver a safe reliable and efficient railway at minimum cost to the public purse, same applies to Highways England and they are exempt from your permit charges.	Noted.
P7 – Section 3.	Utility Company	These Principles are the same as your NRSWA Coordination ones and NMD with or without a Permit Scheme. No real justification for a Permit Scheme.	Noted. But a permit scheme adds additional value that's not part of a Noticing regime and existing NRSWA duties.
3.6.3	Utility Company	Does the no permit charge apply to all Promoters working collaboratively?	This section has been clarified. A 50% discount will apply to all promoters working collaboratively.
Section 4	Utility Company	Network Rail feel that the KPI's that will be observed as Appendix B are no reflection on the value of the HCPS. KPI should reflect the effectiveness or not of the Permit Scheme. Please ensure you follow the HAUC England Guidance as a minimum.	Noted. But the County Council disagrees. The KPI's are relevant to the HCPS objectives.
6.1	Utility	Please explain why S50 are exempt when S278 are	The document has been amended to remove the requirement

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
	Company	not?	for permits under S278
6.4	Utility Company	Do not think is what the HAUC England Permit Guidance recommends.	Agreed. This section has been amended.
7.8.2 and 11.6.2	Utility Company	Please explain 'where a major activity does not involve asset activity a PAA cannot be generated'?	This section has been amended.
9.5.2	Utility Company	EToN Systems should always eventually send the Notice.	Not all EToN systems may be equipped for this and EToN may eventually be replaced.
9.5.2	Utility Company	What provision will HCPS make in monitoring receipt of Notices?	This will depend on the nature of the IT system used. Currently our IT system (Confirm) does monitor incoming notices.
	Utility Company	Will you operate a hosted service or in-house?	Currently we operate an in-house service. This may change in the future.
12.2	Utility Company	All of these are your NMD and NRSWA Duty and if decisions about techniques and arrangements at road junctions are given CDM will have been incurred.	Choice of TM is up to the promoter having due regard to all relevant legislation.
12.1.1	Utility Company	HAUC England Guidance NCT02a would cover this. No need to add the words.	Noted.
12.9.9	Utility Company	Cannot require S171 if work space identified which includes for materials and plant.	This section has been removed to avoid duplication with National guidance.
16.10.3	Utility Company	PTS need to be decommissioned not removed.	This section has been removed to avoid duplication with National guidance.
16.10.5	Utility Company	Permit Conditions mentioning changes in TM as work progresses should not penalise these as a Variation.	This section has been removed to avoid duplication with National guidance.
16.11.3	Utility Company	Methods of working identified in the Permit as changing during works should not be a Variation.	This section has been removed to avoid duplication with National guidance.
16.12	Utility Company	If previous actions by Promoters have not covered all these points then it seems reasonable. Not sure how valid these may be as NCT11b should be sufficient.	This section has been removed to avoid duplication with National guidance.
16.13.3	Utility Company	The outcome of restricting works to limited hours could extend the works duration.	This section has been removed to avoid duplication with National guidance.
16.4	Utility	Will there be complete separation between HCPS	Yes.

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
	Company	personnel and Highway Work Promoters? NMD Parity	
18.8.2	Utility Company	Please explain what the FPN Scheme is, how it is run (administration and resource) accountability and net proceeds audit (income/expenditure)	The term 'scheme' has been removed. As regards an FPN process – this is a well known and well established process. However, should you need explanation please contact us directly.
20.8	Utility Company	Could you quote Code of Practice Section and add Notification must be sent to Network Rail/Transport Operator	This section has been removed to avoid duplication with National guidance.
20.13	Utility Company	If all work area permitted then no S171 applicable	This section has been removed to avoid duplication with National guidance.
21.1.2	Utility Company	Please add Network Rail as Bridge Authority and Transport Authority.	This section has been removed to avoid duplication with National guidance.
24.3	Utility Company	If creating a new account then BACS details will need to be sent to (Network Rail) all Promoters requesting to be set up a new Supplier.	Noted.
24.5.9	Utility Company	All Permit Accounts MUST include Street Name	This section has been removed to avoid duplication with National guidance.
App A	Utility Company	A lot of fees at or close to maximum allowed. Does not really reflect KCC figures and they reduced their fees last year. Suspect you may over recover running costs and set up costs can no longer be recovered from HCPS.	Noted. The KCC scheme is not the HCC scheme and both have differing priorities. Permit fees would be for considered in the yearly / 3 yearly assessment.
App B	Utility Company	These are only to measure HCPS performance in managing Notices. There is no direct measure of improved traffic flow. HAUC England Permit Guidance does not offer much difference. Would be good to see something about number of refusals/PMR/AIV/ assessments of applications.	This would be for consideration in the yearly / 3 yearly assessment.
App C	Utility Company	Second Bullet Point – cannot make it a Condition for permit reference number to be on Site Information	Agreed. This section has been removed..

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		Board. It has to be displayed but cannot say how or where.	
	Utility Company	Third Bullet Point – cannot make it a Condition for signage relating to TTRO only to be visible when restriction is in operation	Agreed. This section has been removed.
	Utility Company	Fourth Bullet Point – cannot make it a Condition that all PTS be removed as they are only required to be decommissioned.	Agreed. This section has been removed.
3.5.5	Parish Council	Principals for Promoters 3.5.5 – Welcome that promoters will discuss their proposals with parish and town councils, public transport operators, schools, businesses and residents.	Where possible works promoters will be asked to liaise with relevant stakeholders. This will be on a case by case basis and will depend on the nature of the works and likely impact. However, all works can be viewed on roadworks.org
3.6.1	Parish Council	Collaborative Working 3.6.1 – Welcome that collaborative working will take place wherever possible thereby minimising the amount of disruption for residents.	N/A
12.2	Parish Council	Decisions with Regards to Permit Applications 12.2 – Strongly support that the County Council will consider the following when reaching decisions: <ul style="list-style-type: none"> • Collaborative working • Overall effect on the local network • Effect on traffic, in particular temporary traffic lights • Appropriate techniques in particular at difficult road junctions and pinch points • The effect of a planned activity to public transport routes 	N/A

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
12.5	Parish Council	Examples of Reasons for Refusal 12.5 – Strongly support refusal for overlapping activities.	Occasionally it is necessary or unavoidable for works to overlap. However, overlaps will be avoided wherever possible.
16.1.3	Parish Council	Permit Conditions 16.1.3 – Strongly support the imposition of sanctions for breach of permits.	N/A
16.12.1	Parish Council	Conditions for Consultation and Publicity 16.12.1 – Agree that advanced publicity and consultation of planned works is the key to success.	N/A
16.12.12	Parish Council	16.12.2 – Agree that where activities have the potential to especially disruptive to local residents and businesses, for example – ANY work on the A340 in Tadley, a condition must be made for the Promoter to provide advance notice to Parish and Town Councils, nearby householders, businesses and road users.	Where possible works promoters will be asked to liaise with relevant stakeholders. This will be on a case by case basis and will depend on the nature of the works and likely impact. However, all works can be viewed on roadworks.org
16.12.3	Parish Council	16.12.3 – Agree that notice must be provided to Parish and Town Councils, nearby householders, businesses and road users, well in advance or work commencing.	Where possible works promoters will be asked to liaise with relevant stakeholders. This will be on a case by case basis and will depend on the nature of the works and likely impact. However, all works can be viewed on roadworks.org
16.12.4	Parish Council	16.12.4 – Agree the effect of planned activities on Public Transport providers, i.e. Stagecoach Basingstoke Routes 2 and 14, must be taken into consideration and these providers must also be consulted.	Where possible works promoters will be asked to liaise with relevant stakeholders. This will be on a case by case basis and will depend on the nature of the works and likely impact. However, all works can be viewed on roadworks.org
22.6.2	Parish Council	Access to Registered Information 22.6.2 – Welcome the County Council will publish a limited content version of their register on their public website	This is already done via the roadworks.org website
	Parish Council	I am writing to let you know that we considered the draft consultation for the Hampshire County Permit Scheme	HCC is not aware of the 6 month follow up process. The only similar process is the requirement under the New roads and

Document ref – part / paragraph no.	Responder	Question / comment	HCC Response
		<p>at the Full Council meeting on 25th July 2018.</p> <p>Councillors highlighted that when work was carried out on the highway it used to be revisited in six months and they would like to know if this policy still applies. The Council believe there should be a follow up procedure.</p>	<p>Street Works Act 1991 whereby utility companies may use temporary materials but these should be replaced by permanent materials within 6 months (or unless otherwise agreed). The requirement remains unaffected by the permit scheme.</p>

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Environment and Transport
Date:	25 September 2018
Title:	Refurbishment of A35 Redbridge Causeway
Report From:	Director of Economy, Transport and Environment

Contact name: Brian Hill

Tel: 01962 846905

Email: brian.hill@hants.gov.uk

1. Recommendations

- 1.1. That the Executive Member for Environment and Transport gives authority to utilise existing contractual arrangements with the Hampshire Highways Service Contract (HHSC) supplier, Skanska, to implement the proposed major refurbishment works to the A35 Redbridge Causeway structures once the necessary consents have been received and funding is in place, as set out in this report.
- 1.2. That approval is given for the project appraisal for work package 2 (Redbridge Viaduct and Redbridge Road).

2. Executive Summary

- 2.1. The purpose of this paper is to seek authority to engage with HHSC supplier Skanska for both early contractor involvement and delivery of major refurbishment works estimated at £20million on four bridges on the A35 Redbridge Causeway. The scheme involves extensive concrete repair works and installation of an impressed current cathodic protection system in concrete columns, crossheads and other supports.
- 2.2. Approval is also sought for the project appraisal for Work Package 2 (Redbridge Viaduct and Redbridge Road).

3. Contextual information

- 3.1. Redbridge Causeway to the west of Southampton carries the A35 dual carriageway over the River Test, the Southampton to Romsey railway line, and Redbridge Road. This is an extremely busy route which carries in excess of 60,000 vehicles per day.
- 3.2. The older eastbound carriageway has two three span bridges, Redbridge West, and Redbridge East and one single span bridge, Redbridge Road. The more recent westbound carriageway built in 1966 is carried by a 270m long twenty span structure known as Redbridge Viaduct (See Fig 1).

- 3.3. Issues with these structures were identified during routine bridge inspections and comprehensive testing. Inspection and assessment has been undertaken over the past few years. This has shown that the Viaduct structure is in the worst condition, with some of the critical elements being rated as very poor. Unless significant repairs are carried out, traffic restrictions will need to be implemented on this important route.
- 3.4. The design of remedial works is subject to a number of complex constraints including: high traffic flows, significant bus use, adjacent grade-separated junctions, proximity to Highways England and Southampton City Council networks, a Network Rail railway line, and two scheduled ancient monuments, as well as environmental constraints (the site adjoins SAP, SAC and SSSI sites and crosses the River Test, which is important for salmon and trout).
- 3.5. In November 2017 and February 2018, replacement of 21 carriageway joints and resurfacing was successfully completed by Skanska across Redbridge Viaduct (Work Package 1).

4. Finance

- 4.1. A bid to Transport for South East (TfSE) was submitted in June 2018 for repair to all the Causeway structures, and for cycle improvements leading up to the Causeway, and the outcome of this bid is awaited. Further bidding opportunities may arise in the future if the DfT decides to run additional Challenge Fund bids, in which case these will be pursued. If funding is not forthcoming, repairs beyond Work Package 2 (Viaduct and Redbridge Road) are unlikely to go ahead, and this will leave a significant maintenance liability until alternative funding can be found. Whilst this situation remains, serious consideration will need to be given to implementing weight restrictions and/or lane closures.
- 4.2. The Viaduct repairs are a priority, and as such the County Council is prepared to underwrite these. However, if this should prove necessary, and TfSE funding is not awarded to the scheme, the County Council will have to allocate funding to these essential repairs from other critical maintenance schemes within the existing programme.
- 4.3. On the 9th July 2015, the Executive Member for Economy, Transport, and Environment agreed an approach to procuring the Hampshire Highways Contract to include a proportion of Capital Improvement Schemes and the possibility of using the contract as necessary to deliver schemes within the Local Transport Plan and Structural Maintenance programmes. This is the proposed approach to procuring the works for Redbridge, as set out in section 5 below.
- 4.4. Work package 2 will have no Revenue implications as the work is repair of existing concrete supports.

5. Procurement

- 5.1. Existing contractual arrangements will be utilised to engage Skanska for this work. Three quotes will be required for each aspect of work and these will be benchmarked against previous work of a similar nature by the County

Council's own Quantity Surveyors to ensure value for money. This approach will be applied to both work package 2 and any future Causeway work.

- 5.2. Skanska have previously, and successfully, delivered other major schemes on this basis in Hampshire, namely the Whitehill and Bordon link road in East Hampshire and also Work Package 1 at Redbridge Causeway.

6. PROJECT APPRAISAL – WORK PACKAGE 2 (Viaduct and Redbridge Road)

6.1. Work Package 2 Details

The Redbridge Viaduct works consist of the following:

Substantive works

- a) Breaking out of defective concrete in agreed sequence and cutting of chases for impressed current cathodic protection (ICCP) wiring on 106 columns and 7 solid piers.
- b) Concrete and steel reinforcement repairs/replacement.
- c) Installation of ICCP wiring, electrodes and control boxes.
- d) Testing of ICCP system.

Enabling works

- a) Mooring of open barges adjacent to marine work areas to enable plant and materials to be safely contained.
- b) Installation of access scaffolds and walkways under the Viaduct.
- c) Installation of props around supports.

Redbridge Road bridge works consist of:

- a) Breaking out of defective concrete on bridge abutments/deck, grit blasting and coating.

6.2 Programme

It is anticipated that construction will commence in summer 2019.

The contract is expected to be of 52 weeks duration with work being carried out simultaneously on land based and marine areas. Tidal work will dictate some parts of the programme. A detailed programme will be prepared by Skanska in the coming months.

Traffic management in the form of lane closures on the A35 may be required for some operations and it is anticipated that phased closures of Old Redbridge Road will be necessary for repairs to the Viaduct cantilever pier supports and Redbridge Road bridge. These works can be carried out simultaneously as the bridges are adjacent to each other on Old Redbridge Road.

6.3 Finance

<u>Estimates</u>	<u>£'000</u>	<u>% of total</u>	<u>Funds Available</u>	<u>£'000</u>
Design Fee	750	9	County Council Structural Maintenance Funding	8,400*
Client Fee	50	0.6		
Supervision	155	1.8		
Construction (Viaduct)	7,100	84.5		
Construction (Redbridge Road)	345	4.1		
Land	0	0		
Total	8,400	100	Total	8,400

**Includes £4.2m of one-off funding from the County Council for identified capital priorities as agreed by Cabinet and County Council in February 2018*

<u>Revenue implications</u>	<u>£'000</u>	<u>% Variation to Committee's budget</u>
Net increase in current expenditure	0	0.000%
Capital Charge	808	0.505%

The numbers entered above represent the position if the County Council underwrites the cost of Work Package 2 in the event that bids for funding are unsuccessful. However, this would be at the expense of other maintenance schemes.

6.4 Community Engagement

Collaboration is ongoing with Southampton City Council, Highways England, and the Environment Agency in order to consider traffic management arrangements, network management programming issues and environmental mitigation measures.

Local Councillors, residents, and local businesses were all contacted prior to the joint replacement and surfacing works, and comprehensive communications were undertaken. The same process will be followed for Work Package 2.

6.5 Statutory Procedures

Forward planning notices under the New Roads and Street Works Act for booking road space have been completed.

6.6 Land Requirements

County Council land to the north of the Causeway bridges will be utilised for the site compound.

Land under the Viaduct at the eastern end is owned by Southampton City Council and the City has undertaken to make access available to the County Council when necessary for the works to take place.

7 Other Key Issues

- 7.1 Due to working within tidal, river and sensitive ecological locations, consent is required from the Marine Management Organisation (MMO), Environment Agency (EA), and Natural England (NE). A number of Ecological reports have been completed and discussions are ongoing.

8 Future Direction

- 8.1 Work package 1 (carriageway joints and surfacing) has been completed, and Work Package 2, comprising concrete repair and cathodic protection on the Redbridge Viaduct, and concrete repair to Redbridge Road bridge, is planned for summer 2019, subject to approval of this report's recommendation. Future plans involve concrete repair, waterproofing, joint replacement and surfacing work on the remaining two eastbound bridges.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Archive and scheme working files

LocationEngineering Consultancy
Hantsfile

IMPACT ASSESSMENTS:

1. Equality Duty

1.1 The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2 Equalities Impact Assessment:

Closure of Redbridge Road to allow work on the Viaduct cantilever piers and Redbridge Road bridge could negatively impact on pedestrians, and particularly those with disabilities, such as wheelchair users, by requiring them to take long diversions along busy roads. To avoid this, Skanska will be required to keep a protected pedestrian route available along Old Redbridge Road under the bridges.

2 Impact on Crime and Disorder:

2.1 The scheme will have no impact upon rates of crime or disorder.

3 Climate Change:

a) How does what is being proposed impact on our carbon footprint / energy consumption?

The use of cathodic protection to prevent corrosion of reinforcement in the substructures is expected to eliminate the requirement for further major maintenance work, and will hence reduce future carbon footprint and energy consumption.

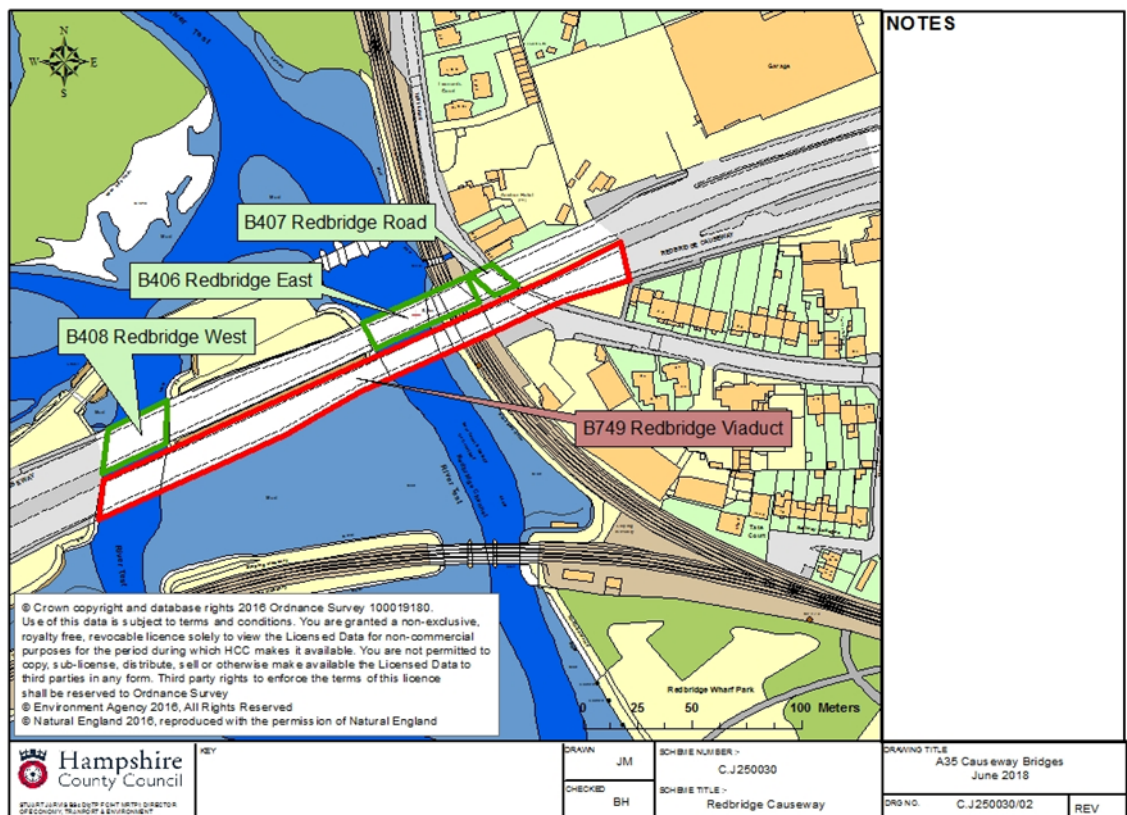
b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Undertaking the repair work now will avoid the need for traffic restrictions, which would lead to congestion and delays on the adjacent road networks.

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Location of Redbridge Causeway



The four structures on the Redbridge Causeway

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Environment and Transport
Date:	25 September 2018
Title:	Road Agreement Process
Report From:	Director of Economy, Transport and Environment

Contact name: David Wilson

Tel: 01962 832463

Email: david.wilson@hants.gov.uk

1. Recommendation

- 1.1 That the Executive Member for Environment and Transport approves the proposed approach to the development of a new policy covering the adoption of new residential estate roads (Appendix 1), and authorises engagement with stakeholders as the next stage of policy development.

2. Executive Summary

- 2.1 The purpose of this paper is to update the Executive Member for Environment and Transport on progress of the Road Agreements Improvements Programme, and to set out and agree the proposal to develop a new policy covering the adoption of residential estate roads.
- 2.2 This paper sets out the wider context for the Road Agreements Improvements Programme and the challenges that are faced, highlights elements of the work done to date, and identifies further aims and aspirations.
- 2.3 The paper considers the implications for setting out a clear policy position on road adoption and provides an initial draft statement as Appendix 1 to the report. It considers alternative options before recommending that the County Council engages with industry and local planning authorities on the content of the draft statement. Once this engagement is complete, and its findings are reflected in the proposals as appropriate, it is anticipated that a further report would seek formal agreement of the policy by the Executive Member for Environment and Transport ahead of final publication.

3. Contextual information

The Road Agreements Improvement Programme:

- 3.1 The County Council, as responsible Highways Authority, works with developers to agree the adoption of highways, which serves to transfer ongoing responsibility for maintenance of the highway to the authority.
- 3.2 This can include adoption of:
 - new estate roads which facilitate access to housing developments, and which are adopted under Section 38 of the Highways Act (1980); and
 - works to the existing highway for the benefit of a third party (such as new junctions) under Section 278 of the Highways Act.
- 3.3 In 2017 a 'Road Agreements Improvement Programme' was launched, in a bid to improve the service that the County Council provides to developers, in facilitating the adoption of new highways. This was prompted by dissatisfaction expressed by developers about the service they were receiving, in particular regarding timescales for approval.
- 3.4 Throughout the programme of work, the County Council has been engaging extensively with both the development industry and local planning authorities in Hampshire, including multiple workshop events (attended by the Executive Member for Environment and Transport) and via an industry focus group run by County Council officers.
- 3.5 The Road Agreements Improvements Programme is a comprehensive package of work, looking at all aspects of how the County Council manages the road adoption process. Some of the key things it is delivering include:
 - a review of internal processes to ensure consistent and effective ways of working, alongside creation of new team structures to facilitate this as necessary;
 - an update to the comprehensive suite of technical guidance that is provided to developers;
 - a review of the fees charged to developers throughout the adoption process;
 - the launch of an improved 'pre-application' service for developers; and
 - creation of an online 'developer portal' facilitating improved communication between parties.
- 3.6 The proposal to develop a new policy on the adoption of residential estate roads is another element of this wider programme of work.

New residential estate roads

- 3.7 When new estate roads are built by developers to facilitate access to new housing, the question arises about how this new highway will be maintained in the long term.

- 3.8 Hampshire County Council, as responsible Highways authority is able to adopt new estate roads by agreement under Section 38 of the Highways Act (1980). This agreement sets out standards that these roads should be constructed to, and if these standards are met the road will be adopted after the one year maintenance period.
- 3.9 However, not all new estate roads are adopted and these can instead remain as private roads. In many cases this is because the developer desires for the road to remain private from the outset.
- 3.10 One of the key issues the Road Agreement Improvement Programme is addressing is the increasing number of new estate roads that are remaining private in Hampshire, and the potential reputational risk that this can create for the County Council.
- 3.11 The policy will clarify the County Council's position, where in the past there has been uncertainty over who is responsible for ongoing maintenance of estate roads, and reduce the reputational risk that can arise from misconceptions amongst the public about the County Council's responsibilities with regards to private roads.
- 3.12 The County Council wishes to clearly establish that in most circumstances, working with developers to agree adoption of new estate roads is the preferred option, even though there is no legal duty for the County Council to take this approach. Adoption of new estate roads offers certainty to residents that roads will be kept in acceptable condition in the long term.
- 3.13 However, the policy will also address residential estate roads where there is a desire for these to remain private in perpetuity by requiring evidence of a management company having been set up to facilitate maintenance arrangements for the long term benefit of residents.
- 3.14 There are an estimated 120,000 new houses to be built in Hampshire over the next fifteen years, and therefore it is of importance that the County Council is able to work effectively with industry and local planning authorities to ensure that agreement under Section 38 of the Highways Act is reached where there is a will to do so, or that alternatively a management company is established.

The Advanced Payment Code Process

- 3.15 Another aspect of the Road Agreements Improvement Programme has been to ensure that the County Council is applying a formal Advanced Payment Code (APC) Process.
- 3.16 The principle of the process is to secure a deposit (from the landowner, developer or builder) in advance of commencement of building works, so as to provide surety for the County Council regarding the adoption of highways in new residential developments.
- 3.17 A guidance note with regard to the application of the APC process has been published on the County Council's website (serving as a living document, which will be reviewed annually):

<http://documents.hants.gov.uk/transport/APCProcess-Guidancedocumentforwebsitev22018-04-02.pdf>

- 3.18 The proposed new policy and the APC guidance note are closely interlinked, and will be appropriately referenced against each other.

The ‘threshold’ for the APC Process, and for adoption of Estate Roads

- 3.19 In the past there has been no formal threshold (in terms of number of dwellings) for the adoption of new estate roads. However, in practice adoption of developments of less than six dwellings has not been considered to be in the public interest.
- 3.20 Similarly, as per the above referenced guidance note, when the County Council developed the above referenced APC Process, it was decided to serve notice only on developments of six or more dwellings that may ultimately be considered suitable for adoption.
- 3.21 However, the new policy proposes setting a threshold of ten dwellings for both the adoption and APC processes, in line with the status of ‘major developments’ in related statutory documents including the Town and Country Planning Act, the National Planning Policy Framework and the Flood and Water Management Act, as well as with the practice of some other local authorities.
- 3.22 In the majority of cases developers will not seek adoption of developments of less than ten dwellings, and will instead put in place ongoing management and maintenance measures accordingly. However, in instances where a developer wishes for a development of between six and ten dwellings to be adopted, the County Council would consider adoption subject to specific criteria being met. Developments of less than ten dwellings do not pose a significant risk that needs managing, and it is not in the public benefit to serve an APC notice.
- 3.23 The intention is to capture response to a threshold of ten dwellings, as part of the stakeholder engagement that is undertaken.

4. Financial Implications

- 4.1 There is a financial implication associated with these roads becoming part of the County Council’s Highways asset for ongoing maintenance, albeit the cost of this can be partly offset by grant funding received from the Department for Transport.
- 4.2 Dependent upon the design of estate roads, the County Council will also seek to offset maintenance costs via receipt of commuted sums, which the developer will be expected to pay in line with the Council’s commuted sums guidance.

- 4.3 There is also a financial implication associated with application of the Advanced Payment Code process.
- 4.4 It is the duty of the County Council to serve notice, and the duty of the developer to pay the required bond surety. Where this is not secured, it could present a risk in the event that the developer fails to complete construction of the estate road.

5. Options & Proposed Approach

- 5.1 As the County Council updates and refines its policies with regards to adoption of highways, there are two key options for how to communicate the new and updated policy with developers;
- Develop and adopt a new policy, setting out how the County Council will work with developers with regards to new residential estate roads; and
 - Continue to communicate policies and changes ad-hoc, via publication of discreet documents and/or communication at industry events.
- 5.2 The County Council wishes to establish a clear policy in relation to the dedication and adoption of estate roads and on the application of the Advance Payment Code (APC), regardless of whether or not the road will be offered up for adoption.
- 5.3 The County Council also wishes to be clear that the adoption of new estate roads continues to be the preferred option for the County Council, subject to developers adhering to Hampshire County Council's technical standards which will be clarified by the updated suite of technical guidance that the Road Agreements Improvement Programme is also developing.
- 5.4 The County Council is seeking to establish a policy towards new estate roads that are not being offered, or are not suitable for formal adoption. In most cases these roads can remain private in perpetuity and the APC surety can be released, but only when developers evidence that all relevant building works are completed to an acceptable standard, and that a management company is in place.
- 5.5 The County Council is also seeking to clarify its preference to establish an early view on whether estate roads will be offered up for adoption, or there is an intention to remain private in perpetuity. One potential mechanism for this will be to utilise Section 106 Agreements to agree by mutual consent that the developer will enter into either the adoption process, or the process to seek the release of APC surety through establishing evidence of arrangements for the road to be maintained privately.
- 5.6 Finally, the proposal is that the policy sets the threshold for the APC Process and for adoption of new estate roads on developments of ten dwellings and above.
- 5.7 In the context of all the above, it is considered appropriate to set out the County Council's position clearly, in a policy statement endorsed by the

Executive Member, which is easily accessible to all parties, serving the purpose of:

- Establishing a common understanding among all parties on Hampshire County Council's policy on adoption of new highways; and
- Setting out the reasons for the status of estate roads, whether they are adopted or otherwise.

5.8 The proposed policy would summarise the County Council's approach to the adoption of new highways at the highest level. It would complement existing guidance for developers, including the Manual for Streets, which will provide higher level guidance on design, and the suite of updated technical guidance notes that will provide detailed instruction on specific technical requirements for adoption of new highways.

6. Stakeholder Engagement

6.1 An established principle of the wider Road Agreements Improvement Programme has been to invite feedback and discussion with the development industry and Local Planning Authorities (LPAs). This has taken the form of:

- Hampshire development industry workshops (attended by the Executive Member for Environment and Transport);
- the creation of an industry focus group, led by County Council officers; and
- ongoing informal consultation and discussion via meetings with stakeholders.

6.2 In line with the above approach, it is considered appropriate to maintain this level of engagement with the development industry and LPAs, prior to further consideration for approval and publication of the Policy Statement.

6.3 This will underpin the principle that the County Council is seeking to work effectively with all parties, to create an approach to road adoption in Hampshire which is mutually beneficial for the aims of all involved, based on an open and collaborative approach.

6.4 It is proposed that engagement is carried out on an informal basis, inviting comment from key local stakeholders and representative industry groups, as well as utilising the existing industry focus group referred to in Paragraph 5.1. This is as opposed to a more formal consultation process, and is based on the existing structures for engagement that are in place.

6.5 Engagement with stakeholders is proposed to happen over a two month period, with the intention that the County Council can then refine or update its draft policy as appropriate, prior to returning to the Executive Member to seek formal adoption of the new policy in early 2019.

6.6 This engagement will be in the form of an update to stakeholders on the Road Agreements Improvement Programme, which provides details of the proposed policy, on which they will be invited to provide comment.

7. Future direction

7.1 The outcome of the engagement exercise will be reported to the executive member and next steps considered.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
The Highways Act	1980
Town and Country Planning Act	1990

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Advanced Payment Code (APC) Guidance	Hampshire County Council guidance note

IMPACT ASSESSMENTS:

1. Equality Duty

1.1 The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2 Equalities Impact Assessment:

It is considered that the proposal will have a neutral impact on groups with protected characteristics, as the proposed change is at a policy / procedural level, relating to how the County Council and the development industry interact, at high level only. There is no immediate impact upon service users.

2. Impact on Crime and Disorder:

None anticipated.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

No impact anticipated.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

It is considered that the proposal will have no impact on the need to adapt to climate change and be resilient to its longer term impacts.

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Introduction

This policy seeks to clarify the way in which new highways infrastructure is considered for adoption by Hampshire County Council, to be maintained at the public expense, or otherwise can be considered as remaining private in perpetuity.

New estate roads and their associated drainage features have long been considered for adoption via the Highways Act (1980), most commonly through agreements under section 38, which are reached by consensus between the developer and the Council.

For Hampshire County Council working with developers to agree the adoption of new estate roads (subject to adherence to required technical standards) is the preferred option, unless there is a specific desire for the development to remain private. Adoption of new estate roads offers surety to residents that roads will be kept in acceptable condition in the long term.

The wide-ranging programme of housebuilding in Hampshire through to 2030 and beyond, which in turn supports economic growth and prosperity in the county, reinforces a need to work effectively with both developers and Local Planning Authorities (LPAs) to enable adoption, ongoing maintenance and associated surety for residents, for the numerous developments that are coming forward.

This policy is intended to support this need, by encouraging a collaborative approach to the adoption of new estate roads in Hampshire, working to the mutual benefit of all parties.

Purpose of the policy

This policy is intended to act in support of Hampshire County Council's four strategic aims, namely:

- Hampshire maintains strong and sustainable economic growth and prosperity
- People in Hampshire live safe, healthy and independent lives
- People in Hampshire enjoy a rich and diverse environment
- People in Hampshire enjoy being part of strong, inclusive communities

This policy sets out the scope, context and methodology for the integration of new estate roads and associated features into Hampshire County Council Highways Asset (which is maintained at the public expense) – the process commonly referred to as adoption. It also highlights the County Council's commuted sums policy that will be applied as part of adoption process.

The aim is to clarify the extent of what will, and will not, be considered appropriate for adoption, set out the mechanisms which will be used to carry out the adoptions, and clarify how the various strands of detailed design guidance are integrated.

Furthermore, there is an additional aim to clarify Hampshire County Council's approach to developments where there is a specific desire for estate roads to remain private. While these developments will be expected to comply with the requirements of the Advanced Payment Code, under sections 219-225 of the Highways Act, the County Council will

facilitate mechanisms to exempt the development from the requirements of the Code and return the associated bond surety, subject to certain criteria being met.

Scope

This policy is applicable to all new estate roads and associated infrastructure in Hampshire.

Policy statement

It is the preference of Hampshire County Council to adopt and maintain at the public expense all new residential estate roads and associated essential infrastructure, which are considered to provide sufficient public benefit, via the provision of access to developments of ten or more dwellings. In instances where a developer wishes for a development of between six and ten dwellings to be adopted, the County Council would consider adoption subject to specific criteria being met.

Adoption will be on the premise that roads and associated infrastructure have been constructed so as to adhere to Hampshire County Council's technical standards, and in accordance with a previously approved layout and/or configuration.

The County Council wishes to be clear that working with developers to agree adoption is the preferred approach.

However, the County Council also recognises that in some instances, there is a specific desire for some new estate roads to remain private. Where this desire is expressed, Hampshire County Council will expect to developers to follow the requirements of the APC code, but will then seek to exempt the development and return the bond surety, only where there is evidence that all relevant building works have been completed, and that a management company has been established, to the authorities reasonable satisfaction.

POLICY DETAIL

Early engagement

Hampshire County Council welcomes engagement with developers at the earliest possible stage. Early engagement creates alignment with the planning process and allows a holistic view of planning and transport requirements, and can provide assurance for developers ahead of entering into formal mechanisms for the adoption of estate roads.

Developers are encouraged to engage with Hampshire County Council's pre-application service, details of which can be found [\[insert link\]](#)

Establishment of Intent

It is the preference of Hampshire County Council that the future maintenance of a new development is formally agreed at the earliest possible stage, whether this is in the form of a commitment to enter into an agreement for adoption under Section 38, or a commitment to the intention for the estate roads to remain private in perpetuity.

One of the potential mechanisms to achieve this is to utilise agreements under Section 106 of the Town and Country Planning Act (1990) to secure a planning obligation by mutual consent that estate roads will be offered up for adoption or will remain private in perpetuity, subject to these obligations meeting the requirements of the planning process.

The County Council welcomes any early engagement which helps to establish intent and provide clarity to all parties.

The Advanced Payment Code

The Advance Payments Code (APC) (section 219-225 of the Highways Act) requires the builder, developer or land owner to pay a lump sum or provide a financial surety to the County Council's satisfaction before works can commence on site (these works are for the purposes of erecting a new residential building). Where an APC Bond (in the form of a lump sum or financial security) has been paid and thereafter an exemption notice is served, the Council shall refund that sum or shall release the security, as the case may be.

Hampshire County Council will serve notice of APC under Section 220 of the Highway Act 1980 within six weeks of formal notification of Building Regulations being approved and / or the Initial Notice being served. This will apply to developments of ten dwellings or more.

Further guidance on the application of Advanced Payment Code in Hampshire can be found in the following document (which is a living document, to be reviewed on an annual basis): <http://documents.hants.gov.uk/transport/APCProcess-Guidancedocumentforwebsitev22018-04-02.pdf>

Adoption Processes

Where the criteria for adoption are met and a suitable layout and design can be agreed developers will be invited to enter into an appropriate adoption agreement as soon as possible.

Agreements under Section 38

This is the preferred method of securing adoption of new highways. An Agreement under this section of the 1980 Act provides a structured robust procedure for the technical approval of the works, regular inspections and mechanisms through which the works are completed to an appropriate standard and other Council requirements.

The works are secured by an appropriate Surety which ensures that the road works can be completed in the event of the developer defaulting. The technical details and specifications for the works must be in accordance with the requirements of the technical guidance set out at [insert link]

If a Section 38 agreement has been entered into the development will be exempted from the requirements of the Advanced Payment Code, under Section 219(4) d of the Highways Act

Section 37 Notices

The provision of this notice allows for a builder or developer to serve notice on the Highway Authority requiring them to adopt the highway after a one year period. If the Council considers that the proposed highway is not of sufficient utility to the public to justify being maintained at public expense, or does not meet [current technical standards](#) required by the Council for approval and adoption of estate roads, the Council will refute these notices and make the appropriate complaint to a Magistrates' Court. The view of the Council is that this route to adoption results in higher costs to all parties (due to the need to provide sufficient proof of the works meeting the Council's requirements after construction without inspection by the Council).

Private Roads in Hampshire

Hampshire County Council is aware that in certain circumstances, developers will have a clear preference for new estate roads to remain private in perpetuity.

While the County Council will initially expect these developments to meet the requirements of the Advanced Payment Code, it will allow developers to provide evidence so as to allow the County Council to certify that they may be exempted under section 219(4) (e) and section 219(4) (f) of the Highways Act 1980 and accordingly have the APC Bond surety returned, where it is their intention for the street to remain private, with no future requirement to adopt and maintain estate roads for the County Council.

The following evidence will be required by the County Council to certify this intention;

- Evidence that all relevant building works have been completed
- Evidence that a management company has been instated, with documented responsibility for maintenance of estate roads and associated infrastructure.

Fees and Payments relating to adoption

Commuted Sums

Hampshire County Council require developers to pay a commuted sum towards the future maintenance of items that have a higher maintenance cost compared with conventional materials or items, or would not be required save for the development. This will be applicable for all roads prior to formal adoption under Section 38 of the Highways Act.

The Council's Commuted Sums policy is expanded upon in the following document:

[Commuted Sums Policy](#)

Fees

Current information about fees can be found on the Hampshire County Council [website](#).

Consultation and engagement

In drafting this policy we have consulted and engaged with major developers operating in Hampshire, taking note of, and addressing, issues and concerns raised by them. We have also consulted with Hampshire County Council's Executive Member for Environment and Transport.

Performance and risk management

The adoption of new highway infrastructure has been undertaken for many years and in drafting this policy we have taken note of, and dealt with, all likely risks and performance issues.

The effectiveness and application of this policy will be regularly monitored as part of the ongoing management of Hampshire County Council's Road Agreements Service.

Communicating the policy

This policy will be made available on the Council's website as part of the suite of documents available to developers and other interested parties. We will raise awareness of the content of the policy by engaging [the development industry by tbc] and [the local planning authorities by tbc]

Breaches and non-compliance

None compliance with this policy will leave potential householders with no statutorily maintained means of access to their properties.

Information and training

Further information concerning this policy may be obtained by contacting the Road Agreements Service (road.agreements@hants.gov.uk)

Evaluation and review

This policy will be reviewed annually.

Prepared by

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