

HAMPSHIRE COUNTY COUNCIL

TRAFFIC MANAGEMENT ACT 2004

THE TRAFFIC MANAGEMENT (HAMPSHIRE COUNTY COUNCIL) PERMIT SCHEME VARIATION ORDER 2022

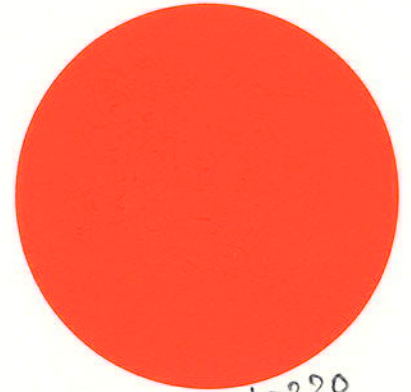
Hampshire County Council hereby give Notice they have made an Order varying "The Traffic Management (Hampshire County Council) Permit Scheme Order 2019" in exercise of its powers conferred by Section 33A and 36 Traffic Management Act 2004 as amended ("the Act") and all other enabling powers.

The effect of this Order is to correct minor errors in the scheme document and refer to updated technology and or processes.

1. In this order, and the preamble and Schedules hereto:
"specified streets" means the definition given by regulation 8 of the Traffic Management Permit Scheme (England) Regulations 2007
"The Hampshire County Council Permit Scheme" means the permit scheme set out in the Schedules to this Order and is commonly known as the "Hampshire County Permit Scheme" or "HCPS".
2. The Hampshire County Council Permit Scheme variations comply with the Act, the Traffic Management Permit Scheme (England) Regulations 2007 (as amended) by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, and with all other applicable primary and secondary related legislation in relation to Traffic Management Permit Scheme and does not exceed those powers under such legislation.
3. After consultation Hampshire County Council hereby makes the following variations to the "The Traffic Management (Hampshire County Council) Permit Scheme Order 2019" as detailed in Schedule 1.
4. "The Hampshire County Council Permit Scheme dated 23 January 2019" will be replaced with the "The Hampshire County Council Permit Scheme dated 18th January 2022 Rev 2" as detailed in Schedule 2 incorporating the variations detailed in Schedule 1.
5. "The Hampshire County Council Permit Scheme dated 18th January 2022 Rev 2" will come into effect on the 1st April 2022 and may be cited as "THE TRAFFIC MANAGEMENT (HAMPSHIRE COUNTY COUNCIL) PERMIT VARIATION ORDER 2022"

THIS ORDER IS MADE ON 17th day of February 2022

THE COMMON SEAL of HAMPSHIRE)
COUNTY COUNCIL was hereunto affixed)
in the presence of:)



A handwritten signature in black ink, appearing to be 'Joanna H. Goon', written over the red seal.

Authorised Signatory
Authorised Signatory Name
Authorised Signatory Position

JOANNA H. GOON
Team Leader

37/9320



SCHEDULE 1

Variations to The Hampshire County Council Permit Scheme dated 23 January 2019 are detailed in the table below

Item	Para or Section	Existing Text	Proposed Text	Reason for Change
1	4.1	The HCPS will use 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 data to the NSG hub.	The HCPS will use seven KPI's contained within the DfT's Statutory Guidance for Highway Authority Permit Scheme, to measure performance and ensure parity.	Remove requirement to send to the NSG hub as this is no longer required.
2	5.1	The only Highway / Traffic Authorities that the County Council shares borders with and that do not currently operate a permit scheme are Highways England and Portsmouth City Council (as at June 2018).	The only Highway / Traffic Authority that the County Council shares borders with and that does not currently operate a permit scheme is National Highways	Portsmouth City Council now operate a permit scheme.
3	Various locations within the HCPS document	Reference to "HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017)"	HAUC (England) Guidance, Operation of Permit Schemes	Remove date reference to ensure compliance with the latest version.
4	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	Temporary traffic signal applications can be made by selecting the applicable traffic management type on the permit application. Further details, such as traffic management plans should be uploaded as electronic attachments on the permit. 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	Notice types 2700 and 2800 are no longer used and the applications to use TTL's are handled by the DfT's Street Manager IT system.

		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.		
5	15.7.1 (j)	Any work on a fire hydrant	any works on a fire hydrant commissioned by the fire service	Clarification of exemption to follow good practice
6	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.	The County Council will publish its main contact details on Street Manager. Additional 'day to day' contact information will be published as required.	The 'OD' files are outdated technology. The DfT's Street Manager IT system now handles this data.
7	Various locations within the HCPS document	Reference to: Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters (Oct 2012)	Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters	Remove date reference to ensure compliance with the latest version.
8	App A. Charges for permit variations	For permit variations, the County Council will charge:- <ul style="list-style-type: none"> £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. 	For permit variations, the County Council will charge:- <ul style="list-style-type: none"> £45 for all activities on category 0, 1 and 2 streets and category 3 and 4 streets that are traffic sensitive. £35 for all activities on category 3, 4 and non-traffic sensitive street. 	Change required to reflect the financial model for the scheme and existing understanding and practice (charging for all permit variations except those imposed by HCC).
9	App A. "Table"	<ul style="list-style-type: none"> Major activity (Including requiring a TRO for 11 days or more) Major activity – 4 to 10 days (requiring a TRO) Major activity – up to 3 days (requiring a TRO) 	<ul style="list-style-type: none"> Major activity (Including requiring a TTRO for 11 days or more) Major activity – 4 to 10 days Major activity -- Up to 3 days 	Remove reference to TRO and replace with the correct reference (TTRO). Also remove reference to TRO from major activities 1-3 days and 4-10 days as it's not relevant to these work types. The charge rate is not affected.
10 New	Various locations	References to: Highways England	National Highways	Change of organisation name.

	within the HCPS document			
11 New	Appendix A Permit Reduction	A permit fee reduction of 30% will be applied to other activities where disruption has been minimised, as described in Section 15.7	A permit fee reduction of 30% will be applied to other activities where disruption has been minimised, as described in Section 15	Change reference to correct Section
12 New	Appendix C	f) – i)	a) – d)	Correct reference numbering
13 New	Various locations		Footer change, formatting of document, nonmaterial changes, update to section index to reflect correct section number names	Reflect new Rev number and date, document formatting, nonmaterial changes

Schedule 2

**The Hampshire County Council Permit Scheme
dated 18th January 2022 Rev 2**

HAMPSHIRE COUNTY COUNCIL

ECONOMY, TRANSPORT AND ENVIRONMENT DEPARTMENT

HAMPSHIRE COUNTY PERMIT SCHEME (HCPS) REV 2



Permit Scheme Content

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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 publicly 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 publicly 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 National Highways 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 require permits for 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 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 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).
- 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 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:

- To proactively manage the local highway network
- To maximise the efficient use of road space.
- To minimise traffic disruption arising from activities on key routes
- To minimise disruption to residents arising from significant schemes in residential areas

- To improve the compliance with relevant specifications and Codes of Practice
- To improve the quality, reliability and accuracy of works information to the public.
- To improve stakeholder engagement for significant works schemes
- 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:

- Improvements to overall network management
- Reduced congestion on the key road network
- Reduced disruption to residents from significant works projects
- Improved journey time reliability
- Improved general quality of life, particularly for residents
- Improved customer satisfaction

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 Coordination

- 3.1 Effective coordination 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 objective will be facilitated by improving performance in line with the Authority's Network Management Duty in relation to the following key factors:
- Enhanced coordination through better management
 - Promoting collaborative working by facilitating permit discounts for appropriate activities
 - Promotion of innovative techniques and working methods that minimise disruption resulting in discounts for permits
 - Promotion of liaison and dialogue between all stakeholders by encouraging greater stakeholder engagement
 - Improving activities information accuracy through greater monitoring of permit compliance and implementing FPN's where necessary
 - 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:
- The need to balance potentially conflicting interests of road users and residents with the Promoters and their customers
 - The importance of close co-operation and liaison between the County Council and the Promoter.
 - The importance of engagement with stakeholders for highly disruptive activities
 - 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.
 - The acknowledgement that activities programmes and practices may have to be adjusted to ensure that disruption is minimised and the statutory

requirements are met.

- 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:
 - Road safety, health and safety legislation and The Construction (Design and Management) Regulations 2015
 - 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).
 - The coordination 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:
- Take part in early coordination
 - Consider collaborative working
 - Consider other activities being undertaken in the area
 - 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 The HCPS will use seven KPI's contained within the DfT's Statutory Guidance for Highway Authority Permit Scheme, to measure performance and ensure parity.
- 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 Authority that the County Council shares borders with and that does not operate a permit scheme is National Highways. 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:
- Registerable activities / works
 - Categories of activities / works
 - Street Gazetteers
 - Reinstatement categories
 - 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 publicly 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 National Highways 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 publicly 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.

5.6. Reinstatement Categories

5.6.1. The reinstatement categories of streets used in the Permit Scheme are the same as the reinstatement categories under NRSWA.

5.6.2. 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 require permits for 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. 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 Applications

- 8.1. The information which is required for each permit application is described in the HAUC (England) Guidance, Operation of Permit Schemes. 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.
- 8.5. The minimum times within which applications must be made are set out in the HAUC (England) Guidance, Operation of Permit Schemes. 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 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:
- (i) The need to make Temporary Traffic Regulation Orders (TTRO's);
 - (ii) 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.
 - (iii) The approval for the storage of materials or plant on the highway;
 - (iv) The requirement to suspend any bus stops and / or install a temporary bus stop;
 - (v) 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.
- 10.11. Phasing – A permit application should, wherever possible, indicate whether the activity is intended to be split into phases e.g. an interim reinstatement is to be utilised.
- 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:
 1. 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
 2. 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. 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.
- 10.16.6 All permits will be placed on the Register maintained by the County Council and copied to any other organisation who has requested to see such data. This is usually achieved automatically via records placed on the ASD by the 3rd party.

11. Timings of Permit Applications

- 11.1. For effective planning and coordination, 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, 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 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 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. Non-Compliance with the Minimum Application Times

11.7.1 Early Starts

- 11.7.2 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.

- 11.7.3 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.
- 11.8.3 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 and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015 committing the County Council to respond to applications within set periods.

11.9. Maximum Response Times

- 11.9.1 The HAUC (England) Guidance, Operation of Permit Schemes 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 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 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 can be made by selecting the applicable traffic management type on the permit application. Further details, such as traffic management plans should be uploaded as electronic attachments on the permit. 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 A Promoter must clarify when an activity is to be carried out in phases on the application. Each phase will require a separate permit and, if a major activity involving asset activity, also a PAA, which will be cross referenced to the other permits.

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, 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 and Withdrawal 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 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.

- 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.

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 at 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:
- 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
 - Roads closed by floods or burst mains
 - A dangerous building or structure
 - A significant traffic disruption has ensued
 - 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 coordination 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 either 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 detailed in Section 19 of this document.

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.
- 15.5. 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.

15.6 Level of Fees

- 15.6.1 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.
- 15.6.2 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.

- 15.6.3 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.
- 15.6.4. The permit Fees for the HCPS will be published on Hampshire County Council's website.
- 15.6.5. 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.

15.7 Circumstances where no Fee will be charged

15.7.1. 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 - 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 works on a fire hydrant commissioned by the fire service

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

15.7.2 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.

15.8 Circumstances where Fees may be reduced

15.8.1 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.

15.8.2 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.

15.8.3 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.

15.8.4 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.

15.8.5 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.

15.8.6 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.

15.8.7 Permit fee discounts are described in Appendix A.

15.9 Fee Review

15.9.1 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.

15.9.2 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.

15.9.3 The outcome of these 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 also revoke the permit.

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 and the Statutory Guidance for the Highway Authority Permit Schemes –

- 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:
 - 1) Refused with the inclusion of a comment to reflect the changes required. A complete refusal should only be used in exceptional circumstances
 - 2) 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 inspections.

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 performances.

18.6.2. FPNs, where issued via electronically, shall conform with 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 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 a Fixed Penalty Notice 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. If 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 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 effect to traffic, residents and businesses.

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

20.2.1 The County Council will publish its main contact details on Street Manager. Additional

'day to day' contact information will be published as required.

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 Coordination of Street Works and Works for Road Purposes and Related Matters.
- 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 Works Registers 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. National Highways 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 his 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. 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 – if you can, please avoid paying by cheque.

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 TTRO for 11 days or more)	£240	£145
Major Activity – 4 to 10 days	£130	£75
Major Activity – up to 3 days	£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 all activities on category 3 and 4 & non traffic-sensitive streets.

Appendix B Key Performance Indicators (KPI's)

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 in one phase
- 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 0300 555 1374. There may be a charge if you pay using a credit card (we will tell you how much at the time you make the payment)
- b) BACS or online banking – please give your bank all County Council details when making your payment – sort code 62-28-49, bank account 00000000 and quote your invoice number as a reference (see top right corner at the beginning of the invoice)
- c) By direct debit – This is the most popular way to pay invoices. The County Council will automatically collect payments from your bank or building society and you will be informed beforehand of the amount to be collected. The value of the invoice will be collected from your bank account no less than 15 days after the invoice date shown.
- d) By post – if you can, please avoid paying by cheque. They are expensive for the County Council to handle (which affects the amount you pay) and are not as environmentally friendly as the ways to pay shown above. Your cheque should be made payable to Hampshire County Council, making sure you write your invoice number reference on the reverse (see top right corner at the beginning of the invoice). Send your cheque to the following address: IBC, EII East, The Castle, Winchester, Hampshire SO23 8UB.