

## APPENDIX A

### CONSULTATION COMMENTS AND RESPONSES

	ORGANISATION	CONSULTEE TYPE	DOCUMENT LOCATION	COMMENT	RESPONSE	SCHEME AMENDMENT
1	Western Power Distribution	Works Promoter	1.1.3	No date provided.	This will be provided in the final version once the start date is known.	No
2	Western Power Distribution	Works Promoter	1.2.5	No clarity of proposed transitional arrangements for comment, as it appears these will just be attached to the legal Order which will only provide 4 weeks' notice of the arrangements to be complied with and no opportunity to comment or challenge those arrangements.	The transition will follow the rules set out within the Statutory Guidance for Highway Authority Permit Schemes (October 2015) (section 9.7). These are the same transition rules used for all operational permit schemes. Scheme amended to reference these.	Yes
3	Western Power Distribution		2.1.9	Minor format point with use of bold text "and where possible".	Scheme amended.	Yes
4	Western Power Distribution	Works Promoter	2.2.1	It is not clear how NCC intends to measure the success of the permit scheme against the objectives listed in 2.2.1, or what the current situation is for these objectives to establish a baseline for progress to be evaluated against.	It is not practical for the permit scheme to contain the evaluation methodology. In principle the evaluation will seek to identify direct changes made from the operation of the permit scheme and quantify the benefits from these. In addition, the HAUC (England) Advice Note No. 001/2016 defines a 'Report Template for the Evaluation of Permit Schemes'.	No

5	Western Power Distribution	Works Promoter	2.3.2	The objectives and benefits set out here will need to be reflected in the annual permit evaluation reports to demonstrate that the permit scheme has provided these benefits over and above the existing noticing regime.	Agreed.	No
6	Western Power Distribution		3.2.3	Minor format point with missing text from the sentence “such as”.	Text removed.	Yes
7	Anglian Water Services	Works Promoter	3.2.3	Whilst promoters may be encouraged to include conditions the legislation is quite clear that it is the responsibility of the Authority to impose any relevant conditions. The paragraph ending is not complete and needs to remove or provide the example	Noted. Text removed.	Yes
8	Virgin Media	Works Promoter	4.3.1	Virgin Media are disappointed that Nottinghamshire shire County Council’s Permit Scheme and associated fees will apply to all classification of roads. If the council chooses to apply permits to 100% of streets, contrary to advice from Ministers, Virgin Media requests that Nottinghamshire County Council grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	NCC do not agree with this comment. The DfT’s March 2008 Code of Practice (which has not been withdrawn) indicates that a scheme may properly be applied to all streets. The reason for the application of fees across the network is provided in the Consultation Overview and follows the legal definition of a ‘street’.	No
9	Anglian Water Services	Works Promoter	4.4.3	I would suggest that a provision is included in the scheme for such works to have a Permit for Coordination purposes.	Agreed. This is essentially the guidance provided in the Code of Practice for Coordination.	No

10	Western Power Distribution		4.4.4	As per the existing HAUC Advice Note (HAUC UK Advice Note 2017/03 explains that provision of temporary traffic control is not in itself a registerable activity, as it is not included in the 2007 Regulations (SI 1951)), and the recent consultation on the Code of Practice for Co-ordination, Chapter 7, it may be better to simply refer to the definitions in the Code or in other Statutory Guidance that may be issued.	The Permit Scheme has been amended to reference the Code of Practice.	Yes
11	Anglian Water Services	Works Promoter	4.4.4	c. This is a lift from the previous CoP and doesn't constitute registerable works and is not part of any legislation. It may be best practice but cannot be enforced as there is no legislative background. Example of this is where "it is best practice" to notify of signal heads but not mandatory. If an Undertaker is breaking up the street the requirement for a Permit is satisfied.	The Permit Scheme has been amended to reference the Code of Practice.	Yes
12	Anglian Water Services	Works Promoter	4.4.13	Where works are temporary reinstated they may satisfy for works stop/works clear etc. however, they will not be complete? Is this paragraph therefore correct?	Yes.	No
13	Western Power Distribution	Works Promoter	4.4.16	The use of "must" is not correct.	Amended to 'should'	Yes
14	Virgin Media	Works Promoter	4.6	Virgin Media would like to make reference that only the HAUC (England) national Permit Condition matrix should be used.	Noted.	Yes
15	Anglian Water Services	Works Promoter	4.8.1	Does this require cater for Street Manager communications?	Yes.	No
16	Anglian Water Services	Works Promoter	4.9.9	I question this paragraph reference as there are specific Regulations pertaining to s.74 other than the Permit Scheme Regulations.	This paragraph is to confirm those arrangements and how both regulations apply.	No

17	Virgin Media	Works Promoter	4.9.9	Virgin Media believe that if the extension of permit duration has been granted by the Authority, then this would invalidate any overrun charges, during the extended period of the permit.	Section 8.3 of the HAUC (England) Guidance 'Operation of Permit Schemes' sets out an industry process related to this. NCC will follow this process for consistency.	No
18	Western Power Distribution	Works Promoter	5.2.2	Needs rewording as the Promoter should contact the Authority as soon as it becomes known positive traffic control is needed, and in any event permission must be sought within 2 working hours of the placing of portable traffic signals on the highway; rather than on commencement of works.	The term "must" has been changed to "should" and the criteria "immediately on commencement of works" changed to "as soon as possible". This wording aligns to the Code of Practice: Safety at Street Works and Road Works.	Yes
19	Severn Trent Water	Works Promoter	5.2.2	Page 11, section 5.2.2 – The statement in this section about Immediate Activities is incorrect and cannot be enforced, NCC cannot state a Promoter must contact the permit Authority immediately on commencement of works when using positive traffic control. This statement should be in line with Regulation 13 which states Promoters of Immediate activities should be required to apply for a permit within two hours of the activity starting or by 10 am on the next working day. Can NCC please remove their proposed statement as it will lead to confusion between Highway and Utility staff who may not be has familiar with this regulation.	The term "must" has been changed to "should" and the criteria "immediately on commencement of works" changed to "as soon as possible". This wording aligns to the Code of Practice: Safety at Street Works and Road Works.	Yes

20	Anglian Water Services	Works Promoter	5.2.2	This requirement was omitted from the legislation and whilst best practice cannot be made mandatory by an individual scheme the word "Must" should be replaced with "Should".	The term "must" has been changed to "should" and the criteria "immediately on commencement of works" changed to "as soon as possible". This wording aligns to the Code of Practice: Safety at Street Works and Road Works.	Yes
21	Anglian Water Services	Works Promoter	5.4.2	Any coordination with another Highway Authority is the duty of the original Authority under their Network Management Duty. A promoter will not necessarily know where the boundaries lie.	In practice the work will cross into multiple USRNs, each requiring an application (to the relevant Authority).	No
22	Severn Trent Water	Works Promoter	5.4.3	Page 11, section 5.4.3 – This is not a requirement and cannot be enforced, it should be picked up by the HA when they are fulfilling their Permit evaluation, as this time is covered by the Permit Fee. Can NCC please remove this statement to stop any future confusion?	The word 'should' implies this.	No
23	Anglian Water Services	Works Promoter	5.4.3	Please see 5.4.2 above	Refer to response for 5.4.2.	No
24	Severn Trent Water	Works Promoter	5.6.1	Page 12, Sections 5.6.1 & 5.6.2 - Talks about things that are not a requirement and cannot be enforced, interested parties can under the current system register to get an alert as interested parties, it sits in the NSG, and can NCC please remove these sections?	The use of the term 'must' has been clarified within the Terminology section.	Yes

25	Anglian Water Services	Works Promoter	6.3.3	Whilst this is desirable, there are circumstances where an unforeseen occurrence will necessitate a variation being requested at less than the minimum times given. This should be considered on a specific case by case arrangement and granted accordingly if the circumstances meet the requirement making it impossible to predict or apply within the given time scales	Noted. The timescales are set out within the Statutory Guidance for Highway Authority Permit Schemes (section 3.62).	No
26	Severn Trent Water	Works Promoter	6.3.10	Page 14, Diagrams 1,2,&3 - Does NCC wish to have these in this document as they have the potential to change under the consultation and Street Manager changes which if they did change, would then require NCC to change their document at the implementation stage ?	There is no suggested change to permit lead times as a result of the Street Manager implementation.	No
27	Severn Trent Water	Works Promoter	7.2.1	Page 16, section 7.2.1 – This section expects a contact to coordinate information, but NCC cannot insist that the contact will be the manager of the work. Can NCC please reword this section?	Section amended	Yes
28	Western Power Distribution	Works Promoter	7.2.1	The use of “must” is not correct.	Disagree. In the scope of the permit scheme this information is required, otherwise a decision on the application cannot be made. Refer to Summary Notes regarding the application of legislation.	No
29	Western Power Distribution	Works Promoter	7.3.1	The use of “must” is not correct.	Disagree. In the scope of the permit scheme this information is required, otherwise a decision on the application cannot be made. Refer to	No

					Summary Notes regarding the application of legislation.	
30	Western Power Distribution	Works Promoter	7.8.1	The use of “must” is not correct.	Disagree. In the scope of the permit scheme this information is required, otherwise a decision on the application cannot be made. Refer to Summary Notes regarding the application of legislation.	No
31	Western Power Distribution	Works Promoter	8.1.4	The use of “must” is not correct.	Disagree. In the scope of the permit scheme this information is required, otherwise a decision on the application cannot be made. Refer to Summary Notes regarding the application of legislation.	No
32	Anglian Water Services	Works Promoter	8.3.3	Where an AIV has been imposed and no response is received from the Promoter within 2 hours the AIV is deemed to have been accepted. Before issuing a revocation the Authority must comply with 8.4.2 below. Obviously it is good practice to acknowledge an AIV	Noted. This process is reference to section 8.4 of the HAUC (England) Guidance 'Operation of Permit Schemes'.	No
33	Western Power Distribution	Works Promoter	9.1.2	There is the ability to start after the proposed start date on 0,1,2 TS Streets, and the validity window for 3 & 4 Streets will be now explained in a new Chapter 9 (Validity) of the Code of Practice for Coordination (this is currently out for consultation). Street Manager is to be designed to support the use	Noted. Until such time the Code of Practice and/or systems change the current versions apply.	No

				of validity periods in an improved way to that in EToN.		
34	Western Power Distribution	Works Promoter	9.3.1	Please clarify where in Regulations the “must” used in the section is covered. In our experience Permit Authorities have informally modified the application of this section. The references to “must” are taken from the withdrawn Code of Practice for Permits and do not appear in legislation.	The use of "must" has checked and amended, as appropriate, throughout section 9.3.	Yes
35	Severn Trent Water	Works Promoter	9.4.1	Page 22, section 9.4.1 & 9.4.2 – This is not a requirement and cannot be enforced, normal Permitting rules are the only legal requirement. Can NCC please remove these sections to stop future confusion and wasting all concerns time in potential disputes?	This section and the requirement has been removed.	No
36	Western Power Distribution	Works Promoter	9.4.2	Regarding the warning for immediate activity on designated streets, please can you provide further details as to the way this will be presented on the ASD, and how the contact should take place? We will endeavour to support this request, however please note that this is not enforceable through penalties. Please clarify how this requirement will be managed out of normal working hours, and whether it is for all immediate activities, or just those requiring active traffic control and what action the Authority will take on receipt of this information.	This section and the requirement has been removed.	Yes

37	Western Power Distribution	Works Promoter	9.6	Please ensure the costs of these inspections are not included in the calculations for the permit fees.	Permit fees will recover any prescribed costs.	No
38	Virgin Media	Works Promoter	10.1	What happens to revenue generated from permit fees if they exceed the allowable cost of the scheme?	The Council will need to make adjustment to the fees to ensure they do not maintain a sustained surplus.	No
39	Severn Trent Water	Works Promoter	10.4.2	Page 24, sections 10.4.2 – STW would like to praise NCC for offering a discount for advanced coordination as it will help drive the right behaviours by all concerned	Noted	No
40	Virgin Media	Works Promoter	10.4	Although concessions are welcomed, Virgin Media believe the administrative burden associated with the incentives and fee discounts will make the process impracticable	This is disappointing as the principle to lessen the impact to the road user should be of more importance than the potential discount or administration cost.	No
41	Openreach	Works Promoter	10.5	Openreach request that Authorities present Permit draft charges on a monthly basis and in Excel spreadsheet format as the charges need to be uploaded to our system as a .csv file. Openreach are not able to convert PDF format into Excel spreadsheet or .csv format. Production of charges in Excel format will enable us to process these charges in a timely manner.	Noted.	No
42	Openreach	Works Promoter	10.5	Openreach request that process of reconciliation and payment of permit fees is provided to us prior to Permit Scheme commences. Openreach request 4 weeks to review draft charges. We operate on a national scale and receive multiple charges of	Noted.	No

				which some of them are invalid therefore the onus is us to review every charge individually.		
43	Western Power Distribution	Works Promoter	Definitions	Definitions Remedial Works “defects” should be “non-compliance”.	The term has been changed to include 'or inadequacies'.	Yes
44	Western Power Distribution	Works Promoter	Definitions	PAA Minor format point with use of bold text “Means a” and “which is an”.	Agreed. Scheme amended.	Yes
45	Western Power Distribution	Works Promoter	General	An overview cost benefit analysis was included in the consultation sent out by Nottinghamshire County Council.	Noted	No
46	Virgin Media	Works Promoter	General	As you are aware all new permit schemes now have to follow the January 2013 DfT Additional Advice Note for developing and operating Permit Schemes focusing only on the busiest streets (strategically significant streets). Permit authorities must also encourage works promoters to work wholly outside of traffic-sensitive times by offering discounted fees. By following DfT advice both the Council and works promoters will be able to focus on working together to plan those works likely to cause the most disruption, rather than a blanket approach including streets that are not traffic-sensitive.	The January 2013 DfT Additional Advice Note has been withdrawn.  Noted. Section 10.2.3 includes a discounted fee for works wholly outside of TS times. We encourage active collaboration with all Promoters to offer discounts to lessen any potential impact of work.	No
47	Nottinghamshire Council - Transport & Travel Services	Interested Party	General	For ‘Immediate Works’ to bus stops i.e. accident damage repair to a shelter or RTI pole etc. will our sub-contractors be expected to apply for a permit as per Section 6.2 of the Consultation Document or will they be exempt?	If these works are specified works then yes, they would need to apply for a permit.	No

48	Network Rail	Works Promoter	General	Network Rail feel that this is a very succinct and well written scheme.	Noted	No
49	Network Rail	Works Promoter	General	Network Rail would ask to be exempted from the payment of permit fees as we are a government funded organisation and this would be the movement of taxpayers' money from one government organisation to another.	These works are not classed as works for road purposes, and therefore are not exempt of fees and charges.	No
50	Western Power Distribution	Works Promoter	General	Nottinghamshire County Council is consulting to introduce a stand-alone Permit Scheme. We note that the scheme will apply to all streets in Bath and North East Somerset (excluding private streets and the Highways England network) and the permit fees have been set below the maximum allowable rates. The introduction of a permit scheme will increase the resources and costs required to carry out our statutory and customer driven business, and introduce a level of uncertainty around costs and timeframes for customer funded works.	Noted. The reference to Bath and North East Somerset is not relevant for this permit scheme. Noted. The Council has been requested by the DfT to introduce this scheme.	No
51	Openreach	Works Promoter	General	Openreach accept that highway authorities need to recoup the cost of running the scheme from permit fee revenue, however we believe that the focus and the higher fees should be on category 0, 1, 2 and traffic sensitive roads.	Disagree. Refer to Consultation Overview for the response to this comment (and section 2.4 in particular).	No

52	Openreach	Works Promoter	General	Openreach request that the permit fees are reviewed taking into account the Statutory Guidance for Permit Schemes, 'it is strongly recommended that permit fees are only applied to the more strategically significant roads: Category 1, 2 roads and Traffic Sensitive roads. This will mean that although permits would still be required for works on non-strategic routes, it should be very unlikely that these works would attract a permit fee. These permit applications would receive only 'notice' equivalent treatment by the authority.'	Noted. The DfT Advice Note (June, 2016) refers to the key objective of a permit scheme being on minimising delays to road users, and especially on significant routes. NCC has prepared its scheme cognisant of this and of the 'knock-on' effect of traffic and has holistically evaluated its network. Disagree. Refer to Consultation Overview for the response to this comment.	No
53	Nottinghamshire Council - Transport & Travel Services	Interested Party	General	Our team commission work on the highway to install and upgrade bus stops. Would our bus stop works fall within category of works for road purposes (Section 2.7.3 of the Overview)?	Yes	No
54	Stagecoach East Midlands	Transport Provider	General	Thank you for your letter of 27 September 2019 outlining the arrangements to introduce the above scheme across Nottinghamshire. Road works and major traffic schemes can cause significant disruption to bus services, especially where these arise suddenly and without the provision to agree diversionary routes or alternative arrangements for buses. In these circumstances, people can be considerably inconvenienced or frustrated, which may discourage them from using buses. Against this background, I can confirm that Stagecoach East Midlands supports the	Thank you for your support.	No

				proposed permit scheme, which should ensure better management control over road works and also emphasise the need to consider the effects on bus services.		
55	Nottinghamshire Council - Transport & Travel Services	Interested Party	General	The Permit Scheme must introduce a culture of strict enforcement with inspectors encouraged to identify non-compliance and a team-wide willingness to issue penalties.	Noted	No
56	Nottinghamshire Council - Transport & Travel Services	Interested Party	General	The Permit Scheme should lead to far greater consideration of works impact on bus services. This should include a requirement for the applicant to evidence that they have considered/identified the impact on bus services and place responsibility on the Coordination Team to consider the impact and approve the works based on meeting certain criteria.	Noted. This will be supported by the Coordination process.	No
57	Nottinghamshire Council - Transport & Travel Services	Interested Party	General	We note a requirement for a Description or Plan where positive traffic control is required (7.7.2, Consultation Document). We would like a Plan and Description to be required in all positive traffic control applications. This level of detail will better inform those wishing	Noted. This will be supported by the Coordination process.	No

				to determine the level of impact on the highway, especially impact to bus stops.		
58	Nottinghamshire Council - Transport & Travel Services	Interested Party	General	We would like an illustration and/or Traffic Management Plan to be a requirement of a permit application rather than optional (Section 7.5, Consultation Document). Possibly this could be limited to work involving breaking ground in the carriageway? This detail should help confirm if works will impact on existing bus stops.	Noted. This will be supported by the Coordination process.	No
59	Openreach	Works Promoter	General	We're in agreement that there is a cost incurred from processing permits on non-strategically significant streets, however the cost should remain the same as when Nottinghamshire was operating a noticing scheme as there needn't be any additional scrutiny above what currently exists. If Nottinghamshire wish to charge for non-strategically significant streets we would expect to see evidence in your CBA which suggests that this additional scrutiny provides benefits for all highway users.	Noted. DfT advice refers to the key objective of a permit scheme being on minimising delays to road users. NCC has prepared its scheme cognisant of this and of the 'knock-on' effect of traffic and has holistically evaluated its network. The cost-benefit-analysis clearly demonstrates a high value for money from the permit scheme across all road categories.	No
60	Western Power Distribution	Works Promoter	General	Western Power Distribution has concerns around the introduction of an all street permit scheme with fees for all streets, and that the consultation period was reduced to 6 weeks compared to the DfT recommended minimum 8 weeks.	Noted. The proposed scheme has been prepared having regard to other schemes already in operation since 2007 and the request from the DfT that NCC also implement a scheme as soon as possible.	No

				However we feel the scheme document is clear and concise.		
61	Virgin Media	Works Promoter	General	Will Nottinghamshire County Council be sending out draft invoices prior to the final invoice being generated, to avoid delay in case of any discrepancies?	Yes. This is the industry process that NCC will follow.	No
62	Nottinghamshire Council - Transport & Travel Services	Interested Party	Consultation Overview (2.11.3) Consultation Edition Works (10.3.1)	Are TTS sub-contractors working on the street and/or footway installing bus stop infrastructure exempt from the proposed charges (Section 2.11.3 of the Overview & 10.3.1 of the Consultation Edition Works)?	Yes, they are exempt from charges.	No