

The Traffic Management (Isle of Wight Council) Permit Scheme Order 2020

Isle of Wight Council ("the Council") acting as the Local Highway Authority approves the Permit Scheme referred to as the "Isle of Wight County Permit Scheme" and makes this Order in exercise of the powers conferred by Section 33A of the Traffic Management Act 2004 (as amended) and all other enabling powers after consultation with all persons considered appropriate.

Citation and Commencement


1. This Order may be cited as The Traffic Management (Isle of Wight Council) Permit Scheme Order 2020 and is to come into effect on 30th March 2020.

Interpretation

2. In this Order-

The "Isle of Wight County Permit Scheme" means the Permit Scheme set out in the Schedule to this Order.

The Common Seal of Isle of Wight Council)
Was hereto affixed)
this 20th day of February 2020)
in the presence of)



Authorised Signatory

**BEN GARD
PRINCIPAL LAWYER
AUTHORISED SIGNATORY
ISLE OF WIGHT COUNCIL**

132891

SCHEDULE

The Isle of Wight County Permit Scheme



ISLE OF WIGHT COUNCIL

DIRECTORATE OF NEIGHBOURHOODS

ISLE OF WIGHT COUNTY PERMIT SCHEME (IWCPS)

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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. Isle of Wight Council's permit scheme, titled the 'Isle of Wight County Permit Scheme (IWGPS)', applies to all publicly maintained highways for which Isle of Wight Council (hereafter referred to as 'the Council') is the Highway Authority.
- 1.3. The IWGPS is enabled by Part 3 of the TMA (sections 32 to 39) and the Traffic Management Permit Scheme (England) Regulations 2007, as amended by the 2015 Regulations, 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 IWGPS 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 IWGPS will also be amended, where necessary, to conform to any relevant and authorised successor documents.

1.4. Chosen design for the Isle of Wight County Permit Scheme.

- 1.4.1. The Isle of Wight County Permit Scheme (IWGPS) is based on good practice taken from schemes across the South East Region. Specifically, the scheme reflects best practice in the Hampshire, West Sussex, South East and Kent permit schemes, amended to meet the priorities for residents and road users in the Isle of Wight. The Council wishes to recognise and thank experts from Statutory Undertakers and Authorities from the region who have helped develop the IWGPS.
- 1.4.2. Two options for the IWGPS 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 Hampshire and Kent County Council schemes). The full scheme option was assessed as the most appropriate scheme for the Council based on the network and the numbers of permits likely to be issued each year, to reduce disruption for residents and road users.

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 IWGPS will come into operation from 30th March 2020. Consultation in compliance with the 2007 Regulations (as amended) has been undertaken and the Council has considered and reviewed feedback. The IWGPS has been amended appropriately.

- 1.5.3 During the development of the IWCPs, the Council has taken into consideration the requirements of the Equality Act 2010.
- 1.5.4 The IWCPs will be operated by the Isle of Wight Council as the Street Authority for the Isle of Wight. 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) or any successor Code of Practice, within the area encompassed by the Highway Authority's boundaries, (the 'specified streets').
- 1.5.5 The IWCPs apply to any highway activities undertaken the Isle of Wight 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 Council may require permits for such activities for the purposes of coordination.
- 1.5.6 Isle of Wight Council Promoters must apply for permits in the same manner as a Statutory Undertaker and must comply with all conditions and requirements of the IWCPs. Fees and charges for Highway Authority activities will not apply, but shadow fees, charges and performance data will be collated to demonstrate parity.
- 1.5.7 All activities comprising and categorised as "specified works" in the 2015 Regulations will require a permit. NRSWA, the Statutory Guidance for Highway Permit Schemes (Oct 2015), and the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) describe the registerable activities that will require a permit.
- 1.5.8 The Scheme will operate in accordance with the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Permit Schemes (Oct 2015).

2. Objectives and Benefits of the Permit Scheme

- 2.1. Any activity undertaken in a street has the potential to cause disruption. Activities can reduce the width of the street available to traffic, pedestrians and other users, and can also inconvenience businesses and local residents.
- 2.2. The scale of disruption caused is relative to the type of activities being undertaken, the capacity of the street, the duration and timing of the activities and the methods employed to carry them out. Activities on those streets where the traffic flow is close to, or exceeds, the physical capacity of the street will have greatest potential to cause congestion, disruption and delays.
- 2.3. Section 16 of the TMA requires the Council to secure the expeditious movement of traffic (including pedestrians, cyclists and other vulnerable road users).
- 2.3. The IWCPs have 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 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.

2.4. The Permit Scheme Objectives

2.4.1. The strategic objective for the IWCPs is to assist the 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.

2.4.2. The sub-objectives of the IWCPs 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.

2.5. Aligned Objectives

2.5.1 Isle of Wight Council's transport strategy as set out in the Island Transport Plan (ITP) (2011-2038). The ITP recognises that a well-functioning, reliable transport network plays a crucial role in supporting wider economic prosperity.

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

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

2.5.4 The corporate aims of the Council are set out in The Corporate Plan 2017– 2020, with strategic aims:

1. Growth
2. Regeneration
3. Opportunity
4. Well Being

2.5.5 In terms of transport, the Council's strategic aim that the Isle of Wight maintains strong and

sustainable economic growth and prosperity encompasses the coordination of all road-works in planning and delivering appropriate development and infrastructure.

- 2.5.6 The IWCPs have been developed to be consistent with the Council's Corporate Plan for 2017– 2020 and ITP (2011-2038).

2.6. Benefits

- 2.6.1. The likely benefits to be derived from the operation of the IWCPs 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

- 2.6.2. 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 Council and Promoters in ways that minimise impact. These quality of life factors are of particular relevance for highly disruptive activities on residential roads.

- 2.6.3. 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 (2016-2019) in the Isle of Wight to establish the average number and duration of activities in the Isle of Wight, together with Annual Average Daily Traffic flow on different categories of road using information from 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 (2020-2044).

- 2.6.4. The total cost over the twenty-five-year appraisal period has been estimated at £4.6 million. The total value of benefits over the twenty-five-year appraisal period has been estimated at £95.5 million. The benefits result from the reduction in road works due to the implementation of the permit scheme. The majority of benefits relate to travel time savings and reductions in vehicle operating costs, but there are further predicted benefits in terms of a reduction in accidents and carbon emissions.

3. Permit Scheme Principles for Co-ordination

- 3.1. Effective co-ordination and management to ensure that traffic disruption is minimised as far as reasonably practical, whilst allowing Promoters the required time and space to complete their works effectively. It is not intended that the scheme should delay or prevent any necessary and lawful activities from being undertaken. Rather the IWCPs 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 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 IWCPs 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 co-ordination 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 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 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 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 IWCPs will give the 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 co-ordination of activities with other Promoters.

3.5.5 For activities likely to cause significant disruption promoters should seek to identify parties affected by proposed activities and discuss their proposals with these parties, amending proposals, where appropriate, to minimise specific impacts. Such parties include, but are not limited to: parish, town councils, neighbouring authorities when relevant, public transport operators, schools, businesses and residents. Where the 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 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 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 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 co-ordination
 - 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 by *electronic means*.

4 Key Performance Indicators (KPI) and Evaluation of the IWGPS

- 4.1 An authority implementing a permit scheme must indicate how it will ensure parity in respect of its own and 3rd party activities. The IWGPS will use the seven KPIs contained within the DfT's Statutory Guidance for Highway Authority Permit Scheme (Oct 2015), to measure performance and ensure parity. The Council will continue to submit the performance scorecard data to the NSG hub.
- 4.2 The IWGPS 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 IWGPS 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 IWGPS itself.
 - c) Whether the permit scheme is meeting its objectives
- 4.4 IWGPS 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 Isle of Wight does not have any direct borders with other Highway / Traffic Authorities. Works on strategic corridors that link the Isle of Wight to the UK mainland via the cross Solent ferry operators will be closely monitored to minimise any migrated impact. To apply consistency with neighbouring highway authorities, the IWCPs use 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 Council will continue to receive applications, issue and receive notices and otherwise communicate by *electronic means*.

5.3 All streets publicly maintained by the Council are included within the Permit Scheme. These are the specified streets as set out in the Regulations. Trunk roads and motorways for which Highways England is the highway authority are not included in the Permit Scheme. Private streets are also not included in the IWCPs but will be included if the street is subsequently adopted and becomes publicly maintainable.

5.4. Street Gazetteer

5.4.1 The 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 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 Co-ordination Code of Practice, undertaken on any publicly maintainable highway that is the responsibility of the 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 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; the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015); and HAUC (England) Guidance Operation of Permit Schemes Feb 2017.
- 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 IWCPs has a requirement for PAAs to be obtained for major activities only. The PAA application shall follow the requirements of the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017). PAAs must provide a description and location of the proposed activity and the proposed start and end dated. The Promoter must provide the final, detailed information 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 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 (Feb 2017). This information must be supplied *by electronic means*.
- 8.2 With the exception of immediate activities, activities must not commence until a permit has been obtained from the 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 the Isle of Wight 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 (Feb 2017). Promoters are however encouraged to contact the 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).

8.6.2. Activity Application Timings

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

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 Council. This allows the Promoter to execute the activity as described on the approved permit.
- 9.2 Permit applications must be made *by electronic means*, 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 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 Council receives the application, not when it is sent. In most cases when using the *electronic means*, 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 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 Council must contain the required level of the minimum information required on a permit application is as described in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Scheme (Oct 2015).
- 10.2 Illustrations and plans – Wherever possible Promoters should provide an illustration / plan of the

activity with their permit application, where they consider there is potential for disruption due to the position and size of the activity. Where the Council requires a plan, which is not submitted as part of the application, the application may be refused. The *electronic means* will provide information regarding the form of such plans and the method by which it should be submitted to the 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 Council may also ask for additional information to be provided prior to the approval of any permit application. Where a Promoter cannot submit details *by electronic means* the Promoter should contact the Council to agree alternative methods.

10.3 Where the Promoter has identified a requirement for action on the part of the Council or its nominated agent, this should be clearly identified in the application or confirmed via a separate email or liaison with the appropriate 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 Council are as follows:

- The need to make Temporary Traffic Regulation Orders (TTRO's);
- The approval for all temporary traffic signals. Applications should be made using the latest notice or permit in accordance with the latest *electronic means system*. 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.
- The approval for the storage of materials or plant on the highway;
- The requirement to suspend any bus stops and / or install a temporary bus stop;
- 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 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 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 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 *electronic means system*. A permit application will be generated by the Promoter and granted by the Council, unless the application is deemed to have been granted, e.g. where no grant or refusal has been issued within the period described in the HAUC (England) Guidance on the Operation of Permit Schemes (Feb 2017). The permit will contain all relevant conditions and will be dated in calendar days so that there is no ambiguity about the validity and terms of the permit.
- 10.16.2. In accordance with the 2007 Regulations as amended by the 2015 Regulations and the *electronic means system*, 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 where activities to make an interim reinstatement 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 Council's action e.g. where the Council has imposed a variation, it is strongly recommended that a comment is included to this effect within the application. This will assist the Council in determining variations where no fee is applicable.
- 10.17 All permits will be placed on the Register maintained by the 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 co-ordination, information needs to be provided to the Council in good time. In accordance with the advice contained in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017), the Permit Scheme provides for the minimum time periods before the proposed start date of an activity by which time the relevant permit application must be made by the Promoter and a subsequent response made by the Council.
- 11.2 It is essential that applications for permits and variations are made in a timely manner.
- 11.3 The Council is aware of the need to be proactive in running a scheme. Time limits have been set out in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) committing the 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 Council. *The electronic means system* should normally provide an auditable record of the actual date and time of the receipt of the application, however, the calculation of the application and response time for a permit received after 16:30 will use the next working day as the effective receipt date.

11.6. Minimum Application Times

- 11.6.1. The HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015) set out minimum application times for permits.
- 11.6.2. In accordance with the *electronic means*, 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 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 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 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 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 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 Council is aware of the need to be proactive in running a scheme. Time limits have been set out in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015) committing the Council to respond to applications within set periods.

11.9. Maximum Response Times

- 11.9.1 The HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015) set out the time limits within which the Council will respond to permit applications. If the Council fails to reply to permit applications within the given response time, the permit is deemed to be granted in the terms of the application.
- 11.9.2 A “response” for the purposes of the Permit Scheme means a decision to grant, refuse or issue a permit modification request, in accordance with the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015). Where there are reasons why the permit cannot or should not be granted in the terms applied for (e.g. because of insufficient or obviously incorrect information or because of a clash with other activities), the response indicating that a permit will not be granted in those terms will explain the reasoning. This will enable Promoters to make a revised and compliant application. The Council will utilise the standard permit condition text as set out in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) and the HAUC (England) Advice Note (Ref 2016/002) Standard Permit Response Codes for refusal text when a permit is refused.
- 11.9.3 Temporary Traffic Signal Applications must be made *by electronic means*. Providing that a complete application has been received a response granting the approval will be given by the Council *by electronic means*, within the response period for the permit application. For those Promoters unable to use *electronic means* for temporary traffic signal applications, the 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 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 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 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 Council.
- 12.3.3. Where the Council fails to meet the response times defined in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017), 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 Council will not refuse a permit application that meets the requirement of the IWCPs. 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 Council will respond to the Promoter as soon as possible and within the response period specified in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) to explain why the application is not satisfactory and which aspects need modification. The Council will use the standard permit response codes as described in HAUC (England) Advice Note (Ref 2016/002). The Council will only refuse a permit in exceptional circumstances. Normally the 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 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 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 *electronic means system*.

- 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 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 however still relevant; these 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 Council to discuss the matter at the earliest possible time.

13.5 Variation at Council's Initiative

- 13.5.1. The 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 Council, circumstances beyond the 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 Council will contact the Promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements of those

involved. The aim of these discussions is to try to reach an agreement and see if a variation is a feasible option.

- 13.5.6. If agreement is reached, the 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 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 Council. If at the same time the Promoter seeks a variation which is not the result of the circumstances causing the Council's 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 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 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 *by electronic means*. 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 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 Council can revoke a permit at its own initiative where there has been a breach of a condition. In such circumstances the Council may use the provisions replacing section 66 NRSWA to clear the street, if required.
- 14.4 The circumstances in which the Council will revoke permits on its own initiative are as follows:
- a) As with variations, where circumstances arise which require the Council to review the permit, the 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 *by electronic means*
- 14.5 No charge will be made for revocation where a permit is revoked on the 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 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 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 *by electronic means*

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 Council will charge Fees in accordance with the 2007 Regulations as amended by the 2015 Regulations, or any successor legislation. The IWCPs 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 Council although subject to the constraints set out the Council may cover its costs.

15.4.1. Fees are payable by Statutory Undertakers, but highway authorities are not charged. This is due simply to the fact that the money charged would only circulate around a highway authority. Data on the fees that the Council would have been charged will be collated to demonstrate parity.

15.5. Level of Fees

15.5.1. The 2007 Regulations as amended by the 2015 Regulations and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015), or successor legislation, 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 all traffic sensitive streets.

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

15.5.3. All the IWCPs fee levels are at or within the current Regulations and Statutory Guidance maximum. The Council has made use of existing Regulations as guidance to determine the level of fees needed to recover the costs of additional resources required to achieve the scheme's objectives.

15.5.4. The permit Fees for the IWCPs will be published on the Isle of Wight Council's website.

15.5.5. It is possible for different charging categories to be relevant to a single USRN. To ensure the correct permit fee is always applied, spatial data is required.

15.6. Circumstances where no Fee will be charged

15.6.1. No fee will be charged in the circumstances described below:

- a) Cancellation of a permit - prior to the 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 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 Council's initiative - for permit variations initiated by the Council, unless at the same time the Promoter seeks variations which are not the result of the circumstances causing the 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 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 Council fails to serve a response to an application for a permit or variation, within the relevant response time and the permit is subsequently deemed to be granted;
- g) Coring Activity - Coring activities are not charged for unless the nature of the activity makes the work Registerable as described in the HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017) - where a permit for this activity would be subject to a fee;
- h) Highway Authority Activities - permits required by the Highway Authority (works for road purposes);
- i) Phasing of Activities to Lessen Risk and Inconvenience to Highway Users - where temporary reinstatement is required by the Council e.g. to minimise risk to the public and allow safe passage and the Council request the Promoter submits a new permit application for the remaining activities, no fee will apply for the permit application;
- j) Any Fire and Rescue Service testing on a fire hydrant. *(Works on the repair and maintenance of the hydrant, mains supply, and or cover and frame would be subject to a fee);*

- k) Where the activity is Diversionary Works as a result of Major Highway or Bridge Works, initiated by the Highway Authority as described in S86 of NRSWA.

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

15.7 Circumstances where Fees may be reduced

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

15.7.2 The variation process may be used to alter such timings and conditions, however, such application may be reasonably refused. Any reductions to permit fees may be removed by the Council in this instance. Where, upon evidence gained, it is clear that the indications of Traffic Sensitivity impact are not being followed throughout the activities, the fee reduction may be removed by the Authority. If related Timing Conditions are also being breached, Offence or Offences may have occurred.

15.7.3 Where collaborative activities are being undertaken a discounted fee will apply to permit applications to all activities involved. The Promoters will clearly need to identify such situations and alert them to the Council.

15.7.4 Where activities are being undertaken as part of a strategic National infrastructure project or where the activities provide significant economic benefit to the local economy or the local Authority, as determined by the Council. This is provisional on the Promoter discussing the project with the Council at an early stage and undertaking appropriate planning, coordination and stakeholder liaison. For ongoing projects discounts may be discontinued if the Council becomes aware of an increase in complaints from third parties or avoidable traffic disruption.

15.7.5 Where a Promoter makes use of specific techniques or working methods that significantly reduce traffic disruption then discounted permits may apply. The Promoter must provide evidence to support a claim for a discounted permit.

15.7.6 Where a Promoter expects a permit or variation would be subject to a fee discount, it is strongly recommended that they include a comment to this effect within their application.

15.7.7 Permit fee discounts are described in Appendix A.

15.8 Fee Review

15.8.1 The Council will review fees every 12 months for the first three years, thereafter every three years to ensure that overall fee income does not exceed allowable costs. In the event of any surplus in a given year, the fee income will be applied towards the cost of the Permit Scheme in the next year and the

fee levels adjusted accordingly.

15.8.2 A sustained surplus would indicate that the income was regularly exceeding the prescribed costs and that the fee levels should be adjusted. In such circumstances the Isle of Wight Council will adhere to relevant regulations to affect any amendments to the IWCPs.

15.8.3 The outcome of fee reviews will be published and open to scrutiny.

16. Permit Conditions

16.1 Principles for Conditions

- 16.1.1. The Permit Scheme includes for the attaching of conditions to permits and also specifies the types of conditions that may be applied. Any permit issued will specify in detail the activity it allows, and the conditions attached. Any constraints in the original application will be reflected in the conditions in the permit.
- 16.1.2. In applying conditions, the 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 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 Council considers a condition attached to a permit has been breached, it may impose sanctions.
- 16.1.4. The Council may also revoke the permit.
- 16.1.5. The Council may vary the conditions of a permit issued, as an Authority Imposed Variation (AIV). This will also be done *by electronic means*.

16.2. Condition Types

- 16.2.1. The conditions the Council can apply to permits will be as set out in the standard condition text as described in the HAUC (England) Guidance. Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for the Highway Authority Permit Schemes – Permit Scheme Conditions.
- 16.2.2. The 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 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 Council to formally attach the National Condition Text relating to national conditions that apply to all relevant permits.
- 16.2.4. The Council may take reasonable actions if any of these conditions are breached.

- 16.2.5. Conditions applied to a permit by the Council will be pertinent to the objectives of the IWCPs 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 Council considers it necessary and appropriate to impose conditions that differ from the proposals in the permit application, the 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 *electronic means system* is that when the Promoter submits an application to the Council they may enter the conditions of the permit, for example the timing, duration and work methodology. The Council cannot amend the content of a permit, including the conditions attached.
- 16.3.3. If the 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 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 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 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 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 Council immediately where the specified strategic street is susceptible to unplanned disruption as indicated in the ASD for the Council.

16.4.4. Promoters must make application to the Council or its appointed agent, for any Temporary Traffic Regulation Order or Notice for immediate activities within four working hours from commencement of works, even if work on site has been completed.

16.5. Conditions Available on Site

16.5.1. The 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 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 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 IWCPs. 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 permit or conditions have not been adhered to the 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 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 Council may seek to take action without first contacting the Promoter.
- 18.3 The 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 Council will monitor the performance of its own Promoters to ensure a consistent approach is taken. Performance data pertaining to Council Promoters will be collated. It will therefore be a matter of public record if the 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 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 Council will operate FPNs to address most permit and noticing offences and measure performances.

18.6.2. FPNs, where issued electronically, shall be undertaken by the *electronic means*.

18.7. Prosecution

18.7.1. The Council may consider need to proceed to prosecution of an offence. The 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 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 Council subsequently forms the view that it would be more appropriate to prosecute the offender, the Isle of Wight 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 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 Council

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

18.8.2. The 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 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 Council may revoke the permit. Similar action is also likely to be undertaken where Council activities breach permit conditions or work without a permit.

18.11. Keeping of Records

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

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 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 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 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 Council and the situation may require resolution; or
- d) A promoter disagrees with the Council's decision regarding the revocation of a permit.

19.3.2. The 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 IWCPs 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 IWCPs 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 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 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. The Council is committed to working with all Promoters to ensure that major National infrastructure projects can be delivered efficiently and effectively without unreasonable detrimental effect to traffic, residents and businesses.

20.2 Isle of Wight Council (as the Permit Authority) Contact Details

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

20.3. Overrun Charging Scheme – Section 74 NRSWA

- 20.3.1 The 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 IWCPs Promoters of such activities will be required to follow the same procedures as Promoters who are Statutory Undertakers.
- 20.3.4 For all activities the “reasonable period” for NRSWA Section 74 purposes will be the same as the duration of the activity set out in the permit. Variations may be granted to extend the duration of the permit and this will set the revised “reasonable period”, however Section 74 durations may still be challenged after a variation to the duration has been granted.
- 20.3.5 The start and end dates will be in calendar days, even though many aspects of Permit Schemes will operate on working days. Where a permit allows working at weekends or on Bank Holidays, the permit start and end dates will also accommodate that, even though those days do not count towards the reasonable period under NRSWA Section 74.

20.4. Section 58 & 58a NRSWA Restrictions

- 20.4.1 Details of Section 58 and 58A NRSWA restrictions will be provided as required under the NRSWA Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters (Oct 2012).
- 20.4.2 Similar procedures will be followed for highway activities in relation to Section 58 and 58a restrictions, in order to facilitate the operation of the IWCPs and, as far as possible, parity of treatment for all Promoters.

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

- 21.1 It may be necessary to change the IWCPs from time to time or to cease to operate the scheme.
- 21.2 The Council may vary or revoke the permit scheme. Prior to this application the 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 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 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 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 system upgrade and / or 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 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 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 Council will make it clear that they are not responsible for the accuracy of information concerning those activities for which they are not the Promoter.
- 22.5 The websites will allow records to be searched by the USRN or the "street descriptor" (the street name, description or street number) as given in the NSG. Highways England has its own methods of disseminating such information on trunk roads and motorways. Public access to websites will be read-only to prevent unauthorised amendment to records.

22.6. Restricted Information

- 22.6.1. Restricted information is anything certified by the Government as a matter of National security, or information which could jeopardise the Promoter's commercial interests such as details of a contract under negotiation. The Promoter must indicate restricted information on the application.
- 22.6.2. The right of access to restricted information is limited to:
- a) persons authorised to execute any type of activity in the street; or
 - b) persons "otherwise appearing to the authority to have a sufficient interest".
- 22.6.3. Any person wishing to see restricted information must satisfy the 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 the Isle of Wight 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 IWGPS 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 Council has reviewed its NSG prior to the implementation of the IWCPS 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 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 Council so that discussions can take place to ensure a practical way of dealing with the activities can be resolved.

23.3 The Council will operate a 'bedding in period' of 1 calendar month (30th March – 30th April 2020) where no permit charges or FPN's will be applied. This will enable Promoters and the Council to become familiar with the IWCPS.

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 Council under the IWCPs. 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 Council. The 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 the Isle of Wight 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 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 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 Council's Finance Department.

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

24.5. Permit Fee Payment and Reconciliation

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

24.5.2. 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.

24.5.3. The 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.

24.5.4. The 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.

24.5.5. 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:

- An account of the permit fees to be charged for during the specified period will be produced by the Council and submitted to the Statutory Undertaker to review for reconciliation. Normally accounts will be sent monthly for permits granted in the previous month.
- There will be a period of 10 working days after receipt of the full account to confirm fees and charges for the entire period.
- During both of the reconciliation periods, it is the Statutory Undertakers responsibility to liaise with the Isle of Wight Council if they have any comments or queries on the content of the account.
- 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.
- Once the account charges have been agreed, the Statutory Undertaker must notify the Permits team if they need to issue a purchase order to IWC, or their agent. 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.

24.5.6. If during the reconciliation, the Isle of Wight 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.

- 24.5.7. 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.
- 24.5.8. 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

Isle of Wight Council Permit Scheme Fees Table – October 2019				
	Main Roads			Minor Roads
Reinstatement category of street	0, 1 and 2	3 and 4		3 and 4
Street designated as traffic sensitive or not	All streets	Traffic sensitive at some times/locations		Non traffic sensitive at any time or location
Time and location of activity	Any time and location	Any part within traffic sensitive times / locations	Wholly within non traffic sensitive times / locations	Any time and location
Provisional Advance Authorisation	£105*	£105	£73.50	£75
Major Works – over 10 days and all major works requiring a traffic regulation order	£240*	£240	£168	£150
Major works – 4 to 10 days	£130*	£130	£91	£75
Major works – up to 3 days	£65*	£65	£45.50	£45
Standard Activity	£130*	£130	£91	£75
Minor Activity	£65*	£65	£45.50	£45
Immediate Activity	£60*	£60	£42	£40

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 15.7.

Permit Variation Fees

For permit variations, the Council will charge:-

- **£45** for all activities on category 0, 1 and 2 streets and category 3 and 4 streets that are traffic sensitive;
- **£35** for major activities on category 3 and 4 & non traffic sensitive streets.
- If a Permit variation moves an activity into a higher fee category, the Promoter will be required to pay the difference in Permit fee.
- No fee is payable if a Permit variation is initiated by the Permit Authority.

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

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 IWCPS 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 IWCPS 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 conditions relating to advance publicity were applied by either the Promoter or the 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:

At commencement of the IWGPS, the scheme will be operated by the Council's agent, Island Roads, whose payment details are :

- a) By debit or credit card by phoning 01983 822440. *(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 Council details when making your payment – sort code 23-63-91, bank account 19016368 and quote your invoice number as a reference *(see top right corner at the beginning of the invoice);*
- c) By post – if you can, please avoid paying by cheque. *They are expensive for the 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 Ringway Island Roads Ltd, 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: Island Roads, St Christopher House, 42 Daish Way, Newport, Isle of Wight PO30 5GU.

Appendix D : Definition of Terms

Activity	Any works undertaken by Statutory Undertakers and the Highway Authority (or their agents/contractors) and any other works that maybe covered in future regulations.
Additional Street Data	Additional Street Data (ASD) refers to other information about streets held on the NSG concessionaire's website alongside the NSG
Apparatus	As defined in Section 105(1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus"
Appeal	If there is an unresolved disagreement between the Promoter and the Permit Authority about the terms and conditions of the Permit or PAA, the Promoter may appeal against the Permit Authority's decision to either SEHAUC or HAUC (UK).
Bank Holiday	As defined in Section 98(3) of NRSWA, "Bank Holiday means a day which is a Bank Holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated"
Bar holes	Bar holes are used to detect and monitor gas leaks.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street)
Bridge	As provided in Section 88(1)(a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street"
Bridge Authority	As defined in Section 88(1)(b) of NRSWA, "Bridge Authority means the Authority, body or person in whom a bridge is vested"
Carriageway	As defined in Section 329 of HA 1980, "carriageway means a way constituting or comprised in a Highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles"
Code of Practice for Permits	As published by the Department for Transport March 2008
Collaborative working	Includes trench sharing, multi-utility working, utility/works for road purposes situations and compliance testing.
Cycle track	As defined in Section 329 of the HA 1980, "cycle track means a way constituting or comprised in a Highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot"
Day	A calendar day, unless explicitly stated otherwise
DfT	Department for Transport
Emergency works	As defined in Section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent

	the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property"
'Electronic means'	The electronic system used for passing notices, Permit applications, Permits and other information between Promoters and the Permit Authority.
Excavation	"Breaking up" (as defined above)
Fixed Penalty Notice	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty"
Footway	As defined in Section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only"
Geographical Information system (GIS)	A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface
HA 1980	The Highways Act 1980
Highway	As defined in Section 328 of the HA 1980, "Highway means the whole or part of a highway other than a ferry or waterway"
Highway Authority	As defined in Sections 1 and 329 of the HA 1980
Highway works	"Works for road purposes" or "major highway works"
Immediate activities	As stated in Section 8.5, immediate activities are either emergency works as defined in Section 52 of NRSWA or urgent works as defined in <i>The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007</i>
In	As defined in Section 105(1) of NRSWA, "in, in a context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property under, over, along or upon it"
Local Authority	As defined in Section 270(1) of the Local Government Act 1972(a) and includes the Common Council of the City of London.
Local Highway Authority	As defined in Section 329 of HA 1980, "Local Highway Authority means a Highway Authority other than the Minister"
Main roads	All streets in reinstatement categories 0, 1 and 2 and those streets in categories 3 and 4 which are traffic sensitive for all or part of the time
Maintainable Highway	As defined in Section 329 of HA 1980, a "Highway maintainable at the public expense means a highway which by virtue of Section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the

	purposes of this Act is a highway maintainable at the public expense"
Maintenance	As defined in Section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly"
Major activities	As stated in Section 9.2, Major activities are those which: <ul style="list-style-type: none"> Have been identified in an organisation's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the proposed date of the activity Other than immediate activities, require a temporary traffic regulation order, (i.e. not a temporary traffic notice), under the Road Traffic Regulation Act 1984 for any other activities
Major Highway works	As defined in Section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the Highway Authority in relation to a highway which consists of or includes a carriageway – <ol style="list-style-type: none"> a reconstruction or widening of the highway; works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts); substantial alteration of the level of the highway; provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the Highway; the construction or removal of a road hump within the meaning of Section 90F of the Highways Act 1980; works carried out in exercise of the powers conferred by Section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); provision of a cattle-grid in the highway or works ancillary thereto; or tunnelling or boring under the highway"
Minor activities	As stated in Section 9.4, minor activities are those activities other than immediate activities where the planned duration is 3 days or less.
Minor roads	Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.
National grid reference	Location reference using nationally defined eastings and northings.
Nationally consistent Street gazetteer (NSG)	A database defined as an "index of streets and their geographical locations created and maintained by the local Highway Authorities" based on BS 7666 standard.
NRSWA	New Roads and Street Works Act 1991.
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local Highway Authorities.

Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street.
Permit	The approval of a Permit Authority for a Promoter to carry out activity in the highway subject to conditions.
Permit application	See Section 10. The application that is made by a Promoter to the Authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (Section 55 of NRSWA) given under the Coordination regime.
Permit Authority	See Section 1.4. A local Authority or other "Highway Authority" which has been given approval by Order or the Secretary of State to operate a Permit Scheme on all or some of its road network.
Permit Scheme	See Section 1. A Scheme approved by Order or the Secretary of State under which Permits for activities are sought and given.
Promoter	A person or organisation responsible for commissioning activities in the streets covered by the Permit Scheme. The Promoter will usually be a Statutory Undertaker or the Highway or Traffic Authority.
Protected Street	See Section 1.6. A street that has been designated as a protected street. It serves a specific strategic major traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which Statutory Undertakers can place the equipment that would otherwise lawfully have been placed in the protected street.
Provisional Advance Authorisation	See Section 8.2. The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA.
Registerable activities	See Section 5.1. Registerable activities are as listed in Chapter 9 of The Code of Practice for Permits.
Reinstatement	As defined in Section 105(1) of NRSWA, "reinstatement includes making good".
Relevant Authority	As defined in Section 49(6) of NRSWA, "references in this Part to the relevant Authorities in relation to any works in a street are to the Highway Authority and also: <ul style="list-style-type: none"> a) where the works include the breaking up or opening of a public sewer in the street, the Sewer Authority; b) where the street is carried or crossed by a bridge vested in a Transport Authority, or crosses or is crossed by any other property held or used for the purposes of a Transport Authority, that Authority; and c) where in any other case the street is carried or crossed by a bridge, the Bridge Authority"
Remedial work	Remedial works are those required to put right defects identified and in accordance with the provisions of the Code of Practice for Inspections and regulations.

Road	See "Street".
Road Categories: <ul style="list-style-type: none"> · Type 0 · Type 1 · Type 2 · Type 3 · Type 4 	Roads carrying over: <ul style="list-style-type: none"> · 30 to 125 msa* · 10 to 30 msa · 2.5 to 10 msa · 0.5 to 2.5 msa · Up to 0.5 msa *millions of standard axles
Road works	See "Works for road purposes" definition below.
Special Engineering Difficulties (SED)	See Section 1.6. By virtue of Section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets of extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property.
Specified Area	That geographical area to which the Permit Scheme applies.
Specified Street	Those streets to which the Permit Scheme applies.
SROH	Specification for Reinstatement of Openings in the Highway.
Standard activities	Standard activities are those activities, other than immediate activities, that have a planned duration of between 4 and 10 days inclusive.
Statutory Undertaker	As defined in Section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be".
Street	As defined in Section 48(1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare: <ul style="list-style-type: none"> a) any highway, road, lane, footway, alley or passage; b) any square or court; c) any land laid out as a way whether it is for the time being formed as a way or not".
Street Authority	As defined in Section 49(1) of NRSWA, "the Street Authority in relation to a street means, subject to the following provisions: <ul style="list-style-type: none"> a) if the street is a maintainable highway, the Highway Authority, and b) if the street is not a maintainable highway, the street managers".
Street works	As defined in Section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: <ul style="list-style-type: none"> a) placing apparatus; or b) inspecting, maintaining, adjusting, repairing, altering or

	renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street".
Street works licence	As stated in Section 50(1) of NRSWA, "the Highway Authority may grant a licence (a "street works licence") Permitting a person: a) to place, or to retain, apparatus in the street, and b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).
TMA	The Traffic Management Act 2004.
Traffic	As defined in Section 105(1) of NRSWA, "traffic includes pedestrians and animals"
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works"
Traffic regulation order	This means an order made under Section 1, 6 or 9 of the Road Traffic Regulation Act 1984.
Traffic sensitive street	See Section 1.6. This means a street designated by a Highway Authority as traffic sensitive pursuant to Section 64 of NRSWA and in a case where a limited designation is made pursuant to Section 64(3) any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.
Transport Authority	As defined in Section 91(1)(a) of NRSWA, "Transport Authority means the Authority, body or person having the control or management of a transport undertaking".
Temporary Traffic Regulation Order (TTRO)	This means an order made under Section 14 of the Road Traffic Regulation Act 1984 and amendments.
Trunk road	As defined in Section 329 of the HA 1980, "trunk road means a highway, or a proposed highway, which is a trunk road by virtue of Section 10(1) or Section 19 of the above or by virtue of an order or direction under Section 10 of the above or under any other enactment".
Unique Street Reference Number (USRN)	As defined in the British Standard BS7666.
Urgent activities	Urgent activities are: a) activities (not being emergency activities) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required)

	<ul style="list-style-type: none"> (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; (ii) to avoid substantial loss to the undertaker in relation to an existing service; or (iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and <p>b) Includes activity that cannot reasonably be separated or severed from such activities.</p>
Working day	As defined in Section 98(2) of NRSWA, "for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a Bank Holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day".
Works	Street works or Works for road purposes.
Works for road purposes	<p>As defined in Section 86(2) of NRSWA, "works for road purposes means works of any of the following descriptions executed in relation to a highway:</p> <ul style="list-style-type: none"> a) works for the maintenance of the highway; b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles".

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