



CABINET

THURSDAY, 29TH SEPTEMBER, 2016

At 7.30 pm

in the

CHARTERS SCHOOL, CHARTERS ROAD, SUNNINGDALE, BERKSHIRE, SL5 9QY,

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
iii.	Road and Streetworks Permit Scheme – Appendix A	3 - 28

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Appendix A

Title: **RBWM Consultation Report**
Project: Proposed Permit Scheme
Date: 17th August 2016
Author: Jason Setford-Smith, Consultant

1 Introduction

The formal consultation regarding the proposed Royal Borough of Windsor and Maidenhead Permit Scheme ('RBWMPS') ran for a period of eight (8) weeks beginning on the 17th June 2016. The deadline for receipt of responses was no later than 5pm on 12th August 2016.

It was stated in the consultation covering letter that 'all responses received by the 12th August 2016 will be taken into consideration and, if the Royal Borough of Windsor and Maidenhead consider it to be appropriate, amendments will be made to the draft Permit Scheme.

The draft Scheme Document and accompanying covering letter was issued to 125 key stakeholder organisations, including local neighbouring Highway Authorities, Utilities, road user representative groups, current IT suppliers and non-government organisations. The list is provided within this document.

Some organisations had a number of consultees within them and if known those individuals were contacted directly. The total number of email addresses / individual contacts made was 175.

A total of 176 individual comments on the proposed Permit Scheme were received by the deadline.

Additional comments from EToN (IT system group) developers, consultants and legal representatives have been added to the comment list so there is transparency regarding all changes to the scheme document.

A list of comments received and potential response or amendments are provided in this document.

List of Consultees who responded by the deadline

- 1) National Grid (NG)
- 2) Royal Berkshire Fire & Rescue Service (RBFRS)
- 3) Virgin Media (VM)
- 4) Scottish & Southern (SS)
- 5) Openreach (Or)
- 6) Thames Water (TW)
- 7) RBWM Legal (RBWM L)
- 8) Consultants (Co)

9) EToN (ET)

No Consultees responded after the deadline.

Consultees Category or Group
Bus Operators
Central Government
Emergency Services
IT and Systems Suppliers
Passenger Transport
Representative and Interest Groups
Surrounding Local Authorities
Utility Companies

This list is a guide to help you in identifying stakeholder groups. You may have a more suitable contact email than the ones I have provided.

Internal Contacts	
Head Of Legal	Councillor Alexander
Head of Environmental Health	Councillor Quick
Director Of Planning, Development & Regeneration	Councillor Hill
Civil Contingencies Manager (runs SAG)	Simon Fletcher
Transport Committee Chair	Ben Smith
Transport Committee Deputy Chair	Vikki Roberts
Transport Committee Opposition	Trees
Councillor Bicknell	Grounds Maintenance
Councillor Bowden	Customer Services
Maidenhead Town Centre Manager	Leisure Services
Windsor Town Centre Manager	

Bus Operators	
Abba Cars and Minibuses	Lianne Coaches
Arriva the Shires	Windsor Duck Tours
Courtney Buses	SLK Services
White Bus Services	Reading & Wokingham Coaches
First	People2Places
Bear Buses	Carousel Buses
Dickson Travel	City Sightseeing Windsor
Redline Buses	Fernhill Travel

Central Government	
Department for Transport	Highways England

Geoplace	Environmental Agency
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Emergency Services

Fire & Rescue Services	Transport Police
Thames Valley Police	Frimley Health Trust
Ambulance Service	Berkshire Health Trust

IT and Systems Suppliers

Confirm	
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Passenger Transport

Network Rail	Great Western Railway
Passenger Focus	South West Trains

Representative and Interest Groups

Automobile Association	Bellstan
British Motorcyclists Federation	Amey
British Cycling	Thame Velo
Freight Transport Association	Radian
Guide Dogs Association for the Blind	Maidenhead Housing Solutions
Road Haulage Association	Maidenhead & District Cycling
Royal Automobile Club	Cyclists Touring Club
Royal Association for Deaf People	Mouchel
Royal Blind Society	Veolia
Crown Estates	ISS Waterers

Surrounding Local Authorities

Reading Borough Council	Datchet
Slough Borough Council	Eton Town Council
Wokingham Borough Council	Horton
Bucks County Council	Hurley
West Berkshire Council	Old Windsor
Surrey Council	Shottesbrooke
Bracknell Forest Borough Council	Sunningdale
Oxfordshire County Council	Sunninghill & Ascot
Bisham Parish	Waltham St Lawrence
Bray Parish	White Waltham
Cookham Parish	Wraysbury
Cox Green	

Utility Companies

National Joint Utilities Group	Energetics Electricity Limited
BT Openreach	ES Pipelines Limited
Scottish & Southern Energy	Eunetworks Fiber UK Ltd
National Grid Gas	Fulcrum Pipelines Ltd
South East Water	Gas Transportation Co Ltd
Thames Water	Harlaxton Energy Networks
Virgin Media	Hibernia Atlantic UK Ltd
Affinity Water	Level Three Communications
Abovenet Communications UK Ltd	Mainline Pipelines
Gigaclear PLC	02
Infocus Public Networks	Southern Gas Networks
Orange PCS Group	TeliaSonera International Carrier UK Ltd
Romec	Vodafone
Instalcom	City Fibre
Concept Solutions People Ltd	

S50 Contacts

Note: The Section 50 applicants over the last 12 months.

AWH Utility Services Limited	Radian Group Limited
Royal Household	James Mathias
Craig Sidley	Argon Utility Services
Europoll Supply Limited	Grove Construction Ltd
John Henry Group	Shanly Homes
Amy Skellum	J Browne Construction Co Ltd
Beard Construction	STD Civils Limited
CMU Infrastructure Limited	Buxted Construction
ASL Limited	Call Flow Solutions Limited
GD Contracting	Saleem Ahmed
Combined Services DW Ltd	Ashvale Civil Engineering

General Comments

Org	Suggested amendment / clarification / comment / question	Response / action / recommendation
VM	<p>As you are aware all new permit schemes now have to follow the January 2013 DfT Additional Advice Note for developing and operating Permit Schemes focusing only on the busiest streets (strategically significant streets). Permit authorities must also encourage works promoters to work wholly outside of traffic-sensitive times by offering discounted fees. By following DfT advice both the Council and works promoters will be able to focus on working together to plan those works likely to cause the most disruption, rather than a blanket approach including streets that are not traffic-sensitive.</p>	<p>The scheme does focus on strategically significant streets.</p> <p>Charges for Cat 0-2 TSS streets are higher than for Cat 3-4 non TSS streets.</p>
NG	<p>Costs Could you please provide a breakdown of how the Total Capital Expenditure Costs are derived Could you please provide a breakdown of how the Year 1 Operating Expenditure is derived Could you please provide a breakdown of how the Operating Expenditure (After Year 1) Costs are calculated Could you please provide a breakdown of how the Year 1 Revenue Expenditure has been calculated Could you please provide a breakdown of how the Annual Revenue Expenditure (After Year 1) is derived Could you please provide details of costs associated with running the current Noticing Scheme for 2015-16 together with the number of F.T.E's involved</p> <p>Business Case Has the cost of managing HA works been included in the expenditure figures?</p>	<p>Details of the costs and breakdowns are contained within the Cost Benefit Analysis which will be published.</p> <p>The cost of processing Permits Highway Authority works has been included in the costs of the scheme. These costs are met by the Authority and not from Utility Fees.</p>

	Do the revenue figures include income from HA works?	
NG	<p>Legislative Guidance</p> <p>Where has the Traffic Management Act 2004 (TMA), Code of Practice for Permits, March 2006 been used for guidance as this is now superseded by the Statutory Guidance for Highway Authority Permit Schemes October 2015?</p>	Noted.
NG	<p>Summary of Appraisal</p> <p>Bullet point 2 – Annual delay cost for Utility works – Does this figure include HA works? If not have these been identified separately?</p>	<p>NO. The annual delay cost is for Utility works.</p> <p>No, this has not been identified separately.</p>
RBFRS	<p>Firstly, I would clarify that all works carried out by the Brigades Hydrant Inspectors are exempt from Permits to Work as they are classed as temporary works. Their duties are to lift up lids and test F/H's & occasionally clean pits out. They are normally at a F/H for less than 10 minutes sometimes less than 5 minutes.</p>	<p>This is correct. These specific works do not require a Permit.</p>
RBFRS	<p>Secondly, we would request that all Fire Hydrant repairs that South East Water or Thames Water (RBWM is generally covered by SEW) do on behalf of RBFRS are also exempt from permits. Any permit fees/costs incurred by a Water Co whilst carrying out works on our behalf are passed onto the Brigades. This increases our costs and in turn results in the Brigades asking the local Councils for more money, something we can avoid if this costs is made exempt. So far of those in Berkshire who have introduced the permit scheme F/H is exempt and we are more than happy to advise of where works are taking place or if this is not the case happy to assist in spot checks you may wish to do.</p> <p>I do understand however that and road closures do have a much higher price and something that is rarely required for a F/H. However if this was the case we understand that we would be required to meet these costs.</p>	<p>These works do require a Permit so they can be co-ordinated along with all other works. However, if the work is on behalf of the Brigades no Permit fee will be required.</p> <p>Thank you. This is agreed.</p>

Scheme Document comments

Org	Document Section	Suggested amendment / clarification / comment / question	Response / reply / recommendation
Section 1 & 2: Foreword and Introduction			
SS	1.1.1	I understood this was a scheme mirrored already in place in Southampton and Brighton	Correct.
Co	2.3.1	The regulations are amended and require the reference updating.	Correct. An edit will be made.
TW	2.3.1	The reference to regulations should be the amendment regulations. Paragraph should refer to the DFT Oct 2015 Statutory Guidance for Highway Authority Permit Schemes & 2007 regulations now amended Traffic Management Permit Scheme (England) (Amendment) Regulations 2015	Correct. An edit will be made regarding the amended regulations.
Or	2.3.1	as amended	Noted.
SS	2.3.1	· , 2007 regulations now amended Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 (S.I. 2015/958)	Correct. An edit will be made regarding the amended regulations.
TW	2.3.3	Reference made to Code of Practice for Permits 2008 must be removed, This document is not in use since the statutory guidance was released in October 2015	Correct. An edit will be made.
Or	2.3.3	code of Practice has been withdrawn and is no longer valid	Noted.
VM	2.3.5	Virgin Media acknowledges that RBWM recognises the roll out of Superfast Broadband.	Noted.
SS	2.5.1	Not sure how scheme will cover more than street works?	This has always been the case, hence the use of the term Activities.
TW	2.5.1/2	If there are subsequent regulations introduced that RBW&M wish to incorporate into the scheme a variation would need to be prepared - do not believe that the mention of possible	Correct. An edit will be made.

		future changes should form the body of the scheme	
TW	2.5.2	As 2.5.2 specifies the use of the word activities instead of works, this paragraph should reflect that and change the word 'Works' to activities for consistency. The rest of the document needs to reflect 2.5.2 to ensure consistency as several paragraphs still mention works when the context indicates it should read activities.	Correct. An edit will be made.
TW	2.5.2	The correct reference should be quoted when referring to regulations	Correct. An edit will be made.
Or	2.5.2	this is not guidance it is an enforceable scheme	Noted
SS	2.5.2	the permit scheme should only cover current legislation and regulations	It does but this is useful background information.
TW	2.5.3	The correct reference should be quoted when referring to regulations. '2007 Notice Regulations' should read ' The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007	Correct. An edit will be made.
TW	2.6.1	Permit schemes include both permitting and noticing processes. A permit is not about booking time; time is only one small element of the permitting process.	The text in the document is correct and has been agreed before in other schemes.
SS	2.6.1	current schemes can include both noticing and permits . We do not “book” time for immediate or planned works, we give appropriate notice of our statutory duties to install and maintain an energy network	The text in the document is correct.
SS	2.6.2	· no they are not. Charges , fees and fines are not shown parity with HA works. See 2.8.2	The text in the document is correct.
VM	2.6.3	Virgin Media would like to make reference to the DfT advice (letter date 17 th March 2014) indicating that only the sector agreed condition matrix (HAUC Advice Note) will be acceptable.	This is noted, however the text in the document is correct.
TW	2.6.4	As a highway authority RBWM have always had control over	This is noted, however the text in the document

		extensions, running a permit scheme does not provide additional controls other than ability to impose a charge. Additionally, variations do not always impact the duration which this paragraph seems to indicate. As an undertaker who has been working within various permit schemes since 2010, the vast majority of variations we have issued do not change the end date of permits - they cover all manner of changes such as:- changes to TM, changes to conditions (by request of HA) etc.	is correct.
SS	2.6.4	· modifications or variations may not necessarily be for extensions. Changes to TM may be required for safety but may have no bearing on the duration of the permit.	The text in the document is correct.
Or	2.6.5	not required as a seperate point	This is just background information.
SS	2.6.6	PLease define the justification for this	All activities can cause disruption and therefor benefit from enhanced co-ordination. A fees matrix and Cost Benefit Analysis have been prepared and demonstrate the benefits of this approach.
VM	2.6.6 & 4.3.1	Virgin Media are disappointed that RBWM Permit Scheme and associated fee's will apply to all classification of roads. If the council chooses to apply permits to 100% of streets, contrary to advice from Ministers, Virgin Media requests that RBWM grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	The fees for Permits for category 3 and 4 roads reflect the additional cost of increased co-ordination and has been identified when completing the DfT fees matrix.
TW	2.6.6	Please provide your justification for applying permits to all streets when the statutory guidance indicates the use of Strategically Significant streets is of utmost importance.	All activities can cause disruption and therefor benefit from enhanced co-ordination. A fees matrix and Cost Benefit Analysis have been prepared and demonstrate the benefits of this approach.
SS	2.7.1	· contradictory - its not working alongside the noticing	Elements of the NRSWA notice system remain.

		system its changing to a full permit scheme . The terminology and requirements are completely different to noticing.	
SS	2.8.1	· not sure what S 64, S 69 S 73A, S 88, S 89 , S 93, S 105 refer to under NRSWA 1991?	Please refer to the sections of NRSWA.
TW	2.8.4	How will these reports be generated and supplied and on what frequency? In what way will procedures be compared? What procedures are being compared?	A range of industry agreed KPIs that demonstrate this will be published annually. The tasks undertaken when an application is received will be the same for all Promoters.
SS	2.8.5	Revoking the permit scheme, please clarify, surely it is implemented or not, not sure you can revoke a scheme once in place	The text in the document is correct.
Section 3: Objectives of the Permit Scheme			
VM	3.1.1 & 3.1.3	Virgin Media agrees with the key factors highlighted. On the point about better planning, scheduling and management of activities to minimise disruption to any road user. Virgin Media agrees in an overall drive to further improve the timing and duration of works to minimise disruption, where safe and practical to do so. But Virgin Media already promotes improvements to timing and duration of works and there are many examples of innovation in working practices that have resulted in reduced occupation of the highway – advanced planning; use of minimum-dig technology; shared or sequential occupation of the carriageway etc. However, in seeking to reduce durations, utilities are best placed to estimate how long works will take, but should agree those times and be willing to justify them to RBWM when requested.	Noted.
SS	3.1.2	capacity of the street – please define, is this not traffic sensitivity? Any activities which involve TM may cause	This is a DfT description. Where the traffic flow is close to, or exceeds, the physical capacity of

		disruption	the street will clearly cause disruption.
TW	3.1.4	How does a permit scheme reduce carbon emissions, a permit scheme will not reduce the amount of work statutory undertakers complete as water mains need to be maintained, new developments are still being built and require all services - will there be a report demonstrating the current carbon emissions so the objective can be demonstrated in the regular review of the permit scheme and the performance against the objectives set?	An outcome of reduced congestion due to minimised disruption is the reduction in fuel consumption and CO ₂ emissions. The annual evaluation will include analysis of this.
NG	3.1.5	How will these be measured? What are the existing levels of disruption/delays/costs/carbon emissions? How have these existing levels been ascertained?	These are objectives. Some of these measures are available from DfT data. The Cost Benefit Analysis details much of this.
Section 4: Scope of the Permit Scheme			
SS	4.3.2	Do Geoplace not maintain the gazetteer?	No, The Authority maintains it and GeoPlace publishes it.
SS	4.3.3	via Geoplace and NSG updates	The text in the document is correct.
SS	4.5.1	Highways England	Correct, an edit will be made.
SS	4.6.1	What will be your method of advising the utility when a street has been adopted?	An update to the Local and National Street Gazetteer.
Section 5: Activities Covered by the Scheme			
TW	5.1.1	The code of Practice for Permits 2008 has not been in use since the release of the statutory guidance in October 2015.	An edit will be made.
Or	5.1.1	document obsolete	Noted
SS	5.1.1	Hasn't this been withdrawn?	Noted
SS	5.2.1	untrue if works are undertaken by highways authorities without a permit as they will not get an FPN or S 74 charges.	The text in the document is correct.
TW	5.2.2	Please clarify when these reports will be made available to	A range of industry agreed KPIs published

		other undertakers of work on the highway	annually.
SS	5.2.3	What measures are you putting in place to monitor this?	A range of industry agreed KPIs published annually.
Section 6: Exempt Activities			
NG	6.2	Please clarify as this appears to conflict with Paragraph 2.5.3 – the COP for permits has been superseded	The text in the document is correct and there is no conflict. 2.5.3 states that scheme must include both highway and statutory undertakers' works which this scheme does.
TW	6.2	Water companies undertake works upon Fire Hydrants on behalf of the fire service, will these works be exempt or have a reduced permit fee?	These works will require a Permit but will not be charged a fee.
VM	6.2.2	Virgin Media would like to add lifting chamber lids at non traffic sensitive streets, where we do not encroach on the carriageway, to enable cable pulling as this does not involve breaking up the street.	The text in the document is correct.
SS	6.2.2	· if working in a TS street at a TS time a permit is required for replacing a link box cover 5.1.2 (b) refers	The text in the document is correct.
Section 7: Permits - General			
SS	7.3.4	– what percentage and how is the discount to be calculated and applied?	Please see the fees table.
SS	7.4.1	· a registration may involve interim and permanent reinstatement a separate permit would not be required for interim, permanent and remedial reinstatements?	The text in the document is correct.
TW	7.4.3	It may be the intention to complete the work in one phase however, site conditions may prevent this from occurring. Currently our practice within other permit schemes is to state within the works description our intention to complete in one phase.	The text in the document is correct and is in line with the comment.
SS	7.4.4	Asset activity across more than 1 phase should be agreed in	This is so that activity across multiple Permits

		advance. Please clarify what you mean here, a PAA must be applied for and granted before applying for a permit on the same permit reference. Why would a PAA need to be cross referenced when its on the same permit number?	can be tracked.
SS	7.5.1	Not if the works are being done at different times. Separate permits will be required.	Noted, however, the text in the document is correct.
SS	7.5.2	PAA's only required for major works with a duration of more than 10 days or where a road closure or TTRO is required.	The text in the document is correct.
VM	7.5.3	A permit isn't always required at the customer connection stage of a job; Virgin Media suggests revising the paragraph to read 'If the installation of customer connections is undertaken at a later date then the Promoter shall apply for a separate Permit if required i.e. if registerable activity '	The text in the document is correct. It states 'If an activity relating to the installation of customer connections is undertaken at a later date then the Promoter shall apply for a separate Permit.'
VM	7.6.3	Virgin Media does not agree that a Permit fee should be charged in this case. This is an Authority imposed variation and therefore at no charge.	This is a feature of the scheme and the fee 'may' be charged.
SS	7.8.2	You have to specify the number of estimated inspection units as you cannot you cannot raise the permit request unless you do. Also it is common practice for the primary promotor to excavate and the secondary promotor to reinstate. Both parties therefore will need to shown the inspection units and the primary promotor will subsume to the secondary.	The text in the document is correct.
NG	7.8.5	We believe there needs to be greater incentives to promote collaborative working Would the Authority consider greater discounts?	As the scheme progresses and the effectiveness of discounts is better understood the discount levels may be reviewed.
SS	7.8.5	What is the mechanism for identifying and calculating the discount.	These will be recorded when the Permit is Granted as part of the business process.
SS	7.9.1	In other works, a new phase with a category of remedial work should be raised on the existing permit reference number.	The text in the document is correct.
NG	7.10	There appears to be an omission in 7.10.2 - bullet point 2	Yes, and edit will be made.

		relating to the starting window for minor activities - Please clarify	
SS	7.10.1	The duration will be shown in calendar days where a permit has fixed dates.	The text in the document is correct.
TW	7.10.2	EToN does not 'issue a permit' - a Grant/refusal or a permit modification (PMR) is issued. The only notification that allows the authority to add any conditions is the PMR and even then the promoter may or may not choose to issue a modified application. Terminology may need to be assessed.	Correct, an edit to 'issued' will be made.
TW	7.10.2	The only conditions that can be applied to permits are those listed in Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions March 2015.	Noted
TW	7.10.2	the second bullet point is incomplete - a number has been omitted from the beginning	Yes, and edit will be made.
Or	7.10.2	how many days	Yes, and edit will be made.
SS	7.10.2	Specify duration , 2 days.	Yes, and edit will be made.
SS	7.10.2	The permit end date will move when sending the start notice to reflect the duration. Also the duration will be shown in working days on a flexible permit.	The text in the document is correct.
SS	7.11.1	Please clarify the procedure for contacting the HA for an early start, eg e-mail, phone etc.	A phone call or an email are acceptable methods.
SS	7.13.1	If you don't require a permit its not an offence?	The text in the document is correct.
SS	7.13.2	An FPN cannot be issued unless a retrospective permit is raised.	The text in the document is correct.
Section 8: Permits - Types			
TW	8.2	please could we have the UK version of English rather than the US version	The text in the document is correct.
SS	8.2.1	No there is a forward planning notice but a PAA replaces a major initial notice. A permit replaces following a PAA replaces the confirmation notice	The text in the document is correct.

SS	8.2.6	The use of a forward planning notice should be used if the dates have not been confirmed.	The text in the document is correct.
Or	8.2.7	the fee for a PAA is chargeable on when a PA is granted.	The text in the document is correct.
Or	8.2.8	this full stop implies that they can refuse without a drastic change and without an explanation. if this was the case why would we pre book Road space with a PAA.	An edit will be made.
TW	8.3.1	For consistency with previous section this section could be labelled Permit Applications (PA). There is no definition of a 'Full Permit' the terminology should be Granted Permit	The text in the document is correct.
SS	8.2.8	A PAA should not be charged for if granted if the subsequent PA is refused.	The text in the document is correct.
SS	8.2.9	Please explain this? A copy of the application is held on Eton. Please clarify what you mean by any person having apparatus? We do not send a copy to all other utilities.	If requested by a relevant Authority or by any person having apparatus in the street a copy of the PAA is to be provided.
SS	8.3.4	Please explain this? A copy of the application is held on Eton. Please clarify what you mean by any person having apparatus? We do not send a copy to all other utilities.	If requested by a relevant Authority or by any person having apparatus in the street a copy of the Permit is to be provided.
Section 9: Permits - Classes			
SS	9.2.1	No, a major activity is also required for any road closure and for any activity where the duration exceeds 11 days.	The text in the document is correct.
SS	9.2.2	No also for works requiring a road closure.	The text in the document is correct.
TW	9.2.5/9.4.3/9.3.3	Conditions can not be applied on a 'blanket' basis as this paragraph seems to indicate; 'will' should be changed to 'may' as each permit must be assessed based on location, timings etc, so all conditions are specific to the PA	The text in the document is correct.
VM	9.5.5	Virgin Media do not believe this is a requirement under the Permits Code of Practice, please clarify?	It is a requirement of the scheme that an immediate activity is genuine.
SS	9.2.5	If applicable.	The text in the document is correct.
SS	9.3.3	Only if applicable.	The text in the document is correct.

SS	9.4.3	If applicable	The text in the document is correct.
SS	9.5.2	What will be the procedure if works commence outside normal working hours?	A phone call must be made to the phone number published on the NSG.
SS	9.5.5	How?	By providing appropriate evidence.
SS	9.5.6	If applicable	The text in the document is correct.
Section 10: Permit Applications			
SS	10.1.6	Are you planning to use standard refusal codes?	Yes, when available.
SS	10.3.1	send	The text in the document is correct.
SS	10.3.1	Where	The text in the document is correct.
SS	10.3.1	sent	The text in the document is correct.
SS	10.3.1	Please confirm how this is expected to be received in each medium. Eg a form or just an E_mail with the address details.	By telephone, email or fax for immediate activities or by email or fax for other applications or notices. A form will be provided.
TW	10.3.3	'EToN systems are designed to batch together and notifications which have failed to send due to either HA system failure or promoter server failure all resending is automatic so it is virtually impossible to add anything to any batch/notification which is in that process.	Noted
SS	10.3.3	Where permits are being "held in the system" they will automatically send once the system issue is resolved. We may not be able to amend the permit to show an individual reference number.	Noted
SS	10.5.1	Only if the NSG is set up correctly and the interested party details are shown.,	Noted
SS	10.5.2	How , on what medium?	By using the NSG.
SS	10.6.1	Please clarify what these sections refer to.	Please read NRSWA
NG	10.8.1	Does this mean that a PAA can be modified?	No.
Or	10.8.1	it would be better if, like other schemes, it stated that compliant applications will be granted as per regulation 9.	The text in the document is correct.

SS	10.8.1	Just a PMR	The text in the document is correct.
SS	10.8.2	PMR	The text in the document is correct.
Or	10.9.1	doesn't make sense, please rewrite.	This section will be rewritten.
SS	10.9.1	Contact? Discuss? Sentence incomplete. Where the S 58 is on the carriageway and works are in the footway this should not apply.	The text in the document is correct.
SS	10.10.1	Please clarify. Error on application PMR or refusal modified permit or works data variation to be sent.	An error in the data or information recorded.
SS	10.10.2	Depends on the error, a works data variation rather than a modified application may be appropriate especially where the works are in progress following application of an immediate permit.	Noted
TW	10.10.2	Error correction is a noticing term as it does not exist in a permit environment - this is known as varying works data which is undertaken on a variation which the authority has the option to grant or refuse - only if the changes are major and will therefore have a major impact on the network should the promoter contact the HA in advance of issuing this type of variation as there will be times when minor changes need to be notified when the HA may not be available to talk to unless RBWM are planning to offer a 24/7 permit office.	This relates to the correction of data recorded in the Permit Register.
SS	10.10.3	A modified application can be made without getting approval. It depends on the error. Only a works data variation requires agreement.	The text in the document is correct.
SS	10.10.4	No it isn't.	The text in the document is correct.
SS	10.10.5	Disagree, depends on the error.	The text in the document is correct.
Or	10.10.6	10.10.2 refers to a modified permit and as this is before it is granted it carries no fee. I would suggest at the end of this sentence you include "if discovered following the granting of the permit"	The text in the document is correct.

Section 11: Information Required in a Permit Application			
TW	11.1.1	the last three bullet points should read 'expected depth', 'intended reinstatement type' and 'Estimated inspection units'.	The text in the document is correct.
SS	11.1.1	Most of this is mandatory	The text in the document is correct.
SS	11.1.1	Not required	These are conditions that may be attached to the Permit.
SS	11.1.1	Not required on application	These are conditions that may be attached to the Permit.
SS	11.1.1	Estimated	These are conditions that may be attached to the Permit.
VM	11.2	There is no requirement for supplying out of hours contact and secondary promotor in EToN. Virgin Media can only apply with EToN Technical Specification.	It is reasonable that the contact details of any person appointed by the Promoter to deal with any problems that may occur during the activity, including any provision made for out-of-hours is supplied.
Section 12: USRN			
VM	12.3.4	The Works Activity Footprint (WAF) is not required. This underwent consultation in early 2011 and was not agreed by HAUC(UK) to be a requirement. Virgin Media does not agree therefore to supply this information.	The text states 'of required'.
Or	12.3.4	to answer the point above in addition should include accurate address details.	Noted.
SS	12.4.1	Times of day are not a requirement unless traffic sensitive and will be added as a condition of working.	The text in the document is correct.
TW	12.5	Please confirm that illustrations are acceptable via email/fax as Thames Water amongst many authorities and utilities do not have the facility to send via EToN (although we can receive)	Illustrations are acceptable by email and fax.

Or	12.5.1	Attachments are optional as per the EToN Tech Spec and therefore although may be requested cannot be made a must on the permit	The text in the document is correct.PAA & major works must be accompanied with an illustration so effective coordination can be performed.
SS	12.5.1	If plans attached at PAA stage there should be no requirement to resend at PA stage. If no TM is being used eg all works in Verge there should be no requirement for a detailed plan.	The text in the document is correct. The material is as appropriate.
VM	12.5.2	Virgin Media believe that 'Must' should be removed, as we would like justification as to why an illustration must be sent with standard and minor permit applications.	PAA & major works must be accompanied with an illustration so effective co-ordination can be performed.
VM	12.6.1	Virgin Media believe 'Must' should be removed. Technique may not be known in every instance up front. Virgin Media would like to suggest 'where known' also be added.	The text in the document is correct. This is the planned technique.
SS	12.6.1	Not always known and not mandatory. Other works involving or not involving excavation is commonly used.	The text in the document is correct. This is the planned technique.
SS	12.7.2	May not have been actioned or approved at the time of application.	The agreement by the relevant Parking Authority must be included in the Permit application.
VM	12.8.1	This field already exists within EToN.	Noted
SS	12.8.1	Not mandatory, not always known as may have to change depending on equipment in the highway. Where would this be recorded anyway? There is no field for these details.	Promoters must provide their best estimate. Permit applications must indicate wherever possible.
SS	12.9.1	Not mandatory, not always known dependent on time of day, time of year and weather.	The text in the document is correct.
TW	12.10.1	Provisional should be amended to 'Estimated', actual insoection units are only confirmed upon completion of the	The text in the document is correct.

		works	
SS	12.10.2	Estimated inspection units and its mandatory as per Eton 6 when applying as a secondary promotor.	The text in the document is correct.
Section 13: Permit Conditions			
Or	13.1.3	this sentence is misleading as it implies that a set of RBWM wording will be required whereas in 13.2.1 below it states that the NCT will be used.	The conditions text ratified through HAUC (England) will be made available.
VM	13.1.4	Virgin Media would like to make reference to the DfT advice (letter date 17 th March 2014) indicating that only the sector agreed condition matrix (HAUC Advice Note) will be acceptable.	The conditions ratified through HAUC (England) will be used.
TW	13.1.4	The permit authority cannot define conditions that will be applied, can only utilise those conditions defined in the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions Oct 2015. If this statement was intended to state that the authority has the right to select which conditions are to be applied to a permit then it should be reworded for clarity. Additionally seems to indicate that RWBM can apply a condition to all permits and as above, that is incorrect, there are currently only two conditions applicable to all permits and RWBM are not able to select others - this statement is contradictory to 13.2.1	The conditions ratified through HAUC (England) will be used.
Or	13.1.4	no they cant, Statutory Guidance dictates which are applied to all permits.	The text in the document is correct.
SS	13.1.5	This is not always feasible.	The Promoter should endeavour to have a copy, either electronic or hard copy, of the current Permit on site for inspection.
TW	13.3.1	'add 'by the use of the designation 'Early Notification of immediate works'	The text in the document is correct.
SS	13.3.1	Clarify procedure if required out of hours.	Promoters must contact the Permit Authority by

			telephone immediately, if identified in the NSG.
SS	13.3.4	Where immediate works have been completed eg over a weekend these may not be necessary as not applicable.	The text in the document is correct.
Section 14: Granting of Permits			
Or	14.4.1	regulations state that the scheme must set out grounds for refusal and a non-exhaustive list of examples is not setting out grounds. 14.4.1 should read the following sets out grounds that are likely to lead	Section 14.4 sets out the grounds for refusal.
SS	14.2.2	Only on TS streets. Not TS are in working days.	The text in the document is correct.
SS	14.3.1	Need full details of refusal not just a code	Sector agreed refusal codes, as approved by HAUC England, will be used.
TW	14.4	As per regulation 9 in The Traffic Management Permit Scheme (England) Regulations 2007 as amended by The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 'A permit scheme shall set out the grounds on which a permit can be refused' . The reasons on which a valid permit can be refused must be stated within the scheme and these must relate to operational circumstances and not include an open ended statement but should include a site specific clause. Suggested replacement of this paragraph which is not compliant with regulations :-Grounds for refusal of a scheme compliant permit application will always relate to the Permit Authority's responsibility to discharge its Network Management Duty and are set out below. In an exceptional circumstance, where a specific situation affects, or will affect the Highway Network, the Permit Authority may invoke other grounds for refusal. <ul style="list-style-type: none"> • Conflicting activities/events • Environmental considerations 	Section 14.4 sets out the grounds for refusal and has been consulted on and accepted before.

		<ul style="list-style-type: none"> • Conflict with other Statute • Accuracy of/Conflicting/missing information • TTRO/PTS approvals • Works Methodology • Timing • Location • Duration • Section 58/58A restrictions • Traffic Management • Road Occupation dimensions • Traffic Space dimensions • Consultation and publicity • Missing Conditions within a single application 	
SS	14.4.3	Complete in a safe manner - sometimes this may require a longer duration eg working at depth and where shuttering may be require.	Noted
Or	14.4.6	"as per 14.4.5" as this would remove and doubt to what it refers to.	The text in the document is correct.
SS	14.4.5	Cannot refuse if we are required as statutory undertaker to maintain or repair our existing equipment.	The text in the document is correct.
Section 15: Review, Variation and Revocation of Permits and Permit Conditions			
VM	15.1	Virgin Media believes that the following should be stated in the paragraph - Permit Authority imposed variations are free of charge.	The text in the document is correct.
SS	15.2.1	New regulations apply	Noted. The text will be changed.
SS	15.2.2	Not where a valid extension request has been applied for and accepted.	Correct.
TW	15.5.2	Please add 'no permit fee will be charged for a variation initiated by the authority	The text in the document is correct.
SS	15.5.2	Modification.	The text in the document is correct.

SS	15.8.2	The permit authority issues an AIV . An authority imposed variation.	The text in the document is correct.
SS	15.9.2	Only where works are in progress.	The text in the document is correct.
SS	15.10.2	Can only use works data variation or duration variation application as works in progress.	The text in the document is correct.
Or	15.11.1	not a must. "where one was provided" to be added	The text states, 'the following information as applicable'
SS	15.13.1	Only where safe to do so. If a cable is being repaired the work will need to be completed.	The text states that the Permit Authority will contact the Promoter to warn them of its intention and allow the situation to be discussed.
Section 16: Cancellation of a Permit (No comments received)			
Section 17: Fees			
Or	17.1.1	upon the granting of a PA associated	The text in the document is correct.
SS	17.2.3	How will this be identified, calculated and shown on the invoice.	These will be recorded when the Permit is Granted as part of the business process.
VM	17.5.1	What happens to revenue generated from permit fees if they exceed the allowable cost of the scheme?	As far as possible the fees and costs should be matched over a financial year. However, it is recognized that estimating the fee levels will involve incorporating the effect of various factors that will inevitably have a degree of uncertainty around them. In the event that fees and costs do not match the actual outturn for the year in question, adjustments may be made to fee levels for the subsequent years so that across a number of years fees do not exceed the allowable costs.
SS	17.6.2	This is not practical - monthly preferred.	This is an industry standard practice that will be followed.
Section 18: Sanctions (No comments received)			

Section 19: Dispute Resolution			
Or	19.2.2	it is not for this scheme to set the timescales for SEHAUC but it should state the it will follow the SEHAUC process.	It is important that parameters are defined so the process is not too lengthy.
Section 20: Registers			
NG	20.1.2	Will the register of Permits be available on the Authority's website?	Yes, a link will be provided.
Section 21: Transitional Arrangements (No comments received)			
Section 22: Permit Scheme Monitoring (No comments received)			
Section 23: APPENDIX A: Definition of terms used in the Permit Scheme			
Or	Appeal	these two definitions need reversing.	Yes, edit made.
Or	Bank Holiday	these two definitions need reversing.	Yes, edit made.
Or	Code of Practice for Permits	withdrawn April 2016	Noted
Or	Emergency Works	likely to cause what?	An edit will be made.
Or	Eton	capital N required	Correct. This will be changed.
Or	Registerable Activities	reference is invalid as the CoP has been withdrawn	An edit will be made.
Section 27: APPENDIX B - Permit Fees Table			
VM	Appendix B. Permit Fee Table	Virgin Media are disappointed that RBWM Permit Scheme and associated fees will apply to all classification of roads. If the council chooses to apply permits to 100% of streets, contrary to advice from Ministers, Virgin Media requests that RBWM grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	In line with guidance the scheme is focused on strategically significant streets. Charges for Cat 0-2 TSS streets are higher than for Cat 3-4 non TSS streets. The scheme cost is derived from a completed Permit Fees Matrix in a format provided by the DfT.

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