



(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 (UK) to set up a review panel of four members - two utilities and two street authorities. One of the four persons will be appointed as Chair of the panel by the HAUC (UK) joint chairs.

16.5.2 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 (UK). It is recommended that both parties accept the advice given by the review panel as binding.

### 16.6 Adjudication

16.6.1 If agreement cannot be reached by the procedure above, for instance if one or more of the parties does not accept the ruling of the Regional HAUC or HAUC (UK) 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 (UK), who will select and appoint the independent adjudicator from suitable recognised professional bodies.

16.6.2 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 Permit Authority's decision through the administrative court by way of judicial review.

### 16.7 Arbitration

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

- a) Section 61 (6) - consent to placing apparatus in protected streets;
- b) Section 62 (5) - directions relating to protected streets;
- c) Section 74 (2) - charges for occupation of the highway where works are unreasonably prolonged;
- d) Section 74A (12) - charges determined by reference to duration of works;
- e) Section 84 (3) - apparatus affected by major works;



- f) Section 96 (3) - recovery of costs or expenses.



## **17 RELATED MATTERS & PROCEDURES**

### **17.1 Road Closures and Traffic Restrictions**

17.1.1. Provisions governing temporary road closures and traffic restrictions for works or other activities in the street are found in Sections 14 – 16 of the Road Traffic Regulation Act 1984, as amended by the Road Traffic (Temporary Restrictions) Act 1991, and Regulations made under the 1984 Act.

17.1.2 There are two procedures:

- a) Where urgent action is needed the relevant the relevant London traffic authority may issue a 'temporary notice' imposing a short-term closure or restriction. Prior notice is not necessary. The notice is limited to 21 days if there is a danger to the public or risk of serious damage to the road, independent of street works, a leaking gas main, for example. It can be extended by one further notice. The notice is limited to five days if there is no risk of danger or damage.
- b) In less urgent cases the traffic authority may make a 'temporary order', which may remain in force for up to 18 months. This is limited to six months for footpaths, bridleways, cycle tracks and byways open to all traffic.

17.1.3 A temporary notice and a temporary order may provide that restrictions have effect only when traffic signs are lawfully in place. This will help limit traffic disruption where activities progress along a length of road.

17.1.4 In extraordinary circumstances, the Road Traffic Act 1991 Section 49 (4A), allows the police to suspend designated street parking places temporarily to prevent or mitigate traffic disruption, or danger to traffic. This could prove useful to promoters carrying out emergency works.

### **17.2 Temporary Notices**

17.2.1 This procedure will normally only apply to immediate activities. The promoter will inform the relevant traffic authority as soon as practicable if a closure or traffic restriction is needed. The Permit Authority will consult with the police and all relevant parties, and confirm, as soon as possible, whether or not a notice will be made.

17.2.2 The traffic authority must state in the notice:

- a) the reason for issue;
- b) its effect;
- c) alternative routes (where applicable); and



d) the date and duration of the notice.

- 17.2.3 The traffic authority must also notify the emergency services and any other traffic authority with roads that may be affected. This should be done on, or before, the day the notice is issued.

### **17.3 Temporary Orders**

- 17.3.1 The traffic authority must publish notice of intention to make a temporary order at least seven days in advance. If the order is expected to last for more than 18 months because activities are to be executed on or near the road, it is advisable to make application for a Permanent Traffic Regulation Order. Any Orders should be revoked as soon as the activity is completed.
- 17.3.2 The traffic authority must also notify the emergency services and any other traffic authority with roads that may be affected. This should be done on, or before, the day the order is issued. These bodies should be consulted, as well as notified, if the closures are expected to last for more than 18 months.
- 17.3.3 A temporary traffic order is generally needed for planned activities in the street (except where the order follows a closure notice). If a closure order is needed, the promoter should notify the traffic authority at least three months in advance. This will allow the authority time to consult, and to obtain approvals and advertise the order.
- 17.3.4 Activities that require a temporary traffic order are automatically classed as major and require at least three months notice for applying for a PAA, initially, and a temporary traffic order.
- 17.3.5 The promoter must submit all the information needed to justify a road closure with the application for an order.
- 17.3.6 As set out above it will be a condition of a Permit where a temporary traffic order is required that the order will be in place before the activity, or the relevant part of the activity, starts on site.

### **17.4 Continuation of Closures and Restrictions**

- 17.4.1 A five-day temporary traffic closure or restriction notice cannot be extended. A 21-day temporary notice can be extended by one further notice giving up to 21 days more. Both five-day and 21-day notices may be followed immediately by a temporary order. This may be made without the seven days prior notice normally needed for such orders.
- 17.4.2 If the original estimate of the duration of the activity changes, a request for a Permit variation will be necessary.
- 17.4.3 There will be cases where works will unavoidably overrun the temporary notice period. Where this is apparent from the beginning, promoters must





inform the traffic authority. The authority will take the necessary follow-up action, without delay, to enable the activity to continue uninterrupted.

- 17.4.4 If the overrun becomes apparent only after the activity has started, the promoter should immediately inform the authority that either a further notice or an order will be required. This may be needed before the request for a Permit variation is made.
- 17.4.5 It might not be possible to make a follow-up order before a five-day notice expires. The activity may have to be suspended, and the site temporarily restored to traffic until the correct procedures have been followed. The traffic authority will try to minimise both, the number of cases where this happens, and, where it is unavoidable, the period of suspension involved. This problem is unlikely to arise in the case of a 21 day temporary order.
- 17.4.6 Subject to the time limit for temporary orders, see above, a closure or restriction imposed by a temporary order may be continued by a further order. If this is required, the promoter should notify the traffic authority immediately, giving, wherever possible, at least one month's notice.

### **17.5 Policy Guidance**

- 17.5.1 When a notice or order has been made, the promoter must comply with the requirements of the traffic authority and the police for the closure of the road.

### **17.6 Charges for temporary notices or TROs**

- 17.6.1 Section 76 of NRSWA allows for traffic authorities to recover the costs of issuing temporary notices or making Temporary Traffic Regulation Orders (TROs). Upon receipt of an application for a TRO, the relevant traffic authority can provide utilities with the estimated cost. Invoices will be itemised, for example:

- a) cost of order;
- b) advertising in local papers; and
- c) administration.

- 17.6.2 There may also be charges made for erecting and maintaining the on-site notices that are required.

### **17.7 Maintenance of Undertakers' Apparatus**

- 17.7.1 Undertakers have a duty, under Section 81 of NRSWA, to maintain apparatus in the street to the reasonable satisfaction of the street authority, having regard for the safety and convenience of traffic, the structure of the street, and integrity of apparatus in it. Bridge, sewer and transport authorities also have an interest, so far as any land, structure or apparatus they own is concerned.



## **17.8 Practical Considerations**

- 17.8.1 Although NRSWA gives street authorities certain default powers to inspect and carry out emergency works, neither street authorities nor undertakers expect the need to arise. However, should it happen, then (without impeding any immediate emergency action) the matter will be referred to the agreed dispute resolution procedure.
- 17.8.2 The relevant street authority will immediately notify the undertaker if surface apparatus is found to be defective or the cause of significant surface irregularity, or where an unexplained subsidence or other disturbance of the road surface occurs. This will be done in accordance with the protocols set out in the Technical Specification for EToN. The relevant street authority may arrange a site meeting by agreement with the undertaker.
- 17.8.3 If the fault identified by the street authority is for or as a result of previously un-attributable activities by undertakers, and an undertaker subsequently accepts responsibility for that activity, the undertaker must apply for a Permit for any registerable activity required to rectify the problem. The undertaker must use its own activity reference, rather than that generated by the street authority.
- 17.8.4 If the problem is agreed to be the undertaker's responsibility, it must take immediate action to investigate and initiate any necessary remedial works, in accordance with the following principles:
- a) Dangerous defects – requires an immediate response;
  - b) Non-Dangerous – requires a response within the timescales agreed with the street authority.

## **17.9 Dangerous Occurrence or Defects:**

- 17.9.1 Apparatus that requires an immediate response or remedial works or to avoid injury or damage to persons or property shall be considered dangerously defective.
- 17.9.2 The street authority may execute any emergency action needed to safeguard the public, for example, by fencing off the location from traffic and the general public.
- 17.9.3 Non-Dangerous defect or occurrence requires a response within the timescales agreed with the street authority. Non-Dangerous defective apparatus is apparatus which requires attention to comply with specifications or remove nuisance; or has the potential to escalate to "Dangerous" in the near future.
- 17.9.4 The decision on whether an occurrence is Dangerous or Non-Dangerous will, by necessity, have to be made on site. The relevant street authority will make the decision objectively. It should not be challenged unreasonably.



- 17.9.5 An undertaker may reduce the time for response, to meet operational needs for example, but must not exceed the agreed timescales. It is important that only the responsible undertaker, or a specialist contractor working on its behalf, investigates suspected damaged or defective apparatus, excluding manhole covers and frames.
- 17.9.6 The street authority will carry out investigations or remedial works (using appropriately trained and experienced persons) only in an emergency, or where the undertaker is unable or unwilling to use their own operatives or specialist contractor.
- 17.9.7 Permit applications for any necessary remedial work that is a registerable activity must be made following the rules set out in the LoPS and using the protocols set out in the Technical Specification for EToN.
- 17.9.8 If the street authority has opened the street or exposed an undertaker's apparatus in an emergency, or in the circumstances described above, the undertaker will assist the authority by jointly inspecting the problem, within a reasonable time agreed between them, to agree a remedial plan and timescale. The reasonable costs incurred by the street authority may be charged to the undertaker.
- 17.10 Working Near Rail Tracks**
- 17.10.1 Particular attention must be given to the possible effects of activities taking place at or in the vicinity of level crossings. Promoters planning works in such locations must refer to Appendix C of the Code of Practice for Permits published in March 2008 or as subsequently amended, which sets out Network Rail's requirements.
- 17.11 Vehicle Parking at Street and Road Works**
- 17.11.1 This is not safety advice. The Code of Practice on Safety at Street Works and Road Works should always be consulted.
- 17.12 Vehicle within Activity Site**
- 17.12.1 A works vehicle may be parked in an activity site provided that it is necessary for the carrying out of that activity. Basic site layouts are shown in the Code of Practice on Safety at Street Works and Road Works.
- 17.12.2 A vehicle entirely within the coned-off area of the site may require a larger coned-off area than would otherwise be the case.
- 17.13 Vehicle Outside Activity Site**
- 17.13.1 A vehicle may be parked outside an activity site provided the parking rules that apply to any other vehicle in that street are obeyed. Outside of the activity site, the vehicle has no special status and no exemption from parking enforcement.
-



## **17.14 Implications**

- 17.14.1 When assessing the impact of activities, the parking of any vehicles associated with the activity must be taken into account. This is a particular problem for activities which, but for the presence of a works vehicle, would take place entirely within the footway. If a vehicle is parked adjacent to the activity, in a place which vehicles could not normally use, then it must be part of the activity site. It must be signed and guarded appropriately. The activity is then not wholly confined to the footway but encroaches onto the carriageway. Applications for Permits must reflect this.

## **17.15 Parking Restrictions**

- 17.15.1 A Traffic Regulation Order imposing parking restrictions on a particular street should already contain an exemption allowing for activities to take place in a parking bay. Promoters should check whether any further dispensation is required well before the works are due to start.
- 17.15.2 It will be a condition of a Permit where parking restrictions or suspension is required that the necessary order or approval will be in place before the activity, or the relevant part of the activity, starts on site, as referred to in Section 10.4.4.5 such a condition will be in the form of Appendix D Model Condition 12.

## **17.16 Storage of Materials**

- 17.16.1 Activity promoters must take care to place materials so that they do not cause an obstruction to road users. This is one of the factors that the Permit Authority will take into account when making decisions in respect of Permits. This is especially important if materials are stored away from the activity site but still within the highway boundaries. The storage must have its own Permit with conditions if it is separate from the activity site.

## **17.17 Apparatus Belonging to Others**

- 17.17.1 There may be other apparatus where activities are planned and under Section 69 of NRSWA, those carrying out activities must ensure that the owners of that apparatus are able to monitor the activity and that requirements to take reasonable steps to protect the apparatus are followed. Failure to do so is a criminal offence.

## **17.18 Assessing the Impact of Activities**

- 17.18.1 All activities in the highway have a disruptive effect on traffic. An assessment of that effect is part of the process of applying for a Permit. The activity promoter should discuss with the Permit Authority what sort of assessment is required as set out below:



## **Disruption Effect Score**

- 17.18.2 The Disruption Effect Score as set out in Appendix C is based on a measure of congestion resulting from a restriction on the highway. It is derived from a number of simple factors that should be easily established for any given activity.
- 17.18.3 The nature of traffic flow and the relationship between flow, capacity, and delay are highly complex and subject to a variety of factors. However three specific factors can be used to provide an indication of congestion: the total width of a road; the extent to which the activities reduce the available width; and the traffic flow.

## **Impact Assessments**

- 17.18.4 Assessment of the impact of activities on general traffic, buses and pedestrians may be included, together with the disruption effect score, in the information included in a Permit application. The assessment is a broad indicator of the likely disruptive effect of the proposed activity.

## **Use of Impact Assessments**

- 17.18.5 The impact assessment will be used within the co-ordination process to prioritise activities according to their potential for causing disruption. The assessment may also be used to provide public information on the disruptive effects of activities.

## **17.19 Environmental Issues**

- 17.19.1 As referred to earlier in the Section related to conditions, Activity Promoters are strongly advised to liaise with the authority's arboricultural consultants and other environmental officials along with any necessary authority officers when drawing up their proposals. This should ensure that wherever possible, and at reasonable cost, their requirements can be met.
- 17.19.2 Promoters considering burying plant and apparatus that is currently above ground should contact any other promoters with similar apparatus to see whether it wishes to share the underground facility.

## **17.20 Codes of Practice and Regulations**

- 17.20.1 All relevant Codes of Practice and Regulations also apply to LoPS, including, but not restricted to:
- a) The Specification for the Reinstatement of Openings in the Highways (or special or local agreement if employed by some authorities) and the appropriate current Regulations;
  - b) The Safety at Street Works and Road Works, A Code of Practice and the appropriate current Regulations;



- c) The Section 74 Regulations will apply and an overrun charging scheme will be applied as set out in Section 17.22; and
- d) A Notice of Completion must be provided, as required by Section 70 of NRSWA, within ten days of completing a reinstatement.

## **17.21 Notice of Completion**

17.21.1 The Notice of Completion must contain the following:

- a) Whether the reinstatement is interim or permanent;
- b) National Grid References either:
  - i) one in the centre of small excavations; or
  - ii) one at each end of trenches. A trench is any opening over 10m in length.
- c) The dimensions and description of each and every reinstatement;
- d) The date the site was reinstated, which in the case of a permanent reinstatement is the start date for the guarantee period;
- e) The reinstatement construction method for all the reinstatements carried out; and
- f) The actual number of inspection units.

17.21.2 The Notice may also include an illustration, which may be a plan, sketch or digital photograph, showing the extent and location of the reinstatement.

## **17.22 Overrun Charging Scheme – Section 74 NRSWA**

17.22.1 Permit Authorities operating the LoPS will each run a scheme for overrun charging under Section 74 of NRSWA to operate alongside the LoPS. Like Permit schemes, Section 74 schemes are not compulsory, however, unlike Permit schemes, an authority does not require Secretary of State approval. The details of the Section 74 scheme operating in conjunction with LoPS are set out below.

17.22.2 The Section 74 Regulations current at the time of drafting the LoPS namely the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations will apply but may be subject to change from time to time in which case the amended or replacement Regulations will apply. The operation of the overstaying regime however is modified under the LoPS 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.



- 17.22.3 Activities carried out by an activity promoter on behalf of a highway authority or by the highway authority themselves are not subject to Section 74 overrun charges. However, under the LoPS, promoters of such activities will be required to follow the same procedures as promoters who are undertakers. KPIs as described in Section 22 provide an indication of performance in relation to overrunning.

## **17.23 Section 74 - Charges for Unreasonably Prolonged Occupation**

- 17.22.4 Section 74 of NRSWA enables highway authorities to charge undertakers if their works in the highway take longer than previously agreed.
- 17.22.5 The Section 74 Regulations apply to every publicly maintainable highway other than:
- a) a footpath or bridleway;
  - b) a highway with a pedestrian planning order in force; and,
  - c) a highway prohibited for use by vehicular traffic by a traffic order - unless that prohibition is only at particular times.
- 17.22.6 If the activities take longer than the “Prescribed Period” and also take longer than the “Reasonable Period”, they become unreasonably prolonged - and the Permit Authority as highway authority may levy a charge for each day, or part of a day they over-run.
- 17.22.7 If the activities are prolonged due to reasonable circumstances, such as unforeseen weather or ground conditions, the Permit Authority will discuss the circumstances with the promoter and may agree an extended duration.

## **17.23 Exempt Activities**

- 17.23.1 Certain types of activities are exempt from Section 74 charging:
- a) activities in non traffic-sensitive streets that require opening the highway, but not breaking it up;
  - b) replacing manhole or chamber covers - that do not involve breaking up the street;
  - c) replacing poles, lamps, columns or signs in the same location where that does not involve breaking up the street;
  - d) pole testing that does not involve breaking up the street;
  - e) bar holes; and
  - f) works carried out on behalf of a highway authority.





- 17.23.2 If one of the exemptions applies, the promoter must record the appropriate charge exemption in the Permit application and Works Clear/Closed notices - see the Technical Specification for EToN.

#### **17.24 Prescribed Period**

- 17.24.1 The “Prescribed Period” is the period during which no overrun charges can be levied. It is set down by the Secretary of State in the Section 74 Regulations which currently (as of April 2009) provide it as two days, starting on the day works begin.
- 17.24.2 The prescribed period does not relate to the time required to carry out any particular type of activity. Therefore it will not be used to judge the duration of proposed activities.

#### **17.25 Duration of Works for Section 74 Purposes**

- 17.25.2 All Permit applications must include proposed start and end dates so that the duration can be calculated.
- 17.25.3 The Permit Authority may challenge the dates and duration using the application and response processes described in previous sections. The reasonable period for Section 74 purposes will be the same as the duration of the activity set out in the relevant Permit condition on the Permit for the activity and will be recorded as such on the Permit.
- 17.25.4 However, the process used to assess whether the activity has overrun for Section 74 purposes, taking account of setting up the site, completion of the activity and any necessary reinstatement, will follow the requirements of the Section 74 Regulations current at the time. The notices to be given by the promoter as part of this process are detailed below.
- 17.25.5 Interim and permanent reinstatements are treated as separate phases in the LoPS and promoters must obtain separate Permits for each. The period between these cannot be considered as an overrun provided the site has been properly cleared. All spoil, excess materials, stores and signing, lighting and guarding must be removed from site before the activity can be regarded as finished.
- 17.25.6 Further activities to complete the reinstatement, for example the replacement of road markings where delay is permitted by the reinstatement specification, should be indicated by using the appropriate site status, such as ‘interim reinstatement’. This includes circumstances where other materials are permanent. The replacement of road markings will be a separate phase if carried out at a separate time from other reinstatement activities.

#### **17.26 Actual Start (Sections 74(5B) and 74(5C) of NRSWA)**

- 17.26.2 Although the Permit start date is also the proposed start for the activity, the actual start date may differ. For category 3 and 4 non traffic-sensitive streets





a flexible starting window is explicitly provided for. On category 0, 1 and 2 and traffic-sensitive streets, although they do not have the same flexibility, there may be occasions when activities cannot start when proposed.

Therefore notification of the actual start for the activity must be given to begin the reasonable period, as well as to inform the Permit Authority of what is happening on the network. Activities must not begin before the start date of the Permit; to do so would be committing an offence.

17.26.3 Once the activity has begun, a Notice of Actual Start of an activity must be given by 10:00 the next working day on category 0, 1, 2 and traffic-sensitive streets and by the end of the next working day in the case of category 3 and 4 non traffic-sensitive streets. In the case of immediate activity the Permit application will be taken as the actual start date notice as it is made after the activity has commenced, and the status should always be "In Progress".

17.26.4 Notice of Actual Start must be given in accordance with the requirements described in the Technical Specification for EToN. The identity of the main contractor or, if appropriate the Direct Labour Organisation ("DLO") must be provided on the Notice of Actual Start Date. This should always be the organisation with whom the undertaker has the contract, and not any subcontractor who may be actually carrying out the activity.

### **17.27 Revised Reasonable Period and Duration Estimate**

17.27.2 Unforeseen circumstances can delay the completion of activities. A promoter must apply for and obtain a variation of its Permit, if the activity is likely to extend beyond the Permit end date or the activity duration set in the conditions is likely to be exceeded. Such an application must provide full justification for the extension. Sections 11 and 8 respectively describe the process for obtaining variations to Permits and the timing of applications. This same process must be used for making any changes to the reasonable period for Section 74 purposes, which will usually be the same as the duration given in the Permit conditions.

17.27.3 As with the original application the Permit Authority reserves the right to challenge an application for an extension to the Permit end date or activity duration. If it does, the Permit Authority will attempt to first discuss with the promoter with a view to reaching an agreed way forward, if possible. There could be circumstances where the agreed activity duration and reasonable period are not the same following a Permit variation. For example, the Permit Authority might consider that the promoter had not expedited their work and an extension to the reasonable period was therefore not justified, but that the wider network management circumstances meant that it was better to let the activity finish. In that case a longer duration could be allowed in order to avoid the promoter working illegally outside the conditions of a Permit, even though the reasonable period was not extended. If the duration and/or reasonable period are changed, the revised figures will be incorporated in the new Permit that the Permit Authority will issue following the variation



## **17.28 Section 74 (5C) Works Clear Notice**

- 17.28.2 A Works Clear Notice is used following interim reinstatement. The Works Clear Notice must be given in accordance with the Section 74 Regulations and in the manner specified in the EToN specification. Where the activity is completed in different phases such as interim and permanent reinstatement, there must be separate Permits for each phase. In no circumstances should Permits be sought for more than one phase.
- 17.28.3 All spoil, excess materials, stores and all signing, lighting and guarding must be removed from site before the activity can be regarded as completed for a works clear notice. A new Permit must be obtained for any subsequent phases, such as to complete the permanent reinstatement.

## **17.29 Section 74 (5C) Works Closed Notice**

- 17.29.2 A Works Closed Notice is used following permanent reinstatement. The Works Closed Notice must be given in accordance with the Section 74 Regulations, which currently state that this must be by the end of the next working day following the day on which the activity was closed, and in the manner specified in the EToN specification.
- 17.29.3 All spoil, excess materials, stores and all signing, lighting and guarding must be removed from site before the activity can be regarded as completed for a Works Closed Notice.
- 17.29.4 If temporary road markings have been used, then the activity is not complete until the permanent markings are applied and the activity duration must also cover this period or a separate Permit will be required for later placing of road markings.

## **17.30 Informal Warning**

- 17.30.2 The Permit Authority may send an undertaker an informal warning, normally via a works comment, when their activity has begun to attract overrun charges. A non statutory notice has been defined in the Technical Specification for EToN for this purpose.

## **17.31 Charging Regime**

- 17.31.2 Charges vary according to the type of activity, the road category and whether the street is traffic-sensitive. The charges are set down in the Section 74 Regulations.
- 17.31.3 The Permit Authority as highway authority will take care to ensure that the facts used for proposing charges are accurate, along with the activity type and category of road. Where there is evidence that the dates given in Section 74 notices are incorrect the charges will be based on the evidence.



- 17.31.4 If incorrect information has been given in a notice the Permit Authority as highway authority may issue a FPN if it considers that an offence has been committed.
- 17.31.5 The arrangements for inspections in relation to Section 74 are reflected in the Code of Practice for Inspections in relation to Street Works and any Code of Practice that supersedes it. The same rules apply to Section 74 when applied in conjunction with the LoPS as would apply under a noticing regime under NRSWA.
- 17.32 Remedial Works**
- 17.32.2 Remedial works to rectify defective reinstatements will be dealt with as a new activity with its own Permit, following the full procedures accordingly.
- 17.32.3 Any overrun on remedial works will be charged at the rate appropriate to the activity category, as set out in the Section 74 Regulations.
- 17.33 Keeping Accounts**
- 17.33.2 Section 74 overrun charges and Permit fees will be kept in separate accounts.



## **18 CHANGES TO THE LoPS**

- 18.1 It may be necessary to change LoPS from time to time.
- 18.2 As the LoPS is a Common Scheme it will only be possible to change the principal LoPS where a unanimous decision is reached in favour of the change by all the Permit Authorities operating the LoPS.
- 18.3 To do so the Permit Authority, under Regulation 5, must ask the Secretary of State to agree to such a change to the scheme with an explanation and justification of the change(s) proposed. The Secretary of State will then consider whether the proposed changes can be agreed. Thereafter, in accordance with Regulation 5, the Permit Authorities must ask the Secretary of State to agree to such a scheme.
- 18.4 Currently there is no time limit within which agreed changes may be brought into effect. The LoPS Permit Authorities will liaise with the Department for Transport about this at an early stage.
- 18.5 In accordance with Regulation 5 and Regulation 3, prior to applying to the Secretary of State the proposed changes to the LoPS will be subject to consultation with the same consultees (if they still exist) as the original scheme; although the appropriate consultation period may be less depending on the nature and significance of the change.



## **19 CEASING TO RUN LoPS**

- 19.1 If a Permit Authority operating the LoPS wishes to cease to run the LoPS, they will first consult all interested parties and then apply to the Secretary of State to revoke the scheme, in so far as their roads are concerned, in accordance with Regulation 5. Where more than one Permit Authority wishes to cease to run the LoPS then each Permit Authority must make an individual application to the Secretary of State.
- 19.2 Until an Order is made by the Secretary of State revoking their operating of the LoPS it will continue in operation in that Permit Authority's area. A Permit Authority cannot, therefore, discontinue their operation of the LoPS in their area and re-establish a notice system without the approval of the Secretary of State.



## **20 CREATING AND UPDATING the LONDON AREAS of the NATIONAL STREET GAZETTEER (NSG)**

### **20.1 National Street Gazetteer NSG**

- 20.1.1 The LoPS recognises that a key element of controlling or managing activities is knowing accurately where the activities are to take place, in which street and where in the street. 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 Concessionaire. Each of these local gazetteers shall contain the information, required by and defined in the Technical Specification for EToN, about the streets in that authority's area.
- 20.1.2 Permit Authorities and activity promoters must obtain full copies and updates of the street data from the NSG Concessionaire's website.
- 20.1.3 Under this system each street has a Unique Street Reference Number (USRN). LoPS provides for the same system to be used, along with the Additional Street Data linked to those streets.
- 20.1.4 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 LoPS 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.
- 20.1.5 It is the responsibility of the highway authority (which in the case of LoPS are the Permit Authorities), either individually or jointly with others, to create, maintain and publish street gazetteer data for all streets within their geographical area, whether or not they are the street authority for any particular street.
- 20.1.6 The specification for street gazetteers is set out in British Standard BS 7666. The Standard specifies three levels of detail; the highest, level 3 includes the geospatial representation of the centre-line of the street as well as the end points. With the degree of attention which will be exercised by the LoPS authorities operating a Permit Scheme, accurate locations will often need the centre-line information if the impact of activities are to be properly assessed.
- 20.1.7 In light of this and the guidance in the Code of Practice for Permits, the London highway authorities have been working together on producing the Pan-London, Level 3, Street Gazetteer.

### **20.2 Additional Street Data (ASD)**

- 20.2.1 Additional Street Data (ASD) refers to other information about streets held on the NSG Concessionaire's website alongside the NSG data. Highway authorities, activity promoters and other interested and approved parties, may obtain copies and updates to this data from the concessionaire.



20.2.2 LoPS authorities will provide the following information for the ASD:

- a) the street authority responsible for maintaining the street;
- b) whether the street is publicly maintainable, prospectively publicly maintainable, or private;
- c) whether the street, or part of the street, is covered by a Permit scheme or NRSWA notification regime, who the Permit Authority is or street authority is, details of shared streets if this applies, and whether it is an individual, common or joint scheme;
- d) any other authorities and activity promoters with an interest in the street;
- e) the street reinstatement category;
- f) designations of protected streets;
- g) designations of streets with special engineering difficulty; and
- h) designations of traffic-sensitive streets.

20.2.3 LoPS authorities may also provide the following information for the ASD which is optional:

- a) whether the street is subject to early notification of immediate activities;
- b) where possible, streets on which it might be expected that conditions relating to the non use of that street for new apparatus, but not the maintenance of existing apparatus, may be used; and
- c) other features of the street, such as structures, environmental areas, parking restrictions, priority lanes, special surfaces, standard surface and special construction needs etc.

20.2.4 Designations may cover only part of a street or may vary along a street. The relevant detail should/will be recorded in the ASD.

## **20.3 Responsibility for Creating and Updating ASD**

20.3.1 Where the street authority is also the highway authority, it creates the ASD together with the NSG.

20.3.2 Where the street authority is not the highway authority, it may create and submit its own ASD to the NSG Concessionaire. This will be referenced to the highway authorities' gazetteers. Organisations that fall into this category are:



- a) The Highways Agency (which manages the motorway and trunk road network in England)
- b) Transport for London (which manages the main road network within London) which is a Permit Authority operating LoPS
- c) Network Rail (which is the street authority for level crossings between the barriers).

20.3.3 Any other authority, activity promoter or interested party must send their records to the NSG Concessionaire to ensure that their interest in a street is logged. The interest records should/will be entered into the ASD maintained by the highway authority. This is particularly appropriate to neighbouring authorities in the exercise of their network management duty. The NSG Concessionaire will administer this process.

## **20.4 Use of ASD and Pan-London, Level 3, Street Gazetteer**

20.4.1 All activity promoters are advised to use the level 3 gazetteer and this ASD information when making their Permit applications.

20.4.2 Activity Promoters' attention is particularly drawn to the fact that many streets in London are partly maintained by the authority who will have what is currently known as a "Type 61" in their ASD record. This reference may be subject to a change. This record indicates the area of the street that the authority maintains. Similarly Transport for London will have produced a "Type 61" record in their ASD for the area of street that they maintain. Activity Promoters must ensure that they make their Permit application to the appropriate Permit Authority.





## 21 REGISTERS

- 21.1 In accordance with Part 7 of the Regulations the Permit Authorities operating LoPS will maintain a register in connection with their Permit Scheme. Each LoPS Permit Authority will maintain its own local register for its own geographic area. It will include information on all streets other than those streets that are the responsibility of another authority
- 21.2 London Permit Authorities will also maintain a street works register required under Section 53 of NRSWA for any private streets and for historic information.
- 21.3 Details in respect of registers are also shown in Chapter 3 of the Code of Practice for Permits and Requirements for NRSWA registers are contained in the Code of Practice for Co-ordination of Street Works and Works for Road Purposes and Related Matters.
- 21.4 The statutory requirements for maintaining the two registers will be met in such a way that the information can be combined easily to aid the co-ordination of activities and to provide information to road users.

### 21.5 Form of Registers

- 21.5.1.1 The registers will be kept on an electronic system. In accordance with The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 requirement, the LoPS registers will use Geographic Information System (GIS) by October 2008/April 2009. Permit registers will follow this requirement to ensure consistency between all holdings of street-related data. Each register will be maintained against the same digital map base to ensure consistency between all holdings of street-related data. This common geographical dataset will be vector based, nationally consistent, maintained and seamless, with changes published on a regular update cycle.
- 21.5.2 It will include:
- a) vector objects (polygons, lines and points) representing real-world geographical features and boundaries, each with well-defined lifecycles and royalty-free unique identifiers suitable for referencing; and
  - b) road centreline geometry objects, each with royalty-free unique identifiers, which reference the road surface and form a complete and fully consistent topological network with no breaks or misalignments at administrative boundaries. All LoPS authorities will synchronise their holdings of the common digital map data so that they all contain the same version of the data at any given point in time.



21.5.3 The minimum specification of the common map base is as follows:

- a) Scale Urban areas: 1:1250;
- b) Rural areas: 1:2500;
- c) Remote areas: 1:10000;
- d) Accuracy Urban areas:  $\pm 1.0\text{m}$ ;
- e) Rural areas:  $\pm 2.0\text{m}$ ;
- f) Remote areas:  $\pm 4.0\text{m}$ ;
- g) Coverage: National and seamless, exhausting space over all land areas;
- h) Geometry Types: Point, Line and Polygon;
- i) Classification: Objects classified by physical form; and
- j) Update Cycle: 8 weeks (max.).

21.5.4 All streets in Local Street Gazetteers will reference the road centreline geometries in the common map base (using royalty-free unique identifiers), which will in turn reference polygons representing the road surface. Such a structure promotes consistency and maximises the possibility for interoperability between applications, both in the highway's arena and in a wider context.

21.5.5 LoPS will provide the USRN definitions and attribution as defined in BS7666, while the geometries will be recorded by referencing the road centreline objects in the digital map base. This will promote reuse and consistency between datasets. All data will follow the principles of the Digital National Framework ([www.dnf.org](http://www.dnf.org)).

## 21.6 Content of Registers

21.6.1 The LoPS Permit registers will record:

- a) copies of all Provisional Advance Authorisation, Permit and Permit variation applications submitted to the Permit Authority relating to registerable activities in any street;
- b) copies of all Permits and Provisional Advance Authorisations given by the authority, including conditions attached as well as all variations to Permits and conditions including any Permits "deemed" to be granted (see Section 7.9);



- c) copies of all revoked Permits, refused Provisional Advance Authorisations and refused Permits, together with the reasons for such refusals;
- d) copies of all notices, consents and directions served by a street authority under Sections 58 or 58A of NRSWA;
- e) copies of all notifications served by a promoter / undertaker under Sections 58 and 58A of NRSWA;
- f) copies of all notices given under Section 74 of NRSWA;
- g) description and location of activities for which plans and sections have been submitted under Schedule 4 of NRSWA (streets with special engineering difficulties);
- h) particulars of notices given by any relevant authority under Schedule 4 of NRSWA;
- i) particulars of street works licences under Section 50 of NRSWA, including details of conditions and changes of ownership and of any NRSWA notices or directions associated with those licenses;
- j) information under Section 70 (3) and (4A) of NRSWA as to completion of reinstatements;
- k) particulars of apparatus notified to the street authority under Section 80(2) of NRSWA;
- l) every notice of works pursuant to Section 85 (2) of NRSWA;
- m) details of every street for which the highway authority are the street authority;
- n) details of every street which is a prospectively maintainable highway over which a Permit scheme would operate;
- o) details of every street over which a Permit scheme would operate, of which the highway authority is aware, which is a highway but for which it is not the highway authority; and
- p) details of every street which is a:
  - i) protected street;
  - ii) street with special engineering difficulties; or
  - iii) traffic-sensitive street.



21.6.2 Authorities should/will ensure that their register also includes the following items, which are contained within the ASD:

- a) the road category of each street; and
- b) details of every street where early notification of immediate activities is required.

## **21.7 Access to Registered Information**

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

21.7.2 Every Permit Authority operating LoPS will publish their register on their public website. This will be available 24 hours a day, seven days a week, except for those occasional times when it will be unavailable due to upgrade and maintenance. This work will, wherever possible, be done outside normal office hours.

21.7.3 Much of the detailed information in the register is unlikely to be of interest to the public and it is the responsibility of each Permit Authority to decide how much information to make available in this way. Permit applications and notices contain confidential information such as names and telephone numbers of contacts in organisations. The Permit Authority will ensure that such information remains confidential. The Permit Authority will also make it clear that they are not responsible for the accuracy of information concerning those activities for which they are not the promoter.

21.7.4 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. The Highways Agency 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.

## **21.8 Restricted Information**

21.8.1 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.

21.8.2 The approach taken is that restrictions on the release of information should be as limited as possible. In particular, it will not be assumed that because some item of information about an activity needs to be restricted, all information about it needs to be. For example, a PAA might need to be restricted for commercial reasons, whereas a later Permit need not be. The case for restriction will be considered on an item-by-item rather than an activity-by-activity basis.



- 21.8.3 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".
- 21.8.4 Any person wishing to see restricted information must satisfy the Permit Authority, as a minimum, that his interest is greater than the general interest of the ordinary member of the public.



## **22 MONITORING AND EVALUATION OF OBJECTIVES**

- 22.1 The objectives of the LoPS are set out in Section 2
- 22.2 In accordance with the Regulations, the Permit Authorities operating the LoPS will seek to evaluate the Permit scheme so as to measure whether the objectives are being met.
- 22.3 As the London Permit Scheme is a common scheme, which in itself means that the objective of providing a common framework for all activity promoters who need to carry out their works in London will be met. However a formal evaluation process for all the objectives is recognised as being required.
- 22.4 Specific guidance is provided by the Department for Transport in respect of the objective of ensuring parity of treatment, under Regulation 40, for all types of works and promoters/undertakers and in respect of the evaluation of that and which is addressed below.
- 22.5 In relation to the other LoPS objectives however it is necessary to establish a new means of monitoring and evaluation. The LoPS therefore will establish separate forums as shown below to enable discussion and deliberation of the LoPS objectives by the Permit Authorities operating the LoPS and stakeholders and assess whether the LoPS objectives are being met.
- 22.6 The outputs from these forums which will meet on a quarterly basis will thereafter feed into the annual reports of each Permit Authority via the LoPS Working Group shown below, and any reports published from such meetings will be available on [www.LondonStreetworks.net](http://www.LondonStreetworks.net). This will therefore enable each LoPS Permit Authority to reflect and assess whether the objectives of the LoPS are being met through their own annual report.
- 22.7 LoPS Objectives Committees and Task Forces**
- 22.7.1 An Operational Committee consisting of representatives of Permit Authorities operating the LoPS will be formally set in place within two months from the time LoPS is implemented to evaluate the overall objectives of the scheme. The proposed means that will be adopted by the task forces to make this assessment have been set out in a separate document attached to the Scheme. The information flowing from this Operational Committee will be discussed with stakeholders. In addition Task Forces, reporting to the LoPS Operational Committee, will be established at the same time as follows:

### **LoPS Business Task Force**

This Task Force will consist of representatives of Permit Authorities operating the LoPS. This Task Force will provide an environment to help each of the Permit Authorities operating the LoPS to meet their NMD and coordination duty and will also encompass the sharing of knowledge, business working practices and methodology of approach across all members of LoPS. This



Task Force will particularly consider whether this encourages a common framework for all those carrying out work in London.

### **LoPS Works Task Force**

This Task Force will consist of representatives of Permit Authorities operating the LoPS and London Utility representatives. This Task Force will support those seeking to minimise disruption and inconvenience across London by encouraging good practices, mutual and collaborative working arrangements and a focus on getting it right. This Task Force will particularly consider whether all activity promoters are being treated in a fair and equitable way.

### **LoPS Site Planning Task Force**

This Task Force will consist of representatives of Permit Authorities operating the LoPS and London Utility representatives, together with co-opted members from outside the immediate industry. This Task Force will encourage a high emphasis on safety for everyone including site operatives and all other road users with particular emphasis being given to the needs of more vulnerable highway users.

### **LoPS Assets Task Force**

This Task Force will be placing emphasis on the need to minimise damage to the structure of the highway and all apparatus contained therein. Membership of this Task Force will consist of LoPS representatives, London Utility representatives, Transport Authority representatives and Bridge Authority representatives.

## **22.8 Non-Discrimination: Parity in Relation to Registerable Activities and Activity Promoters/Undertakers**

- 22.8.1 A key principle and objective of the LoPS is that it treats all activities covered by the scheme on an equal basis. The present 2007 Permit Regulations provide for permit schemes to include both street works by statutory undertakers, as defined in NRSWA (but street works licensed under Section 50 of NRSWA are excluded), and highway works, defined in Section 86 (2) of NRSWA as works for road purposes. Although the term “specified works” is used generically in the Regulations, “activities” is used in this scheme to encompass both types of works and anticipates subsequent sets of Regulations which may extend the scope of Permit schemes to other activities on the street and this is set out in Section 4.
- 22.8.2 Whilst not all activities require a Permit, activity promoters are strongly recommended to check on the London Works Central Register to ensure that they are not planning to work at the same time as other works in that street.
- 22.8.3 As noted above, Permits will be required for all qualifying street works and works for road purposes, and all applications, which can only be made by





licensed undertakers or highway authorities, will be treated in a non-discriminatory way, as required in Regulation 40. In other words the highway authority's activities and their applications will be treated in exactly the same way as those of a licensed undertaker's with regard to co-ordination and the setting of conditions.

- 22.8.4 In order to show that the Permit Authorities operating LoPS are operating the scheme in a fair and equitable way each Permit Authority's Permit Officer (that is the person responsible for granting Permits) will be separated from the highway activities of the authority.
- 22.8.5 In addition each Permit Authority will apply a set of Key Performance Indicators (KPIs) developed by the DfT and set out in the Code of Practice. Each Permit Authority operating the LoPS must report against these KPIs on an annual basis and this will feed into the annual report referred to in section 22.6, along with the outputs from the other LoPS Objectives forums set out above.
- 22.8.6 The KPI reports will also be published on the [www.londonstreetworks.net](http://www.londonstreetworks.net). Quarterly Co-ordination Meetings (as defined under the NRSWA) as well as other regular meetings with promoters such as London Highways Authorities Utilities Committee, will provide the forum for monitoring compliance with Regulation 40.
- 22.8.7 Each Permit Authority operating the LoPS must apply the following two mandatory KPI's :
- KPI 1** The number of Permit and Permit variation applications received, the number granted and the number refused; and
- KPI 2** The number of conditions applied by condition type.
- 22.8.8 In addition each LoPS Permit Authority will also apply the optional KPIs 4 and 5 from the Permit Code of Practice to demonstrate parity of treatment between their own road works and streets works undertaken by statutory undertakers. These are as follows:
- KPI 4** The number of occurrences of reducing the application period; and
- KPI 5** The number of agreements to work in Section 58 and Section 58A restrictions. (Details of Section 58 and 58A restrictions will be provided as required under Section 8.3 of the Code of Practice for Permits.).
- 22.8.9 These KPIs apply to both Road Works and Street Works and will be produced at least once a year and will be discussed at co-ordination or similar meetings. KPIs 1, 2, 4 and 5 will also be used to measure parity in respect of the application of the provisions of the Permit Scheme. If any promoter considers that they are not being treated in accordance with Regulation 40 then they can take the matter up either through the regular co-





ordination or similar meeting or the dispute resolution procedures highlighted in Section 16.

### 23 TRANSITIONAL ARRANGEMENTS

23.1 The basic rules of transition will apply on all roads where the permit scheme operates:

- a) The Permit regime as provided for herein will apply to all activities where the administrative processes, such as an application for a Permit or Provisional Advance Authorisation, start after the commencement date;
- b) Activities which are planned, or will start on site more than one month after the changeover date for Standard, Minor and Immediate activities or three months for Major activities, shall operate under the LoPS Permit Scheme. This means that even if the relevant Section 54, Section 55 or Section 57 NRSWA notice has been sent before the changeover, the promoter will have to apply for a Permit; and
- c) Any other activities which started under the notices regime will continue under that regime until completion.

23.1 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 Permit Authority so that discussions can take place to ensure a practical way of dealing with the activities can be resolved.



## APPENDIX A GLOSSARY

Term	Explanation
Above Ground Works	Any works (not being overhead works) which do not involve the breaking up or opening of the street or tunnelling or boring under it.
Activities	Means street works as in Part 3 of NSWRA, except for works by licensees under Section 50 of NRSWA and works for road purposes as defined by Section 86 of NRSWA.
Activity Promoter	Means a person entitled by virtue of a statutory right to carry out street works or works for road purposes.
Additional Street Data ("ASD")	Additional Street Data ("ASD") refers to other information about streets held on the NSG concessionaire's website alongside the NSG adjudication.
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	Where there is an unresolved disagreement between the activity promoter and the Permit Authority about a Permit Authority's decision or actions the promoter may appeal using the procedure in Section 15 of LoPS.
Arbitration	As defined in Section 99 of NRSWA, "any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers".
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 hole	A bar hole is 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 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".
Bridleway	As defined in Section 329 of the Highways Act 1980, "bridleway means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway".
BS7666 - British Standard number 7666	Relating to gazetteers.
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".
Central Register	A central register is a register covering two or more street authority areas that is maintained by one single authority, the 'register authority'. For example, a central register could include all authorities in a metropolitan area.
Code of Practice for Permits	As published by Department for Transport March 2008.
Co-ordination Meetings	Quarterly meetings to co-ordinate works in highway authority and neighbouring authorities roads.
Critical gyratory or roundabout system	A gyratory or roundabout system where, in the absence of street works or works for road purposes, no less than 5 per cent of peak hour vehicles on average are delayed by more than 20 seconds.
Critical signalised junction	A traffic signal junction at which, in the absence of street works or works for road purposes and at times when the exit is not blocked, no less than 5 per cent of peak hour vehicles on average fail to clear the junction on the first green signal.
Culvert	A structure in the form of a large pipe or pipes, box or enclosed channel generally used for conveying water under a road.
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	In the context of the duration of activities, a day refers to a working day, unless explicitly stated otherwise.
DfT	Department for Transport.
Distribution Network Operator (DNO)	Operator of an electricity distribution network.



Disability	As defined in Section 105 (5) of NRSWA, "Section 28 of the Chronically Sick and Disabled Persons Act 1970 (power to define "disability" and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act".
Disability Equality Duty	Means the duty under Section 49A of the Disability Discrimination Act 1995, inserted by the Disability Discrimination Act 2005 which requires that “(1) Every public authority shall in carrying out its functions have due regard to— (a) the need to eliminate discrimination that is unlawful under this Act; (b) the need to eliminate harassment of disabled persons that is related to their disabilities; (c) the need to promote equality of opportunity between disabled persons and other persons; (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons; (e) the need to promote positive attitudes towards disabled persons; and (f) the need to encourage participation by disabled persons in public life. (2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other provision of this Act.
e-government	The Government objective to deliver efficiency savings while improving the delivery of public services by joining up electronic government services around the needs of customers.
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".
EToN	Electronic Transfer of Notices System
Excavation	"Breaking up" (as defined above).
Extensible Markup Language (XML)	A self-describing data format providing (amongst other things) a method of transferring data between systems. Note that the UK Government eGIF standard mandates XML for this purpose.
File transfer protocol (FTP)	A method of transferring data between computers defined by RFC959 (RFCs - Request for Comments) are the standard documents that define the operation of the internet).



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".
Footpath	As defined in Section 329 of the HA 1980, "footpath means a highway over which the public have a right of way on foot only, not being a footway".
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".
Frontager	A person or body occupying premises abutting the street.
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.
HAUC(UK)	The Highway Authorities and Utilities Committee for the UK.
Heavy commercial vehicle	As defined in Section 138 of the Road Traffic Regulation Act 1984, "heavy commercial vehicle means any goods vehicle which has an operating weight exceeding 7.5 tonnes".
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".
Highways Act 1980	(dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway"
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 4.11.5, immediate activities or works are either emergency works as defined in Section 52 of NRSWA or urgent activities or works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.



In	As defined in Section 105 (1) of NRSWA, "in, in a context referring to works or activities, apparatus or other property in a street or other place includes a reference to works or activities, apparatus or other property under, over, along or upon it".
Joint Permit Scheme	Where several authorities have submitted a joint application to operate a Permit scheme over their combined areas. Such a scheme will either be administered by one authority on behalf of all the others or by each authority retaining responsibility for the scheme within its boundaries.
Land	As defined in Section 329 of HA 1980, "land includes land covered by water and any interest or right in, over or under land".
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".
Local planning authority	Has the same meaning as in the Town and Country Planning Act 1990.
Local register	A local register is a register that is maintained by a single street authority for their own geographic area and will include information on all streets other than those streets that are the responsibility of another street authority.
Local street gazetteer	A subset of the NSG containing details of all streets in a local highway authority area, being a self-contained entity created and maintained by the local highway authority covering all streets in their geographic area regardless of maintenance responsibility.
Main roads	Category 0, 1 and 2 streets and category 3 and 4 streets that 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	Activities which have been identified in an Activity Promoter'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 date proposed for the works; or street works, other than immediate works, where <ul style="list-style-type: none"> <li>(i) the street authority has indicated to the undertaker; or</li> <li>(ii) the undertaker considers, that an order under Section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or street works, other than immediate street works, which have a planned duration of 11 days or more".</li> </ul>
Major bridge works	As defined in Section 88 (2) of NRSWA, "major bridge works means works for the replacement, reconstruction or substantial alteration of a bridge".
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 – <ul style="list-style-type: none"> <li>(a) reconstruction or widening of the highway;</li> <li>(b) works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts);</li> <li>(c) substantial alteration of the level of the highway;</li> <li>(d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway;</li> <li>(e) the construction or removal of a road hump within the meaning of Section 90F of the Highways Act 1980;</li> <li>(f) works carried out in exercise of the powers conferred by Section 184 of the Highways Act 1980 (vehicle crossings over footways and verges);</li> <li>(g) provision of a cattle-grid in the highway or works ancillary thereto; or</li> <li>(h) tunnelling or boring under the highway".</li> </ul>
Major transport works	As defined in Section 91 (2) of NRSWA, "major transport works means substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking".
Material consideration	A consideration which relates to the carrying out of registerable activities and the impact of those activities. The weight to be accorded to any material consideration will depend upon the circumstances of the case.





Minor roads	Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.
Minor works	Minor works are those street works other than immediate works or major works where the planned duration is three days or less.
National Grid Reference	Location reference using nationally defined eastings and northings.
National Land and Property Gazetteer (NLPG)	Gazetteer providing a national reference of land and property related Data 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 the BS7666 standard
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 the BS7666 standard.
Network management duty	As set out under Section 16 of the TMA is a duty imposed upon the local traffic authority to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following overriding objectives: (a) securing the expeditious movement of traffic on the authority’s road network; and (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
Notice management system	Notice management systems receive electronic street works notices and are used by street authorities to manage them together with other relevant information.
NRSA	New Roads and Street Works Act 1991.
NSG	National Street Gazetteer
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local highway authorities.
ODD	Operational District Data.
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.
Ordnance Survey Grid	A spatial location based on the geospatially referenced national grid owned by the Ordnance Survey.
OSGR	Ordnance Survey Grid Reference.





Passenger Transport Authority	One of seven authorities (Greater Manchester, Merseyside, South Yorkshire, Strathclyde, Tyne & Wear, West Midlands and West Yorkshire) made up of representatives from local authorities in the area, responsible for public transport in their area.
Passenger Transport Executive	The executive arm of a Passenger Transport Authority.
Pedestrian Planning Order	This refers to an order made under Section 249(2) or (2A) of the Town and Country Planning Act 1990.
Prescribed	As defined in Section 104 of NRSWA, "prescribed means prescribed by the Secretary of State by Regulations, which may (unless the context otherwise requires) make different provision for different cases".
Promoter	Means the same as Activity Promoter.
Protected street	Any street that serves a specific strategic traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which undertakers can place the equipment that would otherwise lawfully have been placed in the protected street. See Section 61 of NRSWA.
Provisional street	A street that does not yet have an entry in the NSG. Typically these will be newly created and/ or private streets.
Public sewer	Public sewer has the same meaning as in the Water Industry Act 1991.
Railway	As defined in Section 105(1) of NRSWA, "railway includes a light railway other than one in the nature of a tramway".
Reasonable period	As defined in Section 74(2) of NRSWA, "a reasonable period means such period as is agreed by the authority and the undertaker to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable, for completion of the works in question".
Reasonable times	A reasonable time may be taken to mean normal office hours (08:00 to 16:30, Monday to Friday except Bank Holidays)
REC	Regional electricity company 10 <i>The Town and Country Planning Act 1990 c.8.</i>
Registerable activities	As set out in Section 4 registerable activities correspond to what are "specified works" in the Traffic Management Permit Schemes (England) Regulations 2007.
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 street authority and also (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 works	remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and Regulations.
Road	Means "Highway".
Road category	This means one of the road categories specified in paragraph 1.3.1 of Chapter S.1 of the code of practice entitled "Specification for the Reinstatement of Openings in Highways" dated June 2002 and approved by the Secretary of State for Transport on 30 June 2002, as revised or reissued from time to time.
Road works	Works for road purposes.
Schema (XML)	Schemas express shared vocabularies and allow machines to carry out rules made by people. They provide means for defining the structure, content and semantics of XML documents.
Sewer	As defined in the Water Industry Act 1991 "includes all sewers and drains (not being drains within the meaning given by this subsection) which are used for the drainage of buildings and yards appurtenant to buildings".
Small Openings and Small Excavations	All openings with a surface area of two square metres or less.
Special Engineering Difficulties (SED)	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 works	Means registerable activities and comprises both street works and works for road purposes as described in the LoPS.



Standard works	Standard works are those street works, other than immediate works or major works, that have a planned duration of between four and ten days inclusive.
Statutory right	As defined in Section 105 (1) of NRSWA, "statutory right means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street works licence".
Strategic Road Network (SRN) (in Greater London)	The network of roads designated as strategic roads for the purposes of sections 301A of the Highways Act 1980 and 121B of the Road Traffic Regulation Act 1984 in Greater London by the Secretary of State by virtue of Section 60 of the Traffic Management Act 2004, which are roads other than roads for which he or Transport for London ("TfL") is the traffic authority.
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 (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 (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 managers	As defined in Section 49 (4) of NRSWA, "the expression "street managers", used in relation to a street which is not a maintainable highway, means the authority, body or person liable to the public to maintain or repair the street or, if there is none, any authority, body or person having the management or control of the street"
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: (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 street 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).
The Regulations	Means the Traffic Management Permit Schemes (England) Regulations 2007 SI 2007 No. 3372.
TMA	The Traffic Management Act 2004.
Traffic	As defined in Section 105 (1) of NRSWA, "traffic includes pedestrians and animals".
Traffic authority	As defined in Section 121A of the Road Traffic Regulation Act 1984: " (1)(a)The Secretary of State is the traffic authority for every highway in England for which he is the highway authority within the meaning of the Highways Act 1980 (1A) Transport for London is the traffic authority for every GLA road; (2) In Greater London, the council of the London borough or the Common Council of the City of London are the traffic authority for all roads in the borough or, as the case may be, in the City that are not GLA roads and for which the Secretary of State is not the traffic authority; (3) In England and Wales outside Greater London, the council of the county or metropolitan district are the traffic authority for all roads in the county or, as the case may be, the district for which the Secretary of State is not the traffic authority.
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works".
Traffic flow	The number of vehicles using the particular street at specified times of the day and year, measured in accordance with DfT guidelines.
Traffic order	This means an order made under Section 1, 6 or 9 of the Road Traffic Act 1984.



Traffic sensitive street	This means a street designated by a street 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 for London Road Network (TLRN)	The description the Mayor of London chose for those roads in London designated as Greater London Authority (GLA) Roads by virtue of Orders under Ss.14A and 14B of the Highway Act 1980 (as inserted by Sections 260 and 261 of the Greater London Authority Act 1999) (see Schedule to the The GLA Roads Designation Order 2000 Statutory Instrument 2000 No. 1117 and subsequent amendments)
Traffic sign	As defined in Section 105 (1) of NRSWA, "traffic sign has the same meaning as in the Road Traffic Regulation Act 1984".
Tramway	As defined in Section 105 (1) of NRSWA, "tramway means a system, mainly or exclusively for the carriage of passengers, using vehicles guided, or powered by energy transmitted, by rails or other fixed apparatus installed exclusively or mainly in a street"
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".
Transport undertaking	As defined in Section 91(1)(b) of NRSWA, "transport undertaking means a railway, tramway, dock, harbour, pier, canal or inland navigation undertaking of which the activities, or some of the activities, are carried on under statutory authority".
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 above or by virtue of an order or direction under Section 10 above or under any other enactment".
Type 1 (or 2, or 3) gazetteer	As defined in the British Standard BS7666.
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".
Unique street reference number (USRN)	As defined in the British Standard BS7666.



Urgent activities or works	<p>are immediate activities which are</p> <p>(a) activities (not being emergency works) 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)</p> <p>i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker;</p> <p>ii) to avoid substantial loss to the undertaker in relation to an existing service; or</p> <p>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> <p>(b) Includes activity that cannot reasonably be severed from such activities.</p>
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".
Working day	A working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and for the purposes of this Permit Scheme the commencement of a working day will be treated as being 08:00 and its end as 16:30.
Works	Street works or works for road purposes.
Works clear	A works clear notice is used following interim reinstatement.
Works closed	A works closed notice is used following permanent reinstatement.
Works comment	Means an electronic communication using EToN.
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> <p>(a) works for the maintenance of the highway;</p> <p>(b) any works under powers conferred by Part V of the Highways Act 1980 (improvement);</p> <p>(c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or</p> <p>(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".</p>
XML	Extensible Markup Language

## APPENDIX B      DISAPPLICATIONS and MODIFICATIONS

### B1      NRSWA 1991

The Permit Regulations disapply or modify certain sections of NRSWA.

#### Promoters' Duties – Disapplied Sections of NRSWA

In Permit areas the duties of activity promoters and street authorities under the following sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the Regulations.

NRSWA Section		Change	Permit Regulations Revised Arrangements
Section 53	The street works register	Disapplied	Permit regulations prescribe similar provisions for Permit registers.
Section 54	Advance notice of certain works	Disapplied	Replaced by applications for provisional advance authorisation
Section 55	Notice of starting date	Disapplied	Replaced by applications for Permits
Section 56	Power to direct timing of street works	Disapplied	Replaced by Permit conditions and variations including those initiated by the Permit Authority
Section 57	Notice of emergency works	Disapplied	Replaced by applications for immediate activities
Section 66	Avoidance of unnecessary delay or obstruction	Disapplied	Replaced by equivalent provisions for Permit Authorities to require promoters in breach of the Permit requirements to take remedial action and failing that for the authority to act. 24-hour compliance period to be replaced with a requirement for promoters to comply within a reasonable specified period determined by the circumstances.



## Promoters' Duties – Modifications to NRSWA

The Permit Regulations modify the following sections of NRSWA to accommodate the issuing of Permits rather than the exchange of notices:

NRSWA Section		Change	Permit Regulations Revised Arrangements
Section 58	Restriction on works following substantial road works	Modified	The authority's ability to issue Permits with start and end dates replaces directions to start work covered in S58 (5) to (78). The Regulations provided the equivalent of S58A powers by allowing authorities to take into account whether promoters responded to the S58 notice by submitting an application for their planned activities.
Section 58A	Restrictions on works following substantial street works	Modified	Schedule 3A is modified to work in conjunction with Permits.
Section 64	Traffic-sensitive street	Modified	Permit Regulations provide that Permit applicant are notified of proposal to designate streets as traffic-sensitive streets.
Section 69	Works likely to affect other apparatus in the street	Effectively extended	Permit Regulations create an equivalent requirement on highway authority promoters
Section 74	Charge for occupation of the highway where works are unreasonable prolonged	Modified	Permit Regulations make provision to operate in parallel with Permits
Section 88	Bridge, bridge authorities and related matters	Modified	Modified to work in conjunction with Permits.
Section 89	Public sewers, sewer authorities and related matters	Modified	Modified to work in conjunction with Permits.
Section 90	Provisions as to reinstatement of sewers, drains or tunnels	Modified	Modified to work in conjunction with Permits.



**B2**

**The Crossrail Act 2008**

The provisions of the LoPS shall not apply in relation to works proposed to be, or being carried out under powers contained in the Crossrail Act 2008 and the relevant provisions of the National Roads and New Street Works Act 1991 subject to Schedule 14 paragraph 14 of the Crossrail Act 2008 shall still apply to the execution of works under the powers conferred by the Crossrail Act 2008.

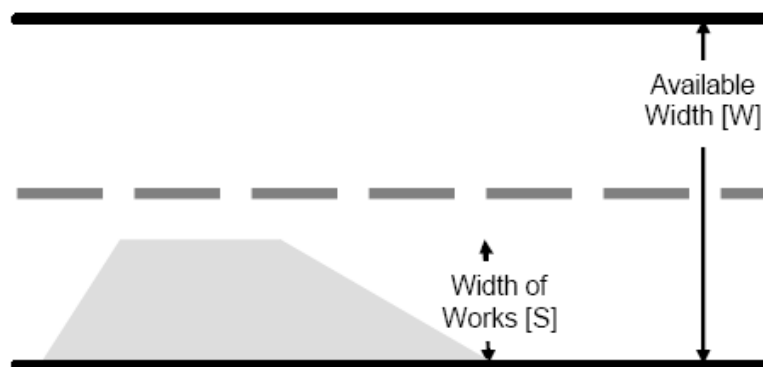


## APPENDIX C DERIVATION OF DISRUPTION EFFECT SCORE

### C1 Input Factors

The disruption effect score is based on the reduction in capacity resulting from an activity on the highway. The reduction in capacity may be calculated using an algorithm that requires the entry of a number of simple factors. These factors are as follows:

Factor	Description
[P]	The daily traffic flow, measured as an average am/pm peak hour flow in PCUs per hour, so that it takes account of HGV percentages.  Source: Highway authority
[W]	The total width in metres of the carriageway (or the width of both carriageways for a dual carriageway road).  Source: Ordnance Survey mapping using GIS tools
[S]	The width in metres of the activity occupying the carriageway, or in the case of activities on the footway, this would be the width in metres of the carriageway occupied by attendant vehicles and associated traffic management, as well as the width needed for any incursion of pedestrians, cyclists and horse riders into the carriageway.  Source: Established as part of the works planning process





## **C2 Calculation of Disruption Effect Score**

The following algorithm is used to calculate the Disruption Effect Score:

$$\text{Disruption Effect Score} = [(P \times 100) / (1600 \times (W - S) / 3.65)]$$

## **C3 Use of Disruption Effect Score**

The disruption effect score has a number of specific uses including:

- a) Derivation of the Traffic Impact Assessment;
- b) Objective based prioritisation of activities for co-ordination; and
- c) Performance indicators.

However, this is not a mandatory requirement.

## **C4 Impact Assessment**

The impact assessment is a broad indicator of the potential disruption that could arise from an activity on the highway.

## **C5 Impact on General Traffic**

The impact assessment for general traffic is derived directly from the daily disruption effect score for the activities, as follows:

Disruption Effect Score / Factor	Impact
Greater than or equal to 75	Severe
Dedicated bus lane closed	Severe
Greater than or equal to 50 and less than 75	Moderate
Dedicated bus lane diverted	Moderate
Greater than or equal to 25 and less than 50	Slight
Less than 25	None

## C6 Impact on Pedestrians

The impact assessment for pedestrian traffic is derived as follows:

Factor	Impact				
	Footway Hierarchy Category				
	1a	1	2	3	4
Closure	Severe	Severe	Severe	Severe	Moderate
Complete Diversion	Severe	Severe	Severe	Moderate	Slight
Partial Diversion	Severe	Severe	Moderate	Moderate	Slight
Narrowing >50%	Severe	Severe	Slight	Slight	None
Narrowing <50%	Severe	Moderate	Slight	None	None

A 'complete diversion' of a footway is where a new route for pedestrians has been established, for example where there is a requirement to cross the road to use the opposite footway.

A 'partial diversion' of a footway is where the route for pedestrians is diverted around the activity's site but remains on the same side of the road.

In addition, the impact of any activities on footways associated with urban transport facilities will be considered as 'severe'. For the purposes of this section these are any activities on footways that are within 100 metres of an entrance to a bus, tube, railway or tram station.



## APPENDIX D SUGGESTED MODELS OF ACCEPTABLE CONDITIONS

Notes:

- a) Conditions will only be imposed in accordance with the approach set out in Section 10.
- b) This list is not exhaustive, and it will be possible to word many acceptable conditions to meet issues that may arise which are not mentioned here.
- c) Entries [thus] are words in the models which will commonly need variation, or alternative wording.

### D1 Display of Permit Reference Number

#### Model Condition 1

*“The activities hereby permitted shall not commence until a site information board has been erected on the site in a prominent place so that it may be read easily by the public, clearly displaying the correct Permit reference number”.*

#### Model Condition 2 Reflection of other linked Permits

*“The activities hereby permitted shall not commence until a site information board has been erected on the site in a prominent place so that it may be read easily by the public, clearly displaying the correct Permit reference number and the following linked Permit references...”.*

#### Model Condition 3 Permit for Remedial Works with cross-reference on its face to the Permit for the original activity

*“The activities hereby permitted which are remedial works following the activities permitted under Permit reference..., shall not commence until a site information board has been erected on the site in a prominent place so that it may be read easily by the public displaying of the Permit reference number”.*

### D2 Duration and Timing of Works

#### Model Condition 4 Duration

*“The activities hereby permitted shall not commence before [calendar date] and shall cease by [calendar date]”*

#### Model Condition 4a Category 3 and 4 Street Duration

*“The activities hereby permitted shall not commence before [calendar date] and must commence by [calendar date i.e. starting window date], once the activities have commenced the activities must take no more than [x number*



*of] days in total to be completed and in any event must cease by [calendar date i.e. end of Permit]”.*

**Model Condition 5**      Where need to limit the days and times of day

*“None of the activities hereby permitted shall take place before [time in the morning] on weekdays and [time in the morning] on Saturdays nor after [time in the evening] on weekdays and [time in the evening] on Saturdays, nor at any time on Sundays or Bank Holidays”.*

### **D3      Road Space and Needs of People with Disabilities**

**Model Condition 6**      To minimise disruption by the swift removal of plant that has become unnecessary and/or by the removal of excavated material thereby reducing the area occupied

*“The activities hereby permitted shall occur only within the area marked Y upon the map in connection with this Permit. Excavated material as a consequence of the activities may be stored in the further area marked X for [limited period] following its extraction and plant may be stored when it is required for the carrying out of the permitted activities. Once the plant is no longer required or is not required for [x period] then it must be removed from area Y as soon as practicable”.*

**Model Condition 7**      where it is necessary to prevent materials and plant being stored on site at all

*“The activities hereby permitted shall occur only within the area marked Y upon the map connected to this Permit. Plant and materials could be kept within the area within the times specified but they should not be kept within that area outside of the times specified and they should not be kept in other areas of the highway without a Permit”.*

**Model Condition 8**      where it is necessary to limit the width and/or length of road space that can be occupied, including allowing for signing, lighting and guarding, at any one time during the period of the works

*“The activities hereby permitted shall occur only within the area marked Y upon the map connected to this Permit including the relevant and required signing, lighting and guarding”.*

**Model Condition 9**      where it is necessary to ensure that the road space is to be available to traffic (vehicles and/or pedestrians) at certain times of day (this condition leaves the promoter scope to work out how best to achieve this)

*“It is a condition of this Permit that the activities hereby permitted shall on [days various] between [T hour and U hour] may only occur when road space*





*of [M] is available to road traffic [as marked on the attached plan] [and /or road space of [M] is available for pedestrian traffic [as marked on plan]“.*

**Model Condition 9a**      Where it is necessary to have pedestrian ramps and temporary walkways as a consequence of proposed works

*“It is a condition of this Permit that all pedestrian ramps and temporary walkways necessary as consequence of the activities hereby permitted must be edged in yellow”.*

**Model Condition 9b**

*“It is a condition of this permit that the activities hereby permitted may only occur when a minimum road space of 1.2 metres is available to all pedestrian traffic“.*

#### **D4      Traffic Management Provisions**

**Model Condition 10**      Where it is necessary to ensure that the permitted activities can only take place when the road, or relevant section of the road is closed to traffic

*“It is a condition of this Permit that the activities hereby permitted shall only take place when [the road the subject of ], [or the relevant section as marked on the plan or map connected to ] this Permit is closed to traffic”.*

**Model Condition 11**      where it is necessary to ensure that the permitted activities can only take place when portable light signals are in place

*“It is a condition of this Permit that the activities hereby permitted shall only take place when portable light signals are in place”.*

**Model Condition 12**      where temporary traffic restrictions (e.g. TROs) and any other separate approvals are required and have not been approved by the time the Permit is issued:

*“The activities hereby permitted shall not commence until approval for [temporary traffic restrictions] has been given and the correct reference title and number for such approval can be displayed on the site information board”.*

**Model Condition 13**      where traffic management arrangements need to change during the course of an activity

*“The works comprised in [specified part B] of the activities hereby permitted shall not be commenced before the works comprised in [specified part A] are completed.”*

**Model Condition 14**      where traffic management arrangements need to change during the course of an activity



*"The works comprised in [specified part A/B] of the activities hereby permitted shall be subject to and shall occur only when the following traffic management measures are in place [or as attached in schedule..]".*

## **D5 Methodology**

**Model Condition 15** where it is necessary to ensure that the Promoter employs the appropriate methodology:

*"It is a condition of this Permit that the methodology employed for the activities hereby permitted throughout the duration of this Permit will be as follows: [insert description as per application]".*

## **D6 Advance Publicity for Works other than Major Works**

**Model Condition 16** where it is necessary for the proposed works to be publicised

*"The activities hereby permitted shall not commence unless the Promoter has:*

- a) *provided written notice to all individual properties and businesses [on X roads] setting out where the works will take place; the nature of the works; the duration of the works; [etc] and contact details of a representative of the promoter ; and*
- b) *provided written notice to all individual properties and businesses [on X roads] containing a copy of the Permit or setting out the means by which a copy of the Permit may be obtained electronically".*

## APPENDIX E PERMIT FEES

### TABLE 1

		Category 0,1,2 & TS						Category 3 & 4 non TS					
		Major PAA	Major	Standard	Minor	Immediate	Permit Variation	Major PAA	Major	Standard	Minor	Immediate	Permit Variation
Maximum DfT Charges		£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
1	Barnet	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
2	Brent	£105.00	£223.00	£130.00	£65.00	£60.00	£45.00	£75.00	£140.00	£75.00	£45.00	£40.00	£35.00
3	Bromley	£89.00	£176.00	£120.00	£65.00	£60.00	£45.00	£64.00	£105.00	£72.00	£45.00	£40.00	£35.00
4	Camden	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
5	City of London	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£101.00	£70.00	£45.00	£40.00	£35.00
6	Croydon	£105.00	£217.00	£126.00	£65.00	£60.00	£45.00	£75.00	£142.00	£75.00	£44.00	£40.00	£35.00
7	Ealing	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
8	Enfield	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
9	Hackney	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
10	Hammersmith & Fulham	£105.00	£221.00	£130.00	£65.00	£60.00	£45.00	£73.00	£150.00	£75.00	£45.00	£40.00	£35.00
11	Haringey	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
12	Hounslow	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
13	Islington	£91.00	£214.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
14	Lewisham	£105.00	£229.00	£130.00	£65.00	£47.00	£45.00	£75.00	£150.00	£75.00	£42.00	£30.00	£35.00
15	Redbridge	£105.00	£224.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
16	Wandsworth	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
17	Westminster	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
18	RBKC	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
19	Transport for London	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00

**Note:** For the avoidance of doubt it must be noted that where a permit variation moves an activity into a higher fee category, as shown in Table 1 above, then the activity promoter will be required to pay the difference between the original permit fee and the fee for the higher category. This is in addition to the fee for the variation to the permit.

## SCOPE

### APPENDIX S Lane Rental Scheme

# **Transport for London**

## **Lane Rental Scheme**

### **(TLRS)**

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## **1. Foreword**

The New Roads and Street Works Act 1991 (NRSWA), as amended by the Transport Act 2000 and the Traffic Management Act 2004 (TMA), contains provision for two forms of charge for works:

- Section 74 – Charge for occupation of the highway where works unreasonably prolonged; and
- Section 74A – Charge determined by reference to duration of works.

The Transport for London Lane Rental Scheme (TLRS), which applies charges determined by reference to the duration of works, and is based on the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 (the Lane Rental Regulations) made under Section 74A, is designed to operate in conjunction with Section 74 and the London Permit Scheme for Road Works and Street Works (LoPS), subject to certain exemptions on charges and fees contained within the TLRS.

Transport for London (TfL) has operated LoPS since January 2010 and all provisions of that scheme apply to the TLRS.

## **2. Introduction**

TfL, in developing the TLRS, has had regard to the ‘Lane Rental Schemes: Guidance to English Local Highway Authorities’ dated January 2012 issued by the Department for Transport. TfL has consulted in line with the requirements of the DfT’s guidance for Lane Rental Schemes

The TLRS is designed to control the carrying out of specified works in specified traffic-sensitive locations by applying a daily charge for each day that the street is occupied by the works. The daily charge will however be disapplied or reduced if the works take place outside traffic sensitive times

The TLRS therefore provides a mechanism for providing all activity promoters with an incentive to change behaviour and minimise their occupation of the street at traffic-sensitive times at the most traffic sensitive locations.

Where the A13 Design, Build, Finance and Operate (DBFO) is in force then it will be necessary for the DBFO contractor to apply to operate the TLRS on TfL’s behalf.

In preparing the TLRS TfL has had regard to the requirements of the Public Sector Equality Duty under section 149 of the Equality Act 2010.



Section 59 of NRSWA places a duty on highway authorities to co-ordinate works of all kinds on the highway. Equally important is the parallel duty on activity promoters to co-operate in this process under Section 60 of NRSWA.

As well as the duty to co-ordinate under Section 59 of NRSWA, TfL has a duty under section 16 of the TMA to manage its road network (Network Management Duty) with a view to achieving, so far as may be reasonably practicable having regard to its other obligations, policies and objectives, the following overriding objectives:

- a) securing the expeditious movement of traffic on TfL's road network; and
- b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

The TLRS seeks to contribute to journey time reliability, by encouraging the undertaking of works at the least traffic-sensitive times, and an early completion of works. It also applies the following guiding principles:

- a) safety must be ensured;
- b) inconvenience to people using a street, including in particular people with a disability, must be minimised.

### **3. Objectives**

The TLRS has been prepared in accordance with the aforementioned statutory duties.

It is the objective of the TLRS to:

- a) treat all activity promoters on an equal basis,
- b) promote behaviour change to minimise the duration of occupation of the street at the busiest locations at traffic sensitive times on the network,
- c) minimise the number of works taking place during traffic sensitive times and
- d) contribute to journey time reliability as required under the Mayor's Transport Strategy

TfL will measure these objectives so as to evaluate whether they are being met. The means by which that will be achieved are set out in the monitoring and evaluation section of the cost benefit analysis document.

## **4. Scope of Scheme**

The TLRS has been designed to ensure that charges are only applied when works promoters occupy the highway at traffic sensitive times and to allow exemptions at other times to encourage promoters to adopt less disruptive working practices.

### **4.1 Specified Works where charging will apply**

The TLRS applies to all registerable activities that require a permit under Section 4 of LoPS and as referred to in the Code of Practice for Permits and the Statutory Guidance both dated March 2008.

In addition, unless covered by an exemption, any works would be liable to lane rental charges (whether carried out by an undertaker by virtue of a specific statutory right to carry out such works, or under a section 50 licence). Exempt activities are shown in Section 8 below.

The TLRS applies to works in a carriageway or cycle track, or works in a footway or verge which encroach on a carriageway or cycle track.

The TLRS does not apply to works that are carried out in a footway or verge of a lane rental chargeable road that do not involve any occupation of a carriageway or cycle track (such occupation includes use by any associated plant, vehicles, or materials, or for any temporary arrangements for providing a walkway for pedestrians, as a result of or as part of the works).

### **4.2 Specified Locations where charging will apply**

The TLRS will apply at the locations listed in the Transport for London, Lane Rental Scheme, Schedule of locations (TLRS Schedule), but only during the times specified. In some locations at particular times the TLRS will apply to works that affect traffic flowing in one direction only because of the nature of peak traffic flow.

Under the DfT's Lane Rental Guidance Document, Lane Rental charges (LR charges) are to be targeted at the most critical parts of an authority's street network in terms of high traffic flows (whether the traffic is vehicular or pedestrian), where disruption caused by street works has a significant impact, and which require the greatest support in contributing to journey time reliability. The streets selected on the TfL network are those where the LR charge will, by encouraging behaviour change, have the most effect in reducing disruption. The locations where LR charges will apply (specified locations), which may be the whole or part of a street or directional,

are detailed in the TLRs Schedule to this document, showing the locations, days, times and LR charges that will apply. The locations will also be identified on TfL's published Additional Street Data.

#### **4.3 Specified days when lane rental will apply**

LR charges under the TLRs will apply whenever a street is designated as traffic sensitive, including on Saturdays, Sundays and Bank Holidays. The traffic-sensitive times on a Bank Holiday will be the same as those for a Sunday at that location. No charges will apply on Christmas Day or Boxing Day.

#### **4.4 TfL works**

Activities carried out by or on behalf of TfL cannot legally be subject to charges under section 74A. However, since it is TfL's intention to minimise all disruptive occupation of the critical parts of the TfL network, as part of the TLRs TfL will apply the same LR charge to its own works as it will to undertaker works.

### **5. Lane Rental Charges**

For the purpose of the TLRs, the chargeable period of the works, other than for Immediate Works, is the period commencing on the day that works begin as stated on the Section 74 notice and ending on the date stated on the relevant Section 74 works clear or works closed notice.

For Immediate Works the chargeable period is the period commencing on the day that works begin as stated in the relevant permit application and ending on the date stated on the relevant Section 74 works clear or works closed notice. For Immediate Emergency Works TfL have chosen to waive the first 24 hours of any LR charge, see 6.4 below.

Therefore LR charges will be applied to works which obstruct the specified locations (see 4.2 above), during traffic sensitive times and will be based upon the information set out above, unless TfL or the promoter provide suitable evidence to demonstrate that this information is (for whatever reason) erroneous. In these circumstances charges will be applied according to the actual occupation.

For clarity, where LR charges apply, works will be considered as no longer subject to LR charges when the activity promoter has;

- (i) endeavoured to remove all signing, lighting and guarding in respect of the works (see 6.3 below for the limited charge applicable where this endeavour has not completely succeeded), and

- (ii) removed all remaining spoil, unused materials and other plant in respect of the works; and
- (iii) returned the highway fully to public use (including through the use of technology such as road plates)

## **5.1 Calculation of charges**

The LR charges will be calculated using the information provided in the relevant notices and permit applications and as set out in the Lane Rental Regulations subject to correction where information is misleading, mistaken or overtaken by events.

The LR charges will apply to individual works and will vary according to the location of the works. The range of charges are set out in the TLRs Schedule . If the works span more than one band of charging for the whole duration of the works then the higher rate will apply for the whole of the duration of the works.

However where the individual works move along a street and between different charging bands then the promoter should make TfL aware of these changes through the permit variation process. In these circumstances the respective charge level will apply whenever the works are solely undertaken within that charge band, but again the higher level will apply where the works footprint spans two charging bands.

All permit applications must include proposed start and end dates and times so that the estimated duration can be calculated. This is required for co-ordination purposes.

TfL may challenge the dates and duration using the application and response processes described in the appropriate sections of LoPS and the Section 74 Regulations.

Section 74 overrun charges will apply in accordance with the Section 74 Regulations following the end of the reasonable period, in addition to LR charges.

## **5.2 Information required on permit applications**

As the TLRs allows for works to avoid incurring a charge if undertaken during non-traffic-sensitive times, it is imperative that activity promoters inform TfL of the times during which works will take place.

Model Condition MC5 in the LoPS, suitably adapted, will therefore be mandatory on all permit applications and LR charging will apply based on the times specified within MC5 of LoPS, unless these are shown to be incorrect as set out in Section 7 below.

It will also be mandatory on all permit and provisional advance authorisation applications that activity promoters state where, on the footway, carriageway or verge, works and associated plant and materials will be.

Works that are undertaken during traffic-sensitive times for only part of the works duration must be clearly identified on the permit application as must works that occupy lane rental chargeable areas for only part of the works duration. In such cases the activity promoter may, for clarity, wish to apply for separate permits and link all permits that relate to the same works

### **5.3 Variations to works**

Unforeseen circumstances can delay the completion of activities. An activity promoter must apply for and obtain a variation of its permit if the activity is likely to extend beyond the reasonable period. Such an application must provide full justification for the extension. LoPS describes the process for obtaining variations to permits and the timing of applications.

The charging rules outlined in section 5.1 will apply to permits that are varied.

In order to avoid paying an incorrect LR charge once works are complete in one charge rate section, it is imperative that activity promoters indicate on permit applications and subsequent permit variations, that works will move or have moved onto a different charge rate section, see section 5.1 above.

Similarly, as indicated in Section 5.2, works that are undertaken during traffic-sensitive times for only part of the works duration must be clearly identified on the permit application as must works that occupy lane rental chargeable areas for only part of the works duration.

### **5.4 Remedial Works**

Remedial works at traffic sensitive times to rectify defective reinstatements on the carriageway or on the footway or verge encroaching onto the carriageway will be charged at the maximum daily rate irrespective of the charge band of the street and irrespective of when the original works were undertaken.

## **6. Waiver and reduction of charges**

In accordance with the Lane Rental Regulations, TfL may reduce or waive LR charges as it deems appropriate. This section sets out a number of particular areas where this may occur but this should not be considered to be an exhaustive list.



## **6.1 Permit fees**

No permit or permit variation fee will be charged where a LR charge applies for any part of the works governed by the permit, however if no LR charge applies, then the permit fee will apply as per the fees set out in Section 13 of LoPS.

## **6.2 Collaborative Works**

Collaborative works that are carried out by two or more activity promoters, at the same location, will be charged proportionately across each of the activity promoters provided that the works are actually carried out concurrently. However where works by one or more of the promoters would normally have taken place outside of traffic sensitive times and TfL has directed that some or all of those works should take place in traffic sensitive times, then the LR charge for that or those promoter (s) who have been so directed will be waived or proportionately reduced. The resulting charge would be applied in the same proportional manner as described above among the remaining promoters involved in the collaborative works.

## **6.3 Items of signing lighting or guarding inadvertently left on site**

TfL will apply a one-off LR charge, in place of the full daily LR charge, of £100 in accordance with the Regulations where up to five items of signing, lighting or guarding have inadvertently been left behind on site and have been removed by the end of the day following the day on which the authority informed the undertaker and asked them to remove the items. This reduced charge would apply only in cases where the responsible party had made all reasonable efforts to clear the site but had inadvertently left no more than five items behind. Full daily LR charges will continue to apply where such efforts have not been made.

TfL will follow the Lane Rental Regulations when applying such a charge.

Where the activity promoter has failed to comply with the above request the LR charge will apply for the relevant period. Following the end of the reasonable period the Section 74 Regulations (see Glossary) would come into effect and TfL would proceed on the basis that it has already complied with the requirement set out in those Regulations to contact the promoter regarding the items.

## **6.4 Immediate emergency activities**

Genuine emergency works that must be carried out during the charging period to avoid significant danger to public safety or significant damage to property will be provided with a LR charge free period to enable the immediate emergency to be dealt with.

The LR charge free period shall begin from the start of the emergency and shall apply for a period of 24 hours after which time the normal lane rental rules for the location will apply.

In order to minimise disputes, works promoters claiming the exemption must provide documentary evidence when requested by TfL to do so of the nature of the emergency before the exemption will be granted. This evidence will need to be sufficient to demonstrate the works categorisation as immediate/emergency.

## **7. Monitoring**

In the event of a works promoter falsely claiming an exemption on these grounds, the full charge will be payable and deliberately making a false claim in order to benefit from an exemption is likely to constitute fraud. In such circumstances TfL will take action it deems appropriate to the circumstances and this may include prosecution.

As stated in Section 5 above, the LR charges will be calculated using the dates specified on the relevant Section 74 notices and the times specified in model condition MC5 in LoPS.

These dates and times will be used to calculate the LR Charge. However, if an activity promoter states that the works will take place wholly outside traffic-sensitive times, and TfL obtains evidence that the carriageway was occupied during traffic-sensitive times, then the LR charges will apply; in addition a permit fee will be charged. TfL will exercise its discretion reasonably, where appropriate, to exclude, or exercise clemency in respect of, cases of nominal or trivial breach, and other breaches, depending on the reasons for the departure from the stated times (for example if there are unforeseeable circumstances wholly outside the activity promoter's control) and the promptness with which the activity promoter has informed TfL of such departure.

All sites will be inspected on a regular basis, and where (as a result of such inspections or otherwise) evidence shows that activity promoters have worked at specified locations during traffic sensitive times but this information has not been provided in notices or permit applications given to TfL, then TfL will apply the relevant LR Charges.

If a permit fee was applied because the works information provided by the promoter indicated that LR Charges would not apply, and evidence shows that LR Charges should apply, then the permit fee will still be chargeable, as well as LR Charges.

TfL as highway authority will seek to ensure that the dates and times on which LR charges are based are accurate, along with the activity type and category of road.



Where there is evidence that the dates or times given in section 74 notices are incorrect, the LR charges will be based on the evidence.

If incorrect information has been given in a notice, and TfL considers that an offence has been committed, the sanctions set out in Section 11 below will apply as appropriate.

## **8. Exempt Activities**

Certain types of activities are exempt from LR charges under the TLRS as follows:

- (a) Works which are confined to a verge with no impact on the carriageway of a traffic sensitive street;
- (b) Works in a traffic-sensitive street, other than at a traffic-sensitive time;
- (c) Works in the footway of a traffic-sensitive street, at a traffic-sensitive time, so long as the works do not involve breaking up the street, or tunnelling or boring under it.
- (d) Diversionary works
- (e) Replacing poles, lamp columns or signs in the same location

If one of the exemptions applies, the activity promoter must record the appropriate LR charge exemption in the permit application and works clear/closed notices. Failure to do so will result in appropriate action being taken.

## **9. Transitional Arrangements**

In order to ensure a smooth implementation of the TLRS, The following basic rules of transition will apply on all roads where the TLRS operates:

- a) The TLRS will apply to all activities first notified to TfL, or in respect of which an application for a Permit or Provisional Advance Authorisation is made, after the commencement date of the TLRS
- b) Standard, Minor and Immediate activities which are planned to start, or in fact start, on site more than one month after the commencement date of the TLRS, or Major activities which are planned to start or start on site more than three months after the commencement date of the TLRS, shall operate under the TLRS. This means that even if the relevant Permit or Provisional Advance Authorisation has been sent or granted before the changeover, the TLRS will apply to those works;

The TLRS will not apply to any activities which have started prior to the commencement date of the TLRS. Given the advanced notice of the changeover there should be few activities where these rules will create difficulties. For example activities which are delayed by TfL for coordination purposes, beyond the transitional periods referred to in 9b above, might be such a situation. In those few cases, promoters must contact TfL so that discussions can take place to ensure that a practical way of dealing with the activities can be achieved.

To further assist the smooth implementation of the TLRS, TfL intends to operate a period of shadow running prior to the formal introduction of the scheme to ensure that systems are operating correctly.

## **10. Dispute Resolution**

Where disputes arise relating to a LR charge, TfL will seek to resolve the issue without having to refer the matter to legal action, and has established a representation process to deal with any disputes.

The first point of contact in a dispute is the relevant charges team within TfL, and before making an official representation, the activity promoter is strongly advised to informally contact that team to discuss the issue. If this fails to resolve the issue, the activity promoter should make a written representation to the TfL appeals officer specified as responsible for considering representations. This formal representation should be made in writing, either electronically or on paper, to provide an audit trail.

To enable an early resolution, it is strongly recommended that a representation in respect of any dispute arising from the issuing of an LR charge is made as soon as is reasonably practicable.

TfL will ensure that a fair and open system is in place for considering representations. TfL will ensure that it has a nominated official to consider all such representations, whose details will be published as part of the representation process.

The HAUC(UK) dispute resolution procedure would remain available where other arrangements have been exhausted.

## **11. Sanctions**

### **11.1 Offences**

Regulations 21 to 28 of The Traffic Management Permit Scheme (England) Regulations 2007 (and Schedules 1 and 2) authorise Permit Authorities to issue Fixed Penalty Notices (FPNs) 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.

These powers and any subsequently amended powers will continue to apply to all roads on the Transport for London Road Network.

Similarly any offences under NRSWA continue to be offences and TfL maintains the right to take such action as is appropriate including prosecution where such offences have been committed.

## **11.2 Section 74**

Section 74 of NRSWA enables highway authorities to charge undertakers if their works in the highway take longer than the agreed reasonable period. These powers will also continue to apply as per the relevant Regulations and Codes of Practice.

## **12. Keeping Accounts**

All the reasonable costs incurred by TfL in operating the TLRS will be recovered from the LR charges received. These costs will include sums for the purpose of evaluation of scheme performance. Net proceeds from LR charges will, for accounting purposes, be identifiable and distinguishable from other streetworks related income.

The application of LR charges and keeping of accounts will be in accordance with the Lane Rental Regulations.

TfL will convene a committee, made up of TfL and undertaker representatives to monitor and control the revenue generated under Lane Rental. This committee will decide how net revenues are applied. The DfT may also be present but will have no voting rights. To ensure transparency, TfL will keep and publish accounts of the revenues generated and how they have been spent in line with the Lane Rental Regulations.

TfL will apply the same principles to any net revenues generated in respect of its own works.

## **13. Minor variations to the TfL Lane Rental Scheme**

Circumstances will change, and it may therefore be desirable to make minor variations to the TLRS. For example, it might be desirable to include or remove locations within the scheme, alter Traffic Sensitivity or move locations from one charge band to another as a result of new housing, retail, business developments or other circumstances that have a material effect on traffic flows.

Such changes will be consulted on and will be based on traffic data, including reasonable predictions as to traffic and will not vary the total road length or alter the overall ratio of charge bands covered by the scheme from the original by more than +/- 3%.

In making any amendments to the scheme times or designations, TfL will follow the procedure set out in section 5.5 of the Permits Code of Practice and the same transitional arrangements as outlined in Section 9 will apply.

## **14. Scheme evaluation and review**

The Monitoring and Evaluation Section of TfL's cost benefit analysis sets out how the TLRs will be reviewed and evaluated.

An initial evaluation will be carried out based on data from the first full year of normal scheme operation which, due to the Olympic Games, will be from October 2012 to September 2013, with the evaluation complete in the Spring of 2014. Further evaluations will be undertaken thereafter.

## Glossary

Term	Explanation
Activities	Means street works as in Part 3 of NSWRA, except for works by licensees under Section 50 of NRSWA and works for road purposes as defined by Section 86 of NRSWA.
Activity Promoter	Means a person entitled by virtue of a statutory right to carry out street works or works for road purposes.
Additional Street Data ("ASD")	Additional Street Data ("ASD") refers to other information about streets held on the NSG concessionaire's website alongside the NSG adjudication.
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	Where there is an unresolved disagreement between the activity promoter and the Permit Authority about a Permit Authority's decision or actions the promoter may appeal using the procedure in Section 15 of LoPS.
Arbitration	As defined in Section 99 of NRSWA, "any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers".
Code of Practice for Permits	As published by Department for Transport March 2008.
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	In the context of the duration of activities, a day refers to all days including Saturdays, Sundays and Bank Holidays, unless explicitly stated otherwise.
Diversionsary Works	As defined in Regulation 2(2) of The Street Works (Sharing of Cost of Works) (England) Regulations 2000 and further outlined in the code of practice "Measures Necessary Where Apparatus Is Affected by Major Works (Diversionsary Works) 1992".

DfT	Department for Transport.
EToN	Electronic Transfer of Notices System
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".
HAUC(UK)	The Highway Authorities and Utilities Committee for the UK.
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 works	"works for road purposes" or "major highway works".
Lane Rental Regulations	The Street Works (Charges for Occupation of the Highway) (England) Regulations 2012
Promoter	Means the same as Activity Promoter.
Road works	Works for road purposes.
Section 74 Regulations)	The Regulations made under Section 74 current at the time of issue of the TLRs, namely the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009
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 (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 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: (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 street 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.
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".
Works	Street works or works for road purposes.
Works clear	A works clear notice is used following interim reinstatement.
Works closed	A works closed notice is used following permanent reinstatement.
Works comment	Means an electronic communication using EToN.
Works for road purposes	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: (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".

## SCOPE

### APPENDIX T

#### Lane Rental Scheme

#### Schedule of Locations