

| Yorkshire Common Permit Scheme - Amendment Regulation Changes | | | | |
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| SI 2015 No. 958 Regulation | SI 2007 No. 3372 (as amended) Regulation | | Amendment YCPS Doc - page no. | Amended Wording |
| 3 (1) | 2 | definition of 'guidance' | 106 | Guidance – The Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions dated March 2015 issued by the Secretary of State |
| 3 (2) | 2 | definition of 'order' | 108 | Order – A document signed by a person authorised by the Permit Authority to give effect to, vary or revoke a permit scheme. |
| 3 (3) | 2 | definition of 'permit authority' | 109 | Permit Authority - The relevant highway authority etc. which has prepared a scheme under section 33(1) or (2) of the Traffic Management Act 2004. |
| 3 (4) | 2 | definition of 'traffic-sensitive time' | 112 | Traffic sensitive time – in relation to a traffic-sensitive street, means: · The times or dates specified in the case of limited designation; and · Any time in any other case. |
| 5 (1) | 3 (1) | consultation for new permit scheme | n/a | YCPS is an existing scheme so this amendment does not need to be included |
| 6 | 4 (1) (d) (e) | how the permit authority proposes to evaluate the permit scheme; and how such costs and benefits will be demonstrated | 76 | 16.3 Performance Monitoring Permit Authorities will seek to evaluate the Permit Scheme so as to measure whether the objectives are being met. A formal evaluation of performance against the scheme objectives will take place, and the outcome of each evaluation made available, in accordance with Regulation 16A of Statutory Instrument 2007 No. 3372 as amended. Specific guidance on the objective of ensuring parity of treatment for all types of works and promoters, and the demonstration of that parity, were addressed in section 16.2 above. Under the Yorkshire Common Permit Scheme, a range of benefits arising from the operation of the Scheme have been identified and a suite of Key Success Measures (KSMs) developed to measure the effectiveness of the Scheme in meeting the objectives. Permit Authorities will also work with all promoters to develop relevant additional measures as the Permit Scheme develops over time in order to deliver Scheme objectives and benefits. Permit Authorities will also take into account any future guidance on evaluation, such as nationally agreed Key Performance Indicators. Information concerning Scheme objectives and current KSMs is contained in a separate supplementary information document for each Permit Authority operating the Yorkshire Common Permit Scheme. This document is available on the Permit Authority's public website. |
| | | | 57 | 11.7 Fee Reviews The permit fees proposed in the Yorkshire Common Permit Scheme are based on officer time and additional operating costs involved in processing street works permit applications. The Permit Authority will review permit and variation fees, with ongoing management accounts being prepared on a monthly basis. Any significant variation between the expected income and expenditure in operating a permit scheme will be dealt with in accordance with review arrangements in effect at the time. The Permit Authority is committed to adjust fees if either a surplus or deficit exists between costs and income. The aim is to ensure that a balance of cost and income is achieved over a number of years. The Permit Authority will review fees, and make available the outcome of the review, in accordance with Regulation 16A of Statutory Instrument 2007 No, 3372 as amended. |
| 6 | 4 (1) (i) | responses to consultation | n/a | YCPS is an existing scheme so this amendment does not need to be included |
| 6 | 4 (2) | confirmation that the permit scheme complies with regulations and guidance | 8 | The YCPS document was reviewed to ensure compliance with the 2007 regulations and with the Amendment Regulations, and that due regard was taken of the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions (issued March 2015), which is subject to periodic review. |
| 7 | 5 | varying and revoking permit schemes | 76 | 18. Changes to the Yorkshire Common Permit Scheme Where changes are required to the Permit Scheme, the Permit Authority will comply with the relevant regulations in force at the time of the proposed change In accordance with Regulation 5 of Statutory Instrument 2007 No, 3372 as amended prior to making any changes the Permit Authority will consult with the persons specified in Regulation 3(1),, although this new consultation period may be of a lesser duration, depending on the nature and significance of the proposed change(s). |
| | | | 76 | 19. Revocation of the Yorkshire Common Permit Scheme If the Permit Authority wishes to cease to run the Yorkshire Common Permit Scheme, they will first consult with the persons specified in Regulation 3(1) of Statutory Instrument 2007 No. 3372 as amended so far as their streets are concerned, and will comply with the relevant regulations in force at the time of the proposed change |
| 8 | 9 (1) | permits to be obtained by electronic communication | 31 | 6.4 Methods of Making a Permit Application Permit applications, including PAAs and variations, must be made to the Permit Authority administration team by electronic communication and must comply with the requirements set out in the current Technical Specification of EToN. Recipients of copies of permit applications or of other material relevant to those applications, e.g. frontagers, are unlikely to have access to EToN. In such circumstances applications or other information will be given either by e-mail or by post. |

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| 8 | 9 (10) | permit scheme to set out grounds for refusal | 42 | <p>7.1.2 Grounds for Refusal The Permit Authority recognises that legitimate activities cannot be refused, however the Permit Authority will refuse a permit application if elements of the proposed activity are not acceptable. Grounds for refusal must relate to the types of condition listed in Regulation 10(2) of the Statutory Instrument 2007 No. 3372 as amended. Where an application for a permit meets the relevant requirements in the Permit Scheme, the Permit Authority will grant the permit. The following are non-exhaustive examples of matters that are likely to lead to applications being refused or subject to requests for further information or modification to address them.</p> <p>1. Overlapping activities – where other activities are scheduled to take place in the same street or other streets affected by the proposed activity, at the same time, the authority may refuse a permit for the period requested but propose to grant it for different times. Information about some other activities is available to the promoter through the Permit register, so in such situations the promoter must contact the authority to discuss acceptable options before applying for the Permit. 2. Timing and Duration – An activity promoter must ensure when making an application for a Permit that the proposed duration of the activity takes into account both his legitimate need to complete the activity in an efficient and economic manner and the legitimate interests of other users of the highway. The Permit Authority may query the proposed duration, for example on the grounds that: (a) it can be completed more speedily or, that realistically, not enough time has been allowed; or, (b) that the specific dates and times proposed may clash with other proposed activities or events which occupy road space, in such a way as to be likely to cause an unacceptable level of disruption. 3. Location of Activity – A Permit must specify the location where the activity is to take place. The Permit Authority may refuse to issue a Permit due to the proposed location of the activity. This is a similar power to that under Section 56A of NRSWA i.e. were the location of a proposed activity is unacceptable to the authority because the street in which the works are proposed is already heavily congested with underground services, or has an important traffic function, yet does not warrant protected street status. Refusals on this basis would only apply: (a) in relation to the installation of new apparatus – it cannot be used to require existing apparatus to be moved; or (b) where disruption would be reduced by installing the apparatus in an alternative street where it is reasonable to use the alternative street or a different location within the same street. Where an application for a permit does not meet the relevant requirements in the Permit Scheme, the Permit Authority will contact the activity promoter as soon as possible, and within the period specified in the table inserted into section 7.3 below, to explain precisely why the application is not satisfactory and which elements needs modification. Permit Authority responses will be sent electronically via EToN and may make use of national response codes when available. Permit authority responses may take the form of either a Refusal or Permit Application Modification Request (PAMR). Where a Refusal is given the activity promoter will need to submit a new permit application. Where a PAMR is given then the activity promoter may submit a Modified Application. Otherwise, the work may need to be re-scheduled.</p> |
| Remove duplicated wording in 7.1.5, 7.1.6, and 7.1.6 arising as a consequence of updating 7.1.2 (Grounds for Refusal) (Code of Practice for Permits, 11.1.5 to 11.1.7 | | | 43-44 | the revised sections will read as follows: 7.1.5 Overlapping activities Information about other activities is available to the promoter through the permit register, so in such situations the promoter should contact the authority to discuss acceptable options before applying for a permit. 7.1.6 Timing and Duration Where there is a query about the timing and duration of an activity, the Permit Authority will talk to the promoter. It is, therefore, essential that the permit application provides the name and contact details of someone able to agree amendments acceptable to the permit authority. The promoter should then submit a revised application against which the authority will be able to issue a permit. 7.1.7 Location of Activity Where location of a proposed activity is unacceptable to the authority because the street in which the works are proposed is already heavily congested with underground services, or has an important traffic function, yet does not warrant protected street status, the Permit Authority will talk to the promoter to see whether another route would satisfy all the requirements. |
| 8 | 9 (11) | permit authorities shall grant permits that meet the requirements of the scheme | 42 | Where an application for a permit meets the relevant requirements in the Permit Scheme, the Permit Authority will grant the permit. |
| 9 | 10 (6) | permit authority to use the wording and numbering for conditions as set out in the guidance | 46 | Where a condition is to be specified in a permit the Permit Authority shall use the wording and numbering for that type of condition set out in the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions. |
| 10 | 16A | <p>evaluation anniversary</p> <p>evaluation to include consideration of the fee structure, costs and benefits, and whether the scheme is meeting KPIs</p> <p>evaluation to be made available with 3 months of the relevant anniversary</p> | 57 & 76 | see 16.3 Performance Monitoring Permit Authorities and 11.7 Fee Reviews, including: "A formal evaluation of performance against the scheme objectives will take place, and the outcome of each evaluation made available, in accordance with Regulation 16A of Statutory Instrument 2007 No. 3372 as amended." "Permit Authorities will also take into account any future guidance on evaluation, such as nationally agreed Key Performance Indicators." Information concerning Scheme objectives and current KSMs is contained in a separate supplementary information document for each Permit Authority operating the Yorkshire Common Permit Scheme. This document is available on the Permit Authority's public website." "The Permit Authority will review fees, and make available the outcome of the review, in accordance with Regulation 16A of Statutory Instrument 2007 No, 3372 as amended." |

Yorkshire Common Permit Scheme - Amendments

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| 12 | 30 (1A) | permit fees may not be charged where a 'lane rental' scheme operates | 56 | Where a Permit Authority is an Approved Authority for the purposes of the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012, a fee may not be charged in relation to a permit for works on a street for which a charge would otherwise fall due. |
| 12 | 30 (3A) | permit scheme to include discount for works on TS streets wholly outside TS times | 56 | The Permit Authority will offer a discount for works in traffic-sensitive streets where those works take place wholly outside traffic-sensitive times. Details for the operation of the discount scheme is available in separate advice available on the Permit Authority's public website. |
| 12 | 30 (7) | refund of permit fees paid for permits revoked at no fault of the promoter | 56 | Where a permit is granted but subsequently revoked by the Permit Authority before commencement of the specified works, the Permit Authority shall refund in full any fee charged in accordance with this regulation, provided the revocation is not the fault of the permit holder. |
| 14 | n/a | transitional provisions - permit authorities operating existing schemes to ensure that by 01/10/2015 their schemes comply with the Amendment Regulations; for the purposes of complying with the amendment regulations, no formal consultation is required | 8 | added to 1.1 Introduction The YCPS came into effect in six local authority areas (Barnsley, Doncaster, Kirklees, Leeds, Rotherham and Sheffield – the 'Tranche 1' authorities) on 12 June 2012. On 31 March 2015 a further three authority areas (Bradford, Calderdale and Wakefield – the 'Tranche 2' authorities) began operating the YCPS. All nine authorities were operating the YCPS under a Statutory Instrument (SI) made by the Secretary of State. The Deregulation Act 2015, the Statutory instrument 2015 No.958 (The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015) ('the Amendment Regulations') amend the statutory background for permit schemes. The Deregulation Act 2015, removed the requirement for permit schemes to be approved by the Secretary of State and given effect by Statutory Instrument. The Deregulation Act 2015 (Schedule 10) amended Part 3 of the Traffic Management Act 2004 to enable authorities (local highway authorities or strategic highway companies) to approve their own schemes. All talk to the promoter to see whether another route would satisfy all the requirements. These conditions and statutory requirements are posted on the Permit Authority's public website where they can be accessed by promoters. Following discussions with the promoter, the Permit Authority may require additional conditions for individual immediate activities before a permit is issued. These conditions will be recorded on the register against the reference number given to those activities. October 2015 the scheme was in compliance with the Amendment Regulations. The Amendment Regulations provided, amongst other things, a definition of 'order', by which permit schemes can be made, varied or revoked by a permit authority. The Amendment Regulations exempt existing permit schemes from undertaking most of the obligations which arise for new schemes, including detailed stakeholder consultation before amendments come into effect (other than giving 4 weeks' notice of the implementation date). The mechanism for dealing with issues related to interpretation of the regulations has not changed. The YCPS document was reviewed to ensure compliance with the 2007 regulations and with the Amendment Regulations, and that due regard was taken of the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions (issued March 2015), which is subject to periodic review. |

Yorkshire Common Permit Scheme - Other Amendments

| Description/Reason for Amendment | Amended YCPS Doc - page no. | Amended Wording |
|---|-----------------------------|---|
| Amendments to SI 2007 No. 3372 | various | Statutory Instrument 2007 No. 3372 as amended |
| Highways Agency name change | various | Highways England |
| Formatting | various | Formatting amended where required |
| Assurance of continued EToN compliance | various | current Technical Specification for EToN |
| Consistency of use of 'street'/'highway authority' | various | Wording amended where required |
| Standard conditions for immediate activities | various | Amended to remove "standard" and add "and statutory requirements" |
| Updating Scheme Supplementary Information documents | 9 | remove the last sentence from 1.4.2 which said "Detail of the coverage of the permit scheme is contained in a separate supplementary document for each of the Permit Authorities that are operating the Yorkshire Common Permit Scheme and is available on each Permit Authority's public website." |
| Response times | 45 | Table 1 updated to include response times for modified applications |

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| Permit authority may specify conditions for immediate activities; conditions shall be of the type specified in regulation 10 | 48-49 | 7.5 Conditions and Statutory Requirements for Immediate Activities The Permit Authority can under Regulation 13 impose conditions on immediate activities for the period between starting work on site and the activity promoter receiving a permit. Such conditions are of the types specified in Regulation 10. Portable traffic signals will be controlled manually during traffic sensitive times as stated on the local street gazetteer. It is a requirement of the scheme that the activity promoter shall apply for a permit within 2 hours of starting or by 10.00 am the next working day. It is a requirement of the scheme that promoters carrying out immediate activities on streets designated as requiring early notification are required to contact the Permit Authority, by telephone, immediately, notwithstanding the duty to submit a permit application within two hours. Not all category 0-2 and traffic sensitive streets have been so designated, but only those most susceptible to unplanned disruptions. These designated streets have been indicated with an ASD record in the NSG which includes the contact telephone number(s). These conditions and statutory requirements are posted on the Permit Authority's public website where they can be accessed by promoters. Following discussions with the promoter, the Permit Authority may require additional conditions for individual immediate activities before a permit is issued. These conditions will be recorded on the register against the reference number given to those activities. |
| Update the wording on circumstances where fees waived for joint working (see Code of Practice for Permits, 15.6.2) | 56 | amend the first paragraph in 11.4 to say "In an attempt to drive improvement in the co-ordination effort, and help reduce disruption, in the case of any utility works where two or more companies activity promoters propose works that involve sharing the same working space, either at the same time, or in accordance with a joint working strategy agreed in advance with the Permit Authority, no Permit fee will be payable by either party (arranged outside of the EToN system)." |
| Modified fee structure for Major works permits | 57 | The Permit Authority's approved scale of fees incorporating the Revised Fee Structure set out in the Additional Advice Note (DfT 2013) is contained in a separate supplementary information document available on the Permit Authority's website and the fees are published on the Permit Authority's public website. |
| Notice of actual start (see Code of Practice for Permits, 16.7) | 60 | Once the activity has begun, an Actual Start of Works Notice for an activity on a permit street (i.e. streets that are category 0, 1, 2 and traffic sensitive) must be given by 10.00 am the next working day. For an immediate activity, the permit application will be taken as the Actual Start of Works Notice as it is normally sent after the activity has commenced but must be sent within 2 hours, and in this case the status should always be "In Progress". |
| Clarification of payment periods for Fixed Penalty Notices | 66 | <ul style="list-style-type: none"> • £500 for working without a permit if paid within 36 calendar days beginning with the day on which the notice is given, discounted to £300 if payment is made within 29 days beginning with the day on which the notice is given. The Permit Authority may extend this period at its discretion in any particular case; • £120 for working in breach of a condition if paid within 36 calendar days beginning with the day on which the notice is given, discounted to £80 if payment is made within 29 calendar days beginning with the day on which the notice is given; • If the last day of the discounted period does not fall on a working day, the period for discounted payment is extended until the end of the next working day. |
| Transitional arrangements - existing wording related to the initial implementation of YCPS by 'tranche 1' and 'tranche 2' authorities. Revised wording included for use where other authorities want to adopt the scheme. | 76 | When introducing a permit scheme, or making changes to an existing permit scheme, the Permit Authority will comply with the transitional arrangements in effect at the time. For the purposes of complying with the Deregulation Act 2015, existing Permit Authorities do not need to consult on the changes required to make their schemes compliant with the Amendment Regulations. Permit Authorities are required to give four weeks' notice before making an Order to come into effect by 1 October 2015. |
| Appendix G, 5.2 - remove reference to 'Scottish Street Works Register' | 94 | section now refers only to the National Street Gazetteer |
| Appendix G, 6.2 - amend reference to Network Rail officer | 94 | Outside Party Engineer |
| Appendix G, Annex G1 and Annex G2 | 98-100 | Annexes revised to current Network Rail requirements |