

# **Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions**

**March 2015**

## Introduction and content

Highway Authority Permit Schemes were introduced by Part 3 (sections 32 to 39) of the Traffic Management Act 2004 (TMA) and the Permit Scheme (England) Regulations 2007 (the regulations). This document is Statutory Guidance made under section 33 (5) of the Traffic Management Act, issued March 2015 by the Secretary of State for Transport.

The Deregulation Bill 2015 will, subject to parliamentary process, amend the Traffic Management Act by changing the method whereby highway authority permit schemes in England are brought into operation. The changes will enable highway authorities in England to bring forward, and vary or revoke, schemes.

To coincide with the changes to the TMA we will amend the Traffic Management Permit Scheme (England) Regulations 2007. Again, subject to parliamentary process, all authorities introducing or operating a permit scheme will be required to comply with the planned 2015 amendments to the Traffic Management Permit Scheme (England) Regulations 2007 from the commencement of their scheme, or from 1<sup>st</sup> October 2015 for existing schemes.

It should be noted that the planned amendment for Regulation 10 will require all permit schemes imposing conditions to use those set out in this or subsequent statutory guidance. The conditions were initially developed and consulted on by the sector (the Highway Authorities and Utilities Committee (England)). The conditions contained within statutory guidance may be amended from time to time.

## Conditions that may be attached to Permits

EToN Ref: 1 - Date Constraints
NCT01a – Duration APPLIES TO ALL PERMITS on streets where the validity window does not apply
<p><b>Condition Text</b></p> <p><i>For the activities hereby permitted it is a condition of this permit that activities shall not commence before the Proposed Start Date or in the case of Immediate Works the Actual Start Date contained in the application for immediate works and must end by the Estimated End Date provided on this permit. The Proposed Start Date, Actual Start Date and Estimated End Date are as defined in the current EToN specification.</i></p>
<p><b>Guidance for use of condition</b></p> <p>This condition should be added as a condition on all permits for activities carried out on streets where the validity window does not apply.</p>
NCT01b – Duration APPLIES TO ALL PERMITS on streets where the validity window applies
<p><b>Condition Text</b></p> <p><i>For the activities hereby permitted it is a condition of this permit that activities shall not commence before the Proposed Start Date and must commence within the valid starting window period or in the case of Immediate Works by the Actual Start Date contained in the application for immediate works and once the activities have commenced the activities must take no more than [x number of] days in total to be completed. The Proposed Start Date, Actual Start Date and Estimated End Date are as defined in the current EToN specification.</i></p>
<p><b>Guidance for use of condition</b></p> <p>This condition should be added as a standard condition on all permits for activities carried out on streets where the validity window applies.</p>

EToN ref: 2 - Time Constraints
<b>NCT02a Limit the days and times of day</b>
<p><b>Condition Text</b>  <i>For the activities hereby permitted it is a condition of this permit that activities shall only take place between [start time] and [end time] on weekdays and [start time] and [end time] on Saturdays and [start time] and [end time] on Sundays or Bank Holiday.</i></p>
<p><b>Guidance</b>  This condition should be attached to permits where it is necessary to limit the times of day that works are undertaken because the highway needs to be returned to normal use outside of these times e.g. due to conflicts of works or special events etc. For instance the permit may be valid for 3 days but the site can only be occupied between the hours specified on the days specified.</p> <p>Environmental concerns must be taken into consideration when using this condition.</p> <p>It should be noted that it may be possible to have more than 1 start and stop time i.e. if you are only permitted to work outside TS times, in which case the text can be suitably amended.</p>
<p><b>Example shorthand text</b>  NCT02a – activities to take place 09.00-19.00 weekdays, 0900-1300 Saturdays all other times highway to be clear</p>
<b>NCT02b Working hours</b>
<p><b>Condition Text</b>  <i>For the activities hereby permitted it is a condition of this permit that, as agreed, the following [extended] working hours will apply at this site from [start time] until [end time] on weekdays and [start time] and [end time] on (Saturday/Sunday/Bank Holiday).</i></p>
<p><b>Guidance</b>  There will be occasions where it is beneficial for a works promoter to clarify the hours that personnel will be working on site, for instance where it is necessary to advance the completion of the works by working extended hours to avoid a nuisance or an obstruction or to prevent a clash with any other event that may be planned for that street.</p> <p>This condition must only be attached to permits if the works promoter has agreed to the additional/extended hours specified and must not be imposed as a standard condition on permits.</p> <p>Environmental concerns must be taken in consideration when using this condition.</p> <p>It should be noted that it may be possible to have more than 1 start and stop time i.e. if you are only permitted to work outside TS times, in which case the text can be suitably amended.</p>
<p><b>Example shorthand text</b>  NCT02b – agreed (extended) hours 07.30-23.00 weekdays, 09.00-12.00 Sat</p>

### EToN ref: 3 - Out of hours work

#### Guidance

There is currently no condition attached to this EToN code. If works take place beyond the NRSWA working day as defined in section 98(2) of NRSWA 1991, promoters should tick the out of hours box as set out in 4.7.8 of the EToN Technical Specification.

### EToN Ref: 4 - Material and Plant Storage

#### NCT04a - Removal of surplus materials/plant

##### Condition Text

*For the activities hereby permitted, it is a condition of this permit that all remaining excavated or stored backfill materials and/or any unemployed plant must be removed from the public highway within (x hours e.g. 24) or by the stipulated time (e.g. at the end of the working day or prior to the site being un-occupied) due to (stipulate reason for application of condition).*

##### Guidance

This condition should be attached to permits where it is necessary to limit the area taken up by unused plant/materials. The condition should only be used where the storage of the materials and/or plant may cause problems on site such as congestion. It should be location specific and must not be applied to all permits. It is good practice to include the site specific reason for attaching the condition.

Authorities must ensure that timeframes are reasonable to ensure that this condition can be met - where x = 1 this may be deemed as unreasonable and impractical.

##### Example shorthand text

NCT04a – surplus material to be removed by 18.00 each day as close to school.

#### NCT04b Storage of surplus materials/plant

##### Condition Text

*For the activities hereby permitted, it is a condition of this permit that no materials and/or plant that will not be utilised within the working day are to be stored within or outside of the defined working space from (insert date) until (insert date) due to (stipulate reason for application of condition).*

##### Guidance

This condition should be attached to permits where it is necessary to limit the length of time materials or plant can be stored on site before they are actually required. The condition can also be attached to permits where it is necessary to limit the defined area that materials or plant can be stored on site before they are actually required. The condition should only be used where the storage of plant and/or materials may cause problems such as congestion or a special event. It should be location specific and must not be applied on all permits. It is good practice to include the site specific reason for attaching the condition.

<p><b>Example shorthand text</b> NCT04b Material will only be stored on site Xhrs prior to use/ within [defined working space]</p>
<p><b>EToN ref: 5 - Road Occupation Dimensions</b></p>
<p><b>NCT05a - Width and/or length of road space that can be occupied</b></p>
<p><b>Condition Text</b> <i>For the activities hereby permitted it is a condition of this permit that the activity shall occur only within the area [insert description of area or provide traffic management plan reference] including the relevant and required signing, lighting and guarding excluding advance warning and diversionary signs.</i></p>
<p><b>Guidance</b> This condition should be attached to permits where the works site is restricted to an agreed area/length as described in the brackets or specified in the Traffic Management Plan, this may also be used where the work and traffic management is restricted to the footway only. The Traffic Management Plan reference should be included for clarity.</p>
<p><b>Example shorthand text</b> NCT05a Works restricted to area agreed in TM plan 12345</p>

<p><b>EToN ref: 6 - Traffic Space Dimensions</b></p>
<p><b>NCT06a Road space to be available to traffic/pedestrians at certain times of day</b></p>
<p><b>Condition Text</b> <i>For the activities hereby permitted it is a condition of this permit that [X]m must be maintained for pedestrians and/or [Y]m must be maintained for vehicles at the specified times.</i></p>
<p><b>Guidance</b> This condition should only be attached to permits where it is necessary to maintain the footway/carriageway dimensions in excess of the statutory minimum [see paragraph 5 of this guidance document].</p>
<p><b>Example shorthand text</b> NCT06a - A minimum width/length of Xm shall be maintained for peds/vehicles at all times / between 09:30-15:00</p>

<b>EToN ref: 7 - Road Closure</b>
<b>NCT07a - Road Closed to Traffic</b>
<p><b>Condition Text</b>  <i>For the activities hereby permitted it is a condition of this permit that activities shall only take place when [insert road name] or [insert description of the relevant section of the road] is closed to traffic.</i></p>
<p><b>Guidance</b>            If a road is closed in its entirety the text could read 'full closure'. If the road is only part closed the text could read 'closure from (point a) to (point b)'. If residential or commercial access is being maintained the text should read 'access maintained'.</p>
<p><b>Example shorthand text</b>            NCT07a – High Street closed from jct High Road to o/s 291 Low Road, access maintained</p>

<b>EToN Ref: 8 - Light Signals and Shuttle Working</b>
<b>NCT08a - Traffic Management Request</b>
<p><b>Condition Text</b>  <i>For the activities hereby permitted it is a condition of this permit that works or the relevant part of the activity shall only take place when temporary traffic control is deployed by use of x (where x determines type of control i.e. Portable Signals, Stop Go etc).</i></p>
<p><b>Guidance</b>            If the authority believe there to be a need for traffic management to be utilised or more stringent traffic management over and above that detailed within the Safety Code of Practice, then this condition should be deployed.</p>
<p><b>Example shorthand text</b>            NCT08a - 2-way PLS in place, Stop Go 07:00 – 09:00 required due to peak traffic flows causing congestion</p>
<b>NCT08b- Manual Control of Traffic Management</b>
<p><b>Condition Text</b>  <i>For the activities hereby permitted it is a condition of this permit that for the traffic management deployed (state type) it is manually operated between (x hours and y hours).</i></p>
<p><b>Guidance</b>            If to be manually controlled at any point, these times should be noted in text that reads 'manual control from xx:xx – yy:yy'.</p>
<p><b>Example shorthand text</b>            NCT08b – Manual control between X hours and Y hours</p>

<b>EToN ref: 9 - Traffic Management Changes</b>
<b>NCT09a - Changes to traffic management arrangements</b>
<p><b>Condition Text</b>  <i>For the activities hereby permitted it is a condition of this permit that If there are changes to the traffic management arrangements proposed the works promoter must notify the authority before these changes are made.</i></p>
<p><b>Guidance</b>  To be used where the Traffic Management used for an activity changes during the course of undertaking that activity. This condition should be applied on a works specific basis where changes to traffic management could cause significant network management problems.</p>
<p><b>Example shorthand text</b>  NCT09a Significant changes in TM will be notified to authority</p>
<b>NCT09b - Traffic management arrangements to be in place</b>
<p><b>Condition Text</b>  <i>For the activities hereby permitted it is a condition of this permit that 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..].</i></p>
<p><b>Example shorthand text</b>  NCT09b- part 2 of these works cannot start until the Eastbound lane is open to traffic, as agreed in TM plan 12345</p>
<b>NCT09c - Signal Removal from operation when no longer required</b>
<p><b>Condition Text</b>  <i>For the activities hereby permitted it is a condition of this permit that activities using portable traffic signals must have the signals removed from use as soon as possible and within four hours of completion of works irrespective of day of completion.</i></p>
<p><b>Guidance</b>  To be used for activities requiring the use of portable traffic signals where traffic flows would be unnecessarily impacted by the signals remaining in operation beyond the point at which they are required for the work and causing unnecessary disruption (e.g. to stop portable traffic signals being deployed over a weekend when works were completed on the Friday afternoon.)</p>
<p><b>Example shorthand text</b>  NCT09c PTS removal from use</p>



**EToN ref: 10 - Work Methodology**

**NCT10a - Employment of appropriate methodology**

**Condition Text**

*For the activities hereby permitted it is a condition of this permit that for the activities on this site, as agreed, the works methodology employed will be A, B, C [describe agreed methodology] throughout the duration of the works activity.*

**Guidance**

The methodology to be used must be agreed in advance with the works promoter as this may not be practical or suitable for the works that need to be undertaken. This condition should be used by exception, where the methodology to be used is important to the site conditions. The methodology should be specific to the circumstances of a particular works, for instance, it cannot be used as a standard condition to insist on first time reinstatements on all permit applications [see paragraph 5 of this guidance document].

If, once on site, it is clear that the agreed methodology cannot be used then the promoter must contact the authority straight away during working hours or first thing the next working day to discuss an alternative agreed methodology.

It should also be noted that more than one methodology may be listed.

**Example shorthand text**

NCT10a – works methodology will be hand dig

**EToN Reference: 11 - Consultation and Publicity**

**NCT11a APPLIES TO ALL PERMITS - Display of Permit Number**

**Condition Text**

*For the activities hereby permitted it is a condition of this permit that activities shall not be carried out unless a site information board(s) displaying the permit reference number is on the site at all times for the duration of the works. This must be displayed in a prominent place at all times so that it may be read easily by the public, clearly displaying the correct permit reference number. For Immediate Works the display of the works reference number is required by 10.00am on the next working day after the works have started on site.*

**Guidance for use of condition**

**This condition should apply to all permits.**

A prominent position is considered to be such that the board is placed so that it does not obstruct footways or carriageways but can be clearly read by pedestrians.

The order in which the signs are laid out should be as per the current Safety Code of Practice.

There may be occasions where a particular site will require more than one information board with the permit reference number displayed e.g. large sites, sites with multiple excavations or sites which impact both the footway and the carriageway. Where an authority considers that more than one information board is required to display the permit reference number, they should discuss and agree this requirement with the promoter if including it as a permit condition. The correct permit number should then be displayed on site on the additional information boards at all times for the duration of the works.

**NCT11b- Publicity for proposed works**

**Condition Text**

*For the activities hereby permitted, it is a condition of this permit that activities shall not commence unless the Promoter has publicised and/or advised 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; the intended start date [etc] and contact details of a representative of the promoter.*

**Guidance**

This condition should be used by exception at locations where it is vital that local residents/businesses are notified in advance of an activity due to the sensitivity of the location e.g. close to a school, hospital etc or because of the times during which works will take place – e.g. night working.

**Example shorthand text**

NCT11b – publicity/advice to be/has been provided to stakeholders on High Rd

<b>EToN ref: 12 - Environmental</b>
<b>NCT12a - Limit timing of certain activities</b>
<p><b>Condition Text</b>  <i>For the activities hereby permitted, it is a condition of this permit the following working methodology [insert methodology] shall only take place between [start time] and [end time] on weekdays and/or [start time] and [end time] on Saturdays and/or [start time] and [end time] on Sundays or Bank Holidays and must not continue beyond these times.</i></p>
<p><b>Guidance</b>  This condition should only be attached to permits where it is necessary to limit the time of day during which certain activities can take place. As an example, the works may be permitted to take place until 10pm however the element that involves slot cutting can only take place before 6pm.  The reason for the restriction should be made clear e.g. residential area/directions from Authority.</p>
<p><b>Example shorthand text</b>  NCT12a [breaking out] 10.00-20.00 weekdays, 09.00-12.00 Sat</p>

There may be **an** exceptional circumstance where **a** specific circumstance means that **an** additional condition needs to be added to a permit that is not covered by the text of the conditions set out above.

Any such condition **should**;

- 1 First be agreed with the work promoter (in line with the respective duties imposed by s59 and s60 of the 1991 Act);
- 2 Be specific to both the circumstances of the particular activity and the locality; falls within regulation 10 (2) (a – h);
- 3 Comply with all primary and secondary legislation regulations and that the application of any constraint within a condition does not conflict with the activity promoter's obligations under separate legislation;
- 4 Follow this and any further DfT statutory guidance;
- 5 Have regard to the advice provided as the Highway Authorities and Utilities Committee (England) 2014 / 01 issued August 2014; and
- 6 Be labelled under EToN reference 13.

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