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**National Joint Utilities Group (NJUG) Ltd's response to:  
Common Permit Scheme (East of England) 2<sup>nd</sup> consultation**

NJUG is pleased to respond to the "Scheme Development and Response to Consultation" and is appreciative of the work undertaken to review the many consultation responses resulting in the various amendments to the original scheme.

NJUG's comments are as follows:

**Section 1.9** – NJUG does not believe it is necessary to apply the scheme to all works and the approach taken in both Kent (which has seen a 50% reduction in complaints since its introduction) and Northamptonshire should be adopted, where the schemes are aimed at the busiest sections of road – Category 0, 1, 2 and Traffic Sensitive Streets. These schemes are proving to be very successful.

Authorities have a duty to coordinate works under section 59 of NRSWA since 1993, and NJUG is concerned that the decision to include all streets might lead to a revenue stream from utilities, on which authorities might unfairly rely in order to subsidise any revenues lost through a lack of co-ordination of works under these regulations. Co-ordination will be improved as all the authorities own registerable works will have to be included in the permit application review process. The difficulty is proving that there is any actual improvement in the co-ordination of utility works as they are driven by the demands from customers for new services, maintenance, repair and diversions required by authority approved urban development schemes.

**Section 1.13** – NJUG supports the approach taken in this section to show parity amongst all works promoters.

**Section 2.4 – KPI 1** – It should be noted that this KPI should accurately reflect the reasons for the variations – e.g. imposition of conditions should not be identified as a utility failure as these should be imposed by the Highway Authority.

**Section 2.5 – KPI 3** – Extensions don't exist but should be referred to as permit variations (date). This KPI also needs to stipulate the difference between a Permit Variation (date) and a S74 revised duration as both are not one of the same. Which will be measured?

**Section 2.5 – KPI 4** – This KPI seems to be driving performance for Highway Authorities to challenge and reduce durations and could be a factor in the number of permits rejected. Sound engineering evidence needs to be demonstrated as why duration has been challenged and how this KPI is to be utilised needs to be demonstrated. Consideration should be given to a KPI that shows that planning and co-ordination has improved (i.e. number of occurrences that durations have been accurately requested and co-ordinated between all parties). We need to drive positive performance to demonstrate the effectiveness of the scheme.

**Section 3.3** – NJUG supports this paragraph but is also acutely aware of the additional administrative burden placed on works promoters and the delays that this process can take – NJUG will be fully supportive of an effective and efficient administrative process.

**Section 4.1 (a)** – This is not true as there will be instances of works crossing from permitting and non-permitting boundaries and thus our workforce will have to operate to differing work conditions. Will non-permitting highway authorities have access to permits from permitting authorities for the purpose of co-ordination?

**Section 4.7** – Notwithstanding your consultation feedback, NJUG would welcome examples of “other impacts”.

**Section 6.3** – Coring should also be included within this section thus promoting works promoters to continue with their own quality programmes.

**Section 7.3** – NJUG would recommend that the Highways Authority consider adding an additional paragraph that will aid the planning and smooth implementation of the Permit Applications. Suggestion: ‘Wherever possible a Permitting Authority will identify the conditions it will impose on the Permit Application upon receipt of the PAA to ensure that the Permit Application is successful when requested’. The reason for this inclusion is that condition challenges imposed on the PA after the submission of the PAA have led to a delay in the granting of the PA, the requested dates have then lapsed and an early start requested for the original date.

**Section 10.1 (b)** – Responsibility for co-ordination rests with the Highway Authority / Permitting Authorities.

**Section 10.1 (e)** – There is currently no ability within the existing EToN system to stipulate times of day for an activity – how do we propose to manage this? In addition can the proposals please establish what the word ‘activity’ actually refers too? This therefore needs to be reviewed and considered prior to “go live”, so that a protocol and understanding as to what can or cannot be provided is fully understood and established.

**Section 10.1 (h)** – Permitting Authorities do need to establish that other Departments within their organisations are aware of the permitting process as the works promoter can often fall into a catch 22. i.e. Permit not granted because of a TTRO not approved due to no Permit being granted.

**Section 10.1 (l)** – NJUG believes this paragraph should be removed. The legislation quite clearly stipulates that it is the responsibility of the Permitting Authority to impose conditions<sup>1</sup>.

**The EToN system needs to comply with the legislation and NOT visa versa.**

**Section 14.1** – Imposed variations by a Permit Authority cannot be used to alter dates.

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<sup>1</sup> The Traffic Management Permit Scheme (England) Regulations 2007 Part 3 Section 10 (1)

**Section 15.8.1 and 15.8.2** – NJUG strongly recommends discussions and engagement with all participants and stakeholders during such reviews to ensure that the report provides a well-rounded perspective, as opposed to just the Permit Authority's view.

**Section 16** – *General comment*: Although it is encouraging that promoters will discuss the application of model text for conditions prior to the scheme coming into effect, we require clarity as to what protections there are for utilities if the conditions required are deemed unreasonable, as there is no control over this once the scheme has been approved. This therefore must be finalised by discussion prior to submission to Government, not afterwards.

**Section 16.9** – NJUG understands the need to reduce the space occupied on the highway but ask the authorities to be mindful of the need to protect the environment and that this should also be considered. In addition, if this condition is imposed and a suitable location can be found on the highway but in a different street could the fee be waived? The removal of plant, equipment etc. could lead to extended durations and congestion due to the consistent need to remove items from site.

**Section 16.11** – Will Permitting Authorities have the necessary expertise within the works promoter's workings to promote what works methods should/not be used?

**Section 16.14.2** - Prior to "go live", the obligations placed upon the Permit Authority should be discussed with all apparatus owners so that the practical steps that will be undertaken by the Permit Authority are fully understood.

**Section 23** – *General comment*: As there is no evidence available to support the introduction of a permit scheme on utility works (it can apply to authority works only if they wish to co-ordinate their own works more effectively), NJUG believes that the permit scheme must include a precise method and frequency for evaluation and monitoring. What evidence will there be of any benefit or lack of benefit of imposing a permit scheme regarding utility works, as these are most affected due to the requirement to seek permission to work and paying the authority in addition to their own costs for the privilege as opposed to giving notice and just paying for their own costs under NRSWA?

**Cost-Benefit Analysis** – *General comment*: It is noted that none of the Primary Authorities concerned are proposing to increase the number of staff employed. There are however considerable costs included within the "resource" and "systems categories". NJUG would therefore welcome a breakdown of these specifics.

Thank you for the opportunity to respond and should you have any questions about our response or would like to discuss anything further, please don't hesitate to contact us.

Yours sincerely



Les S Guest  
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