

# **PERMIT SCHEME FORMAL CONSULTATION REPORT**

Title: Proposed West Sussex County Council Permit Scheme (WSCCPS) formal consultation responses and report  
Date: 22nd February 2020  
Authors: Jeff Elliott Traffic Manager, West Sussex County Council

## **1 Introduction**

The formal consultation regarding the proposed changes to West Sussex County Council's Permit Scheme ran for a period of six (6) weeks beginning on the 10<sup>th</sup> January 2020. The deadline for receipt of responses was 5pm on 21<sup>st</sup> February 2020.

It was stated in the consultation covering letter that all responses received no later than 5pm on Friday the 21<sup>st</sup> February 2020 will be taken into consideration and, if West Sussex County Council consider it to be appropriate, amendments will be made to the proposed permit scheme documents.

The proposed scheme document and accompanying covering letter was issued to 450 key stakeholder organisations and individuals, including local neighbouring Highway Authorities, Utilities, road user representative groups, current suppliers and non-government organisations.

A total of 6 individual comments on the proposed permit scheme documents were received by the deadline with one response being received shortly after the deadline had passed. All 7 responses were considered as part of this report.

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

### **1.1 List of Consultees who responded by the deadline**

1. Southern Water (SW)
2. SEJUG (South East Joint Utility Group)
3. Openreach (OR)
4. Virgin Media (SEW)
5. Portsmouth Water (PW)
6. Scottish & Southern Electricity Networks (SSEN)

### **1.2 Consultees who responded after the deadline**

1. South East Water (SEW)

## 2 General Comments

Org	Suggested amendment / clarification / comment / question	Response / action / recommendation
OR	<p>Openreach do not support the decision to increase fees on non-traffic sensitive 3 &amp; 4 streets and do not believe the documentation supports this proposal.</p> <p>The DfT statutory guidance states 'Unless there is a very strong benefit case otherwise, it is strongly recommended that permit fees are only applied to the more strategically significant roads: Category 1, 2 roads and Traffic Sensitive Street roads. This will mean that although permits would still be required for works on non-strategic routes, it should be very unlikely that these works would attract a permit fee. These permit applications would receive only 'notice' equivalent treatment by the authority. The application for and the issuing of a permit provides for additional overall improved network management.'</p> <p>Openreach's annual spend on permit costs is significant. Cash spent covering the administration cost of permit schemes is cash not available to support further infrastructure investment. As such, we need to ensure that any spend is proportionate and necessary.</p> <p>An increase in fees may lead to Openreach choosing to build our fibre network in more cost-effective areas.</p>	<p>Cat 3 &amp; 4 non traffic sensitive roads are often critical on our network due to these being the strategic links between the cat 1 &amp; 2 roads and cannot be summarily discounted or ignored for coordination matters.</p> <p>Please see the West Sussex County Council permit fees matrix for clarification on how this fee is generated. West Sussex County Council acknowledge and follow advice and guidance offered but must note that meeting our Network Management Duty requires our undertaking actions and activities specific to the highway network in West Sussex.</p> <p>West Sussex County Council appreciate that Opeanreach are a commercial organisation using many factors to evaluate and support your decision-making process for fibre network roll out and offer that we will continue to work in support of your efforts here.</p>

VM	<p><b>Key Points regarding the Permit Scheme Consultation</b></p> <p>As you are aware all new permit schemes now have to follow the January 2013 DfT Additional Advice Note for developing and operating Permit Schemes focusing only on the busiest streets (strategically significant streets). Permit authorities must also encourage works promoters to work wholly outside of traffic-sensitive times by offering discounted fees. By following DfT advice both the Council and works promoters will be able to focus on working together to plan those works likely to cause the most disruption, rather than a blanket approach including streets that are not traffic-sensitive.</p>	<p>West Sussex County Council acknowledge and follow advice and guidance offered but must note that meeting our Network Management Duty requires our undertaking actions and activities specific to the highway network in West Sussex.</p>
PW	<p>We feel a Workshop, before consultation documents were published, would have been beneficial for WSCC to explain clear reasons for proposed increases in permit costs.</p>	<p>West Sussex County Council have been operating a permit scheme for a number of years and all Utilities operating within the boundaries of the county are familiar with the permit scheme process so do not believe a work shop would have offered particular benefit to this process at this time.</p>
PW	<p>Portsmouth Water does not support the proposed increase in permit fees. We feel the consultation documents lack clarity and do not believe the documentation supports the proposed increase in permit fees. We believe due process in relation to the documents below has not been followed:</p> <ul style="list-style-type: none"> <li>• 'The Traffic Management Permit Scheme (England)(Amendment) Regulations 2015'</li> <li>• DfT 'Advice Note For local highway authorities developing new or varying existing permit schemes' June 2016</li> </ul>	<p>Thank you for your comments.</p> <p>West Sussex County Council have used DfT published tool such as the Fees Matrix and CBA tool in considering and preparing the permit scheme update. West Sussex County Council acknowledge and follow advice and guidance offered but must note that meeting our Network Management Duty requires our undertaking actions and activities specific to the highway network in West Sussex.</p>

SEJUG,	<p>SEJUG does not believe that there should charges for Permits on 'Minor Roads' (Cat 3 &amp; 4 non traffic sensitive) however WSCC already charge for minor activities so what is the justification for increasing the charge by 120% from £20 to £45. This increase amount is replicated up the charging scale for minor roads. Charges should reflect DfT Permit Guidance which encourages fees being focused on busier streets. Please advise in detail what you are proposing to do with regard to justifying this increase. ** See 3.8.2 in your main scheme document.</p>	<p>Cat 3 &amp; 4 non traffic sensitive roads are often critical on our network due to these being the strategic links between the cat 1 &amp; 2 roads and cannot be summarily discounted or ignored for coordination matters.</p>
VM,	<p>Virgin Media does not believe that there should charges for Permits on 'Minor Roads' (Cat 3 &amp; 4 non traffic sensitive) however WSCC already charge for minor activities so what is the justification for increasing the charge by 120% from £20 to £45. This increase amount is replicated up the charging scale for minor roads. Charges should reflect DfT Permit Guidance which encourages fees being focused on busier streets. Please advise in detail what you are proposing to do with regard to justifying this increase. ** See 3.8.2 in your main scheme document.</p>	<p>Please see the West Sussex County Council permit fees matrix for clarification on how this fee is generated. West Sussex County Council acknowledge and follow advice and guidance offered but must note that meeting our Network Management Duty requires our undertaking actions and activities specific to the highway network in West Sussex.</p>
	<p>Virgin Media would like to point out that WSCC has an existing Network Management Duty under the Traffic Management Act, and general duty of co-ordination under S59 (NRSWA), where WSCC has a duty to make an assessment on 'minor roads' so that it can co-ordinate works. WSCC should therefore be already carrying out this functionality under NRSWA and should not need to introduce a new fee structure to fulfil this existing duty.</p>	
	<p>SEJUG would like to point out that WSCC has an existing Network Management Duty under the Traffic Management Act, and general duty of co-ordination under S59 (NRSWA), where WSCC has a duty to make an assessment on 'minor roads' so that it can co-ordinate works. WSCC should therefore be already carrying out this functionality under NRSWA and should not need to introduce a new fee structure to fulfil this existing duty.</p>	<p>Thank you for your comments. Legislation affords all Authorities the opportunity to introduce permit schemes and then to vary their scheme documents and fee structure and indeed stipulates when and how this should happen which West Sussex County Council are following in this consultation.</p>
SEW	<p>WSCC should already be carrying out the Network Management Duty under the TMA and also the duty of co-ordination under section 59 (NRSWA) therefore they should not need to introduce a new fee structure for</p> <p>We do not feel that WSCC should be introducing a new fee structure for duties already carried out under the Network Manager Duty (TMA) and also the general duty of co-ordination under section 59 of NRSWA. Please can you provide further justification for fulfilling an existing duty?</p>	

SEW	<p>WSCC already charge for minor activities, SEW would like to request some justification for increasing these charges from £20 to £45 (which is an increase of 120%). Please can you advise as to whether data is available regarding the levels of disruption utility works on minor non-TS roads cause? This would ensure that a full assessment could be published.</p>	<p>Cat 3 &amp; 4 non traffic sensitive roads are often critical on our network due to these being the strategic links between the cat 1 &amp; 2 roads and cannot be summarily discounted or ignored for coordination matters.</p> <p>Please see the West Sussex County Council permit fees matrix for clarification on how this fee is generated. West Sussex County Council acknowledge and follow advice and guidance offered but must note that meeting our Network Management Duty requires our undertaking actions and activities specific to the highway network in West Sussex.</p> <p>The DfT have published their report looking considering the benefits of operating a road and street works permit scheme and its effect of reducing disruption, the 'evaluation of street works permit schemes'. Please refer to this document for further details and clarification of your points raised.</p>
-----	---	--

SEW	<p>SEW feels that the CBA data provided regarding income and expenditure is unclear and therefore responding to forecasts on expected cost and shortfalls is proving difficult.</p>	<p>DfT have offered the CBA calculator to assess the costs and benefits of using a permit scheme. West Sussex County Council have used the tool as published inputting data where appropriate.</p> <p>The cost benefits of an authority operating a permit scheme are well proven and West Sussex County Council would refer SEJUG and their members to the DfT published 'evaluation of street works permit schemes' for further details and clarification of this.</p>
SW	<p>Southern Water does not believe that charges for Permits on 'Minor Roads' (Cat 3 &amp; 4 non traffic sensitive) should be applied. Charges should reflect DfT Permit Guidance which encourages fees being focused on busier (Traffic Sensitive) streets.</p> <p>Southern Water suggests that WSCC has an existing Network Management Duty of co-ordination under S59 (NRSWA), so therefore WSCC should be already carrying out this functionality for Cat 3 &amp; 4 non traffic sensitive streets under NRSWA and should not need to introduce a new fee structure to fulfil this existing duty.</p>	<p>Cat 3 &amp; 4 non traffic sensitive roads are often critical on our network due to these being the strategic links between the cat 1 &amp; 2 roads and cannot be summarily discounted or ignored for coordination matters.</p> <p>Legislation affords Permit Authorities the opportunity to charge fees based on their costs for doing so and West Sussex County Council are following that legislation in this review.</p> <p>Please refer to the West Sussex County Council response to SEJUG above</p>

SEJUG,	SEJUG has serious concerns that Permit charges are being increased. SEJUG does not support this increase and do not believe the documentation supports this proposal. Works should not affect congestion at all on 'minor' roads, so the permit fee should reflect the lack of congestion caused (i.e. zero). SEJUG members believe that these levels should be set at Zero charge and should not have been £20 in the 1st place. SEJUG members would rather see the current level of charge (£20) being maintained for Minor Permit fees.	West Sussex County Council have used the recognised permit fees matrix and DfT issued CBA tool to support the changes to documentation offered during this consultation.
VM,	Virgin Media has serious concerns that Permit charges are being increased. Virgin Media does not support this increase and do not believe the documentation supports this proposal. Works should not affect congestion at all on 'minor' roads, so the permit fee should reflect the lack of congestion caused (i.e. zero). VM believe that these levels should be set at Zero charge and should not have been £20 in the 1st place. Virgin Media would rather see the current level of charge (£20) being maintained for Minor Permit fees.	The impact that road and street works activities offer does not always correspond to the scale of the activity undertaken or the category of road the works are undertaken on. Indeed, the most minor works on the lowest category street can often cause the biggest disruption to those using said street. As SEJUG members will appreciate disruption is often more related to the scale of effect felt by the individuals requiring the services you provide than the scale of the activity undertaken. West Sussex County Council take their permit duties very seriously and want to afford appropriate resource to all permit applications received thereby ensuring the best result for all customers.
SEW	South East Water do not believe that the documentation provided with the proposed plans support or explain the increased permit charges.	

SW	<p>Along with SEJUG, Southern Water does not support Permit charges of £45 for minor works on minor roads. Southern Water is not convinced that its works (generally short duration) affect congestion to warrant this suggested increase in Permit fee. Southern Water suggests that WSCC introduce Zero Minor Permit fees on 'minor roads' and offset this by increasing the fee levels on strategic streets to maximum, where congestion has the most effect. Southern Water would not be adverse to an increase in the fee for standard works to offset zero fees for minor works.</p>	<p>Thank you for your comments and please refer to West Sussex County Council's response to SEJUG above.</p>
SEJUG,  VM,  PW	<p>SEJUG would like WSCC to demonstrate the benefits for Cat 3 &amp; 4 non traffic streets to justify a permit charge increase. What will new Permit co-ordinators be doing for Cat 3 &amp; 4 non traffic sensitive streets to justify an over inflated increase on duty under NRSWA</p> <p>Virgin Media would like WSCC to demonstrate the benefits for Cat 3 &amp; 4 non traffic streets to justify a permit charge increase. What will new Permit co-ordinators be doing for Cat 3 &amp; 4 non traffic sensitive streets to justify an over inflated increase on duty under NRSWA?</p> <p>The consultation provides no evidence to demonstrate the benefits for Cat 3 &amp; 4 non traffic streets to justify a permit charge increase. What additional work will Permit co-ordinators be undertaking for Cat 3 &amp; 4 non traffic sensitive streets, to justify a cost increase over and above existing duty under NRSWA?</p>	<p>West Sussex County Council utilise many tools and resources in our endeavours to meet the network management duty and permit coordinators are one of those but they are not the single method employed. The benefits of a permit scheme to an authority area are well proven and indeed DfT have undertaken consultation publishing the reported benefits of such actions in the 'evaluation of street works permit schemes' then encouraging all Street Authorities to take up permitting.</p>
SW	<p>Can WSCC demonstrate the benefits for Cat 3 &amp; 4 non traffic streets to justify such an increase in permit charge and what will WSCC be doing over &amp; above their statutory duty to co-ordinate under s59 (NRSWA) to warrant an increase permit fee on Cat 3 &amp; 4 non traffic sensitive streets?</p>	<p>Please refer to the above response to SEJUG</p>



SEJUG,  VM	<p>SEJUG members would like to remind WSCC that Permit Fees are deemed as an allowable cost by Utility Regulators, which could result in a larger increase in Customer Bills due to 'efficient' permit costs being allowed to be passed back to customers</p> <p>Virgin Media would like to remind WSCC that Permit Fees are deemed as an allowable cost by Utility Regulators, which could result in a larger increase in Consumer Bills due to 'efficient' permit costs being allowed to be passed back to customers</p>	<p>West Sussex County Council take their permit duties very seriously and commit appropriate resource to all permit applications received thereby ensuring the best result for all customers. The charging of fees as allowed by legislation affords West Sussex County Council the opportunity to recover their reasonable cost for doing so.</p>
SW	<p>Any substantial Permit fee increases (as currently proposed) will most likely result in a cost increase to customers, as OFWAT have deemed Permit fees as an 'efficient' allowable cost. WSCC current proposals will result in a monthly increase of Permit fee of at least £20K per month, probably more. How can this be justified?</p>	<p>West Sussex County Council have used the recognised permit fees matrix and DfT issued CBA tool to support the changes to documentation offered during this consultation. West Sussex County Council take their permit duties very seriously and commit appropriate resource to all permit applications received thereby ensuring the best result for all customers. The charging of fees as allowed by legislation affords West Sussex County Council the opportunity to recover their reasonable cost for doing so.</p>

SEJUG,  VM	<p>SEJUG members fear that with the introduction of the fees proposed on minor roads, it may reduce the County's ability to receive priority services such as upgrades to broadband and car charging points</p> <p>Virgin Media fear that with the introduction of the fees proposed on minor roads, it may reduce the County's ability to receive priority services such as upgrades to broadband and car charging points.</p>	West Sussex County Council appreciate that Utilities are commercial organisations using many factors to evaluate and support your decision-making process for works undertaken and offer that we will continue to work in support of your efforts here.
SEJUG,  SW,  PW	<p>Have WSCC consulted with other 'rural' Permit Authorities in the SEHAUC Region where Cat 3 &amp; 4 Non-TS streets are not being charged for? For example, Kent CC (Zero fee on minor roads) and Hampshire CC (zero fee again).</p> <p>Have WSCC consulted with other 'rural' Permit Authorities where no Permit fee applies to Cat 3 &amp; 4 Non-TS streets? Both Kent CC &amp; Hampshire CC have a Zero Permit fee on minor roads</p> <p>Have WSCC benchmarked with other 'rural' Permit Authorities in the SEHAUC Region where Cat 3 &amp; 4 Non TS streets are not being charged for? For example, Hampshire CC with a zero permit fee on minor roads.</p>	Yes, West Sussex County Council have consulted widely with rural Authorities and agree there is variation in the fees charged across different Authorities who operate permit schemes according to the needs of their highway network
SEJUG, VM	50p on permit fees is not effective in calculating charges and should be rounded to the nearest pound. This will not be accepted from a finance perspective and no other permit scheme in the Region has adopted this charging regime. Can you please make Major works (non-TS) streets up to £46 and round down the minor activity to £45? If this is not actioned your invoices will not be paid correctly	Agreed, amended
SEJUG,  VM	<p>SEJUG would like to know if WSCC has data available on the levels of disruption caused on 'minor roads' from utility works, so that an assessment can be made?</p> <p>Virgin Media would like to know if WSCC has data available on the levels of disruption caused on 'minor roads' from utility works, so that an assessment can be made?</p>	Please see the aforementioned 'evaluation of street works permit schemes'

SW,	Does WSCC have data available on the levels of disruption caused on 'minor roads' from utility works, so that a more balanced assessment can be made? Can WSCC provide 3 years' worth of data of income and expenditure and a clear forecast of expected costs and shortfalls for the WSCC Permit Scheme?	Please see the aforementioned 'evaluation of street works permit schemes'. West Sussex County Council undertake yearly monitoring of their permit scheme and publish the results
PW	Can WSCC provide evidenced data on the levels of disruption caused on 'minor roads' from utility works, so that an assessment can be made?	
SEJUG	<p>SEJUG would like to see a clear table showing 3 years' worth of data of income and expenditure and a clear forecast of expected costs and shortfalls. SEJUG finds it difficult to respond to this as the CBA data is not clear.</p> <p>Virgin Media would like to see a clear table showing 3 years' worth of data of income and expenditure and a clear forecast of expected costs and shortfalls. Virgin Media finds it difficult to respond to this as the CBA data is not clear.</p>	<p>West Sussex County Council undertake yearly monitoring of their permit scheme and publish the results in end of year reports.</p> <p>West Sussex County Council have used the DfT CBA tool published for use in evaluating permit schemes.</p>
SEJUG,	SEJUG members note that 16A of 'The Traffic Management Permit Scheme (England)(Amendment) Regulations 2015' make the Permit Authority legally bound to produce an evaluation for 1st 3 years of the Scheme, then every 3 years, with the evaluation stating 'whether the fee structure needs to be changed in light of any surplus or deficit'. SEJUG therefore suggests evidence of clear evaluation to demonstrate the need for increased permit fees. As the scheme has been running nearly 4 years the previous full set of reports should be available with expected costs & shortfalls	West Sussex County Council undertake yearly monitoring of their permit scheme and publish the results. The most current report is due to be published shortly.
VM,	Virgin Media note that 16A of 'The Traffic Management Permit Scheme (England)(Amendment) Regulations 2015' make the Permit Authority legally bound to produce an evaluation for 1st 3 years of the Scheme, then every 3 years, with the evaluation stating 'whether the fee structure needs to be changed in light of any surplus or deficit'. Virgin Media therefore suggests evidence of clear evaluation to demonstrate the need for increased permit fees. As the scheme has been running nearly 4 years the previous full set of reports should be available with expected costs & shortfalls.	
PW	We note that Clause 16A) of 'The Traffic Management Permit Scheme (England)(Amendment) Regulations 2015' make the Permit Authority legally bound to produce an evaluation for the first 3 years of a Permit Scheme, and then every 3 years after, with the evaluation stating ' <i>whether the fee structure needs to be changed in light of any surplus or deficit</i> '.	

SW	<p>The WSCC website displays 2 Permit Scheme evaluation reports, the latest being the February 2019 Annual Evaluation Report. This states, under Section 1.6, that the 'Fee income was more than the scheme costs due to recruitment issues and staff changes but going forward is still well balanced. Therefore, there is no need to consider an adjustment in fee rates at this time'. There appears to be no further, updated, evaluation report on the WSCC Website, for the 3rd year of the scheme. Is there an updated evaluation report for the 3rd year of the Scheme?</p>	<p>Thank you for your comments as suggested West Sussex County Council undertake yearly monitoring of their permit scheme and publish the results. The most current report is due to be published shortly.</p>
SEJUG,  VM,  PW	<p>SEJUG has noted that the February 2019 Annual Evaluation Report states (Section 1.6) 'Fee income was more than the scheme costs due to recruitment issues and staff changes but going forward is still well balanced. Therefore, there is no need to consider an adjustment in fee rates at this time'. There appears to be no further evaluation report on the WSCC Website, which, in line with the above point, causes SEJUG serious concern at proposed fee increases when 16A of the regulations has not been complied with. Can WSCC please provide the evaluation report that demonstrates a clear need for an increase in fee structure?</p> <p>Virgin Media has noted that the February 2019 Annual Evaluation Report states (Section 1.6) 'Fee income was more than the scheme costs due to recruitment issues and staff changes but going forward is still well balanced. Therefore, there is no need to consider an adjustment in fee rates at this time'. There appears to be no further evaluation report on the WSCC Website, which, in line with the above point, causes Virgin Media serious concern at proposed fee increases when 16A of the regulations has not been complied with. Can WSCC please provide the evaluation report that demonstrates a clear need for an increase in fee structure?</p> <p>Portsmouth Water notes that the February 2019 Annual Evaluation Report states (Section 1.6) '<i>Fee income was more than the scheme costs due to recruitment issues and staff changes but going forward is still well balanced. Therefore, there is no need to consider an adjustment in fee rates at this time</i>'. No evaluation report has been published by WSCC since February 2019, therefore it is not clear why an increase in permit costs is required. We believe proposing an increase in permit costs without publishing an Annual Evaluation Report does not comply with clause 16A) of the above-mentioned Act.</p>	<p>Thank you for your comments as suggested West Sussex County Council undertake yearly monitoring of their permit scheme and publish the results. The most current report is due to be published shortly.</p>

SEW	<p>The Annual Evaluation report produced by WSCC in February 2019 advised “Fee income was more than the scheme costs due to recruitment issues and staff changes but going forward is still well balanced, therefore there is no need to consider an adjustment in fee rates at this time” please can you advise what has changed in such a short time to justify the proposed fee increase? The DfT advice note for local highway authorities developing new or varying existing permit schemes June 2016 – 7.1 advises that the need for a variation to permit charges should be based upon clear evidence which does not seem to have been provided.</p>	<p>Thank you for your comments as suggested West Sussex County Council undertake yearly monitoring of their permit scheme and publish the results. The most current report is due to be published shortly.</p>
SW	<p>Would it not make sense for WSCC to carry out an updated evaluation before an increase in Permit fees is considered? The need for an updated evaluation is reinforced by 16A of 'The Traffic Management Permit Scheme (England)(Amendment) Regulations 2015, which ' make the Permit Authority legally bound to produce an evaluation for 1st 3 years of the Scheme, then every 3 years, with the evaluation stating 'whether the fee structure needs to be changed in light of any surplus or deficit'. This is also expanded on in the DfT 'Advice Note For local highway authorities developing new or varying existing permit schemes' June 2016. 7.1 of this note states 'As national policy and local circumstances change there may be times when a scheme needs to be varied. However, please note that the need for a variation should be based on clear evidence. At the very least data should be collected during scheme operation and the last scheme evaluation (see the requirements of regulation 16A) to facilitate this'. Can WSCC please provide the updated evaluation report which clearly demonstrates the need for an increased fee structure? As noted in the SEJUG response, the last evaluation report (Feb 2019) stated that there was no current need or intention to increase Permit fees currently. The new evaluation report therefore clearly needs to demonstrate why, within the last 12 months fees need to significantly increase.</p>	<p>West Sussex County Council undertake yearly monitoring of their permit scheme and publish the results. Evaluation for the most current report is completed and is due to be published shortly.</p>

SEJUG, VM,	DfT 'Advice Note For local highway authorities developing new or varying existing permit schemes' June 2016- 7.1 ' As national policy and local circumstances change there may be times when a scheme needs to be varied. However, please note that the need for a variation should be based on clear evidence. At the very least data should be collected during scheme operation and the last scheme evaluation (see the requirements of regulation 16A) to facilitate this'	Thank you for your comments West Sussex County Council undertake yearly monitoring of their permit scheme and publish the results. The most current report is due to be published shortly.
PW	Clause 7.1 of DfT 'Advice Note For local highway authorities developing new or varying existing permit schemes' June 2016, states that ' <i>As national policy and local circumstances change there may be times when a scheme needs to be varied. However, please note that the need for a variation should be based on clear evidence. At the very least data should be collected during scheme operation and the last scheme evaluation (see the requirements of regulation 16A) to facilitate this</i> '. The cost benefit data provided lacks clarity. We would like to see a clear table showing 3 years of evidenced data, for income and expenditure, together with a clear evidenced forecast of costs and shortfalls, to enable clear justification of the increase in permit costs	West Sussex County Council have used the DfT CBA tool published for use in evaluating permit schemes.

SEJUG,	<p><u>WSCC DFT CBA calculator</u></p> <ul style="list-style-type: none"> <li>• Key Inputs - why will the duration of works increase for one or more of the Categories? Please provide evidence to substantiate this statement and why would this affect the permit cost?</li> <li>• Key Outputs -number of works - 'the permit fee scheme will only impact the time taken to complete these works' – please clarify this statement. SEJUG does not agree duration will impact on permit cost as variation charges haven't not changed. This will be a result of other initiatives.</li> <li>• Decrease of 2564 workdays – Please clarify the evidence behind this comment and how utilities will achieve this as our works type or durations will not effectively change. How will a change in permit fees affect local authority works as a permit fee is not charged and should not be included?</li> <li>• Reduction in cost of congestion by c £2.65M - how? Please justify</li> <li>• Net present benefit of c £34M - how????</li> <li>• Where is the guidance note referred to in this document? The total figures in the appraisal outputs, if based on the preceding tables do not equate to the net benefits assumed over 10 years. This is because permit fees will not have the assumed effect of reducing durations or works.</li> </ul>	<p>DfT have offered the CBA calculator to assess the costs and benefits of using a permit scheme. West Sussex County Council have used the tool as published inputting data where appropriate.</p> <p>The cost benefits of an authority operating a permit scheme are well proven and West Sussex County Council would refer SEJUG and their members to the DfT published 'evaluation of street works permit schemes' for further details and clarification of this.</p>
SW	<p><u>WSCC DfT CBA calculator</u></p> <ul style="list-style-type: none"> <li>• Key Inputs - SW would like to ask why will the duration of works will increase for one or more of the Categories?</li> <li>• Key Outputs - number of works - 'the permit fee scheme will only impact the time taken to complete these works' - why will this be the case? The Permit fee will have no effect whatsoever on the duration of works.</li> <li>• Decrease of 2564 workday - Again, please justify how this is the case? The Permit fee will have no effect on the number of workdays whatsoever.</li> <li>• Reduction in cost of congestion by c £2.65M - SW would like to ask how will this be the case?</li> <li>• Southern Water cannot see how the 'Permit Fee Scheme' will result in any changes to number of works, decrease in workdays or reduction in cost of congestion. All Southern Water works are essential &amp; carried out for the purpose of safety, security of supply, ensuring safe, secure and reliable essential water &amp; wastewater suppliers. Any changes in Permit Fee structure will have no effect on the above whatsoever.</li> </ul>	









SW	Southern Water supports the points as laid out in the SEJUG response.	Noted, please reference West Sussex County Council's answers to the SEJUG responses in this document
SEJUG, SSEN, SEW	<p>There is no mention of street manager, suggest this should be included.</p> <p>There is no mention of street manager in your over- all permit scheme document, but we thank you for keeping the document short and concise</p> <p>Suggest that street manager be included in the document</p>	West Sussex County Council have endeavoured to future proof the documents where possible such as by avoiding directly naming specific software used in permitting instead using terms such as 'by electronic means' as suggested by the Streetworks community.
SSEN	SSEN are disappointed in the fact you are increasing permit fees on non- traffic sensitive minor roads and are moving to maximum fees. We feel that there is less co-ordination required and have not seen any real justification for the increase in charges.	Evaluation of all permit applications must be based on their merit and needs. Indeed, days of work can be spent on a permit on a little used type 4 street with an insignificant works activity if the resident's access of the street is impeded. As all Utilities will appreciate from their endeavours in road and street works activities the overall co-ordination impact of their works does not always correspond to the scale of the activity but is often more related to the scale of effect felt by the individuals requiring the services provided. West Sussex County Council take their permit duties very seriously and want to afford appropriate resource to all permit applications received thereby ensuring the best result for all customers.

SSEN	<p>The 3<sup>rd</sup> tier charges for working on category 3 &amp; 4 streets (wholly within the non-traffic sensitive times) does not seem correct. If you are working outside of the TS times, then surely the lower rate of non TS streets should apply. We believe that £168 is above the maximum rate which should apply namely £150. The same is true for all of the costs in this table apart from the PAA of £73.50 and would like clarification how these charges and indeed this 3<sup>rd</sup> tier of charges is justified or required. We believe the costs should mirror the non-TS costs for minor roads if no traffic sensitivity is being incurred. Please advise what extra co-ordination you are carrying out to justify the significant increases in the cat 3 &amp; 4 roads band.</p>	<p>West Sussex County Council will apply fees as set out in legislation and will not exceed the maximum allowable fees.</p> <p>Evaluation of all permit applications must be based on their merit and needs. Indeed, days of work can be spent on a permit on a little used type 4 street with an insignificant works activity if the resident's access of the street is impeded. As all Utilities will appreciate from their endeavours in road and street works activities the overall co-ordination impact of their works does not always correspond to the scale of the activity but is often more related to the scale of effect felt by the individuals requiring the services provided. West Sussex County Council take their permit duties very seriously and want to afford appropriate resource to all permit applications received thereby ensuring the best result for all customers.</p>
SSEN	<p>We request that the 50p charge is raised or lowered as this causes problems with our finance and may result in invoices not matching or being paid and is not necessary</p>	<p>West Sussex County Council have accepted the SEJUG request on this matter to round up major works (non-TS) streets up to £46 and round down the minor activity to £45?</p>

SSEN	The CBA is complicated and does not clearly show where the costs are incurred and why fees are having to be increased. There does not appear to be any reports showing the deficit and current permit scheme costs	DfT have offered the CBA calculator to assess the costs and benefits of using a permit scheme. West Sussex County Council have used the tool as published inputting data where appropriate. West Sussex County Council undertake yearly monitoring of their permit scheme and publish the results. The most current report is due to be published shortly
SSEN	The activity volumes shown in the report show a number of zero entries and as such we cannot understand the relevance of these figures.	The matrix tool initially references noticing activities volumes converting them in to estimated permit volume but as you state West Sussex County Council are already a permit authority, so we have populated the permit volumes fields directly. To have input permit volumes in the noticing volumes section would have resulted in incorrect permit volumes being used elsewhere in the matrix
SSEN	There appear to be no date stated for the amended scheme to commence	Agreed, amended

SEJUG,  SEW,  SSEN	<p>1.1.5 This should state proposed modification not scheme start date.</p> <p>Suggest should state modification date not scheme start date as this is not a new scheme</p> <p>Should state amended scheme</p>	Agreed, amended
SEJUG,  SEW	<p>3.4.3 Please clarify this statement as SEJUG would expect a permit to be revoked for an exception reason and subsequently a fee free permit as compensation. The process and scenarios need to be substantiated</p> <p>Please substantiate the process and scenarios behind revoking a permit. Revoking a permit should be an exception and as such the permit fee should be non-chargeable.</p>	West Sussex County Council agree that revoking a permit is not a matter taken lightly or a first option. But scenarios can not be offered for every occasion although West Sussex County Council agrees to support works promoters actions offering discounted or waived permit fees where appropriate.

SEJUG,	3.6 Suggest the content in this paragraph be reviewed as this will not promote collaborative working in its current form. Suggest removal or provide working document as guidance	Thank you for your comment West Sussex County Council agrees that encouraging and facilitating collaborative works is complex and that more needs to be done to support this by the whole street works community. West Sussex County Council is always committed to working with works promoters to this end.
SEW,	SEW do not believe that this will promote collaborative working in the present tense. Suggest providing a working document as a guidance.	
SSEN	This can also apply to works with the HA	Agreed
SSEN	3.6.2 The options for collaboration are usually identified by the HA as they are co-ordinating works in the area. A guidance document to improve communication and a process when possible collaboration could be achieved needs to be written and issued out.	West Sussex County Council agrees that encouraging and facilitating collaborative works is complex and that more needs to be done to support this by the whole street works community. West Sussex County Council is always committed to working with works promoters to this end.

SEJUG, SEW	<p>3.8.2 Duration should not be included as part of a condition</p> <p>Duration is not a condition. Suggest rephrasing this paragraph as this is a 'sliding permit' and has a window of opportunity. The flexibility is not down to less competition for space or the level of disruption it's because it has been classed as non-traffic sensitive and other rules apply.</p>	Agreed. Amended
SEJUG, SEW	<p>3.9.4 Please clarify what should be included to form a satisfactory reason for an early start.</p>	<p>Each permit application received will be considered on its merits and in relation to other activities already in progress or planned on the highway network. Therefore, it is in the works promoters' interest to supply full supporting information relevant to the specific permit application being made and this is not something that West Sussex County Council can either assume or instruct nor should we.</p>



SEJUG,	3.10.1 Suggest rewording and removal of text as statement from “although” is not required and unnecessarily confusing	Thank you for your comments the text is correct
SEW,	Suggest removal of text from the word “although” as could cause confusion	
SSEN	Please clarify this sentence. I believe this means a permit may be granted to allow work to continue but should it be duration challenged then S74 charges will still apply	Your interpretation is correct
SSEN	4.1.3 Suggest change ‘street’ to USRN. A street may be severed across authorities and have different USRN’s. A permit will need to be served on every USRN in the works area which may mean more than one on a long street.	Agreed. Amended.
SEJUG,	4.2.1 Suggest removal as not required.	Agreed. Removed
SSEN	Not relevant to the scheme	
SSEN	4.2.8 There should be not charge for the PAA if the subsequent permit be refused	Noted

SSEN	4.2.9 This is not mandatory	Thank you for your comments
SEJUG,  SEW	4.3.1 Not all permit applications are registerable, e.g. Location of generator, or advising of traffic light head in another road.  Suggest rewording as not all applications are registerable	Thank you for your comments
SEJUG,  SEW	4.3.2 Suggest in incorrect category and be under PAA not permit.  Suggest should be in section 4.2 for PAA's	Agreed. Amended
SEJUG,  SEW	4.3.3 Should depend on the duration of proposed activity  This should depend on the duration of the proposed activity not the activity itself	Agreed the duration drives the permit type but the text is correct
SEJUG, SEW	4.3.4 Please clarify this statement.	The text is self-explanatory

SEJUG,  SEW,  SSEN	<p>4.8.6 Please clarify what this includes.</p> <p>Please clarify what should be included</p> <p>Please clarify what this would include?</p>	All permit applications are considered on their own merits and West Sussex County Council will supply full details of a specific request at the specific time.
SEJUG,  SEW,  SSEN	<p>4.9.2 Suggest rewording to include, where works are unattributable the party concerned submits a retrospective permit to maintain the register</p> <p>Suggest wording include; where works are attributable the party concerned should submit a retrospective permit in order to maintain the register</p> <p>This is effectively unattributed works</p>	<p>Agreed. Amended</p> <p>Not agreed</p> <p>Agreed</p>
SEJUG,  SEW,  SSEN	<p>5.1.3 This is not mandatory under the statutory guidance and in practice this is not feasible for the majority of utilities</p> <p>This is not mandatory under the statutory guidance. This is not feasible for the majority of promoters</p> <p>This is not practical or mandatory</p>	Noted

SEJUG,	5.3.1 If identified as an early notification of street.	Agreed
SEW,	Suggested additional wording if identified as an early notification street in the NSG	Noted
SSEN	If the street is identified as requiring early notification and the relevant contact number	Agreed
SSEN	5.3.3 Bearing in mind that the works may already be completed at the time of applying for the retrospective permit.	Agreed
SEJUG,	5.4.1 This should only be in exceptional circumstances and in case of a safety breach. Contact must be made via a phone call before the permit is revoked.	Agreed
SEW,	SEW believe that as per agreed process this should only be in exceptional circumstances or breaches of safety. Contact must be made via telephone call before permit is revoked	
SSEN	Contact should be by phone and only in the case of a serious breach of safety or for an incident beyond the control of the HA or the Utility	
SEJUG,	6.1.1 Where system allows – see 6.1.7	Noted
SSEN	If the system allows	

SEJUG,	6.2.2 Only where the current electronic system allows. There may not be scope to provide more than 2 sets of contact information on each application.	
SEW	Some current systems do not have the scope to provide more than 2 sets of contact information on each application	
SEJUG,	6.2.3 This is not mandatory and we may not be aware of the secondary promoter which may be organised by the HA	Noted
SEW	This is not mandatory, if LA has organised the collaborative working the contact details may not be known	
SEJUG,	6.2.6 This may not be possible if requested by the HA	Noted
SEW	This may not be possible if collaboration has been requested by the LA	
SEJUG,	6.2.7 This is not practical with immediate works as the initial location may have changed	Noted
SEW	The Initial location may change within urgent works therefore this may not be practical	
SEJUG, SEW	6.2.10 This is not always known at application stage	Noted
SSEN	Details may not be available at the planning stage	

SEJUG	6.2.11 Where the application is in calendars these would be included in the duration	Thank you for your comment
SEJUG,  SEW,  SSEN	6.2.12, 6.2.13 This is not mandatory and suggest “must “is replaced by preferred and only is feasible. Many systems do not allow for attachments suggest that preferred methods of receipt are stated as not all systems allow for attachments  Not mandatory	Noted
SEJUG	6.2.13 This is not mandatory and suggest “must “is replaced by preferred and only is feasible. Many systems do not allow for attachments. What is deemed as necessary in this case? If the location is in a disruptive location this would be classed as TS not non-TS	Noted. All permit applications are considered on their own merits and West Sussex County Council will supply full details of a specific request at the specific time
SSEN	6.2.14 This may not be known and the usual request is excavation other	Noted
SEJUG	6.3.1 This is not possible on application unless included in the works description. 1 <sup>st</sup> time reinstatement is always preferable  1st time reinstatement is always preferable however this is not possible on application unless included within the works description	Text is correct

SEJUG	6.5.2 The permit parking bay suspension application should be free of charge should the subsequent permit applicable be refused on dates	This will need to be discussed / confirmed with the Parking Authority prior to application
SEJUG,  SSEN	6.6.2 Suggest inclusion of NSG after check  How would this be done?	Agreed. Amended.  Check the NSG
SEJUG,  SEW	6.9.2 Suggest this is working days as non-TS permits are flexible in start dates. Applications whilst you can specify calendar days are still calculated in working days  Suggested additional wording Non-TS permit are flexible on start dates	Thank you for your comments
SEJUG,  SEW	6.10 Suggest change to Works data variation not error correction  Error Correction is NRSWA terminology suggest Works Data Variation as this is permitting terminology	Noted
SEJUG,  SEW	6.10.1 Please clarify how you will contact the promoter  Please clarify how you will be contacting the promotor	Using the agreed methods in use at the time

SEJUG, SEW	6.10.2 Please clarify how you wish contact to be made	Using the agreed methods in use at the time
SSEN	6.10.3 A modification can be made to the permit prior to granting of the permit without having to contact the HA	Noted
SEJUG,  SEW	6.10.4 This is not correct. A permit can be varied without prior agreement by submitting a variation to the existing permit  This is not correct as a permit can be varied without prior agreement by submitting a variation to the existing permit	Noted
SEJUG,  SEW	6.10.5 A variation fee should only be application if the permit has been granted prior to the variation being submitted  A variation fee is only chargeable if the permit has been granted prior to the variation being submitted	Agreed
SEJUG, SEW	7.1.2 Please clarify how contact will be made	Using the agreed methods in use at the time



SEJUG,  SEW	7.2.2 – 7.2.6 Suggest removal of sub sections and include in 7.2.1 as identical subject  Believe that these are actually sub sections of 7.2.1 therefore require removal	Thank you for your comments
SEJUG	7.3.2 Only in exceptional circumstance where working is deemed to be unsafe	The text states this
SEW	8.1.2 Revoked permits cannot be varied	Agreed
SEJUG	8.1.3 You cannot vary a revoked permit. Clarify the subsections of this paragraph	Agreed. No suggestion is made that a variation will try to be applied to a revoked permit.
SEJUG,  SEW  SSEN	8.1.5 Unless a duration variation has been applied for and agreed  Additional text required – unless a duration variation has been applied for and agreed  Unless a duration variation has been applied for and granted	Noted. Any Section 74 charges applied will be fully explained.

SEJUG,  SEW,  SSEN	<p>8.1.6 This is free of charge if submitted prior to the permit being granted</p> <p>No charge will be raised if submitted prior to permit being granted</p> <p>There is no mechanism to withdraw a permit only cancel one if no longer required</p>	Noted
SEJUG,  SEW,  SSEN	<p>8.1.8 You cannot revise a PAA – reword sentence as contradictory see 8.1.7</p> <p>Needs revision as it contradicts 8.1.7</p> <p>You cannot revise a PAA only cancel and resubmit</p>	Agreed. Amended.
SEJUG	<p>8.2 Typo should be AN not AND</p>	Agreed. Amended
SEJUG,  SEW,  SSEN	<p>8.2.2 If requested via an AIV</p> <p>Additional text required if initiated by the Permit Authority via an AIV</p> <p>AIV</p>	Agreed. Text added

SSEN	8.5.1 Some of these items are not mandatory and should only be included as requested with justification.	Agreed
SEJUG	8.5.3 Only if the permit is in progress or a prior to working condition has been breached	Noted
SEJUG,  SSEN	8.5.5 Consideration of health and safety conditions and site may need to be reinstated  Reinstatement may be required, and safety of the site taken into consideration.	Agreed
SEJUG	9.1.1 PAA is only chargeable should the PAA be granted	Agreed
SEJUG,  SEW,  SSEN	9.1.3 Monthly in arrears  Additional text required one month in arrears  Draft monthly in arrears	Invoices will be issued in cooperation with the Utilities and will follow agreed standard practices in use at the time.

SEJUG,  SEW  SSEN	<p>9.1.4 This is not the agreed procedure and only with prior agreement</p> <p>This is only upon prior agreement and therefore not an agreed procedure for all</p> <p>Only on agreement as this will increase clerical work</p>	Noted
SEJUG,  SEW,  SSEN	<p>9.1.7 Please advise where and when these have been published.</p> <p>Advise required on where and when these will be published</p> <p>Please advise when these reviews have been published and where are they held for inspection.</p>	West Sussex County Council undertake yearly monitoring of their permit scheme and publish the results. The most current report is due to be published on our web site shortly. This is a proposed change to the existing permit document and consultation on the current fee review is underway.
SEJUG,  SEW,  SSEN	<p>9.1.8 Some major works will be linked and should be applicable to discounts but not necessarily submitted on the same day. Please remove this reference to same day</p> <p>Not all linked works are submitted on the same day, therefore the reference to the same day needs removing</p> <p>Works may be linked but not necessarily submitted on the same day.</p>	Agreed. Removed

SEJUG	<p>11.2.2</p> <p>Suggest removal of the 2<sup>nd</sup> part of this clause as each case would be determined on its own merit and clarify “frivolous cases”</p> <p>Please clarify ‘frivolous cases’</p>	<p>Agreed each case would be determined on its own merit.</p> <p>The adjudicator would offer this definition if necessary.</p>
-------	--	--