

## **Question 1**

**Do you consider that the permit scheme is suited to the needs of the people, residents and road users of Sunderland City Council?**

Respondent	Response	HA Response
Openreach	Openreach understand the benefits that permit schemes may bring in enabling authorities to apply more resource to co-ordination of those activities with the potential to cause significant disruption on the highway. Openreach also fully support the need for utilities and authorities to work together to maximise efficiency and reduce disruption for the benefit of all.	Noted
NWL	Yes	Noted
Virgin	No Virgin Media are disappointed that Sunderland City Council's Permit Scheme and associated fee`s will apply to all classification of roads. If the council chooses to apply permits to 100% of streets, contrary to advice from Ministers, Virgin Media requests that Sunderland City Council grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	Sunderland City Council does not believe the scheme is contrary to ministers' advice. An authority should have the power to control activities, including its own on all streets and believes that activities on type 3 & 4 roads are just as important to the roads users as those on 0, 1 and 2. The application of a permit scheme and the tasks associated with that should be cost neutral. Given the volume of notices processed in 2018/19 for type 3 & 4 streets (on which our matrices have been based) to charge a zero fee would not allow for the scheme to be cost neutral. Regulation 30 provides the PA with the power to charge for permits. The DfT permit fee matrix has been used to determine the allowable costs and therefore the permit fee by works type and road category. The annual evaluations will determine whether the costs of running a scheme have been covered and fees may be adjusted either up or down to ensure the scheme remains cost neutral.
NGN	Yes	Noted

T&W Fire	<p>Whilst the permit scheme will suit the needs of the Community in minimising disruption, I feel the Community will not appreciate their local Fire Service having to pay a permit charge for repairs on fire hydrants, which are installed to keep them safe.</p> <p>If not why not? Please refer to Questions 10 – 12 for further information.</p>	<p><b>No permits are required</b></p> <ul style="list-style-type: none"> <li>• fire service vehicles parked adjacent to fire hydrants being tested, on the provision that this is done outside of traffic sensitive hours</li> <li>• if the Service Hydrant Technician carries out any minor repairs.</li> <li>• If the CFB have instructed the Water Company to repair on their behalf as long as they are not breaking the surface of the footpath/carriageway.</li> </ul> <p><b>Permit required</b></p> <ul style="list-style-type: none"> <li>• If the Water company are breaking the surface to work on the Hydrant (no charge for permit)</li> </ul> <p>If the water company break the service to carry out repairs to the supply to the hydrant (charge)</p>
Nexus	Yes	Noted
NPG	Yes	Noted

## **Question 2**

**Do you think that the permit scheme reflects the requirements of the Statutory Guidance for Permit Schemes and the Statutory Guidance regarding Permit Scheme Conditions?**

Respondent	Response	HA Response
Openreach	In the Statutory Guidance for Permit Schemes, the DfT have stated that the level of scrutiny carried out should be proportionate to the level of disruption, expecting a less rigorous approach on category 3 and 4 roads. It also states that in these circumstances fees should be waived or discounted.	Sunderland City Council does not believe the scheme is contrary to ministers' advice. An authority should have the power to control activities, including its own on all streets and believes that activities on type 3 & 4 roads are

		just as important to the roads users as those on 0, 1 and 2. The application of a permit scheme and the tasks associated with that should be cost neutral. Given the volume of notices processed in 2018/19 for type 3 & 4 streets (on which our matrices have been based) to charge a zero fee would not allow for the scheme to be cost neutral. Regulation 30 provides the PA with the power to charge for permits. The DfT permit fee matrix has been used to determine the allowable costs and therefore the permit fee by works type and road category. The annual evaluations will determine whether the costs of running a scheme have been covered and fees may be adjusted either up or down to ensure the scheme remains cost neutral.
NWL	Yes	Noted
Virgin	Yes	Noted
NGN	Yes	Noted
T&W Fire	<p>Tyne and Wear Fire and Rescue Service will not directly apply for a permit. When a defective hydrant is reported, the Water Company would apply for the permit (as they will carry out works on our behalf) and the cost of the permit will be passed from the Water Company to the Fire Service.</p> <p>If NO, please clarify where in the document you feel it does not reflect?</p> <p>Please refer to Questions 10 – 12 for further information.</p>	<p><b>No permits are required</b></p> <ul style="list-style-type: none"> <li>• fire service vehicles parked adjacent to fire hydrants being tested, on the provision that this is done outside of traffic sensitive hours</li> <li>• if the Service Hydrant Technician carries out any minor repairs.</li> <li>• If the CFB have instructed the Water Company to repair on their behalf as long as they are not breaking the surface of the footpath/carriageway.</li> </ul> <p><b>Permit required</b></p> <ul style="list-style-type: none"> <li>• If the Water company are breaking the surface to work on the Hydrant (no charge for permit)</li> </ul>

		If the water company break the service to carry out repairs to the supply to the hydrant (charge)
Nexus	Yes	Noted
NPG	Yes	Noted

### **Question 3**

**Do you think that the permit scheme reflects the requirements of the requirements of the Traffic Management Permit Scheme (England) Regulations 2007 (as amended)?** These can be viewed here:

<http://www.legislation.gov.uk/ukxi/2007/3372/contents/made>

<https://www.legislation.gov.uk/ukxi/2015/958/contents/made>

Respondent	Response	HA Response
Openreach	Yes, having looked through your document and legislation, your proposed permit scheme seems to reflect the requirements of the Traffic Management permit Scheme.	Noted
NWL	Yes	Noted
Virgin	Yes	Noted
NGN	Yes	Noted
T&W Fire	<p>Tyne and Wear Fire and Rescue Service will not directly apply for a permit. When a defective hydrant is reported, the Water Company would apply for the permit (as they will carry out works on our behalf) and the cost of the permit will be passed from the Water Company to the Fire Service.</p> <p>If NO, please state where in the regulations, and in what respect(s), the statutory requirements are not reflected.</p> <p>Please refer to Questions 10 – 12 for further information.</p>	<p><b>No permits are required</b></p> <ul style="list-style-type: none"> <li>• fire service vehicles parked adjacent to fire hydrants being tested, on the provision that this is done outside of traffic sensitive hours</li> <li>• if the Service Hydrant Technician carries out any minor repairs.</li> <li>• If the CFB have instructed the Water Company to repair on their behalf as long as they are not breaking the surface of the footpath/carriageway.</li> </ul>

		<p><b>Permit required</b></p> <ul style="list-style-type: none"> <li>If the Water company are breaking the surface to work on the Hydrant (no charge for permit)</li> </ul> <p>If the water company break the service to carry out repairs to the supply to the hydrant (charge)</p>
Nexus	Yes	Noted
NPG	Yes	Noted

#### **Question 4**

**Do you understand the conditions that can be applied in granting a permit?**

Respondent	Response	HA Response
Openreach	Within the sections of your permit scheme including section 8, 9 & 11, I understand the conditions.	Noted
NWL	Yes	Noted
NGN	Yes	Noted
T&W Fire	<p>Tyne and Wear Fire and Rescue Service will not directly apply for a permit. When a defective hydrant is reported, the Water Company would apply for the permit (as they will carry out works on our behalf) and the cost of the permit will be passed from the Water Company to the Fire Service.</p> <p>If not, please explain?</p> <p>Please refer to Questions 10 – 12 for further information.</p>	<p><b>No permits are required</b></p> <ul style="list-style-type: none"> <li>fire service vehicles parked adjacent to fire hydrants being tested, on the provision that this is done outside of traffic sensitive hours</li> <li>if the Service Hydrant Technician carries out any minor repairs.</li> <li>If the CFB have instructed the Water Company to repair on their behalf as long as they are not breaking the surface of the footpath/carrageway.</li> </ul> <p><b>Permit required</b></p> <ul style="list-style-type: none"> <li>If the Water company are breaking the surface to work on the Hydrant (no charge for</li> </ul>

		permit) If the water company break the service to carry out repairs to the supply to the hydrant (charge)
Nexus	Yes	Noted
NPG	Yes	Noted

### **Question 5**

**Do you understand the penalties for not applying for a permit and are they clearly identified in the scheme document?**

Respondent	Response	HA Response
Openreach	It is an offense to undertake works without a required permit under Regulation 19, this information is clear within the document.	Noted
NWL	Yes	Noted
Virgin	Yes	Noted
NGN	Yes	Noted
T&W Fire	Tyne and Wear Fire and Rescue Service will not directly apply for a permit. When a defective hydrant is reported, the Water Company would apply for the permit (as they will carry out works on our behalf) and the cost of the permit will be passed from the Water Company to the Fire Service.	<p><b>No permits are required</b></p> <ul style="list-style-type: none"> <li>• fire service vehicles parked adjacent to fire hydrants being tested, on the provision that this is done outside of traffic sensitive hours</li> <li>• if the Service Hydrant Technician carries out any minor repairs.</li> <li>• If the CFB have instructed the Water Company to repair on their behalf as long as they are not breaking the surface of the footpath/carriageway.</li> </ul> <p><b>Permit required</b></p> <ul style="list-style-type: none"> <li>• If the Water company are breaking the surface to work on the Hydrant (no charge for permit)</li> </ul> <p>If the water company break the service to carry</p>

		out repairs to the supply to the hydrant (charge)
Nexus	Yes	Noted
NPG	Yes	Noted

### **Question 6**

**Do you understand the penalties for not complying with a permit condition and are they clearly identified in the scheme document?**

Respondent	Response	HA Response
Openreach	Penalties are set down within your document clearly and look to be fair and within guidelines	Noted
NWL	Yes	Noted
NGN	Yes	Noted

T&W Fire	Tyne and Wear Fire and Rescue Service will not directly apply for a permit. When a defective hydrant is reported, the Water Company would apply for the permit (as they will carry out works on our behalf) and the cost of the permit will be passed from the Water Company to the Fire Service.	<p><b>No permits are required</b></p> <ul style="list-style-type: none"> <li>• fire service vehicles parked adjacent to fire hydrants being tested, on the provision that this is done outside of traffic sensitive hours</li> <li>• if the Service Hydrant Technician carries out any minor repairs.</li> <li>• If the CFB have instructed the Water Company to repair on their behalf as long as they are not breaking the surface of the footpath/carriageway.</li> </ul> <p><b>Permit required</b></p> <ul style="list-style-type: none"> <li>• If the Water company are breaking the surface to work on the Hydrant (no charge for permit)</li> </ul> <p>If the water company break the service to carry out repairs to the supply to the hydrant (charge)</p>
Nexus	Yes	Noted
NPG	Yes	Noted

### **Question 7**

**Do you agree with the monitoring proposed and is it adequate?**

Respondent	Response	HA Response
Openreach	This conforms to what has been asked for within legislation, Section 14 of your document is clear and sets out what is expected.	Noted
NWL	Yes	Noted
Virgin	Yes	Noted
NGN	Yes	Noted
T&W Fire	Tyne and Wear Fire and Rescue Service will not directly apply for a permit. When a defective hydrant is reported, the Water Company would apply for the	<p><b>No permits are required</b></p> <ul style="list-style-type: none"> <li>• fire service vehicles parked adjacent to</li> </ul>



	<p>permit (as they will carry out works on our behalf) and the cost of the permit will be passed from the Water Company to the Fire Service.          If NO, please explain why?          Please refer to Questions 10 – 12 for further information.</p>	<p>fire hydrants being tested, on the provision that this is done outside of traffic sensitive hours</p> <ul style="list-style-type: none"> <li>• if the Service Hydrant Technician carries out any minor repairs.</li> <li>• If the CFB have instructed the Water Company to repair on their behalf as long as they are not breaking the surface of the footpath/c carriageway.</li> </ul> <p><b>Permit required</b></p> <ul style="list-style-type: none"> <li>• If the Water company are breaking the surface to work on the Hydrant (no charge for permit)</li> </ul> <p>If the water company break the service to carry out repairs to the supply to the hydrant (charge)</p>
Nexus	Yes	Noted
NPG	Yes	Noted

### **Question 10**

**Are there any other aspects of the scheme for which you require further clarification?**

Respondent	Response	HA Response
Openreach	No	Noted
NWL	Please refer to Q.12	
Virgin	If works continue beyond the end date of a permit, Virgin Media believe this would be classed as breach of permit condition, not working without a valid permit.	For clarification, this is treated as an overrun which constitutes a Section 74.
NGN	Section 9.8 states the activity promoter will telephone the Permit Authority to apply for a permit variation for the first excavation in each subsequent 50 metre before applying the permit variation. Why do we need to ring first? Section 12.5 states reduction from the PAA fee must indicate they are being	To avoid the risk that any variations may be missed during exceptionally busy periods, Sunderland City Council would request that all

	<p>submitted together within 3 days ... 3 days is a short time period. It also states the reduction of 30% from the permit or PAA fee? Please clarify</p>	<p>extensions are discussed via telephone and then confirmed electronically once agreed. The text in the scheme document has been updated to reflect this.</p>
<p>T&amp;W Fire</p>	<p>Are there any other aspects of the scheme for which you require further clarification?  On the Fee Summary documentation there is the following exemption:</p> <ul style="list-style-type: none"> <li>• Works undertaken on behalf of the local fire service to maintain a fire hydrant</li> </ul> <p>Can you please confirm if this exemption will also cover works which Tyne and Wear Fire and Rescue Service (TWFRS) instruct the Water Company to repair on our behalf?</p> <p>The Fire Services Act 2004; “The Fire and Rescue Service Act 2004 is the principal legislation, which governs both the Secretary of State and Local Authorities in the provision of fire and rescue services. It sets out both the duties and powers under which water for firefighting should be provided”. The following provides a background of TWFRS’ statutory duty.  Under The Fire Services Act 2004 Section 2.1 it states; “It requires the Fire and Rescue Authority takes all reasonable measures to ensure the provision of an adequate supply of water and securing its availability for use in case of fire”. TWFRS meets this statutory duty by fire hydrant installations.  TWFRS have approximately 22,000 live fire hydrants and under the National Guidance Document on the Provision of Water for Fire Fighting, have an obligation to ensure they are regularly inspected. The Service Hydrant Technician will routinely inspect on an approximate 18-month inspection programme and where necessary, fire hydrants are repaired to ensure they remain fit for emergency operational purposes.  The Service Hydrant Technician will carry out repairs to minor defects (eg; fitting a false spindle, cleaning out the pit, replace an indicator plate). Should the hydrant have a major defect which requires excavation (eg; leaking hydrant, reset lid and frame), TWFRS will need to raise a purchase order, to pay the Water Company to carry out the repairs on our behalf. This is the same</p>	<p><b>No permits are required</b></p> <ul style="list-style-type: none"> <li>• fire service vehicles parked adjacent to fire hydrants being tested, on the provision that this is done outside of traffic sensitive hours</li> <li>• if the Service Hydrant Technician carries out any minor repairs.</li> <li>• If the CFB have instructed the Water Company to repair on their behalf as long as they are not breaking the surface of the footpath/carrageway.</li> </ul> <p><b>Permit required</b></p> <ul style="list-style-type: none"> <li>• If the Water company are breaking the surface to work on the Hydrant (no charge for permit)</li> </ul> <p>If the water company break the service to carry out repairs to the supply to the hydrant (charge)</p>

	<p>process if the Local Authority report a defect directly to the Water Company. Should there be a cost for a permit to repair a defective hydrant, the Water Company will not cover any of these charges, the cost will be passed directly onto TWFRS to pay.</p> <p>You will be aware that within Tyne and Wear, there are currently a vast amount of new residential developments being built and TWFRS have to pay for all new fire hydrant installations on these developments. This increases the number of fire hydrants we are required to maintain and which could potentially become defective in the future, having a detrimental impact on our budget.</p> <p>TWFRS personnel receive the appropriate training on how to access a fire hydrant correctly. Third parties (eg; road cleaners, contractors etc) can hire a standpipe from the Water Company to use their washouts only, but this is often not the case and they illegally access fire hydrants. As they have not received suitable training, they do not operate correctly and can damage the hydrant making it inoperable. The costs for this should be passed to the third party to repair, but as the user is not always identifiable, TWFRS have to bear the costs of these repairs too.</p> <p>You will appreciate a fire hydrant is installed in the interest of public safety and must be available and operable at all times.</p> <p>TWFRS have undergone a substantial reduction to the budget and should the permit charge include excavation work to fire hydrants, this is going to have a considerable impact on an already tight budget.</p>	
Nexus	No response	Noted
NPG	No response	Noted

### **Question 11**

**Do you have any suggestions for improving the scheme?**

Respondent	Response	HA Response
Openreach	During the initial move of NYCC from notices to permits Openreach found it really useful to have meetings to go through what was going wrong on both	Sunderland City Council will be happy to meet with utilities on a monthly basis for the first three

	sides. Especially in the first couple of months. Would your authority be willing to do this?	months following implementation. This would also be an excellent opportunity to discuss lessons learned and share best practice.
NWL	n/a	
Virgin	Virgin Media would suggest a monthly review meeting to be held every month for the first 3 months of a scheme to review issues encountered within the start-up period of the scheme and are happy for this to be a joint meeting with other undertakers, which we can review statistics on refusals, FPN's etc, would this be of benefit to S.C.C?	Sunderland City Council will be happy to meet with utilities on a monthly basis for the first three months following implementation. This would also be an excellent opportunity to discuss lessons learned and share best practice.
NGN	No	Noted
T&W Fire	<p>Our sole purpose is to provide an Emergency Service to the Community of Tyne and Wear, therefore an exemption to a permit charge should exist for Tyne and Wear Fire and Rescue Service.</p> <p>The only reason that TWFRS would request for a defective hydrant to be repaired (including excavation) is to ensure there is water supply to keep the Community of Tyne and Wear safe.</p> <p>By TWFRS having to pay a permit charge to repair a defective fire hydrant from the same Local Fire Authority budget, who essentially have the same aim, is counterproductive.</p> <p>I am sure the Community would not want our budget decreasing through permit charges, when the only purpose of any work done on our behalf is to ensure water supplies are available in the event of an emergency.</p>	<p><b>No permits are required</b></p> <ul style="list-style-type: none"> <li>• fire service vehicles parked adjacent to fire hydrants being tested, on the provision that this is done outside of traffic sensitive hours</li> <li>• if the Service Hydrant Technician carries out any minor repairs.</li> <li>• If the CFB have instructed the Water Company to repair on their behalf as long as they are not breaking the surface of the footpath/carriageway.</li> </ul> <p><b>Permit required</b></p> <ul style="list-style-type: none"> <li>• If the Water company are breaking the surface to work on the Hydrant (no charge for permit)</li> </ul> <p>If the water company break the service to carry out repairs to the supply to the hydrant (charge)</p>
Nexus	No response	Noted
NPG	No response	Noted

### **Question 12**

**Do you have any other comments on the permit scheme?**

Respondent	Response	HA Response
Openreach	<p><b>2.3 Collaborative working</b> Openreach do not agree that when sharing a trench that only the primary promoter will register the reinstatement regardless of who carried out the reinstatement. In this instance both promoters should submit a registration of reinstatement with the primary promoters' subsumed by the secondary promoters.</p>	This is industry standards in which Sunderland City Council will follow, no changes will be made
	<p><b>3.4 Activities for which no permit is required – works not involving excavation in non-traffic sensitive streets</b> Openreach request that this is removed from the document, in some instances such as when traffic management is required, a permit would be required regardless of whether the works require excavation or are in a traffic sensitive street.</p>	Document amended as suggested
	<p><b>7.18 Traffic Management, Parking and Traffic Regulation Orders</b> Openreach request that 'where the Council is prepared to do so' is removed, TTRNs should only be requested in the most urgent situations and where a statutory undertaker can evidence the need for one then we would expect the Highway Authority help us with our request.</p>	It is the responsibility of the Council to consider whether a request meets the criteria for a TTRN and assess what disruption the works will cause on the network so therefore 'where the Council is prepared to do so' will remain in the document.
	<p><b>Permit Scheme – 18.2 Permit Fee Payment and reconciliation.</b> The scheme quotes: <i>The Permit Authority will submit a draft invoice to the promoters for a specified period prior to the generation of an invoice to enable them to reconcile the charges. A two week timescale will be allowed for reconciliation of the charges prior to actual invoice</i> This timescale is not really sufficient for us to check all the permits on a monthly list, our teams are dealing with approx. 55 Highway Authorities each team. If the draft charges presented by the Authority are all correct for discounts on Traffic Sensitive roads and zero charges for AIVs or Portable Traffic Signals then we could possibly make the two week deadline but invariably authorities send the initial report of their draft charges without filtering or checking it. This means our team have to check each individual line to confirm the charge is correct or if we need to challenge for incorrect charges.</p>	Sunderland City Council will allow the industry standard of ten working days for the reconciliation of the charges prior to the actual invoice. Whilst extensions will be considered in exception circumstances, other authorities in the area work with the same processing times so no changes will be made to the procedure

	<p>Please amend the timescale to 28 days giving us time to check the charges. Openreach request that Authorities present Permit draft charges on a monthly basis and in Excel spreadsheet format as the charges need to be uploaded to our system as a .csv file. Openreach are not able to convert PDF format into Excel spreadsheet or .csv format. Production of charges in Excel format will enable us to process these charges in a timely manner.</p>	
	<p><b>Permit Fees</b>  Openreach request that the permit fees are reviewed taking into account the Statutory Guidance for Permit Schemes, 'it is strongly recommended that permit fees are only applied to the more strategically significant roads: Category 1, 2 roads and Traffic Sensitive 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.' Openreach accept that highway authorities need to recoup the cost of running the scheme from permit fee revenue, however we believe that the focus and the higher fees should be on category 0, 1, 2 and traffic sensitive roads.</p>	<p>Sunderland City Council does not believe the scheme is contrary to ministers advice. An authority should have the power to control activities, including its own on all streets and believes that activities on type 3 &amp; 4 roads are just as important to the roads users as those on 0, 1 and 2. The application of a permit scheme and the tasks associated with that should be cost neutral. Given the volume of notices processed in 2018/19 for type 3 &amp; 4 streets (on which our matrices have been based) to charge a zero fee would not allow for the scheme to be cost neutral. Regulation 30 provides the PA with the power to charge for permits. The DfT permit fee matrix has been used to determine the allowable costs and therefore the permit fee by works type and road category. The annual evaluations will determine whether the costs of running a scheme have been covered and fees may be adjusted either up or down to ensure the scheme remains cost neutral.</p>
NWL	<p>1. Sec 3.4 and Sec 4.5 - Do we need non-chargeable permits for works in private streets? If so, are timescales the same as these 2 points appear to contradict each other</p>	<p>A permit scheme can only be applied to roads that are maintained at public expense</p>
	<p>2. Sec 9.5 and Sec 9.6 – Both of these lead us to believe we can put</p>	<p>Variations can take place at any time after the</p>

	<p>through extensions electronically if more than 20% duration is remaining. However, we have been informed if we do this, regardless of stating the requirements set in the permit scheme, they will be refused. Is this your stance and if so, should this be amended so not to mislead?</p>	<p>permit has been issued and before or during the activity itself. However as stated in 9.6 where the criteria in 9.5 is not met the promoter shall contact the Authority to ascertain whether they are prepared to grant the variation, then apply electronically.</p> <p>If the promoter requests a variation electronically before the 20% or 2-day window without contacting the Authority first this does not constitute grounds for the Authority to refuse.</p>
	<p>3. Traffic Management – do lights need manual control at peak times on all traffic sensitive routes?</p>	<p>NO. However there will be large percentage of locations which may require the lights to be operated manually, this should be discussed and agreed with the Authority.</p>
	<p>4. Gritting Routes –There appears to be no mention of charges on gritting routes when the weather is mild. Is it the case that the reason for a street designation as TS due to it being a gritting route, then should it be charged at the non TS rate when the weather is mild?</p>	<p>If an identified gritting route is for a number of months, then each day of said months will be designated traffic sensitive, regardless of the weather.</p>
	<p>5. There are many references to the EToN specifications throughout the scheme. What will the implications if the introduction of Street Manager brings in procedures that are not aligned to the proposed Permit Scheme?</p>	<p>All references to Electronic Transfer of Notifications (EToN) in Sunderland City Permit Scheme documentation shall be replaced with ‘by electronic means’.</p>
	<p>6. We expect that the document will become a legal one, if this is the case, would also expect that the document be in line with other regulations. In the scheme there is a reference to FPNs being “issued”, this is not in line with FPN Regulations whereby FPNs are “given”. Not sure if this should be amended before rather than after and then having to re-issue?</p>	<p>To be “given”</p> <p>However, I must highlight it depends on the terminology you are using as the Statutory Guidance for Highway Authority Permit Schemes Regulation 21-28 Permit Authorities issue Fixed Penalty Notices.</p> <p>Street Works (Fixed Penalty) (England) regulations 2007 use the term “given”</p>

	7. Just 2 very minor points - that if this becomes a legal document the use of apostrophe throughout, should read FPNs not FPN's. Also in the 4th paragraph of section 7.26, the word "it" is missing after "however".	change FPNs "it" inserted
Virgin	Again just to clarify as per Question 1, Virgin Media are disappointed that Sunderland City Council's Permit Scheme and associated fee's will apply to all classification of roads. If the council chooses to apply permits to 100% of streets, contrary to advice from Ministers, Virgin Media requests that Sunderland City Council grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	Sunderland City Council does not believe the scheme is contrary to ministers advice. An authority should have the power to control activities, including its own on all streets and believes that activities on type 3 & 4 roads are just as important to the roads users as those on 0, 1 and 2. The application of a permit scheme and the tasks associated with that should be cost neutral. Given the volume of notices processed in 2018/19 for type 3 & 4 streets (on which our matrices have been based) to charge a zero fee would not allow for the scheme to be cost neutral. Regulation 30 provides the PA with the power to charge for permits. The DfT permit fee matrix has been used to determine the allowable costs and therefore the permit fee by works type and road category. The annual evaluations will determine whether the costs of running a scheme have been covered and fees may be adjusted either up or down to ensure the scheme remains cost neutral.
NGN	No	Noted
T&W Fire	Whilst this scheme will be beneficial to the residents of Tyne and Wear to prevent disruption to public highways, please consider Tyne and Wear Fire and Rescue Service when making your decision regarding exemptions. Ensuring the safety of the Community of Tyne and Wear is our highest priority and as with all public sectors, the reduction to the budget has been detrimental.	<b>No permits are required</b> <ul style="list-style-type: none"> <li>• fire service vehicles parked adjacent to fire hydrants being tested, on the provision that this is done outside of traffic sensitive hours</li> <li>• if the Service Hydrant Technician carries out any minor repairs.</li> <li>• If the CFB have instructed the Water</li> </ul>



		<p>Company to repair on their behalf as long as they are not breaking the surface of the footpath/carriageway.</p> <p><b>Permit required</b></p> <ul style="list-style-type: none"> <li>If the Water company are breaking the surface to work on the Hydrant (no charge for permit)</li> </ul> <p>If the water company break the service to carry out repairs to the supply to the hydrant (charge)</p>
Nexus	No response	Noted
NPG	<p>9.8 Variations for Immediate Activities</p> <p>Bullet 2 states that promoters will telephone the permit authority to apply for a permit variation.</p> <p>This is incorrect, permit variations must be submitted electronically.</p>	<p>To avoid the risk that any variations may be missed during exceptionally busy periods, Sunderland City Council would request that all extensions are discussed via telephone and then confirmed electronically once agreed. The text in the scheme document has been updated to reflect this.</p>

### **Response from DfT**

Respondent	Response	HA Response
DfT Ann Morley	.1 The above would apply to any wording around condition use and the March & October 2015 Statutory Guidance etc.	<p>Amendment</p> <p>Due regard has also been had to the Statutory Guidance for Highway Authority Permit Schemes October 2015 as well as the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions March 2015 and their successors</p>
DfT Ann Morley	1.9 Across the document there is references to ETON but you may wish to consider future proofing it to reflect ‘ by electronic means’ or the ‘current	amended all references to ETON in the scheme

	electronic system' to take account of the move to Street Manager	document to refer to by electronic means thus allowing for proposed changes to Street Manager and any other relevant changes in the future
DfT Ann Morley	16.10 It would help if the document was future proofed to take into account of the updating taking place of the Co-Ordination Code of Practice	amended "Code of Practice for the Co-ordination of Street Works for Road Purposes and Related Matters and its successors"