

**The Essex County Council (Permit Scheme)  
(Variation) Order 2015**

Essex County Council in exercise of its powers conferred by section 33A (2) of the Traffic Management Act 2004 and all other enabling powers hereby makes the following order:-

1. The Essex County Council Permit Scheme Order (SI 2015/37) which has effect as if it were made by Essex County Council is hereby varied as set out in the Schedule to this Order.
2. This Order may be cited as 'the Essex County Council (Permit Scheme) (Variation) Order 2015' and shall come into force on 1<sup>st</sup> October 2015.

Dated this 27 day of October 2015

Signed by Paul Bird – Director for Commissioning: Transport and Infrastructure, a person authorised by the Council to sign documents which give effect to, vary or revoke a permit scheme.



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Signature



Schedule to the Essex County Council (Permit Scheme) (Variation) Order 2015

Paragraph	Existing Wording	Amended/New Wording
1.3	<p>The Permit scheme is based on Part 3 of the Traffic Management Act 2004 (“TMA”) (sections 32 to 39) and the Traffic Management Permit Scheme (England) Regulations 2007 (“the 2007 Regulations”), Statutory Instrument 2007 No. 3372 made on 28 November 2007. The Permit Scheme conforms with all details in the subsequent DfT publications referencing the TMA. These are the Code of Practice for Permits dated March 2008 (the “Code of Practice”), Permit Schemes decision making and development (2nd Edition) November 2010 and the Additional Advice Note January 2013 unless stated otherwise, within the Permit Scheme.</p>	<p>The Permit Scheme is based on Part 3 of the Traffic Management Act 2004 (“TMA”) (sections 32 to 39) and the Traffic Management Permit Scheme (England) Regulations 2007, Statutory Instrument 2007 No. 3372 as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations, Statutory Instrument 2015 No. 958. These regulations are referred to as the ‘Permit Scheme Regulations’ within this permit scheme. The Permit Scheme conforms with all details in the subsequent DfT publications referencing the TMA. These are the Code of Practice for Permits dated March 2008 (the “Code of Practice”), Permit Schemes decision making and development (2nd Edition) November 2010 and the Additional Advice Note January 2013 unless stated otherwise, within the Permit Scheme.</p>
1.4	<p>This document will be submitted under section 33(1) of TMA for approval by the Secretary of State for Transport as the “appropriate national authority”.</p>	<p>The original Permit Scheme was submitted under section 33(1) of the TMA for approval by the Secretary of State for Transport as the ‘appropriate national authority’ and the Traffic Management (Essex County Council) Permit Scheme Order 2015 was made by the Secretary of State on 7th January 2015 bringing the Permit Scheme into force on 16th March 2015.</p>
9.1	<p>Any Promoter as prescribed in the 2007 Regulations who wishes to perform or carry out an activity on a street within an area covered by the Permit Scheme must first obtain a permit from the Permit</p>	<p>Any Promoter as prescribed in the 2007 Regulations who wishes to perform or carry out an activity on a street within an area covered by the Permit Scheme must first obtain a permit by electronic communication from the permit authority before</p>

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	<p>Authority. This permits the Promoter to carry out the specified activity, at the specified location, between the dates shown and agrees the conditions which are attached.</p>	<p>specified works are carried out in a specified street. This permits the Promoter to carry out the specified activity, at the specified location, between the dates shown at the times shown and determines the conditions which are attached.</p>
15.6.1c	<p>Revocation of Permit – where a permit is revoked on the Permit Authority’s initiative and the Promoter had to apply for a new permit; there would be no fee for the new permit, except where the original permit is revoked as a consequence of any action or omission on the part of the Promoter.</p>	<p>Revocation of Permit – Where a permit is granted but subsequently revoked by the Permit Authority before commencement of the specified works, the Permit Authority shall refund in full any fee charged in accordance with this regulation, provided the revocation is not the fault of the permit holder. Where this applies, the Permit Holder may elect to make a new application without charge instead of receiving a refund.</p> <p>Where the specified works have commenced and the Permit is revoked by the Permit Authority the Promoter shall be entitled to make a further application to the Permit Authority without charge, provided the revocation is not the fault of the Permit Holder.</p>
15.8.1	<p>The Secretary of State may need to review fee levels particularly closely in the first years of the Permit Scheme. This is with a view to ensure that the overall income from fees paid by statutory undertakers does not exceed the prescribed costs described in Regulation 29 of the 2007 Regulations.</p>	<p>The Permit Authority may need to review fee levels particularly closely in the first years of the Permit Scheme. This is with a view to ensure that the overall income from fees paid by statutory undertakers does not exceed the prescribed costs prescribed in the Permit Scheme Regulations.</p>

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15.8.2	<p>Essex County Council will review fees annually to satisfy themselves and the Secretary of State that overall fee income does not exceed allowable costs, in line with the 2007 Regulations. In the event of any surplus in a given year, the fee income will be applied towards the cost of the Permit Scheme in the next year and the fee levels adjusted accordingly.</p>	<p>Essex County Council will review fees annually in line with the Permit Scheme Regulations. In the event of any surplus in a given year, the fee income will be applied towards the cost of the Permit Scheme in the next year and the fee levels adjusted accordingly.</p>
16.2.1	<p>Essex County Council will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. We recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme. The initial conditions for the Essex Permit Scheme will be those identified in the HAUC UK/England Permit Advice note.</p> <p>Of these, certain conditions apply to all permits. Given the constraints of EToN, there is therefore no need for the permit applicant or permitting authority to formally attach the National Condition Text 1, 2, and 3 to individual permit</p>	<p>The Permit Authority may attach any condition included in the Statutory Guidance for Permit Conditions. Where a condition is to be specified in the Permit the Permit Authority shall use the wording and numbering for that type of condition set out in the Statutory Guidance for Permit Conditions.</p>

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	<p>Version 4.1 (Submission) Page 45 applications or granted permits. However in line with evolving practice reference can be made to the Condition Text number.</p> <p>The Permit Authority may take reasonable actions in accordance with Part 5 of the Permit Regulations if any of these conditions are breached. It should be noted that only the conditions that are relevant to the work type apply. Therefore: All the standard conditions 'NCT' will be detailed on our website. These conditions are likely to change in line with any new HAUC (UK/England) Permit Advice notes</p>	
21	Changes and Ceasing to Operate	Varying and Ceasing to Operate the Permit Scheme

Paragraph	Existing Wording	Amended/New Wording
21.2	<p>Essex County Council, under Regulation 5 of the 2007 Regulations may make application to the Secretary of State to vary or revoke a permit scheme. Prior to this application Essex County Council must consult with those consultees originally consulted on implementation of the scheme as required in Regulation 3(1). Any variation to the permit scheme must contain the relevant explanation and justification for the change(s). The Secretary of State will then determine whether the proposed changes will be approved.</p>	<p>Essex County Council (Permit Authority) may vary or revoke this Permit Scheme, but before doing so will undertake any consultations required by the Permit Scheme Regulations.</p>
21.3	<p>Currently there is no time limit within which agreed changes may be brought into effect. Essex County Council will liaise with the Department for Transport about this at an early stage.</p>	<p>Deleted</p>
21.4	<p>Where revision to permit Regulations by the Secretary of State necessitates changes in existing schemes, new Regulations will make provision for such changes. The Department for Transport Code of Practice will reflect the effect of these changes.</p>	<p>Deleted</p>

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21.5.1	Should Essex County Council wish to cease to run the Permit Scheme, they will first consult all interested parties and then apply to the Secretary of State to revoke the Permit Scheme, in so far as their roads are concerned, in accordance with Regulation 5 of the 2007 Regulations.	If a Permit Authority wishes to cease to run the Permit Scheme, in accordance to Permit Scheme Regulations they will first consult all specified persons and may then decide to revoke the Permit Scheme.
21.5.2	Where an application to revoke a Permit Scheme has been submitted, it will continue in operate until such time as that the Order, made by the Secretary of State, comes into effect to revoke the Permit Scheme. A Permit Authority cannot discontinue operation of a Permit Scheme for their area and re-establish a notice system without the approval of the Secretary of State.	Until the Order is also revoked by the Permit Authority the Permit Scheme will continue in operation.
23.2	In accordance with the 2007 Regulations, Essex County Council will seek to evaluate the Permit Scheme so as to measure whether the objectives are being met.	An evaluation and review of the Permit Scheme shall be undertaken (1) after the first, second and third anniversary respectively of the date on which the permit scheme came into effect; and (2) every third anniversary thereafter.

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23.4A	[new paragraph after 23.4]	In carrying out the evaluation and review the Permit Authority shall include consideration of (a) whether the fee structure needs to be changed in the light of any surplus or deficit (b) the costs and benefits (whether or not financial) of operating the scheme; and (c) whether the permit scheme is meeting key performance indicators where these are set out in the Guidance.
3.9.2	In addition to considering activities on a single street, when assessing an application for a permit the Permit Authority may also consider planned works nearby including planned works on a trunk road, if applicable, following consultation with the Highways Agency. The Permit Authority may seek opportunity for nearby works, on another street, but affecting the same traffic flow, to take place at alternative or similar timings in order to minimise the overall effect to traffic flow.	In addition to considering activities on a single street, when assessing an application for a permit the Permit Authority may also consider planned works nearby including planned works on a trunk road, if applicable, following consultation with Highways England. The Permit Authority may seek opportunity for nearby works, on another street, but affecting the same traffic flow, to take place at alternative or similar timings in order to minimise the overall effect to traffic flow.
5.3	All streets maintained by or on behalf of Essex County Council are included within the Permit Scheme; these are the “specified streets” as set out in the Regulations. Trunk roads and motorways for which the Highways Agency is the highway authority are not included in the Permit Scheme.	All streets maintained by or on behalf of Essex County Council are included within the Permit Scheme; these are the “specified streets” as set out in the Regulations. Trunk roads and motorways for which Highways England is the highway authority are not included in the Permit Scheme.
22.7.4	The websites will allow records to be searched by the USRN or the “street descriptor” (the street name, description or street number) as given in the NSG. The Highways Agency has its own methods of disseminating such information on trunk roads and motorways. Public access to websites will be read-only to	The websites will allow records to be searched by the USRN or the “street descriptor” (the street name, description or street number) as given in the NSG. Highways England has its own methods of disseminating such information on trunk roads and motorways. Public access to websites will be read-only to prevent unauthorised amendment



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	prevent unauthorised amendment to records.	to records.
22.11.2a	The Highways Agency (which manages the motorway and trunk road network in England)	Highways England (which manages the motorway and trunk road network in England)
Term - Code Of Practice (for Permits).	The means the Traffic Management Act 2004 Code of Practice for Permits (March 2008), as published by the Department for Transport. Referred to as the "Code of Practice "within the Permit Scheme.	The means the Traffic Management Act 2004 Code of Practice for Permits (Latest Edition), as published by the Department for Transport. Referred to as the 'Code of Practice' within the Permit Scheme.
Term - Fixed Penalty Notice	Has the same meaning as in schedule 4B NRSWA, ("a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty").	Has the same meaning as in schedule 4B NRSWA, (A Fixed Penalty Notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty).
Term - Order	New Addition	Unless otherwise specific, "Order" means a document signed by a person authorised by the Permit Authority to give effect, vary or revoke a Permit Scheme.
Term - Permit Authority	The relevant local highway authority or authorities authorised by a Statutory instrument to operate a Permit Scheme.	The relevant local highway authority which is operating a permit scheme under section 33(1) or (2) of the Traffic Management Act 2004.

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Term - Permit Scheme Regulations	New Addition	Means the Traffic Management Permit Scheme (England) Regulations 2007, Statutory Instrument 2007 No. 3372 made on 28 November 2007 and the Traffic Management Permit Scheme (England) (Amendment) Regulations, Statutory Instrument 2015 No. 958 made on 26th March 2015.
Term - Statutory Guidance for Permit Conditions	New Addition	Means the "Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions", the most recent publication, issued by the Secretary of State pursuant to section 33(5)(b) of the Traffic Management Act 2004.
Term - Statutory Guidance for Permits	Means the Traffic Management Act 2004 Statutory Guidance for Permits (March 2008).	Means the Traffic Management Act 2004 Statutory Guidance for Permits (March 2008) or the most recent publication.
Term - The "Regulations" or "Regs"	Means the Traffic Management Permit Schemes (England) Regulations 2007 SI 2007 No. 3372.	Removed/Disapplied/Replaced with Term - Permit Scheme Regulations