

Introduction

Virgin Media welcomes the opportunity to comment on the proposed permit scheme by **East Riding of Yorkshire Council**

Key Points regarding the Permit Scheme Consultation

As you are aware all new permit schemes now have to follow the Statutory Guidance for Highway Authority Permit Schemes issued July 2020. Within this document it outlines a more rigorous approach to the assessment of category 0, 1 and 2, and traffic-sensitive locations than those categorised as 3 and 4. This approach enables lower fees to be applied (or waived). Permit authorities must 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.

Section	Virgin Media Comments
1.1.5	Virgin Media acknowledge that the proposed start date of the new Permit Scheme is intended to come into operation November 2021 (pending outcome of consultation process) Thank you for your comment.
1.1.10	Virgin Media acknowledge and welcome that East Riding of Yorkshire intended to treat it's own work, and that undertaken on behalf by Partners and Agents, as under the same measures as a Statutory Undertaker Thank you for your comment.
1.1.12	Virgin Media request specific detail of what modification are proposed made to s58; s58A; s64; s69; s73A; s74; s88; s89; s90; s93; s105; Schedule 3A. in the event these are more than the change of wording of "Notice" to "Permit" and their corresponding suffixes No changes other than to Permit.
1.2.1	Virgin Media agrees with the key factors highlighted regarding reducing emissions, scheduling and management of activities to minimise disruption to any road user or pavement user. Virgin Media agrees that an overall drive to further improve the timing and duration of works to minimise disruption, where safe and practical to do so is a good thing however believe the current co-ordination process allows for this without the need for a Permit Scheme. Thank you for your comment. Permitting offers additional resources to the coordinating authority that will support all those needing to book road space and I am sure that Virgin Media are aware of the governmental initiatives that are driving the up take of permitting also.
3.8.2	Virgin Media recommend as per the DfT that only CAT1&2 or traffic sensitive streets have fees attached. East Riding of Yorkshire Council have undertaken a thorough review of their Network Coordination efforts and as part of the move towards permitting wish to maximise the benefits for all those using the Highway. Utilising the DfT fees matrix and Cost Benefit Analysis tools available has shown that East Riding of Yorkshire Council will need to charge fees on all categories of streets to sufficiently resource the permitting team to achieve these aims.
3.1.5	Virgin Media agree lifting or replacing manhole or chamber covers do not need require application for a Permit. This will speed up fault finding and survey work on the highway network. Can this be clarified as a Non-Registerable Activity? Thank you for your comment. The clarification or not of registerable activities is not within the powers of East Riding of Yorkshire Council.
3.2.3	Clarity of phases on application may not always be possible. Virgin Media recommend revising the word 'must' to 'should'. Thank you for your comment.
3.4.3	Interrupted Works: Virgin Media would not be expected to pay for another Permit if East Riding of Yorkshire directs Virgin Media to close down works and reinstate if Virgin Media are not at fault.



	Agreed
3.6	<p>Virgin Media welcomes the collaborative approach to working with all, but there is no mention of discounted fees in this section for collaborative working, as in other permit schemes and guidance.</p> <p>Collaborative working is always to be desired with the nature of the collaboration and the extent to which road space durations are reduced being used on a case-by-case basis to establish the levels of fee reduction up to and including waiving of charges. Therefore, no set discount can be offered.</p>
3.7.1	<p>Where remedial works fall within the definition of major works, clarity on if PAA will be required.</p> <p>PAA's will not be required for remedial works.</p>
4.9.2	<p>Virgin Media believe that this should be raised as Unattributable works with site photographs being issued to support investigation. An FPN cannot be issued if no permit has been raised.</p> <p>East Riding of Yorkshire Council would like to draw Virgin Media's attention to Regulation 19 of The Traffic Management Permit Scheme (England) Regulations</p>
5.2.1	<p>Virgin Media only recognise the 2020 statutory documents as the nationally agreed guidance.</p> <p>Thank you for your comment. East Riding of Yorkshire Council have stated that they will follow the statutory documents as amended.</p>
5.4.1 & 8.5.3	<p>Virgin Media believe that a permit should only be revoked for significant safety breaches or in the event of an incident beyond Virgin Media control but welcome contact to discuss the situation case by case.</p> <p>Agreed</p>
6.7.3	<p>Virgin Media acknowledges and applauds the application of No Fee's to deemed Permits</p> <p>Thank you for your comment.</p>
9.1.7	<p>Virgin Media acknowledges that East Riding of Yorkshire will be reviewing their fees annually and applauds the publication on these to all interested parties</p> <p>Thank you for your comment.</p>
9.1.8 & Appendix A	<p>Virgin Media are disappointed to see that East Riding of Yorkshire are charging maximum fees on all roads within their proposed permit Scheme, but does acknowledge that discount will be applied to all works undertaken wholly outside of TS Times on TS Road.</p> <p>Thank you for your comment. East Riding of Yorkshire Council have undertaken a thorough review of their Network Coordination efforts and as part of the move towards permitting wish to maximise the benefits for all those using the Highway. Utilising the DfT fees matrix and Cost Benefit Analysis tools available has shown that East Riding of Yorkshire Council will need to charge maximum fees to sufficiently resource the permitting team to achieve these aims.</p>
11.1.2	<p>Virgin Media acknowledges that any dispute of a Permit should be resolved locally. As Virgin Media works often have tight deadlines waiting for review from HAUC can often cause customer led time scales to be missed.</p> <p>Thank you for your comment.</p>
11.1.3	<p>Virgin Media agrees to accept results from Impartial YHAUC members on referrals</p> <p>Thank you for your comment.</p>
Notes	<p>Virgin Media proposes Permit Fees be waived for the first month of operation of the new Scheme. This bedding-in period will allow a transition that will not penalise genuine mistakes and allow both the Authority and promoters to work closely together to ensure the first few months of the permit scheme implementation concentrates on the important aspects of the scheme and provides an opportunity for concerted dialogue to ensure the success of the scheme.</p>
Notes	<p>Virgin Media requests Fixed Penalty Notices (FPN's) be suspended for the first month of operation of the new Scheme in the same spirit to not penalise genuine mistakes.</p>
	End