

Good morning afternoon,

Below is the response to the permit scheme consultation.

Openreach welcomes the opportunity to comment on the proposed permit scheme by East Riding of Yorkshire Council

Openreach accepts that in order for East Riding to be able to manage work on Street manager Category 3 and 4 streets need to be part of the permit scheme. However, Openreach do not support East Riding charging the maximum allowable fees across all streets.

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.

The DfT advice note for local highway authorities developing new or varying existing permit schemes, June 2016, states that 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.

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.

Until now, East Riding have not charged for Cat 3 and 4 streets and Openreach do understand the rationale behind including these in the permit scheme but do not feel that there is justification for East Riding to go from not charging for these works to charging the maximum allowable.

East Riding of Yorkshire Council have not operated a permit scheme before and operate currently as a noticing authority where charges for notices are not applicable.

By increasing the fee's to the proposed levels Openreach would have to seriously consider future projects for G-Fast and Superfast Broadband rollout in East Riding to be not commercially viable. An alternative is for consumer prices to be increased to cover the increase in permit fees.

Thank you for your comments. Openreach's commercial activities are not within the scope of consideration for a permit scheme although it must be noted that operating a permit scheme improves coordination and road space booking activities so will help to facilitate the needs of all works promoters including Openreach. Therefore, supporting the rollout of superfast broadband regionally and nationally.

As a balanced view Openreach would support the increase in fees on strategically significant streets i.e. cat 0 -2 and traffic sensitive streets if this will help the authority cover the costs of running a permit scheme. Openreach however do not support the introduction of fees on the lower category of streets.

East Riding of Yorkshire Council have not operated a permit scheme before and operate currently as a noticing authority therefore have not charged fees. 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.

Openreach also note that the only discount East Riding apply that is not a legal requirement is the discount for collaboration, Openreach requests that East Riding undertake a review of their discounts and include some such as discounts relating to performance or where a statutory undertaker minimises the impact of their works.

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.

3.2.3 - A Promoter must clarify when an activity is to be carried out in phases on the application. Each phase will require a separate Permit and, if a major activity involving asset activity also a Provisional Advance Authorisation (PAA), which will be cross referenced to the other Permits.
In line with the Statutory Guidance for Highway Authority Permit Schemes 2015 this is a should and not a must

Thank you for your comment.

4.2.7 - A fee will be charged for the granting of a PAA in addition to the fee which is charged for the granting of the Permit.

The PAA is not chargeable unless PA is served – as per HAUC (England Guidance operation of permit schemes).

Agreed

4.8.3 - However, where it is necessary to carry out excavation in the Highway, Promoters must contact the ERYC Permit Authority by telephone immediately, if identified on the National Street Gazetteer (NSG).

This is not a requirement, can ERYC please remove this section

Not agreed if it is stated on the gazetteer then a phone call is required

6.2.12 - PAA and Major Activity Permit applications on Traffic Sensitive Streets must be accompanied by an illustration(s) of the works and include details of the activity and the extent of Highway occupancy. The illustration will comprise plans, Sections, digital photographs and similar material as appropriate.

6.2.13 - Illustrations must also be submitted with the application for Major, Standard and Minor activities on non-Traffic Sensitive Streets where the activity is significant in terms of potential disruption due to the position and size of the activity, or where the ERYC Permit Authority considers an illustration is necessary.

Statutory Guidance for Highway Authority Permit Schemes 2015 states that Permit schemes should require the applicant to provide an illustration of the works (including plans, digital photographs etc.) where appropriate. Such a requirement places an added burden on the works' promoter, so should only be applied where it will provide additional necessary information. As not being a must please amend to reflect the Statutory Guidance.

Works classified as Major or indeed activities that have the potential to cause significant disruption are appropriate activities to request an illustration.

6.3.1 - Permit applications must indicate wherever possible, whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both.

Statutory Guidance for Highway Authority Permit Schemes 2015 states Permit schemes should must require applicants to indicate whether the activity is intended to be

completed with interim or permanent reinstatement. Permanent reinstatements should be encouraged, and the Permit Authority may consider offering a discount by way of an incentive. OR request ERYC amend the must to should, and ask will ERYC be considering such a discount incentive ?

The text is correct, and the incentive is in the reduced permit application charges of the first time reinstatement.

6.6.1 - Where the NSG indicates other interested parties, Permit applications will be copied to those parties by the Promoter.

6.6.2 - Promoters are required to check whether any parties have registered such an interest prior to submitting an application for a PAA or Permit

Can ERYC please detail as to this being a Promoters responsibility as interested parties should have registered via the electronic transfer of notices to receive notifications when works are put on the register via an approved Permit application. (Statutory Guidance for Highway Authority Permit Schemes)

The activity promoter is in charge of their notification and can only be so as they are the ones with the power to begin end or create an activity.

8.4.1 - In the event of immediate activities requiring a series of fault finding excavations or openings the following procedure shall apply where it is necessary to undertake works beyond the initial excavation or opening covered by the first application. **The wording of 'shall' is ambiguous as could be interpreted as a must, OR request that ERYC amend any references made to must in section 8.4 as being not within the regulations**

The word must is not used

9.1.1 - To meet the additional costs of operating the Scheme, Regulation 30 gives the ERYC Permit Authority the power to charge a fee in respect of the following: --The application for a PAA in respect of Major activities

The PAA is not chargeable unless PA is served – as per HAUC (England Guidance operation of permit schemes).

Agreed

Have noted the SYC scheme makes no mention of the transitional arrangements for comment , can it be ensured that these are in line with the Statutory Guidance for Highway Authority Permit Schemes 2015.

There are no transitional arrangements as all councils and activity promoters in England now operate in the Street Manager online system which effectively operates as a permitting system. Therefore, East Riding of Yorkshire Council and all those who book road space in the area effectively operate within a permitting system but without the ability to offer comments or grant/refuse permits.

Many thanks,

Zac Heritage

Streetworks Consultant – Yorkshire, National Infrastructure
Openreach

Mobile: 07484020742

Telephone: 0331 6270563

Web: www.openreach.co.uk