

Name / Organisation	Scheme Doc Ref	Comment	Response
Virgin Media	3.1.2	Virgin Media are disappointed that Lincolnshire County 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 Lincolnshire County Council grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	The charging mechanisms are set out by regulation and fees are allowed on all roads if required by the scheme. The fees set relate to Lincolnshire County Council's need to cover the costs of operation.
Virgin Media	18.4.4	Virgin Media acknowledge that Lincolnshire County Council will be following the DfT/HAUC guidelines for applying a discount for working wholly outside traffic-sensitive times, but request that works on category 3 and 4 roads are granted by default and for those permits to be at zero fee levels.	The charging mechanisms are set out by regulation and fees are allowed on all roads if required by the scheme. The fees set relate to Lincolnshire County Council's need to cover the costs of operation.
Virgin Media	18.4.5	What happens to revenue generated from permit fees if they exceed the allowable cost of the scheme?	In the event that there is a surplus in a given year, the money will be applied towards the costs of the scheme in the next year and the fee levels adjusted accordingly as required by regulations.
Anglian Water	6.2.7	This refer to 5.5, but there isn't a 5.5 within the document	This will be amended. Please refer to 9.2
Anglian Water	9.2.4	Promoters would need to know under what circumstances an illustration is required, as promoters could not provide this on all permit applications.	Illustrations/TM will be requested by LCC on a case-by-case basis dependent on the location of works and activity proposed.
Anglian Water	9.2.7	Can this be reworded so that this is only required if anything other than the normal hand dig or mini digger is used. What benefit does this give?	Noted. The methods used by promoters can have a significant effect on the level of disruption on the network. Methodologies assist in the overall permit assessment.
Anglian Water	9.2.9	Why is this necessary, under legislation we have 6 months to do interim to permanent, and at time of doing the permit application would not know when permanent would be done if we had to interim. We often plan to do permanent but then for operational reasons have to interim; this would not be known at the application stage.	Noted. This does not direct you to complete first time permanent reinstatements. This can be reworded for clarity.
Anglian Water	9.2.17	Need to add exemptions to S58 for clarity	Legislation outlines exemptions to s.58 which LIPS will adhere to.
Anglian Water	10.1	Need to define if early start requests are by email, telephone or EToN so that we have a consistent approach.	All methods stated in 10.1 are accepted by LCC for requesting early starts. The method used by the promoter could dependent on how much notification is given for the early start request.
Anglian Water	12.1.2	Under legislation it says that the Highway Authority imposes the conditions, promoters will add the conditions they believe are relevant.	Legislation states the Authority "May" impose conditions. It is essential that everyone involved in highway activities takes both the co-ordination objectives and the broader TMA objective of expediting the movement of traffic into account. If the promoter is aware of conditions relevant to their work, these should be added to the permit application. LCC may impose conditions they feel necessary.
Anglian Water	12.1.3	PMR should always be used when requesting additional conditions	PMR's will generally be used if only changes to conditions are required in the permit application. Refusals relating to conditions may be included if there also other errors within the permit application.
Anglian Water	18	Can LCC send a proforma detailing proposed permit charges for checking and agreement on a fortnightly basis. Receipt of a months data in one go would be difficult to turn around in the required timescales.	Noted. This can be discussed individually between promoter and LCC but will not be written into the scheme document.
Anglian Water	18.3.1	If permits are charged for work carried out on fire hydrants, this will be recharged back to Lincolnshire C C by the Water Undertaker, the majority of permit schemes have the following statement in this section. ☐ Any work undertaken on a fire hydrant.	Noted. There are also exemptions for fire hydrants in 5.3
LCC UTILITY MEETING			

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All UTILITIES	Fee Matrix	<p>The utilities expressed concern that there may be hidden charges. Lincolnshire County Council confirmed that this would not be the case. The utilities thanked Lincolnshire County Council for using common sense.</p> <p>The utilities queried why only major activity greater than 11 days duration also mentioned the use of a TTRO – what happens if utilities needed a road closure for one day or if it was needed in an emergency – would the utilities have to pay a higher rate? (Why could something not be charged for up to a three day duration). To be discussed with Mouchel.</p>	<p>The DfT issued a revised fee structure for permitting set out in paragraph 23 of the “Additional Advice Note – for developing and operating future Permit Schemes” dated February 2013. This was in response to the government’s request to all authorities who operate or intend to operate schemes to facilitate the roll-out of superfast broadband infrastructure. As a result, major works have been divided into 3 charge categories. Any works requiring a closure will attract the higher charge irrespective of duration.</p> <p>The fee structure will remain as guided by DfT.</p>
	Scheme Document		
	5.2	<p>Temporary Traffic Control – needs clarification as to what this actually means. Agreed to amend to read "temporary traffic management".</p> <p>Amended</p>	Amended
	6.2.7	<p>Utilities referred to the reference to 5.5 Lincolnshire County Council agreed to amend – misprint.</p>	Corrected
	9.2.7 – Methodology	<p>What value does this add to the permit? Agreed to review.</p>	<p>The methods used by promoters can have a significant effect on the level of disruption on the network. Methodologies assist in the overall permit assessment. This will not be required on all permits but as requested by LCC on a case-by-case basis.</p> <p>Reworded in scheme document.</p>

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	9.2.9	Utilities indicated that sometimes they do a job and expect it to be a permanent solution and other times they have to return to a site – why have this as a condition. 9.2.9.2. explains this.	9.2 removed from scheme document and replaced with 9.2.9.2 for clarity.
	9.2.17	Section 58 – does not make any reference regarding exemptions to Section 58 and this should be added for clarity. Agreed to amend.	NRSWA 1991 (s.58) details all exemptions. The scheme document does not outline all exemptions as it will abide by those directed under NRSWA. Had all exemptions been included in the scheme document and NRSWA s.58 were to be amended in the future, the scheme document have to go out to consultation again to update and inform the changes. Referencing and abiding by NRSWA prevents the need for consultation should NRSWA s.58 be amended in the future.
	12.1.2. Conditions	Needs to be reworded – (this looks like the utilities should be putting on the conditions each time). Agreed to amend.	Under section 3.17 of the DfT Technical Specification for EToN 2013 it states: “Permit schemes introduce the concept of Conditions that can be applied to a Permit. The approach adopted is based on the promoter including Conditions in their PAA, Permit and Variation Applications. If the Primary Notice Authority is unhappy with the Conditions applied then the application is refused by issuing either a “Modification Request” or a “Refuse PAA / Permit / Variation” notification.”  I would urge against changes to this in the scheme document as direction is provided in the EToN technical specification on how conditions are applied. LCC could have a ‘local’ agreement that promoters apply any relevant conditions be to TS / SSS routes only.  The promoter applying conditions also gives greater accountability in planning and managing their work and not all permits will require conditions
	12.2.2.	Lincolnshire County Council confirmed that the DfT statutory guidance would be taken as read so the utilities do not have to provide mandatory conditions every time an application was submitted.	Reworded. 12.2.1 states these do not need to be applied to the permits
	12.3.2	. – Agreed to amend.	Amend 12.3.2 to read – Regulation 13 provides for the Authority to impose conditions on an activity that is not yet the subject of a permit. Effectively, conditions can be discussed and agreed with the promoter within the two hour period of time between an Immediate activity starting on site and the issuing of the Immediate permit application.
	15.7.2 – Extensions	utilities asked "what criminal offence would we be looking at"? Agreed to take it back to Mouchel.	Any breach of Regulation 19 (working without a permit) and Regulation 20 (breach of conditions) is a criminal offence and liable for prosecution.
	15.10 – Multiple Excavations	Utilities asked if Lincolnshire County Council intended to enforce this. Lincolnshire County Council indicated that this would be enforced if Lincolnshire County Council were incurring additional administration costs. Do Lincolnshire County Council really need to know every single hole which is dug by utility companies? Agreed to review.	Yes – LCC will need to know of ALL excavations as under S.59 of NRSWA 1991, all authorities have a duty to protect the structure of the street and the integrity of the apparatus in it.  Promoters are required under s.70 of NRSWA to inform the authority of all excavations undertaken by way of registration of reinstatement and failing to do so is a criminal offence under s.70 (6).
	15.10.5	– Utility companies needed to be accurate in what they are telling Lincolnshire County Council. Registration needs to be clear "in line with Section 70" needs to be added.	Amended

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	16.1 – Illegitimate Phasing	This would never happen so why have a section on it. Agreed to review	History shows that this is a common problem across the industry and has been discussed at HAUC meetings and the issue of illegitimate phasing accepted by the DfT. If promoters are confident this does not apply to them there shouldn't be any issue, however I would advise this remains so there is a clear outline of expectations should this issue arise.
	18.3.1 – Fees	Waiving fees on water hydrant works – utilities to include this point in their feedback to the consultation.	amended 5.3 to read – Testing of water hydrants, provided the work is done outside traffic-sensitive periods
	18.4.4.3 –	Discussion ensued regarding working outside traffic sensitive times.  Concern was expressed that invoices needed to be sent to the utilities at least every two weeks and needed to be split as each utility company would need to scrutinize these carefully prior to payment being authorised.	Timing of invoices can be discussed and agreed individually between promoter and LCC and is not dictated within the scheme document due to promoters operating differently. Some require 28 days, others 14 days.
<b>Other Comments</b>			
Natural England		Natural England does not consider that the Lincolnshire Permit Scheme poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.	
Ingoldmells Parish		Ingoldmells Parish Councillors considered the objectives and benefits of the scheme at a recent meeting of the Council and had no hesitation in giving their full support to the proposal.	