

THE NORFOLK COUNTY COUNCIL (TRAFFIC MANAGEMENT (NORFOLK COUNTY COUNCIL) PERMIT SCHEME ORDER 2014)
(TRAFFIC MANAGEMENT ACT 2004) VARIATION ORDER 2015

The Norfolk County Council hereby give Notice they have made an Order varying “The Traffic Management (Norfolk County Council) Permit Scheme Order 2014” under the Traffic Management Act, 2004. The effect of this Order is to vary the provisions of the Scheme to ensure compliance with The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015. The amendments made to the Scheme are set out in the Schedules to this notice.

This Order will come into operation on 1st October 2015.

A copy of this Notice will be distributed to all consultees originally consulted under Regulation 3(1) of the Traffic Management Permit Scheme (England) Regulations 2007. It will also be available on Norfolk County Council’s website.

The Officer dealing with public enquiries concerning these proposals is Mr Russell Blackshields, telephone 01603 223713.

SCHEDULE 1

Chapter 9 – How to make a permit application

9.3 – The issue of permit application by post or hand delivery is removed (restricting communication to electronic means only).

9.4 – “Paper permit applications” is removed (restricting communication to electronic means only).

9.6.2 – “Telephone notifications” are removed and “email notification” is inserted.

9.6.3 – The expression ‘it is assumed’ is removed.

9.6.3 – The ability to make applications by hand or post is removed.

SCHEDULE 2

Chapter 10 – Content of Permit Applications

10.1 d) – The wording ‘lead to fewer rejected applications’ is removed and replaced with ‘lead to fewer delays’.

10.1 f) – The issue of “rejected applications” is removed and replaced with “the application will be delayed and a request made” for the illustration to be provided.

SCHEDULE 3

Chapter 12 – Decisions with regard to Permit Applications

12.5.1 – The insertion of the following explanation of refusal and reasons for refusal:

These refusals will include the code and text in accordance with the HAUC England Standard Response Codes. In doing so it is intended that the reasons why permits are refused are more easily identifiable in order to assist promoters and the permit authority identify training needs.

- a) "Missing Information. This would include instances where required conditions have not been provided/are not necessary or conflict. The works description or location information provided is insufficient. Use this code for general missing information or the codes below for a specific issue. Where possible this will identify where conditions are missing or have been added when not required, or where traffic management plans are not supplied. This will be achieved using sub codes.
- b) Incorrect details on permit. This would include where the dates, USRN or primary recipient of the Permit are incorrect. Use this code for general Incorrect details or the codes below for a specific issue. Where possible this will identify where the primary recipient is incorrect, or where there are location issues, or where the permit contains conflicting information. This will be achieved using sub codes.
- c) Co-ordination issues. This would include where the works will cause any sort of conflict (e.g with an event.) Use this code for co-ordination issues not covered by the below. Where possible this will identify conflict of works, or issues with the timing of the works, or where collaborative working is required. This will be achieved using sub codes.
- d) Lack of approval. This would include where TM approval has not been given, an early start has not been sought, the duration applied for is not viewed as acceptable or where the Permit applied for does not reflect prior agreements made. Use this code for general lack of approval or the codes below for a specific issue. Where possible this will identify incorrect traffic management, or refused early starts, or refused due to a S58 restriction, or a problem with the duration of the works. This will be achieved using sub codes."

SCHEDULE 4

Chapter 15 – Fees

15.7.4 – The provision for discount for works taking place wholly outside of the traffic-sensitive times is included as follows:

SCHEDULE 5

Chapter 21 – Changes and Ceasing to Operate

21.2 – The requirement to apply to the Secretary of State to vary or revoke a permit scheme is removed.

21.5.1 – The requirement to apply to the Secretary of State to revoke a permit scheme is removed.

21.5.2 – The paragraph which states Permits will not be revoked until confirmed by the Secretary of State is removed.

SCHEDULE 6

Chapter 23 – Monitoring and Evaluation

23.2 – The addition of the following wording to explain how Norfolk County Council will evaluate the Permit Scheme and who will be consulted:

“This will take the form of a report which will be produced at the completion of the 2nd & 3rd year of operating the permit scheme followed by a report every 3rd year thereafter. The report will be made available to the persons referred to in Regulation 3(1) within 3 months of the date of that anniversary.”

23.5.5 – The addition of the following text indicating that a report will be produced in line with regulation 16A.

“These will be published in the report defined in S23.2”.

SCHEDULE 7

Chapter 24 – Transitional Arrangements

24.3 – The paragraph stating an Order will be made by the Secretary of State to create, vary or revoke is replaced by:

“Where a permit scheme is created, varied or revoked, the Permit Authority shall give Notice to those parties referred to in regulation 3(1), to include all relevant Promoters, of the Order. Regulations 17(1) and (2) of the 2007 Regulations require this notification to be made not less than four weeks before the date on which the Permit Scheme will commence.”

SCHEDULE 8

Appendix A – Interpretation

Insertion of the following paragraph to assist with interpretation and the re-naming of Appendix A to Interpretation.

“Any reference to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment. Where the context otherwise requires the following expressions have the meaning hereby respectfully assigned to them.”

In the definition of ‘Code of Practice (for Permits)’ the wording ‘and subsequent re-issues’ has been inserted.

In the definition of ‘Statutory Guidance’ the wording ‘and subsequent re-issues’ has been inserted.

Dated this 25 August 2015.

Victoria McNeill

Victoria McNeill
Head of Law

County Hall
Martineau Lane
NORWICH
NR1 2DH

Certified True Copy
Victoria McNeill
HEAD OF LAW