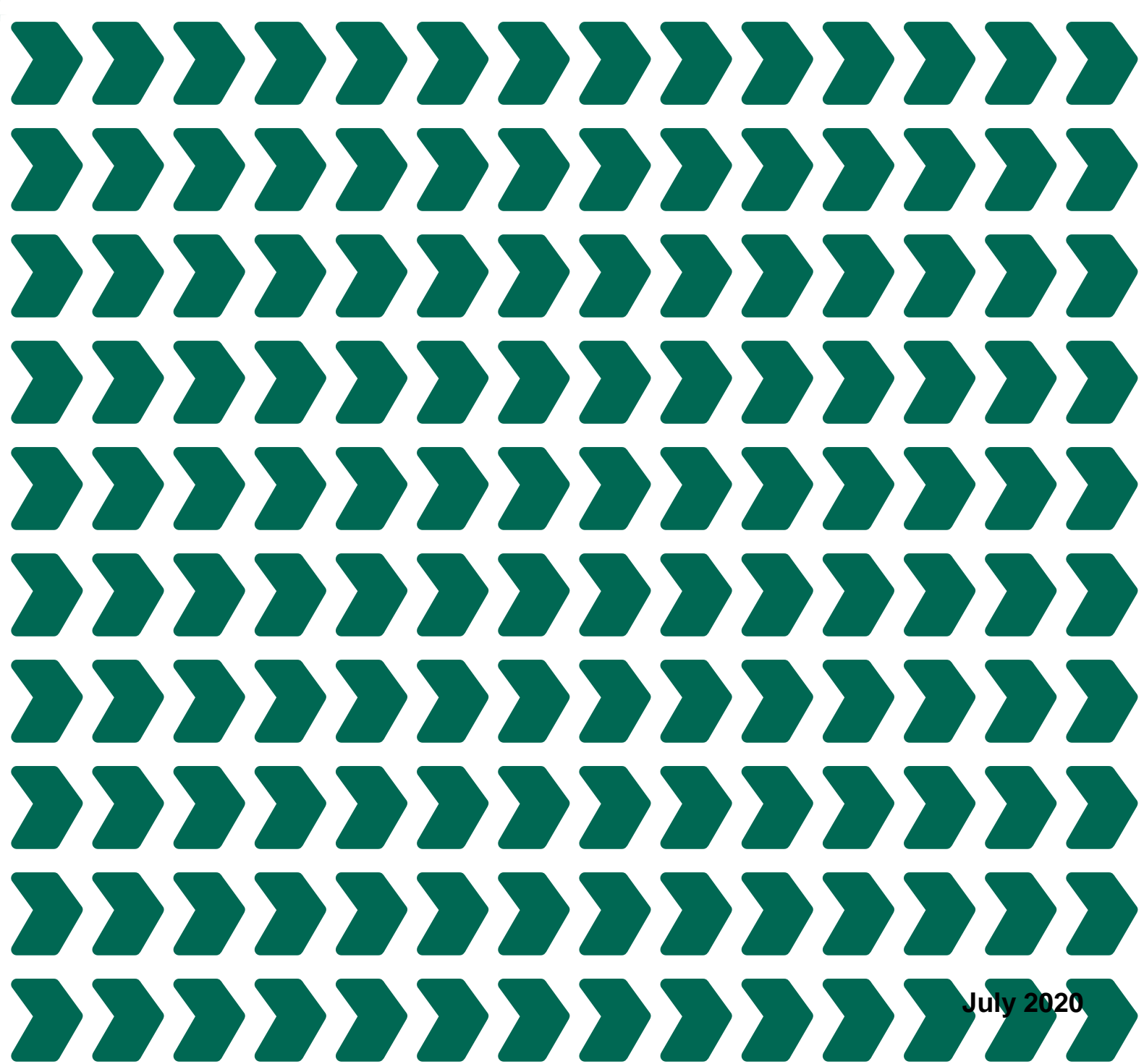




Department  
for Transport

# Statutory Guidance for Permit Schemes National Conditions

**Moving Britain Ahead**



July 2020

The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

Department for Transport  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR  
Telephone 0300 330 3000  
Website [www.gov.uk/dft](http://www.gov.uk/dft)  
General enquiries: <https://forms.dft.gov.uk>



© Crown copyright 2019

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos or third-party material) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

# Contents

Preface to this statutory guidance	5
1. Framework for Condition use	6
Summary	6
2. Legal framework	7
Introduction	7
Fixed Penalty Notices	7
Regulation 19. Offence to undertake works without a required permit	8
Regulation 20. Offence to breach a permit condition	8
3. Regulation 10 - Conditions that may be attached to permits	10
Introduction	10
Notes on the Conditions	10
NCT01a & NCT01b: Duration	11
NCT02a: Limit the days and times of day	12
NCT02b: Working hours	13
NCT03: not in use	13
NCT04a: Removal of surplus material/plant	14
NCT04b: Storage of surplus materials/plant	15
NCT05a: Width and/or length of road space that can be occupied	16
NCT06a: Road space to be available to traffic/pedestrians at certain times of day	17
NCT07a: Road closed to traffic	18
NCT08a: Traffic management request	19
NCT08b: Manual control of traffic management	20
NCT09a: Changes to traffic management arrangements	21
NCT09b: Traffic management arrangements to be in place	22
NCT09c: Signal removal from operation when no longer required	22
NCT10a: Employment of appropriate methodology	24
NCT11a: Display of permit number	25
NCT11b: Publicity for proposed works	26
NCT12a: Limit timing of certain events	27
NCT13: Exceptional circumstance	28



## Preface to this statutory guidance

The Department for Transport considers that well-designed, outcome-focused, and reasonably implemented permit schemes have demonstrated that they provide the best method of managing a highway authority's road network and the works that take place in or on the public highways.

Permit schemes are able to affect everyone's use of roads in an authority's area but, in particular, they can affect how the works undertaken by those who are responsible for installing and maintaining highways' and utilities' infrastructure, and their contractors.

The main aim of a permit scheme is to minimise disruption and it is considered that better co-ordination of all works, and closer monitoring can be used to drive behavioral change and to ensure that disruption to local communities and road users is reduced.

This Statutory Guidance is provided to support the application of the correct condition to street works activities. It sets out what the conditions are; how they need to be recorded; examples and information on how they need to be applied; and explains how they can be enforced to drive the level of change sought.

# 1. Framework for Condition use

## Summary

- 1.1 Conditions are applied to a permit to undertake works on the highway to ensure that the information on those works is maximised, and the impact of the works on the traveling public is minimized, ensuring the Network is managed as effectively as possible and enabling works to be undertaken efficiently.
- 1.2 This statutory guidance provides both the type of condition that can be applied and the wording to be used for the conditions themselves. It also provides information and guidance on their use.
- 1.3 This Guidance is statutory and is in force from 1st July 2020. It is important to note that, other than the two automatic conditions, a condition does not have to be applied to works. Only those conditions stated in this Statutory Guidance, (except for condition 13 which can only be used in exceptional circumstances) can be applied. No other type or wording for a condition can be developed or adapted locally by an authority as a requirement for works or for the approval of a permit. No requirement incorporated into a permit schemes documentation or guidance provided by an authority to 'support' the operation of a scheme can be used or required as a condition and no permit scheme documentation can be used to attempt to make to extend legislation or statutory guidance.

## 2. Legal framework

### Introduction

- 2.1 The Traffic Management Permit Scheme (England) Regulations 2007 as amended apply to permit schemes in England. They apply to all schemes regardless of when the scheme came into operation. The most recent amendments were made via the Street and Road Works (Amendments Relating to Electronic Communications) (England) Regulations 2020. Amongst other changes, they removed the need to send Fixed Penalty Notices (FPNs) by post and they require Street Manager to be used for permits.
- 2.2 As part of the consultation on the most recent regulatory amendments, we also consulted in an amendment to Condition NCT09c - Signal Removal from operation when no longer required <https://www.gov.uk/government/consultations/street-manager-and-street-works-permit-scheme-changes>.
- 2.3 This updated statutory guidance takes account of the most recent consultation and regulatory amendments and is in force from 1 July 2020.
- 2.4 Regulation 10 of the 2007 Regulations as amended provide for the types of condition that can be applied and this statutory guidance provides both the National Condition Text (NCT) and additional information to assist their reasonable application.
- 2.5 It should be noted that, other than the two automatic conditions, a condition should only be applied / required where and when it is necessary to minimise impact on the network and its users, or nuisance arising from the works. Where a promoter has not added a condition to a permit application, approval should not be withheld without discussions with the promoter having first taken place so any additional condition can be included and complied with.

### Fixed Penalty Notices

- 2.6 To assist in the administration of permit schemes, two additional offences were created in 2015 under regulation 19 and 20 of the 2007 Regulations (these remain and have not been amended). These can, where appropriate, be met by a fixed penalty notice (FPN). The highway authority retains the right to refer the matter to a Magistrate's court, although we would expect this to only be the case in exceptional circumstances.
- 2.7 The penalty charges for FPN offences are:
  - £500 for offences under Regulation 19 (Working without a Permit)
  - £120 for offences under Regulation 20 (Breach of Permit Conditions)
- 2.8 The period for payment is 36 calendar days, beginning with the day on which the FPN is given. The highway authority may, in any particular case, extend this period at its discretion.

- 2.9 A discounted charge will apply if payment is made within 29 calendar days, beginning with the day on which the FPN is given. The discounted period cannot be extended, unless the last day of the discounted period does not fall on a working day – the discounted payment period is then extended until the end of the next working day.
- 2.10 Discounted charges are as follows:
- £300 for offences under Regulation 19 (Working without a Permit)
  - £80 for offences under Regulation 20 (Breach of Permit Conditions)
- 2.11 Before applying penalties for these offences, authorities should be mindful of the purpose of regulations 19 and 20. This is to drive improved behaviour and ensure that the occupation of the highway is as short, and causes the least disruption, as possible. It is strongly recommended that early and continued dialogue takes place especially where major works and those works delivering nationally significant project are being undertaken.

## Regulation 19. Offence to undertake works without a required permit

- 2.12 This regulation makes it a criminal offence for an undertaker, or someone acting on its behalf, to undertake works without a permit. The offence carries a maximum fine of level 5 on the standard scale, but may also be discharged by fixed penalty. Regulation 19 only applies where a specific 'work', has been commenced without a permit except to the extent that a permit scheme provides that this requirement does not apply (for example for immediate works where the 2-hour rule applies).
- 2.13 Where an offence is committed under regulation 19, it would not be appropriate to impose "overrun" charges on the undertaker under the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009 (as amended). This is because there can be no overrun of a non-existent permit.
- 2.14 The offence under regulation 19 does not apply where a valid permit has been obtained for the works, but works must be undertaken in accordance with the scope of regulation 20 as detailed below.

## Regulation 20. Offence to breach a permit condition

- 2.15 This regulation makes it a criminal offence for an undertaker or someone acting on its behalf to undertake works in breach of any permit condition. The only conditions that a Permit Authority can apply to a permit are those set out in this Statutory Guidance. This offence carries a maximum fine of level 4 on the standard scale but may also be discharged by an FPN.
- 2.16 It may be considered an offence under regulation 20 when subsequent to the commencement of works, changes are made and implemented without a prior approved permit change. For such an offence, where the location of the works has been correctly recorded, those changes should materially affect the extent of works and/or the associated Traffic Management with the consequence that there is a significant impact on the running of the highway network.



- 2.17 An offence under regulation 20 is intended to be a single offence. So, it may only be committed once in relation to each permit condition breached.
- 2.18 To clarify the issue of continuous or repeat offences it should be noted that, where an issue or similar issues arise spanning more than a single day and which could result in an FPN, there is a clear distinction between the two routes of action:
- Continuous – a single ongoing FPN offence that hasn't been substantially resolved, existing for more than a single day (e.g. clearance of spoil where this is a permit condition). Where an identified offence is not being resolved to the point that operational safety is compromised, it is recommended that further action be taken by the street authority to resolve the situation at the earliest possible time.
- Repeat – an offence or similar that is found to have been committed on more than one day, and is distinctly from continuous (the same offence). Where the initial offence is corrected but then repeated on other days offence an FPN should be issued for the first offence and for additional similar offences where the permit authority has noted that the offence has been additionally committed on subsequent days.
- 2.19 Where the duration for a permit has been agreed for any works but those works continue beyond the agreed and permitted duration, such works will be liable to penalties available under the 1991 Act. Where works continue and have a material impact on the network, the undertaker may in addition have committed an offence of breaching a permit condition under regulation 20.
- 2.20 The undertaker may also be liable to pay an “overrun” charge to the permit authority under the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009 (as amended).

# 3. Regulation 10 - Conditions that may be attached to permits

## Introduction

- 3.1 The Regulations (10 in the 2007 regulations and as amended by regulation 9 in the 2015 amendment regulations) detail the types of conditions that Permit Authorities may attach to permits. All conditions applied must comply with and be of the type specified in Regulations as set out in this statutory guidance. They must not be used to conflict with other statutory requirements.

## Notes on the Conditions

- 3.2 Conditions 1a or, 1b and 11a apply to all permits and, therefore, there is no need for these conditions to be attached to individual permits.
- 3.3 It is highly recommended that permit applications include any conditions that the works promoter feels are appropriate for the works being undertaken. Any additional authority imposed conditions applied must be reasonable and comply with Regulations. Any cost implications associated with the use of conditions should be proportionate and carefully considered. Works promoters should ensure that site operatives are aware of the conditions attached to permits and the Traffic Management agreements that are in place.
- 3.4 Street Manager has a character limit for the condition text of 1,500. However, suggested example shorthand text has been provided to assist. It must be noted however that, where a shorthand form of the condition text has been used, it shall be read as though the full version of the condition text had been attached and the condition will apply accordingly.
- 3.5 Wording for the statutory Conditions - It must be noted that no works promoter or permitting authority can add to, amend or adapt these conditions or develop and use any form of local condition. No aspect of a permit scheme documentation can be used as a condition for approval of works.

## NCT01a & NCT01b: Duration

<p><b>NCT01a – Duration APPLIES TO ALL PERMITS on streets where the validity window does not apply</b></p>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted it is a condition of this permit that activities shall not commence before the Proposed Start Date or in the case of ‘immediate works’ the Start Date contained in the application for immediate works and must end by the Estimated End Date provided on this permit. The Proposed Start Date, Actual Start Date and Estimated End Date will be as defined in [Street Manager].</p>
<p><b>Guidance for use of condition</b></p> <p>This condition should be added as a condition on all permits for activities carried out on streets where the validity window does not apply.</p>
<p><b>NCT01b – Duration APPLIES TO ALL PERMITS on streets where the validity window applies</b></p>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted it is a condition of this permit that activities shall not commence before the Proposed Start Date and must commence within the valid starting window period or in the case of Immediate Works by the Actual Start Date contained in the application for immediate works and once the activities have commenced the activities must take no more than [x number of] days in total to be completed. The Proposed Start Date, Actual Start Date and Estimated End Date are as defined in [Street Manager].</p>
<p><b>Guidance for use of condition</b></p> <p>This condition should be added as a standard condition on all permits for activities carried out on streets where the validity window applies.</p>

NCT01a/NCT01b apply to all permits. The permit application is not to be refused for the inclusion of these conditions

# NCT02a: Limit the days and times of day

<b>NCT02a Limit the days and times of day within the permit duration</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted it is a condition of this permit that activities shall only take place between [start time] and [end time] on weekdays and [start time] and [end time] on Saturdays and [start time] and [end time] on Sundays or Bank Holiday.</p>
<p><b>Guidance</b></p> <p>This condition should be attached to permits where it is necessary to limit the times of day that works are undertaken because the highway needs to be returned to normal use outside of these times e.g. due to conflicts of works or special events etc. For instance, the permit may be valid for 3 days but the site can only be occupied between the hours specified.</p> <p>Environmental concerns must be taken into consideration when using this condition.</p> <p>It should be noted that where specific start and stop time i.e. if you are only permitted to work outside traffic sensitive times, these are likely to be part of the discussions between the works promoter and the permit authority.</p>
<p><b>Example shorthand text</b></p> <p>NCT02a – activities to take place 09.00-19.00 weekdays, 0900-1300 Saturdays all other times highway to be clear as well as the reason for such specific requirements.</p>

This condition is to be used to limit timings of activities. It is to be used to clarify when the site can be occupied. This is not to be confused with NCT05a which relates to limiting the extent of the works' footprint.

## NCT02b: Working hours

<b>NCT02b Working hours</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted it is a condition of this permit that, as agreed, the following [extended] working hours will apply at this site from [start time] until [end time] on weekdays and [start time] and [end time] on (Saturday/Sunday/Bank Holiday).</p>
<p><b>Guidance</b></p> <p>There will be occasions where it is beneficial for a works promoter to clarify the hours that personnel will be working on site, for instance where it is necessary to advance the completion of the works by working extended hours to avoid a nuisance or an obstruction or to prevent a clash with any other event that may be planned for that street.</p> <p>This condition must only be attached to permits if the works promoter has agreed to the additional/extended hours specified and must not be imposed as a standard condition on permits.</p> <p>Environmental concerns must be taken in consideration when using this condition.</p> <p>If no specific working hours have been added to the permit application, then the assumption is that works will take place within the window of 8am-6pm Monday to Friday and 8am-1pm Saturday (Control of Pollution Act times). Both works promoter and permit authority need to consider again if this condition is applicable. If it is decided this condition is needed, the 'Environmental Health informed' Yes/No tick box in Street Manager should be used. In any case, if this condition is considered to be needed discussion and where needed prior approval from the permit authority should have been sought and gained.</p>
<p><b>Example shorthand text</b></p> <p>NCT02b – agreed (extended) hours 07.30-23.00 weekdays, 09.00-12.00 Sat</p>

## NCT03: not in use

<b>NCT03</b>
<p><b>Guidance</b></p> <p>NCT03 – This NCT should not be used.</p>

# NCT04a: Removal of surplus material/plant

<b>NCT04a - Removal of surplus materials/plant</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted, it is a condition of this permit that all remaining excavated or stored backfill materials and/or any unemployed plant must be removed from the public highway within (x hours e.g. 24) or by the stipulated time (e.g. at the end of the working day or prior to the site being un-occupied) due to (stipulate reason for application of condition).</p>
<p><b>Guidance</b></p> <p>This condition should be attached to permits where it is necessary to limit the area taken up by unused plant/materials or they need to be removed for Safety reasons. The condition should only be used where the storage of the materials and/or plant may cause problems on site such as congestion. It should be location specific and must not be applied to all permits. It is good practice to include the site-specific reason for attaching the condition.</p> <p>Authorities must ensure that timeframes are reasonable to ensure that this condition can be met - where x = 1 this may be deemed as unreasonable and impractical.</p>
<p><b>Example shorthand text</b></p> <p>NCT04a – surplus material to be removed by 15.00 each day as close to school.</p>

Practical use of this condition would be in areas where there is a night time economy or where there is a need to limit the activity footprint. It is site specific and when requested the reasons for its inclusion are to be given. This condition would be at the request of the Authority.

# NCT04b: Storage of surplus materials/plant

<b>NCT04b Storage of surplus materials/plant</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted, it is a condition of this permit that no materials and/or plant that will not be utilised within the working day are to be stored within or outside of the defined working space from (insert date) until (insert date) due to (stipulate reason for application of condition).</p>
<p><b>Guidance</b></p> <p>This condition should be attached to permits where it is necessary to limit the length of time materials or plant can be stored on site before they are required. The condition can also be attached to permits where it is necessary to limit the defined area that materials or plant can be stored on site before they are required. The condition should only be used where the storage of plant and/or materials may cause problems such as congestion or a special event. It should be location specific and must not be applied on all permits. It is good practice to include the site-specific reason for attaching the condition.</p>
<p><b>Example shorthand text</b></p> <p>NCT04b Material will only be stored on site Xhrs prior to use/ within [defined working space] The reason for the use of this condition and any required details should be included.</p>

This condition will be used when it is necessary to limit the length of time or the area required to store plant and materials on site prior to their use and a valid reason for the application of this condition will be given, e.g. so as not to cause congestion during the works or during a special event. This condition to be applied on a works by works basis and not applied to all permits. This condition would usually be requested by the permit Authority.

# NCT05a: Width and/or length of road space that can be occupied

<b>NCT05a - Width and/or length of road space that can be occupied</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted it is a condition of this permit that the activity shall occur only within the area [insert description of area or provide traffic management plan reference] including the relevant and required signing, lighting and guarding excluding advance warning, advance communication and diversionary signs.</p>
<p><b>Guidance</b></p> <p>This condition should be attached to permits where the works site is restricted to an agreed area/length as described in the brackets or specified in the Traffic Management Plan, this may also be used where the work and traffic management is restricted to the footway only. The Traffic Management Plan reference should be included for clarity.</p>
<p><b>Example shorthand text</b></p> <p>NCT05a Works restricted to area agreed in TM plan 12345</p>

The relevant TM type need not also be attached as a condition, for instance, if a promoter has used the TM type of “No carriageway incursion” then there is not also a need to attach this condition. However, the Permit Authority may take reasonable actions if the TM type differs to that stated on the permit.



# NCT06a: Road space to be available to traffic/pedestrians at certain times of day

<b>NCT06a - Road space to be available to traffic/pedestrians at certain times of day</b>
<p><b>Condition Text</b></p> <p>For activities hereby permitted it is a condition of this permit that [X]m must be maintained for pedestrians and/or [Y]m must be maintained for vehicles at the specified times.</p>
<p><b>Guidance</b></p> <p>This condition should only be attached to permits where it is necessary to maintain the footway/carriageway dimensions in excess of the statutory minimum.</p>
<p><b>Example shorthand text</b></p> <p>NCT06a - A minimum width/length of Xm shall be maintained for peds/vehicles at all times / between 09:30-15:00</p>

NCT06a is only to be used where it is required to maintain an existing provision in excess of the widths stated in the code of practice for safety at street works and road works e.g. 1.5m in the footway and 3.75m in the c/w. Practical examples would be areas of high pedestrian footfall i.e. outside stations/shopping centres, sport facilities etc. NCT06a is not to be used as an indication that a pedestrian walkway will be provided. This condition is not to be used to increase residual carriageway widths as it may conflict with the Statutory Safety Code of Practice.

# NCT07a: Road closed to traffic

<b>NCT07a - Road Closed to Traffic</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted it is a condition of this permit that activities shall only take place when [insert road name] or [insert description of the relevant section of the road] is closed to traffic.</p>
<p><b>Guidance</b></p> <p>If a road is closed in its entirety the text could read 'full closure'. If the road is only part closed the text could read 'closure from (point a) to (point b)'. If residential or commercial access is being maintained the text should read 'access maintained'.</p>
<p><b>Example shorthand text</b></p> <p>NCT07a – High Street closed from jct High Road to o/s 291 Low Road, access maintained</p>

This condition is not to be applied to all permits requiring a road closure. There may be occasions where an authority may require a road closure over and above the prescribed Traffic Management, and therefore apply this condition i.e. closure of a minor road on a signalised junction to alleviate congestion on the primary route. NCT07a is site specific where circumstances dictate and is not an addition to the TTRO process in normal circumstances.

# NCT08a: Traffic management request

<b>NCT08a - Traffic Management Request</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted it is a condition of this permit that works or the relevant part of the activity shall only take place when the following traffic management is deployed by use of x (where x determines type of control i.e. Portable Signals, Stop Go etc.).</p>
<p><b>Guidance</b></p> <p>If the authority considers there to be a need for traffic management to be utilised or more stringent traffic management over and above that detailed within the Safety Code of Practice, then this condition should be deployed.</p>
<p><b>Example shorthand text</b></p> <p>NCT08a - 2-way PLS in place, Stop Go 07:00 – 09:00 required due to peak traffic flows causing congestion</p>

This condition is to be used where a particular method of traffic control is required. Intelligent Portable Signals” using inbuilt programming to automatically adjust timings to optimize traffic flow have been developed and maybe one of the methods considered.

There may be times where such innovations will be the preferred option.

Other methods of traffic control can be used such as Stop/Go boards to control a parking facility or at certain times during the execution of the works but it should be noted that these are considered the least suitable option for anything over minor works on 3 and 4 roads.

NCT08a would be requested where the promoter has not identified the traffic management or the method identified is considered inappropriate.

## NCT08b: Manual control of traffic management

<b>NCT08b- Manual Control of Traffic Management</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted it is a condition of this permit that for the traffic management deployed (state type) it is manually operated between (x hours and y hours).</p>
<p><b>Guidance</b></p> <p>If to be manually controlled at any point, these times should be noted in text that reads 'manual control from xx:xx – yy:yy'.</p>
<p><b>Example shorthand text</b></p> <p>NCT08b – Manual control between 1600 hours and 2000 hours due to peak traffic flows to ensure traffic does not block junction with xxxx</p>

This condition is to be applied as per the instruction of the Authority with the purpose of improving traffic flow, it is site specific and not applied to all permits that require the use of signals. It is recommended that supplementary text be added in the short text to indicate the outcome required. Examples include traffic is not to stack up past Junction A, proactively managing traffic flows through the site based on tidal requirements etc.

Developments in technology in this area can provide intelligent portable systems to control lights and are a reliable alternative to two-way control. Where approved they should be accepted as a 'manual control' method of operation. Where a promoter utilises 'Intelligent' PLS this should be communicated to the permitting authority 'in the additional information field' in the permit application. Other than for the set up and maintenance of these lights, an operative's presence is not required.

The requirement for manually operated/control here is deemed to be met by a qualified / competent person being onsite monitoring flow, and intervening to manual control setting when needed in accordance with the NRSWA Safety code (the red book) where temporary measures are identified.

HAUC (England) will be able to provide further advice and information on approved systems.

# NCT09a: Changes to traffic management arrangements

<b>NCT09a - Changes to traffic management arrangements</b>
<b>Condition Text</b>  For the activities hereby permitted it is a condition of this permit that If there are proposed changes to the traffic management arrangements the works promoter must notify the authority before these changes are made.
<b>Guidance</b>  To be used where the Traffic Management used for an activity is proposed to be changed during the course of undertaking that activity. This condition should be applied on a works specific basis where changes to traffic management could cause significant network management problems.
<b>Example shorthand text</b>  NCT09a Significant changes in TM will be notified to authority

This condition is to inform the authority prior to any significant changes being made on site. Agreements may be made prior to works commencing or during their execution.

Prior notification is required and is likely to be by means of a telephone call (where technology develops other means may be possible), it should be followed by a permit change only where the change is significant.

Although this condition can apply (although it is expected to be used only by exception) to any works on any road it is most likely to be used (required) on TS and 1 & 2 roads or for major works.

## NCT09b: Traffic management arrangements to be in place

### NCT09b - Traffic management arrangements to be in place

#### Condition Text

For the activities hereby permitted it is a condition of this permit that the works comprised in [specified part A/B] of the activities hereby permitted shall be subject to and shall occur only when the following traffic management measures are in place [or as attached in schedule.].

#### Example shorthand text

NCT09b- part 2 of these works cannot start until the Eastbound lane is open to traffic, as agreed in TM plan 12345

## NCT09c: Signal removal from operation when no longer required

### NCT09c - Signal Removal from operation when no longer required

#### Condition Text

For the activities hereby permitted, it is a condition of this permit that activities using portable traffic signals must have the signals (whether manually operated or not) removed from use as soon as possible and no later than four hours after completion of works irrespective of day of completion.

#### Guidance

To be used for activities requiring the use of portable traffic signals where traffic flows would be unnecessarily impacted by the signals remaining in operation beyond the point at which they are required for the work and causing unnecessary disruption (e.g. to stop portable traffic signals being deployed over a weekend when works were completed on the Friday afternoon).

The term 'completion on this activities' means the point in the works at which the portable traffic signals can be safely removed, whilst ensuring the integrity of the reinstatement remains. This should not be taken to mean 'works closed' or similar that relates to the section 74 notification.

'Completion of activities' also means the surface of the highway has been fully reinstated (including markings) and is suitable for use by traffic.

Signal heads do not need to be removed from site, only decommissioned and not be causing an obstruction for this condition to be complied with. Further guidance to ensure compliance with this condition is set out in the following chart:

Works Location	Works	Removal of PTS in 4hrs?
Verge	Reinstating verge.	Yes - no wait for curing of materials.
Foot Way (F/W) only.	Reinstatement of F/W or modular F/W.	Yes - unless full reconstruction of F/W or pedestrian walkway is needed to be maintained.
Cycleway (C/W).	F/W or Ca/W reinstatement including cycleway and C/W marking replacement as applicable.	Yes - 4hrs from point of markings being replaced (to take place as soon as reinstatement material allows).
Carriageway (Ca/W).	C/W reinstatement. Differing requirements for different street categories, materials etc. Phased works with TTS moved to side if needed.	Yes – phases should be achieved within 4hrs. Unless the materials specified within the SROH and associated factors (outside temperature) would see the curing period exceed the 4 hours.
Specialist surfacing/full road markings.	Specialist surfacing and full road markings likely to be 2nd phase of existing works. TTS would be reinstated for the duration of these works.	Yes – phases should be achieved within 4hrs. Longer curing requirements due to specialist surfacing should be conditioned on Permit when known. (See above)

**Example shorthand text**

NCT09c PTS removal from use.

# NCT10a: Employment of appropriate methodology

<b>NCT10a - Employment (as agreed) of appropriate methodology</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted it is a condition of this permit that for the activities on this site, as agreed, the works methodology employed will be A, B, C [describe agreed methodology] throughout the duration of the works activity.</p>
<p><b>Guidance</b></p> <p>The methodology to be used must be agreed in advance with the works promoter as this may not be practical or suitable for the works that need to be undertaken. This condition should be used by exception, where the methodology to be used is important to the site conditions. The methodology should be specific to the circumstances of a particular works [see paragraph 6 of this guidance document].</p> <p>If, once on site, it is clear that the agreed methodology cannot be used then the promoter must contact the authority straight away during working hours or first thing the next working day to discuss an alternative as well as an agreed methodology.</p> <p>It should also be noted that more than one methodology may be listed.</p>
<p><b>Example shorthand text</b></p> <p>NCT10a – works methodology (where agreed) is likely to be hand dig</p>



## NCT11a: Display of permit number

### NCT11a APPLIES TO ALL PERMITS - Display of Permit Number

#### Condition Text

For the activities hereby permitted it is a condition of this permit that activities shall not be carried out unless a site information board(s) displaying the permit reference number is on the site at all times for the duration of the works. This must be displayed in a prominent place at all times so that it may be read easily by the public, clearly displaying the correct permit reference number. For Immediate Works the display of the permit reference number is required by 10.00am on the next working day after the works have started on site.

#### Guidance for use of condition

This condition should apply to all permits.

A prominent position is considered to be such that the board is placed so that it does not obstruct footways or carriageways but can be clearly read by pedestrians.

The order in which the sign(s) are laid out should be as per the current Safety Code of Practice.

There may be occasions where a particular site will require more than one information board with the permit reference number displayed e.g. large sites, sites with multiple excavations or sites which impact both the footway and the carriageway. Where an authority considers that more than one information board is required to display the permit reference number, they should discuss and agree this requirement with the promoter if including it as a permit condition. The correct permit reference number should then be displayed on site on the additional information boards at all times for the duration of the works.

NCT11a applies to all permits. The permit application is not to be refused for the inclusion of these conditions.

# NCT11b: Publicity for proposed works

<b>NCT11b - Publicity for proposed works</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted, it is a condition of this permit that activities shall not commence unless the Promoter has publicised and/or advised all individual properties and businesses [on X roads] setting out where the works will take place; the nature of the works; the duration of the works; the intended start date [etc.] and contact details of a representative of the promoter.</p>
<p><b>Guidance</b></p> <p>This condition should be used by exception, it cannot be routinely applied to works. It may be appropriate at locations where it is vital that local residents / businesses are notified in advance of an activity due to the sensitivity of the location e.g. close to a school, hospital etc. or because of the times during which works will take place – e.g. night working.</p>
<p><b>Example shorthand text</b></p> <p>NCT11b – publicity/advice to be/has been provided to residents/stakeholders on High Rd</p>

Accepted methods of publicity could include: advanced information signs; use of Variable Messaging Signs (VMS); social media; and letter drops etc. as appropriate and most suitable to the circumstances and location of the works.

The application must be reasonable and include the method and timescales required appropriate to the impact to the network. Due to the nature of advanced information this condition cannot be applied to immediate permits, and would only apply to minor works where minimum notice periods are not used.

# NCT12a: Limit timing of certain events

<b>NCT12a - Limit timing of certain activities</b>
<p><b>Condition Text</b></p> <p>For the activities hereby permitted, it is a condition of this permit the following working methodology [insert methodology] shall only take place between [start time] and [end time] on weekdays and/or [start time] and [end time] on Saturdays and/or [start time] and [end time] on Sundays or Bank Holidays and must not continue beyond these times.</p>
<p><b>Guidance</b></p> <p>This condition should only be attached to permits where it is necessary to limit the time of day during which certain activities can take place. As an example, the works may be permitted to take place until 10pm however the element that involves slot cutting can only take place before 6pm.</p> <p>The reason for the restriction should be made clear e.g. residential area/directions from Authority.</p>
<p><b>Example shorthand text</b></p> <p>NCT12a [breaking out] 10.00-20.00 weekdays, 09.00-12.00 Sat</p>

## NCT13: Exceptional circumstance

There may be an exceptional circumstance where a specific circumstance means that an additional condition needs to be added to a permit that is not covered by the text of the conditions set out above. [It should be noted that wording has been provided where this condition is required for works that may impinge on entry and egress to transport hubs].

Any such condition should;

- First be agreed with the work promoter (in line with the respective duties imposed by s59 and s60 of the 1991 Act);
- Be specific to both the circumstances of the particular activity and the locality; falls within regulation 10 (2) (a – h);
- Comply with all primary and secondary legislation regulations and that the application of any constraint within a condition does not conflict with the activity promoter's obligations under separate legislation;
- Follow this and any further DfT statutory guidance;
- Have regard to the advice provided as the Highway Authorities and Utilities Committee (England) first issued as 2014 / 01 August 2014; and
- Be labelled under reference for condition 13.
- **\*\*Note:** The text above for NCT13 has been taken directly from Statutory Guidance

NCT13 must not to be routinely used. It is only to be used where the site-specific requirements dictate. It is not a local condition that would apply over and above NCT01a - NCT12a, or a mechanism to apply previous conditions that are not covered in the Statutory Guidance.

This category can only be used in unique exceptional circumstances. It must only be used with approval and be discussed and agreed with the works promoter before application.

In December 2018, the Department for Transport provided suggested wording for the use of a 'condition 13' in specific circumstances for those authorities whose roads provided vital links to significant transport hubs. The suggested wording is as set out below:

- 'In the event of there being abnormal traffic flow related to an exceptional nationally circumstance the permit to undertake these works may be revoked. Should this be the case the highway will need to be returned to full use within four hours with all spoil and any other works equipment removed. If agreed a temporary reinstatement or plating with regular monitoring and maintenance may be used.'

Additional information to support the use of the specific condition was provided as follows:

### **Applicability**

Short term (initially 2020 financial year) only to be used by those local highway authorities whose network contains roads that could be adversely impacted both on

the entry to or egress from a seaport or airport (passenger or freight) or on routes from these international transport hubs to the strategic route network this permit to undertake

### **Supporting information**

This condition could be needed in other areas such as any stacking of high priority / freight vehicles, but where such use is considered this should be raised with HAUC (England) and / or the chairs of the permit forum. Its use, as for all conditions, must apply to all works promoters (The Traffic Management Permit Scheme (England) Regulations 2007 - regulation 40).

### **Emergencies**

By their nature, these will be unplanned and unpredictable but it is suggested that the urgency is assessed jointly and suitable time slot/measures used to minimise the impact of those works to address the actual emergency. It is considered essential that speedy and detailed discussions take place for all such works on these routes between works promoters and the local highway authority.

### **Fixed Penalty Notices**

Where this condition is required, non-compliance will, in the usual way, be subject to the fixed penalty notice provided for in regulation 20 of The Traffic Management Permit Scheme (England) Regulations 2007 (Offence to breach a permit condition).

This condition may be required for any permit on a part of the network where an abnormal traffic load would impact on both the entry to or egress from a seaport or airport (passenger or freight).

It will be essential that the works promoter and the local highway authority provides contact details of the person (s) that will be contactable and capable of effective action for the works duration in case it needs to be invoked.

Should this specific condition 13 be invoked, a works promoter would be required to cease working and return the highway to full use within four hours. When any subsequent permit is required to reschedule the same works at the same site by the same works promoter no additional permit fee should be required.

## 4. Conclusion

- 4.1 It should be noted that where there is a HAUC (England) Dispute Resolution process that can be followed where any conditions required by a Permit Authority are not considered reasonable by works promoters. It is assumed that disputes should initially be locally resolved. Escalation to regional or HAUC (England) should only take place after a local view has been reached. It should be noted that the Department does not have a formal role in dispute resolution.