STATUTORY INSTRUMENTS

2015 No. 91

HIGHWAYS, ENGLAND

The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015

Made - - - -	*21st January 2015*
Coming into force - -	*30th March 2015*

The Secretary of State for Transport having approved the Milton Keynes Council Permit Scheme under section 34(2) of the Traffic Management Act 2004(**1**) makes this Order in exercise of the powers conferred by sections 34(4) and (5) and 39(2) of that Act.

Citation and commencement

1. This Order may be cited as the Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 and comes into force on 30th March 2015.

Interpretation

2. In this Order—

"the Milton Keynes Council Permit Scheme" means the permit scheme set out in the Schedule to this Order which was prepared and submitted to the Secretary of State by Milton Keynes Council and has been approved by the Secretary of State; and

"specified streets" has the meaning given by regulation 8 of the Traffic Management Permit Scheme (England) Regulations 2007(**2**).

Commencement of Permit Scheme

3. The Milton Keynes Council Permit Scheme comes into effect on 30th March 2015.

Application of Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007

4. Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007 shall apply to the specified streets within the Milton Keynes Council Permit Scheme.

(**1**) 2004. c.18.
(**2**) S.I. 2007/3372.

Signed by authority of the Secretary of State for Transport

Robert Goodwill
Parliamentary Under Secretary of State
Department for Transport

21st January 2015

SCHEDULE Article 2

THE MILTON KEYNES COUNCIL PERMIT SCHEME

Milton Keynes Permit Scheme

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Milton Keynes Permit Scheme

1 FOREWORD

1.1.1 The Milton Keynes Permit Scheme is a Single Permit Scheme for the purposes of Part 3 of the Traffic Management Act 2004 (TMA) and the Traffic Management Permit Scheme (England) Regulations 2007 (the Permit Regulations).

2 INTRODUCTION TO THE PERMIT SCHEME

2.1 Background

2.1.1 Part 3 of the Traffic Management Act 2004 (TMA) introduced Permit Schemes as a new way in which activities in the public highway could be better managed and to improve Authorities' abilities to minimise disruption from street and road works.

2.2 The Permit Scheme

2.2.1 This Permit Scheme, to be known as the **Milton Keynes Permit Scheme (MKPS)**, and hereinafter referred to as the 'Permit Scheme', is made under on Part 3 of the TMA and the Traffic Management Permit Scheme (England) Regulations 2007, (the Regulations), and has been prepared with regard to the Statutory Guidance issued by the Secretary of State to assist Highway Authorities wishing to become Permit Authorities and in accordance with the requirements set out in the Regulations.

2.2.2 The Permit Scheme will be operated solely by Milton Keynes Council as a Single Permit Scheme.

2.2.3 Promoters should make themselves aware of the content of these documents and also the Code of Practice for Permits (Department for Transport) alongside which the Permit Scheme will be operated.

2.2.4 All current NRSWA and TMA legislation, codes of practice, etc. and any future amendments to that legislation, that may apply to this Permit Scheme.

2.2.5 The scheme has taken into account any major known projects such as Cross Rail, Olympics, TIF projects, Thames Gateway projects etc.

2.2.6 In accordance with Regulation 4 (g) it is intended that the Permit Scheme is going to start operation in mid-March 2015.

2.3 The Permit Authority

2.3.1 The Permit Scheme will be operated as a Single Permit Scheme by Milton Keynes Council, as the Highway Authority for Milton Keynes, hereinafter referred to as the 'Permit Authority'.

2.4 Activities

2.4.1 For consistency, the generic term 'activities' has been used rather than "works" to reflect the fact that the Scheme may eventually cover more than street and road works in subsequent Regulations. These are the specified works as set out in the Regulations.

2.4.2 The term 'Promoters' will be used for both Statutory Undertakers (including Utility companies) and the Highway Authority.

2.4.3 A glossary of the main terms contained within this document is provided in Appendix A.

2.5 Relationship to NRSWA

2.5.1 Permit Schemes provide an alternative to the existing notification system of the New Roads and Street Works Act 1991 (NRSWA), whereby instead of informing a Highway

Authority about its intention to carry out works in its area, a Statutory Undertaker has to book time on the highway by obtaining a Permit from the Permit Authority.

2.5.2 Under a Permit Scheme, the activities undertaken by the Highway Authority, its partners or agents are also treated in exactly the same way as a Statutory Undertaker.

2.5.3 The Permit Authority may apply conditions which impose constraints on the dates and times of activities and the way that work is carried out can be attached to Permits.

2.5.4 The Permit Authority's control over variations to Permit conditions, particularly time extensions, gives a greater incentive to complete activities on time.

2.5.5 A Highway Authority may choose to implement a Permit Scheme on all or some of the roads under its control.

2.6 Equivalent definitions

2.6.1 As the Permit Scheme will operate alongside the NRSWA noticing system, the same or equivalent definitions and requirements are used as in the NRSWA notice system, namely:

- Registerable activities/works
- Categories of activities/works, (major, standard, minor and immediate activities/works)
- Street gazetteers, including street referencing by means of a Unique Street Reference Number (USRN) and Associated Street Data (ASD)
- Street reinstatement categories as defined in the NRSWA Reinstatement Specification
- The distinction between main roads and minor roads where such distinctions are relevant
- Streets designated as Protected Streets, streets having Special Engineering Difficulties, (SED), or a Traffic Sensitive Street

2.7 Changes to NRSWA legislation

2.7.1 Where it is implemented on the specified streets, *(See 4.3 below),* and in accordance with the Regulations, the Permit Scheme will result in the disapplication and modification of the following sections of the NRSWA:

- Sections of NRSWA disapplied: s53; s54; s55; s56; s57; s66
- Sections of NRSWA modified: s58; s58A; s64; s69; s73A; s74; s88; s89; s90; s93; s105; Schedule 3A
- Regulations modified: The Street Works (Registers, Notices, Directions and Designations)(England) Regulations 2007 SI 2007/1951

2.7.2 Changes to Section 58 (restrictions on works following substantial road works) and Section 74 (charges for occupation of the highway where works are unreasonably prolonged) apply only to Statutory Undertakers activities.

2.7.3 The Permit Scheme makes arrangements so that similar procedures are followed for Highway Authority Promoter activities in relation to timing and duration, in order to facilitate the operation of the Permit Scheme.

2.7.4 To ensure parity of treatment for all Promoters, reports will be produced for both Statutory Undertakers and Highways Authority works so direct comparisons of applied procedures can be made.