STATUTORY INSTRUMENTS

2015 No. 90

HIGHWAYS, ENGLAND

The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015

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

The Secretary of State for Transport having approved the Brighton and Hove City 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 (Brighton and Hove City Council) Permit Scheme Order 2015 and comes into force on 30th March 2015.

Interpretation

2. In this Order—

"the Brighton and Hove City 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 Brighton and Hove City 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 Brighton and Hove City 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 Brighton and Hove City 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 BRIGHTON AND HOVE CITY COUNCIL PERMIT SCHEME

Brighton & Hove Permit Scheme

Document Information	
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Brighton & Hove Permit Scheme

1 FORWARD

1.1.1 The Brighton & Hove 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

2.1.1 A Permit Scheme is an important development for Brighton & Hove City Council and the surrounding area. The development of the scheme shows how the Council, working together with communities and stakeholders, expects to support and deliver the wider aims and priorities that the city has, by investing in the management of its transport network.

2.1.2 This includes coordinating essential works, supporting businesses, economic growth, getting people into work, getting children safely to school, improving air quality and protecting and enhancing our unique natural and built local environments.

2.1.3 We must maintain, manage, protect and improve the transport network because it is such a valuable asset. By making sure the network works safely and efficiently for everybody, we can also enable people to make the right transport and route choices and we want those choices to be, first and foremost, efficient, sustainable, healthy and convenient.

2.2 BACKGROUND

2.2.1 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.

2.3 THE PERMIT SCHEME

2.3.1 This Permit Scheme, to be known as the **Brighton & Hove Permit Scheme (B&HPS)**, and hereinafter referred to as the 'Permit Scheme', is made under 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.

2.3.2 The Permit Scheme will be operated solely by Brighton & Hove City Council as a Single Permit Scheme.

2.3.3 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.

2.3.4 All current New Roads and Street Works Act (NRSWA) and Traffic Management Act (TMA) legislation, codes of practice, etc. and any future amendments to that legislation, apply to this Permit Scheme.

2.3.5 Brighton & Hove City Council recognises the local economic benefits of nationally significant infrastructure projects, including the improved timing, coordination and delivery of works for the roll out of the Superfast Broadband project and any other significant projects in the area. We are committed to ensuring that the commencement of the Brighton & Hove Permit Scheme will not have a detrimental impact on the implementation of any such projects within, or adjacent to, the Permit Scheme area.

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

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2.4 THE PERMIT AUTHORITY

2.4.1 The Permit Scheme will be operated as a Single Permit Scheme by Brighton & Hove City Council, as the Highway Authority for Brighton & Hove, hereinafter referred to as the 'Permit Authority'.

2.5 ACTIVITIES

2.5.1 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.

2.5.2 The term 'Promoters' will be used for both Statutory Undertakers (including Utility companies) and the Brighton & Hove Highway Authority. The present 2007 Permit Regulations provide for permit schemes to include both street works by statutory undertakers, as defined in NRSWA (this excludes street works licensed under s50 of NRSWA), and highway works, defined in s83 of NRSWA as works for road purposes. Although the term "works" is used generically in the Regulations, "activities" is used in this guidance to encompass both types of works and anticipates subsequent sets of regulations which may extend the scope of permit schemes to other activities on the street.

2.5.3 Authorities preparing permit schemes must include both highway and statutory undertakers' works. All works comprising "registerable works" in terms of the 2007 Notices Regulations under NRSWA should be included.

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

2.6 RELATIONSHIP TO NRSWA

2.6.1 Permit Schemes provide an alternative to Sections of 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.

2.6.2 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.

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

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

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

2.6.6 Brighton & Hove City Council has decided to implement a Permit Scheme on all of the roads under its control.

2.7 EQUIVALENT DEFINITIONS

2.7.1 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)

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