There are some instances where the permit scheme document does not accurately reflect the TMA and its regulations. The word "must" refers to a Statutory Requirement and "should" refers to best practice so please see my comments below:

Section 4.3.3.3 states "Projects covering more than one street must cross reference all related applications". Section 5.5.1 of the Statutory Guidance for Permits states that "Permit Authorities should cross reference any linked permits. A condition requires the permit reference number to be prominently displayed on the site to the best of linked work". Therefore Section 4.4.3.3 is not linked to any regulations and the word "must" cannot be used. Suggest using the word "should".

Section 4.5.2.1 states "Where the site is traffic sensitive, details of the times of the day the activity is to be carried out must be provided". I cannot find any regulations to back this up so the use of the word "must" in this section.

Section 4.5.2.2 states "Bus stop suspension should follow the West Midlands HAUC procedure". As far as I am aware, there is no WMAUC procedure and this hasn't been signed/endorsed by the WMAUC chairs.

Section 4.5.1.1 states that the inspection unit can be laid down in The Street Works Inspection Fees (England) (Amendment) Regulations 2004. The latest Inspection Fee regulations are 2009 but more importantly, these regulations do not state how inspection units are calculated, they state what fee is associated with a sample inspection.

Section 4.4.1.2 states "Activity promoters must provide that the estimated excavation depth in the Statutory Guidance for permits states "3.33 Permit schemes should require that activity promoters provide their best estimate of the excavation depth as part of the application". Suggest you take out the word "must". I also don't know where you expect the information to be as there is no field on the permit application to place the estimated depth. The only place I can see is part of the sites tab and this does not form part of the main application. Suggest changing the paragraph to say that if the site depth is going to be over 1.5m then it may be added to the application in this section.

Section 7.4.3.1 refers to cancelling a permit and states "Fire cancellation notice must be submitted within 2 working days beginning with the date on which the permit start date ceases to have effect". As per Section 7.4.1.1 of your document there is no legal mechanism and no legal permission to cancel a permit that is not longer required. Suggest you remove the word "must" and replace with "should".

Section 4.6.1.1 states "The promoter must clarify that an activity is to be carried out in more than one phase". The National Guidance for the Operation of Permit Schemes states in section 2.5.2 "A permit promoter should clarify that an activity is to be carried out in phases on the application. Therefore suggest you remove the word "must" and replace with "should".

Section 4.6.1.2 states "Each phase will require a permit and the same activity reference must be used for all phases". There is no regulations to back up the use of the word "must" therefore suggest you remove and replace with "should".

Section 4.6.1.3 states "The same works reference number must be used". There is no regulations to back up the use of the word "must" therefore suggest you remove and replace with "should".

Section 4.6.1.4 states "The activity promoter must telephone the Permit Authority within two hours and give the location for further excavations on the same street within 30 minutes of this initial excavation". Section 2.3 of the National Guidance for the Operation of Permit Schemes states "the promoter should telephone the authority with the new location(s)". Suggest the word "must" is removed and replaced with "should".

Section 7.4.3.1 refers to cancelling a permit and states "The cancellation notice must be submitted within 2 working days beginning with the date on which the permit start date ceases to have effect". As per Section 7.4.1.1 of your document there is no legal mechanism and no legal permission to cancel a permit that is not longer required. Suggest you remove the word "must" and replace with "should".

Section 4.5.9.1 states "The statutory guidance requires information on depth to be provided as part of a permit application, in the absence of an appropriate ETIH field it would have to be provided in a free text field. Suggest removing the word "must" from the conditions and change to "should".
<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>South Staffs Water</td>
<td>6</td>
<td>3.2 It talks about the effect of planned activities to a Public Transport provider. If Dudley MBC want to encourage more communication, provide for Public Transport providers on the ASD. Referring to start and end dates, Section 4.4.5.1 states &quot;the activity promoter must contact the Permit Authority on the previous day&quot; I cannot find any regulations to back this up the use of the word &quot;must&quot; in this section. Section 4.8 uses the word &quot;must&quot; in several sentences and there is no legal basis to back up the word &quot;must&quot; so suggest you remove the word &quot;must&quot; and replace with &quot;should&quot;.</td>
<td>3.2.5 No Action</td>
<td>4.4.5.1 must replaced with should</td>
<td>4.4.5.1 must replaced with should where it related to EToN (to conform with the EToN spec) The ref. to emailed permits has been retained as must as that is the only way DMBE can receive them.</td>
<td>8.4.4.5.6 No Action</td>
</tr>
<tr>
<td>12</td>
<td>South Staffs Water</td>
<td>7</td>
<td>The proposed scheme document is well written and well presented. There are a few anomalies as detailed above but apart from that, it aligns with legislative/regulatory requirements.</td>
<td>Noted</td>
<td></td>
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<tr>
<td>13</td>
<td>Western Power Distribution</td>
<td>1</td>
<td>3.2.6.2 collaborative working, the must related to cross ref. has been replaced with should.</td>
<td>6.1.4.5.3 No Action</td>
<td></td>
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<td>14</td>
<td>Western Power Distribution</td>
<td>2</td>
<td>3.2.6.2 collaborative working, the must related to cross ref. has been replaced with should.</td>
<td>6.4.3.4 No Action</td>
<td></td>
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<tr>
<td>15</td>
<td>Western Power Distribution</td>
<td>3a</td>
<td>3.2.6.2 collaborative working, the must related to cross ref. has been replaced with should.</td>
<td>6.4.3.4 No Action</td>
<td></td>
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<tr>
<td>16</td>
<td>Western Power Distribution</td>
<td>3b</td>
<td>3.2.6.2 collaborative working, the must related to cross ref. has been replaced with should.</td>
<td>6.4.3.4 No Action</td>
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<tr>
<td>17</td>
<td>Western Power Distribution</td>
<td>3c</td>
<td>3.2.6.2 collaborative working, the must related to cross ref. has been replaced with should.</td>
<td>6.4.3.4 No Action</td>
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<tr>
<td>18</td>
<td>Western Power Distribution</td>
<td>3d</td>
<td>3.2.6.2 collaborative working, the must related to cross ref. has been replaced with should.</td>
<td>6.4.3.4 No Action</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

3.2.6 There is no provision for this in the ASD as that company or/and not defined as Transport Authorities in NRSWA

10.9.16.6 This section and 5.1.1.2 do not ask for a SU to apply a condition as it is not a pre-permit condition.

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The scheme will be created by a legal order and is designed to provide a legal base for the operational requirements of a scheme, all other aspects of the scheme are contained in the supporting documents.

The scheme is created by a legal order therefore it only references the legal documentation that it is based on not HAUC guidance.

The scheme is a statutory permit scheme and there is no reference to the Dudley Metropolitan Borough Council permit scheme as no such permit scheme exists. The scheme is currently legally limit to "Streetworks & Works for Road Purposes" as defined in NRSWA.

No action we do not consider the scheme overreaching.

Chapter 14 has been removed from the scheme document. The scheme document will be created by a legal order and is designed to provide a legal base for the operational requirements of a scheme, all other aspects of the scheme are contained in the supporting documents.

The sentence in the supporting doc referencing Chapter 14 has been left in error. The sentence following this says operational measures and KPIs are shown below - is the correct wording. The typo in the title has been corrected.

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The proliferation of the work 'must' needs reviewing, as it is being used inappropriately.

Chapter 14 of the scheme sets out in more detail the metrics that will be used to measure how the scheme is performing. Chapter 14 covers Transition, and Chapter 13 which is titled Monitoring the Permit Scheme provides no detail. Therefore the only response can be that the proposed monitoring is inadequate.

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There is no mention of the HAUC(England)/Permit Guidance document, which both Permit Authorities and Works Promoters have been requested to follow.

The use of Must has been review and replaced with should in appropriate cases (see specific issues raised above)

No Action

A number of types and the full details in the document (highlighting in the question, stating it is not possible any other suggestions for how the draft Dudley Metropolitan Borough Council permit scheme could be improved ) There are incorrect cross references which gives the impression that the document has been rushed out and not check for accuracy.

The probition of the work 'must' needs reviewing, as it is being used inappropriately.

Most importantly there is no mention of the West Midlands Combined Transport Authority, and the Key Route Network that will be managed on behalf of the Mayor and Moss licence that interface will work. As stated above, when a permit application is submitted to the Permit Authority, a works promoter will expect that the Permit Authority will assess and grant (with modifications as relevant) in the required timeframes. If there is an interaction between the Permit Authority and the WMCTA, then this must take place within the allowed response period - the proposed process of interaction should have been detailed in the permit scheme, or if that was not possible then at least mentioned that this was to follow.

No Action
This would create a significant administrative burden on both the permit authority and Openreach. This would need to be considered carefully, as the system will indicate that the permit has not been applied for. Yes it is a change and the system will indicate that the permit has not been applied for but enough in advance but an early start has been requested.

There are concerns around the introduction of an all street permit scheme with fees on all streets. This causing a huge administration burden. Permit fees alone are going to cost ... per annum without taking into account the added costs and resource associated with serving the permits, invoicing and modification requests.

DMBC is the Highway Authority for the Key Route Network where is passes through our area and therefore the PA, in the vast majority of permit applications there will be no interaction between DMBC and WMC.

WAving or Reducing Permit Fees

Therefore the specified types of traffic management require consent other than a permit under the RTRA 1984. A road closure would also require an order under the RTRA 1984.

Noted

The scheme is created by a legal order therefore it only references the legal documentation that it is based on.

Summary

Noted

The arboriculture Dept. should be consulted as indicated in the scheme, DMBC. The Streetworks (N/JUG) guidelines require you to consult with DMBC within the prohibited zone and to discuss activities in the precaution zone.

- STW would hope that DMBC will take a sensible approach to the powers given within the scheme and apply the scheme with consideration to safety, environmental and opportunity to achieve these objectives under current legislation without the need to introduce a Permit scheme with added financial and admin burdens that are associated with Permits.

Must has been reviewed and replaced with should where appropriate (see specific instances mentioned above)

- STW would have wanted some reference of how your scheme will work with the West Midlands Combined Transport Authority and the key route network.

No Action

- Within your cost benefit analysis there is reference to Background of the scheme. The objectives and benefits discussed will need to be reflected in DMBC’s annual permit evaluation report to demonstrate the scheme has achieved its goals. STW feel that there is sufficient powers and opportunities to achieve these objectives under current legislation without the need to introduce a Permit scheme with added financial and admin burdens that are associated with Permits.

- The cost benefit analysis supplied shows benefits to Dudley; the costs associated with working within a Permit Scheme for STW fully outweigh these. Permit fees alone are going to cost ... per annum without taking into account the added costs and resource associated with serving the permits, invoicing and modification requests.

There are also associated issues regarding the document that could result in misunderstanding. For example, must ought to be replaced by should where a requirement is not stated in legislation. Where this is the case STW will work in accordance with the relevant regulations and the HAUC England/Guidance on the Operation of Permit Schemes issued in February 2017 endorsed by the DfT.

Must has been reviewed and replaced with should where appropriate (see specific instances mentioned above).

- No reference within the scheme of working to the National Permit Guidance document. STW will work to this guidance.

Noted

- STW would welcome the focus on collaborative working shown within the document, however, we hope that DMBC will be mindful of the challenges around this type of activity and work with all to facilitate.

3.2.5.1 No Action

- 3.2.6 STW will work with the N/JUG guidelines for working around trees.

3.2.6 No Action

- 5.4.4.6 the TSRGD require the TA to grant permission for portable light signals under the prohibited zone and to discuss activities in the precaution zone

5.4.4.6 No Action

- The wording is in some cases incorrect. Wording within the document that could result in misunderstanding. For example, must ought to be replaced by should where a requirement is not stated in legislation. Where this is the case STW will work in accordance with the relevant regulations and the HAUC England/Guidance on the Operation of Permit Schemes issued in February 2017 endorsed by the DfT.

3.2.6.1 No Action

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3.2.6.1 is a requirement of NRSWA (CtP 2.2.1)

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- STW feels that there is sufficient powers and opportunities to achieve these objectives under current legislation without the need to introduce a Permit scheme with added financial and admin burdens.

2.1.3.1 the TSRGD require the TA to grant permission for portable light signals under the prohibited zone and to discuss activities in the precaution zone.

5.4.1.3 No Action

- STW would like to say that we look forward to continuing working with Dudley in the cooperative way we have always done. STW would welcome to take part in a trial prior to commencement of the scheme if Dudley wish to do so. We have found trials effective with previous schemes, this gives a great opportunity to understand the scheme, DMBC’s expectations and iron out any issues.

5.4.1.3 No Action

At all SU’s are aware of permit schemes as there are many in operation in the locality that requiring utilities should be aware of permitting requirements however during the first month penalties will be considered on a case by case basis.

STW would request a meeting prior to the commencement of the scheme to discuss site map and questions we have following our internal training and the gold standard sketch which will be sent along with the permit application.

STW would hope that DMBC will take a sensible approach to the powers given within the scheme and apply the scheme with consideration to safety, environmental and opportunity to achieve these objectives under current legislation without the need to introduce a Permit scheme with added financial and admin burdens that are associated with Permits.

STW would welcome the focus on collaborative working shown within the document, however, we hope that DMBC will be mindful of the challenges around this type of activity and work with all to facilitate.

3.2.6 STW will work with the N/JUG guidelines for working around trees.

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