Kent Lane
Rental Scheme
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1 Introduction

1.1. The Kent Lane Rental Scheme (KLRS), operated under the powers of the New Roads and Street Works Act (1991) (NRSWA) has been introduced to enable Kent County Council (KCC) to fulfil their duty to coordinate and manage works [activities] on the highway in order to minimise any related disruption from utility companies and street works and Kent County Council's own highways works.

1.2. Kent has one of the most extensive highway networks in the country. The County Council maintains over 5,000 miles of roads and 4,000 miles of pavements, as well as 4,200 miles of public rights of way. KCC is directly responsible for 2,700 bridges, 110,000 streetlights, 130,000 traffic signs and 400 miles of cycle routes. The Councils approach to managing the network are set in the context of its Local Transport Plan for Kent (LTP) and detailed in the KCC Highways & Transportation Network Management Plan (these and any successor Plans are available on the KCC website – www.kent.gov.uk).

1.3. The Local Transport Plan includes 11 objectives of which one is to “Keep Kent Moving” – Kent County Council will manage and maintain the local highway network to maximise the safe and efficient use of road space and to provide reliable journey times.

1.4. Under the Traffic Management Act 2004 The Network Management Duty all local transport authorities in England have a duty to: “secure the expeditious movement of traffic on the authority’s road network”.

1.5. On 25th January 2010, KCC introduced the Kent Permit Scheme which has improved the County Council’s ability to reduce disruption from road works. Under the KPS, anyone intending to carry out works on the highway must apply for permission in advance of the works and KCC may choose to grant a permit or refuse the permit as submitted, and or request conditions. The KLRS is designed to work in conjunction with the Kent Permit Scheme to complement the powers provided within this scheme.

1.6. The power for local authorities to implement lane rental schemes in England is subject to the approval of the Secretary of State. In accordance with the stated Guidance for Lane Rental Schemes, KCC has consulted with all relevant stakeholders during the development of the KLRS.
2 Objectives and Principles of the KLRS

2.1. The New Roads & Street Works Act 1991 (NRSWA), as amended by the Transport Act 2000 and the Traffic Management Act 2004, contains provision for highway authorities to operate schemes that involve charging Promoters for the time their works occupy the highway (as a daily charge).

2.2. The Government considers that well-designed and well-targeted lane rental schemes, focused on the most critical parts of the highway network and with charges applying only at the busiest locations at traffic sensitive times, should encourage those undertaking street works to carry out their works in a less disruptive manner.

2.3. Where appropriate and consistent with protecting public safety, a lane rental scheme could provide real financial incentives that encourage undertakers to:

- reduce the length of time that sites are unoccupied, hence reducing total works durations;
- improve planning, coordination and working methods to maximise efficiency;
- carry out more works outside of peak periods, reopening the highway to traffic at the busiest times and/or making greater use of evening or weekend working where the local environmental impact is acceptable;
- optimise the number of operatives on site to enable works to be completed as quickly as possible;
- complete works to the required standard first time, reducing the need to return to the site to carry out further works

2.4. When operating the KLRS and in making decisions related to the development of the KLRS, KCC will endeavour to follow the key principles of:

- working with all parties operating within the KLRS to ensure there is an open approach to meeting the objectives of the scheme;
- driving performance and leading the industry through new ideas and best practices;
- taking a practical and reasonable approach to decision making and any disputes that arise;
- maintaining a level playing field for all Promoters and demonstrating parity-treatment;
- providing transparency to the success and governance of the scheme.
3 Scope of the Scheme

3.1. The scope of the KLRS has been designed to meet the objectives and principles of the KLRS and in accordance with The Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 (the Regulations). The KLRS will therefore apply a charge when a Promoter occupies the highway at traffic sensitive times on those streets to which the KLRS applies; whilst also providing incentives through charge exemptions and discounts, to encourage the planning and subsequent carrying-out of works to have a less disruptive impact to the highway.

3.2. Promoters

3.2.1. The scope of the KLRS and the associated charging regime applies to all Promoters - a person or organisation who commissions or promotes works on the highway.

3.3. Specified Works

3.3.1. The KLRS will apply to all registerable activities that require a permit, as set out in the Kent Permit Scheme. These include:

- street works – work on plant and apparatus in the street by undertakers;
- works for road purposes – maintenance and improvement works to the road itself carried out by, or on behalf of, the highway authority; and
- major highways works.

3.3.2. In addition, unless covered by an exemption, any street works would be liable to lane rental charges, whether carried out by an undertaker by virtue of a specific statutory right or under a Section 50 Licence.

3.3.3. Any activities exempt of charge are listed within the Exemptions section of the KLRS.

3.4. Specified Location

3.4.1. The KLRS will only apply charges at specified locations – at times specified – as detailed within the KLRS Schedule.

3.4.2. The application of the KLRS charge to specified locations is to the most critical section of KCC’s highways network and includes streets where any intervention is proven to cause significant disruption and congestion.

3.4.3. The criteria for designating a street as a specified location is based on more than one of the following conditions being met:

- Streets that are currently subject to early notification of immediate activities;
▪ Streets that are category 0, 1 and 2;
▪ Those streets that are traffic sensitive;
▪ Seasonal lane rental charges will also be applied to major tourist areas;
▪ Substantial impact from school term time traffic.

3.4.4. The locations subject to lane rental charges *(specified locations)* may be the whole or part of the street and subject to specified days and times.

3.4.5. The streets covered within the KLRS as a specified location will be identified on the NSG and additional street data.

3.4.6. The KLRS does not apply to works that are carried out in a footway or verge of a specified location where the occupation does not include the carriageway or cycle track on the carriageway.

3.5. **Specified Days and Times**

3.5.1. Subject to a street being a specified location, lane rental will apply whenever a street is designated as traffic sensitive, including weekends and Bank Holidays – except for Christmas Day or Boxing Day. The Traffic Sensitive times on a Bank Holiday will be the same as those for a Sunday at that location.

3.5.2. The specified location will also be subject to specified days of the year when lane rental will apply, for example during school term time.

3.5.3. The specified days and times for the specified locations will be identified on the NSG and additional street data. Related information, such as term-time dates, will also be published on the KCC website.

4 **Exemptions**

4.1. Streets subject to Regulation, but not identified within the KLRS Schedule as a specified location will be exempt from charge. In such circumstances the daily charge will be waived.
5 The Kent Permit Scheme

5.1. The operation of the KLRS will complement the Kent Permit Scheme. The information provided in a permit application and relevant notices, subject to any agreed correction, will be used to determine any daily lane rental charges.

5.2. Permit Application on a Lane Rental Street

5.2.1. As the content of the permit application will determine whether the planned or immediate activity is within the scope of the KLRS it is imperative for the Promoter to include accurate details for location and duration, including times.

5.2.2. For all permit treatment where the KLRS applies, the Permit Authority will assume, the activity is subject to the KLRS. If the Promoter intends to work under an exemption within the KLRS, they must include relevant text in the condition field of their permit application.

5.3. Permit Variations

5.3.1. The Kent Permit Scheme allows for a Promoter to vary a permit in instances where unforeseen circumstances prevent the completion of an activity within the agreed times and where the activity may extend beyond the reasonable period.

5.3.2. If the variation will result in the activity taking place in a different charging band to that of the original activity, then this must be clearly indicated on the permit variation application. A Promoter should also indicate any instances where the revised activity timings will result in work being carried out in a chargeable area for only part of the activity duration.

5.4. Authority Imposed Variations

5.4.1. In any instances where the Permit Authority issues an Authority Imposed Variation to a Promoter, which results in an activity becoming subject to the scope of the KLRS, or an increased rate of charge, no new charge or an increase of charge, will be applied as a result of the Permit Authority’s instruction.

5.5. Permit Fees

5.5.1. Whilst a separate permit fee will not be raised where an activity is liable to a KLRS charge, the permit related process and procedures as defined in the Kent Permit Scheme are integral to lane rental.

5.5.2. Where an activity is not liable for a KLRS charge there will be no effect to the permit fee charging regime [Section 9 of the Kent Permit Scheme].
5.5.3. In any instances where a permit fee has been applied, but it was discovered without a Promoter variation that the activity carried out by the Promoter should have been subject to a KLRS charge, then any permit related fees would remain and still be chargeable.
6 Lane Rental Charges

6.1. Calculation of Charge

6.1.1. In accordance with the Regulations and the Scope of the KLRS, KCC will apply a daily rate of charge, for the duration of specified works carried out by the Promoter at a specified location during the specified times and days.

6.1.2. To calculate the daily rate of charge, other than for Immediate Works, the duration of the street works shall begin on the date specified in the actual start of works notice and end on the date specified in the works stop notice (as the date of works ended).

6.1.3. For all types of Immediate Works, the charges will apply on and from the third calendar day of occupation – taking the works start as stated within the relevant permit application and ending on the date stated on the relevant Section 74 works clear or works closed notice.

6.1.4. Promoters are strongly encouraged to consider the carrying-out of Immediate –Urgent activities outside of specified days and times wherever possible.

6.1.5. When calculating the actual work start and finish dates for all activities, the Permit Authority or the Promoter may provide additional information to prove a variation to the duration works and activity type (if different to any submitted notice). In all circumstances any charge will be applied according to the actual occupation and activity.

6.1.6. Section 74 overrun charges will apply in accordance with the Section 74 Regulations following the end of the agreed reasonable period, in additional to the KLRS charges.

6.2. Charge Categories

6.2.1. The Regulation allows for a prescribed daily rate of charge, which may be reduced or waived in particular cases (applied as a charge discount).

6.2.2. In accordance with the Regulations and with consideration to the objectives of the KLRS, there are a range of charge categories depending on the location, times and days of work. The daily rate of charge will be reduced according to a discount, applicable to the band of street and the reduction of lanes available.
<table>
<thead>
<tr>
<th>Band</th>
<th>Road Closure</th>
<th>Lane Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Charge</td>
<td>Charge</td>
</tr>
<tr>
<td>KLR1</td>
<td>2,000</td>
<td>800</td>
</tr>
<tr>
<td>KLR2</td>
<td>2,000</td>
<td>400</td>
</tr>
<tr>
<td>KLR3</td>
<td>1,600</td>
<td>600</td>
</tr>
<tr>
<td>KLR4</td>
<td>1,600</td>
<td>300</td>
</tr>
</tbody>
</table>

6.2.3. The KLRS Schedule will set-out the location bands and any applicable charge.

6.2.4. If a works footprint spans more than one band of charging for the entire duration of the works then the higher daily rate of charge will apply for the entire duration of that works. In instances where the works have fully moved to a lower charge band, thereby changing the band of charging to be applied, the Promoter must submit a timely permit variation.

6.2.5. For the calculation of changes in such instances the Permit Authority will determine the timings for such changes based on the receipt of the associated permit variation.

6.2.6. In accordance to the Regulations 4(4) the Permit Authority reserve the right in exceptional and unavoidable circumstances to apply a discretionary discount to the lane rental charge.

6.3. Lane Closure

6.3.1. The term Lane Closure refers to any or all of the following:

(i) a reduction in the number of lanes available to traffic on a dual carriageway of three or more lanes;

(ii) on a single carriageway road the application of Traffic Management as defined in the Safety at Street Works and Road Works a Code of Practice or otherwise in any superseding Code of Practice;

(iii) the application of a TTRO for any reason; and

(iv) changes in geometry or function of a junction which adversely affects the traffic flow through that junction.

6.4. Lane Widths

6.4.1. The minimum acceptable Lane Widths allowable under the KLRS will be as defined in Safety at Street Works and Road Works a Code of Practice or otherwise in any superseding code of practice as that suitable for “Normal traffic including busses and HGV”;

6.4.2. Lane rental charges will not be applied for works which do not reduce the number of lanes, of prescribed width, available to traffic.
6.5. **Variations to Lanes Available within an Activity**

6.5.1. In such instances where the reduction of lanes available changes during an activity, thereby changing the discount to be applied to a daily rate of charge, the Promoter must submit a permit variation to the Permit Authority clearly indicating the change applied at the relevant time the change is made. There will be no permit fee for such variations.

6.5.2. For the calculation of changes in such instances the Permit Authority will determine the timings for such changes based on the receipt of the associated permit variation.

<table>
<thead>
<tr>
<th>Works Start Notice</th>
<th>Promoter submits a Permit Variation</th>
<th>Works Stop Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day One</td>
<td>Day Two</td>
<td>Day Three</td>
</tr>
<tr>
<td></td>
<td>Day Four</td>
<td>Day Five</td>
</tr>
</tbody>
</table>

- Full Lane Closure
- Part-Lane Closure

Charges Applied as Per Permit Application and Notices Received

Charges Applied as Per Permit Variation and Notices Received

6.6. **Highway Occupation**

6.6.1. Without exception, works will be defined as complete when the Promoter has completed any required reinstatement and:

   (i) removed all signing, lighting and guarding in respect of the works; and
   (ii) removed all remaining spoil, unused materials and other plant in respect of works; and
   (iii) returned the highway fully to public use (*normal traffic capacity*).

6.7. **Remedial Works**

6.7.1. Remedial works carried out at traffic sensitive times at specified locations to rectify defective reinstatements on the carriageway or on the footway or verge which impacts on the carriageway will be subject to the maximum daily charge for the applicable band, irrespective of any fee discount associated to the reduction of lanes.

6.8. **Mitigated Charges (Signing, Lighting and Guarding)**

6.8.1. Where works are completed before the end of the reasonable period, but signing, lighting and guarding as defined under mitigated charges in Section 74 regulations remains on the highway, the Permit Authority will:

   (i) inform the Promoter of the identity and location of the signing, lighting and guarding; and
(ii) request the Promoter to remove the signing, lighting and guarding.

6.8.2. If the Promoter has complied with the request no later than the end of the next working day, following the day on which the request was received the relevant daily rate of charge will not apply. In these instances the Promoter will have to pay the mitigated charge, in accordance with the Regulations.

6.8.3. Where a Promoter fails to comply with the request, the relevant KLRS charge for the occupation of the highway will apply for the relevant period. At the end of the reasonable period, Section 74 Regulations would also come into effect – the Permit Authority would consider that they have complied with the requirement set-out within the Regulations to contact the Promoter regarding the signing, lighting and guarding.

6.9. Collaborative Works

6.9.1. Any opportunity for two or more Promoters to collaborate their activities to reduce the occupation of the highways is strongly encouraged. In such circumstances, where works are carried out at the same location by two or more Promoters, concurrently, the daily charge rate will be applied to the Lead Promoter – as identified within the associated permit applications.

6.10. Monitoring Activity

6.10.1. The calculation of the daily rate of charge in most circumstances is based on the dates specified in the relevant Section 74 notices. If during the monitoring of activities on the highway, the Permit Authority obtains evidence that the actual activity carried out by the Promoter varied from the notices received and as a result became subject to a daily rate of charge, then all relevant KLRS charges and permit fees will apply.

6.10.2. The Permit Authority recognises the effect that unforeseeable circumstances can have on the carrying out of activities and will always consider fairness and any impact when taking appropriate action.

6.10.3. In such circumstances a Promoter is advised to contact the Permit Authority at the earliest opportunity to inform them of the reasons for change and to discuss mitigating action being taken to prevent any unnecessary disruption to the highway.

6.10.4. In all circumstances of monitoring activity, if the Permit Authority considered that an offence has been committed by the Promoter, they may consider applying any relevant sanction or taking a prosecution.
6.11. Payment and Reconciliation

6.11.1. For the collection of lane rental charges from the Promoter, the Permit Authority will follow the same timescales and procedures associated to the Kent Permit Scheme. It is also expected that the Promoter similarly will follow the procedures and time scales of the Kent Permit Scheme. An account will be issued to each Promoter, who will be provided with an opportunity to reconcile this account, prior to invoicing.
7 Sanctions

7.1. Offences

7.1.1. Regulations 21 to 28 of the Traffic Management Act Permit Scheme (England) Regulations 2007 (and Schedules 1 & 2) authorise KCC as a Permit Authority to issue Fixed Penalty Notices in respect of criminal offences.

7.1.2. Fixed Penalty Notices offer the offender an opportunity to discharge liability for an offence by paying a penalty amount.

7.1.3. These powers and any subsequently amended powers will continue to apply to all roads within the roads managed by KCC.

7.1.4. Similarly any offences under NRSWA continue to be offences and KCC as a Permit Authority maintains the right to take such action, as is appropriate, including prosecution where such offences have been committed.

7.2. Section 74 of NRSWA

7.2.1. KCC will continue to apply its powers as per the Section 74 of NRSWA regulations raising charges if works take longer than the agreed reasonable period.
8 Dispute Resolution

8.1. The Permit Authority is committed to delivering their Network Management Duty and all associated benefits through the use of tools available together with a positive working relationship with all stakeholders carrying-out street works.

8.2. The Permit Authority also recognises that on occasions there may be disagreements between parties. In an event of any dispute related to the KLRS, KCC will use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure.

8.3. Dispute Review

8.3.1. If agreement cannot be reached locally on any matter arising in relation to the KLRS, the dispute will be referred for review on the following basis:

8.4. Straightforward issues

8.4.1. Where Kent County Council and the promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of SEHAUC (that is those not representing parties directly involved in the dispute) for review. That review should take place within the timescales set-out in the HAUC dispute process, from the date of referral. Kent County Council will accept the result as binding.

8.5. Complex Issues

8.5.1. If Kent County Council and the promoter(s) involved in the dispute think the issues are particularly complex, HAUC(UK) will be asked to set up a review panel of four members - two utilities and two street authorities. One of the four persons will be appointed as Chair of the panel by the HAUC(UK) joint chairs.

8.5.2. Each party must make all relevant financial, technical and other information available to the review panel.

8.5.3. The review would normally take place within the timescales set-out in the HAUC(UK) dispute process, from the date on which the issue is referred to HAUC(UK). The conclusions of the review panel will be binding on all parties.

8.6. Adjudication

8.6.1. If agreement cannot be reached by the procedure above, the dispute can be referred to independent adjudication. Adjudication within the KLRS will only be used if Kent County Council and the promoter(s) agree in relation to the matter under dispute, that

   (i) the decision of the adjudicator is deemed to be final; and
(ii) the costs of adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them.

8.6.2. Where the adjudication route is followed, Kent County Council and the promoter(s) will apply to the joint chairs of HAUC (UK), who will select and appoint the independent adjudicator from a suitable recognised professional body.

8.7. **Arbitration**

8.7.1. Disputes relating to matters covered by the following sections of NRSWA may be settled by arbitration, as provided for in section 99 of NRSWA:

- Section 74 (2) - charges for occupation of the highway where works are unreasonably prolonged;
- Section 74A (12) - charges determined by reference to duration of works;
9 EToN and National Street Gazetteer

9.1. EToN

9.1.1. As defined with the Kent Permit Scheme, all permit applications must comply with the definitive format and content of both paper and electronic permit applications given in the Technical Specification for EToN. Where the EToN Technical Specification provides fields and or codes for the different specific pieces of information, these must be used in the permit application. If not then text must be used in the appropriate fields. Text may also be needed to supplement other specified data.

9.1.2. Wherever possible, the Permit Authority and the Promoter must notify in accordance with the protocols set out in the Technical Specification for EToN.

9.2. National Street Gazetteer

9.2.1. The National Street Gazetteer (NSG) and associated additional street data (ASD) will contain the related information for the KLRS specified locations. This data will be kept up-to-date by the Permit Authority, as NSG Custodian, and no variations to the KLRS will come into effect without the relevant updates to the NSG and/or ASD, as required.
10 Evaluation and Governance

10.1 Scheme Evaluation

10.1.1 The Permit Authority recognises the need to evaluate the operational performance of the KLRS, both in terms of its efficiency and the effectiveness to meet the state objectives within the agreed principles.

10.1.2 Prior to the KLRS coming into effect KCC will prepare a full cost-benefit analysis to demonstrate that the overall benefits are sufficient to justify the full costs involved in running the scheme.

10.1.3 The Permit Authority will collect data, prior to the KLRS coming into effect, in order to provide a clear evaluation of the benefits achieved from operating the scheme.

10.2 Income Governance

10.2.1 In accordance with the Regulations, the Permit Authority will retain revenues obtained from charges to meet the costs incurred for operating the KLRS, including any set up costs of the KLRS scheme and any subsequent required scheme evaluation.

10.2.2 Any surplus revenues will be applied towards initiatives that are associated to the objectives of the KLRS, within the areas shown below.

- transportation;
- enabling infrastructure; and
- industry practices and research and development.

10.2.3 To ensure an un-biased and even-weighting towards the application of the revenues to these initiatives a percentage of the revenues available will be equally allocated to each area. To allow a degree of flexibility within this a -/+5% variance will be allowed to this allocation.

10.2.4 To determine the use of any surplus income; the Permit Authority will establish a KLRS Board of Trustees who will evaluate opportunities or requests for the application of this revenue. This Board will comprise of representatives of:

- representatives from the Joint Utilities Group (comprising water, gas, electricity and communications);
- representatives from KCC Highways and Transportation (Promoter);
- representatives from KCC as Permit Authority;
- a KCC Treasurer.
10.2.5. Requests will be submitted with a business case setting out estimated costs, benefits; expected outcomes; and time scales.

10.2.6. The results of the initiatives undertaken will be published and an objective measurement will be recorded and also published to in order to identify the end benefit towards the network management and road users in Kent.

10.2.7. The principles applied to the application of the surplus revenues will be applied equally, without any consideration to the source of the income and in consistency to the parity treatment for all Promoters within the KLRS.

10.2.8. The management of the revenues from the KLRS will be separate from other KCC revenues. The Permit Authority will keep an account of the revenues and costs associated to the KLRS, including a record of the application of surplus revenues. These accounts will be published on an annual basis.
11 Variations to the Kent Lane Rental Scheme

11.1. Demands on the highway network within Kent are always subject to change and therefore the Permit Authority will always seek to effect any change in order to manage that demand.

11.2. It is therefore expected that the KLRS and scope may vary in order to ensure it is providing the necessary powers and tools required by the Permit Authority to meet their statutory duty. There may be a requirement to amend the charge discounts to ensure the incentives from the KLRS charges are achieving the desired objectives.

11.3. In circumstances where the Permit Authority wants to effect a change to the KLRS, subject to Regulation, any such changes will be formally consulted on via Kent HAUC. Where applicable, for example in the amendment to locations or charge bands, associated evidence will be provided to justify the changes requested.

11.4. The Code of Practice for Permits sets-out the Procedure for Making Designations and the Permit Authority will follow the procedure when making such changes.
## Addendum A: Glossary

<table>
<thead>
<tr>
<th>TERM</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity</td>
<td>Means street works as in Part 3 of NRSWA, and works by licences under Section 50 of NRSWA and works for road purposes as defined by Section 86 of NRSWA.</td>
</tr>
<tr>
<td>Additional street data</td>
<td>Additional Street Data (&quot;ASD&quot;) refers to other information about streets held on the NSG concessionaire’s website alongside the NSG.</td>
</tr>
<tr>
<td>Additional street data</td>
<td></td>
</tr>
<tr>
<td>Adjudication</td>
<td>See section 8 of the KLRS.</td>
</tr>
<tr>
<td>Apparatus</td>
<td>As defined in section 105(1) of NRSWA &quot;apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus&quot;.</td>
</tr>
<tr>
<td>Appeal</td>
<td>If there is an unresolved disagreement between the Promoter and Kent County Council as Permit Authority, the promoter may appeal against the Council's decision using the procedure in section 8.</td>
</tr>
<tr>
<td>Arbitration</td>
<td>As defined in section 99 of NRSWA, &quot;any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers&quot;.</td>
</tr>
<tr>
<td>Bank holiday</td>
<td>As defined in section 98(3) of NRSWA, &quot;bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated&quot;.</td>
</tr>
<tr>
<td>Carriageway</td>
<td>As defined in section 329 of Highways Act 1980, &quot;carriageway means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles&quot;.</td>
</tr>
<tr>
<td>Code of Practice for Permits</td>
<td>As published by Department for Transport March 2008.</td>
</tr>
<tr>
<td>Cycle Track</td>
<td>As defined in section 329(1) of the Highways Act 1980, &quot;cycle track means a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot&quot;.</td>
</tr>
<tr>
<td>Day</td>
<td>In the context of the duration of activities, a day refers to a working day, unless explicitly stated otherwise.</td>
</tr>
<tr>
<td>DfT</td>
<td>Department for Transport.</td>
</tr>
<tr>
<td>EToN</td>
<td>Electronic Transfer of Notifications, the system defined in the Technical Specification for EToN for passing notices, permit applications, permits and other information between Promoters and the Permit Authority.</td>
</tr>
<tr>
<td><strong>Fixed Penalty Notice (FPN)</strong></td>
<td>As defined in schedule 4B to NRSWA, &quot;fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty&quot;.</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Footpath</strong></td>
<td>As defined in section 329 of the Highways Act 1980 “footpath means a highway over which the public have a right of way on foot only, not being a footway”.</td>
</tr>
<tr>
<td><strong>Footway</strong></td>
<td>As defined in section 329 of the Highways Act 1980, &quot;footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only&quot;.</td>
</tr>
<tr>
<td><strong>HAUC(UK)</strong></td>
<td>The Highway Authorities and Utilities Committee for the UK.</td>
</tr>
<tr>
<td><strong>Highway</strong></td>
<td>As defined in section 328 of the Highways Act 1980, &quot;highway means the whole or part of a highway other than a ferry or waterway&quot;.</td>
</tr>
<tr>
<td><strong>Highway Authority</strong></td>
<td>As defined in sections 1 and 329 of the Highways Act 1980.</td>
</tr>
<tr>
<td><strong>Highway works</strong></td>
<td>&quot;works for road purposes&quot; or &quot;major highway works&quot;.</td>
</tr>
<tr>
<td><strong>Immediate activities</strong></td>
<td>Immediate activities are either emergency works as defined in section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.</td>
</tr>
<tr>
<td><strong>In</strong></td>
<td>As defined in section 105(1) of NRSWA, &quot;in, in a context referring to works or activities, apparatus or other property in a street or other place includes a reference to works or activities, apparatus or other property under, over, along or upon it&quot;.</td>
</tr>
<tr>
<td><strong>Maintenance</strong></td>
<td>As defined in section 329 of Highways Act 1980, &quot;maintenance includes repair, and &quot;maintain&quot; and &quot;maintainable&quot; are to be construed accordingly&quot;.</td>
</tr>
<tr>
<td><strong>Major activities</strong></td>
<td>As defined within the Kent Permit Scheme and as found for works categories in the 2007 Notices Regulations under NRSWA.</td>
</tr>
<tr>
<td><strong>Major highway works</strong></td>
<td>As defined in section 86(3) of NRSWA, &quot;major highway works means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway - (a) a reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway&quot;.</td>
</tr>
<tr>
<td><strong>Minor activities</strong></td>
<td>Minor activities are those activities other than immediate and major activities where the planned duration is 3 days or less.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
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</tr>
<tr>
<td>National Street Gazetteer (NSG) – also referred to as Nationally Consistent Street Gazetteer</td>
<td>A database defined as &quot;an index of streets and their geographical locations created and maintained by the local highway authorities&quot; based on the BS7666 standard.</td>
</tr>
<tr>
<td>Network management duty</td>
<td>As stated in Part 2 of TMA.</td>
</tr>
<tr>
<td>NSG Custodian</td>
<td>The body appointed to manage the NSG on behalf of the local highway authorities.</td>
</tr>
<tr>
<td>Permit</td>
<td>The approval of a permit authority for an activity promoter to carry out activity in the highway subject to conditions.</td>
</tr>
<tr>
<td>Permit application</td>
<td>See Chapter 4 of the Kent Permit Scheme. The application that is made by a promoter to the authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (section 55 of NRSWA) given under the Co-ordination regime.</td>
</tr>
<tr>
<td>Permit Authority</td>
<td>A local authority or other “highway authority” which has been given approval by the Secretary of State to operate a permit scheme on all or some of its road network.</td>
</tr>
<tr>
<td>Permit Scheme</td>
<td>A scheme approved by the Secretary of State under which permits for activities are sought and given.</td>
</tr>
<tr>
<td>Promoter</td>
<td>A person or organisation who commissions or promotes works on the highway.</td>
</tr>
<tr>
<td>Prescribed</td>
<td>As defined in section 104 of NRSWA, &quot;prescribed means prescribed by the Secretary of State by regulations, which may (unless the context otherwise requires) make different provision for different cases&quot;.</td>
</tr>
<tr>
<td>Provisional Advance Authorisation (PAA)</td>
<td>The early provisional approval of activities in the highway. Refer to Kent Permit Scheme.</td>
</tr>
<tr>
<td>Reasonable period</td>
<td>As defined in section 74(2) of NRSWA, &quot;a reasonable period means such period as is agreed by the authority and the undertaker to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable, for completion of the works in question&quot;.</td>
</tr>
<tr>
<td>Registerable</td>
<td>As stated in NRSWA, registerable activities correspond to specified works in the regulations and codes of practice.</td>
</tr>
<tr>
<td>Reinstatement</td>
<td>As defined in section 105(1) of NRSWA, &quot;reinstatement includes making good&quot;.</td>
</tr>
<tr>
<td>Remedial work</td>
<td>Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and regulations.</td>
</tr>
<tr>
<td>Road</td>
<td>&quot;highway&quot;.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------------</td>
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</tr>
<tr>
<td>Road category</td>
<td>This means one of the road categories specified in paragraph 1.3.1 of Chapter S.1 of the code of practice entitled “Specification for the Reinstatement of Openings in Highways” dated June 2002 and approved by the Secretary of State for Transport on 30th June 2002, as revised or re-issued from time to time.</td>
</tr>
<tr>
<td>Road works</td>
<td>Works for road purposes.</td>
</tr>
<tr>
<td>SEHAUC</td>
<td>South East regional group of the Highway Authorities and Utilities Committee.</td>
</tr>
<tr>
<td>Standard activities</td>
<td>Standard activities are those activities, other than immediate and major activities, that have a planned duration of between 4 and 10 days inclusive.</td>
</tr>
<tr>
<td>Statutory right</td>
<td>As defined in section 105(1) of NRSWA, &quot;statutory right means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street works licence&quot;.</td>
</tr>
<tr>
<td>Street</td>
<td>As defined in section 48(1) of NRSWA, &quot;street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed as a way or not&quot;.</td>
</tr>
<tr>
<td>Street authority</td>
<td>As defined in section 49(1) of NRSWA, &quot;the street authority in relation to a street means, subject to the following provisions (a) if the street is a maintainable highway, the highway authority, and (b) if the street is not a maintainable highway, the street managers&quot;.</td>
</tr>
<tr>
<td>Street works</td>
<td>As defined in section 48(3) of NRSWA, &quot;street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street)&quot;.</td>
</tr>
<tr>
<td>Street works licence</td>
<td>As stated in section 50(1) of NRSWA, &quot;the street authority may grant a licence (a &quot;street works licence&quot;) permitting a person (a) to place, or to retain, apparatus in the street, and (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).</td>
</tr>
<tr>
<td>Traffic</td>
<td>As defined in section 105(1) of NRSWA, &quot;traffic includes pedestrians and animals&quot;.</td>
</tr>
<tr>
<td>Traffic control</td>
<td>Any of the five methods of controlling traffic detailed in the Code of Practice &quot;Safety at Street Works and Road Works&quot;.</td>
</tr>
<tr>
<td>Traffic flow</td>
<td>The number of vehicles using the particular street at specified times of the day and year, measured in accordance with DfT guidelines.</td>
</tr>
<tr>
<td>Traffic Regulation Order (or Traffic Order)</td>
<td>This means an Order made under section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984.</td>
</tr>
<tr>
<td>Traffic-sensitive street</td>
<td>This means a street designated by a street authority as traffic-sensitive pursuant to section 64 of NRSWA and in a case where a limited designation is made pursuant to section 64(3) any reference to works in a traffic-sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.</td>
</tr>
<tr>
<td>Undertaker</td>
<td>As defined in section 48(4) of NRSWA, &quot;undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be&quot;.</td>
</tr>
<tr>
<td>Urgent activities</td>
<td>Urgent activities are (a) activities (not being emergency activities) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required) (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; (ii) to avoid substantial loss to the undertaker in relation to an existing service; or (iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and (b) Includes activity that cannot reasonably be severed from such activities.</td>
</tr>
<tr>
<td>Working day</td>
<td>As defined in section 98(2) of NRSWA, &quot;for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day&quot;.</td>
</tr>
<tr>
<td>Works</td>
<td>Street works or works for road purposes.</td>
</tr>
<tr>
<td>Works clear</td>
<td>A works clear notice is used following interim reinstatement. EToN uses works stop to notify that works are no longer occupying the highway</td>
</tr>
<tr>
<td>Works closed</td>
<td>A works closed notice is used following permanent reinstatement. EToN uses works stop to notify that works are no longer occupying the highway</td>
</tr>
<tr>
<td>Works for road purposes</td>
<td>As defined in section 86(2) of NRSWA, &quot;works for road purposes means works of any of the following descriptions executed in relation to a highway: (a) works for the maintenance of the highway; (b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles&quot;.</td>
</tr>
</tbody>
</table>
Addendum B: Transitional Arrangements

The Permit Authority will provide the Promoter with no less than 12 weeks formal notice for the coming into effect of the KLRS.

The basic rules of transition will apply to all activities which could be covered by the Scope of the KLRS:

(i) The KLRS will apply to all activities first notified to KCC, or in respect of which an application for a Permit or Provisional Advanced Authorisation is made, after the KLRS come-into-effect date;

(ii) Major activities with a permit prior to the scheme coming into effect that actually start within the three months of the KLRS come-into-effect date will not be subject to charge;

(iii) Standard, Minor and Planned Immediate activities with a permit prior to the scheme coming into effect that actually start within the one month of the KLRS come-into-effect date will not be subject to charge; and

(iv) If any activities covered by (ii) and (iii) are varied by duration or methodology once the KLRS is in effect they will become subject to charge.

In advance of the KLRS coming into effect and during the period of notice, the Permit Authority will operate a shadow-running of the KLRS for a period of 12 weeks. This period will provide opportunity for the Promoter and Permit Authority to embed new ways or working, including operating processes and IT system usage. If during this period and prior to a scheme coming into effect any Promoter considers that they have a planned activity that may affect their compliance to the KLRS, they must contact the Permit Authority at the earliest opportunity to discuss any practical resolve.

During the transition and formal notice period, prior to a scheme coming into effect, no KLRS charges will apply.

There are no dis-applied or modified sections from NRSWA as a result of the KLRS coming into effect.