

23 November 2020

## **Use of Condition 13 for Routes impacted by Brexit Traffic**

Dear Colleagues,

With the approach of Brexit at the turn of the year with or without a deal, some disruption is very likely as new procedures bed in for import and export of goods. This may well lead to some disruption of highways at or near international sea or air hubs and access routes to and from these hubs to the major route network.

For those local highway authorities whose network includes international sea or air hubs with access routes to and from these hubs to the major route network, action will only be applicable in the event of the network becoming at risk from being impacted by exceptional traffic flows in the 2020/2021 financial year.

Where the local highway authority consider it has such routes, the below sets out the way in which authorities can mitigate the impact of works.

### **For Permit Schemes – wording for a specific condition 13**

#### **Applicability and information**

Applicability – Short term (2020/2021 financial year) and 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.

#### **Supporting information**

The Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions (July 2020) contains the ability for an authority to require the application of a condition 13 *in exceptional circumstances* to a permit. No authority has to use a condition 13 or in fact, other than the standard ones, any condition should be used only after careful consideration and sparingly.

It is possible that the suggested condition 13 could be needed to help mitigate issues where any stacking of high priority / freight vehicles occurs, but where such use is considered this should be seen as an exceptional circumstance and used sparingly.. **Its use, as for all conditions, must apply to all works promoters** (The Traffic Management Permit Scheme (England) Regulations 2007 - regulation 40).

It is strongly advised that works promoters discuss with authorities to, where possible, bring forward into this current financial year any work on those routes to ensure the network is as resilient as possible. Equally it is strongly advised that where possible local highway authorities facilitate any such alteration in planned works and do not apply any additional permit fees.



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**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).

**Operation** – The Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions (July 2020) provides the set of national conditions which would be applied to permit applications to undertake works in the usual way. This specific condition will need to comply with all the requirements for a condition 13 as set out in that Statutory Guidance and its application undertaken in accordance with the Operational Guidance for Permit Schemes issued by HAUC (England).

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 provide 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.

**Suggested wording** – *‘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.*

The advice above is very specific and condition 13 in this context should be used with great care and consideration and accompanied by good communication between work promoters and Highway authorities. Local and regional HAUC’s are a good means of communication.

Best Regards

Peter Loft and David Latham  
Joint Chairs HAUC England

Agreed by all parties including the DfT, HAUC UK, JAG, Street Works UK,