



**ENVIRONMENT AND TRANSPORT OVERVIEW AND SCRUTINY  
COMMITTEE – 7 NOVEMBER 2019**

**PERMIT SCHEME UPDATE FOR STREET WORKS AND ROAD WORKS**

**REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT**

**Purpose of the Report**

1. The purpose of this report is to update members on the Leicestershire County Council Permit Scheme for street works and road works.

**Policy Framework and Previous Decisions**

2. The Permit Scheme has been developed under the powers provided in Part 3 of the Traffic Management Act 2004; the Traffic Management Permit Scheme (England) Regulations 2007 and the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015.
3. The Environment and Transport Interim Commissioning Strategy Action Plan was approved by the Cabinet on 10 March 2017; it included actions to develop and implement the Permit Scheme.
4. The Scrutiny Committee's views on the implementation of the permit scheme were sought on 7<sup>th</sup> September 2017 and forwarded to the Cabinet meeting on 15<sup>th</sup> September 2017 to support the draft Permit Scheme for Street Works and Road Works.

**Background**

5. Activities on the highway network cause disruption, delays and potential risks both to highway users and the highway asset. Most of these activities are undertaken by utility companies (street works), the highway authority (road works), and Developers. To try and reduce the impact that these have on road users, businesses and the local/national economy the Government introduced the Traffic Management Act (TMA) 2004. The aim of the TMA is to encourage highway authorities and utility companies to put greater emphasis on co-ordination of works, including the County Council's own works, with a view to minimising disruption and protecting highway infrastructure. One of the key mechanisms provided within the TMA is to allow highway authorities to introduce a Permit Scheme for authorising and controlling street works and road works.

**Permit Scheme overview**

6. The Permit Scheme is a key element of the County Council's approach to managing the highway network.

7. The aim of the Permit Scheme is to improve the management of the road network through the better planning, scheduling and management of activities, so that they do not cause avoidable traffic disruption to any road user.
8. Achieving this aim will help the County Council in meeting its network management duty under the TMA 2004, i.e. to ensure the expeditious movement of traffic, as far as reasonably practicable.
9. The Permit Scheme does not give the County Council the authority to prevent street works or road works from being carried out. Works promoters (i.e. those organisations responsible for carrying out the work) are carrying out their statutory duty to provide and maintain services, and Developers are delivering new housing and infrastructure which directly assists the County Council in delivering the Strategic Plan (strong economy, affordable and quality homes etc.)

### **Objectives**

10. The specific objectives for the Permit Scheme are as follows:

- To minimise disruption and inconvenience across the County by encouraging good practice, mutual and collaborative working arrangements, and a focus on coordination.
- To optimise the duration of activities and reduce unnecessary occupation of the network.
- To allow work promoters the necessary time and space to complete their work safely and expediently. To ensure the safety of those using the street and those working on activities that fall under the scheme.
- To provide a common framework for all works promoters who need to carry out their activity in the county.
- To establish consistency in working practices across the county and ensure parity of treatment for all promoters of activities covered by the scheme, particularly between statutory undertakers and highway authority works and activities.
- To promote early engagement between promoters and the County Council, and encourage forward planning and visibility of long term programmes to ensure activities are designed and planned to minimise their adverse impact on all road users, and to allow the County Council to make early informed risk based decisions with regards to the co-ordination and management of activities on the highway (risks around when, how and where the works take place).
- To work with all promoters to improve the quality and timeliness of information to road users about planned works and those being undertaken and to explore innovative ways of working.
- To emphasise the need to minimise damage to the structure of the highway and all

apparatus contained therein.

### **Current Position**

11. The Permit Scheme has provided additional powers to assist the County Council statutory network management duty under the TMA. The Permit Scheme has given the County Council greater influence over how and when activities are carried out, however

- It is still for promoters to fully consider the impact of their works and adequately mitigate any adverse impacts before they are implemented. As such, the prime responsibility for planning, supervising and carrying out individual activities falls on the works promoter.
- The Permit Scheme allows for works programmes and practices to be adjusted to ensure that the statutory objectives of the co-ordination provisions are being achieved.
- The Scheme promotes the provision of timely, clear, accurate and complete information between promoters and the County Council as the Permit Authority.

### **Types of Permit**

12. The different types of Permit are set out in Fig.1.

<b>Works Category</b>	<b>Works Definition</b>	<b><u>Minimum</u> Lead Time</b>
Forward Planning Notice	As much detail as is available for coordination purposes	Non-mandatory notice
Major – PAA [Provisional Advanced Authorisation]	Works duration of <b>over 10 days</b> or Requires a <b>road closure or other restriction using a Temporary Traffic Regulation Order (TTRO)</b>	<b>3 months</b> for advanced authorisation then 10 working days for permit application
Standard	Works duration of <b>between 4-10 days</b>	<b>10 working days</b> prior to works start
Minor	Works duration of <b>1-3 days</b>	<b>3 working days</b> prior to works start
Immediate	Works of an urgent or emergency nature that need to be undertaken immediately	Retrospective application after start, <b>within 2 hours</b> on a working day or by 10:00am the next working day.

**Fig.1 Permit Scheme Application Timescales**

13. Immediate activities are either emergency works or urgent works:

- Emergency works; are works required to end, or prevent, circumstances, either existing or imminent, that might cause damage to people or property. This applies to both street works and works for road purposes, which fall within the definition of activities.
- Urgent activities are defined as:

(Not being emergency works) whose execution at the time they are executed is required:

- i. to prevent or put an end to an unplanned interruption of any supply or service provided by the Promoter;
- ii. to avoid substantial loss to the Promoter in relation to an existing service; or,
- iii. to reconnect supplies or services where the Promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period.

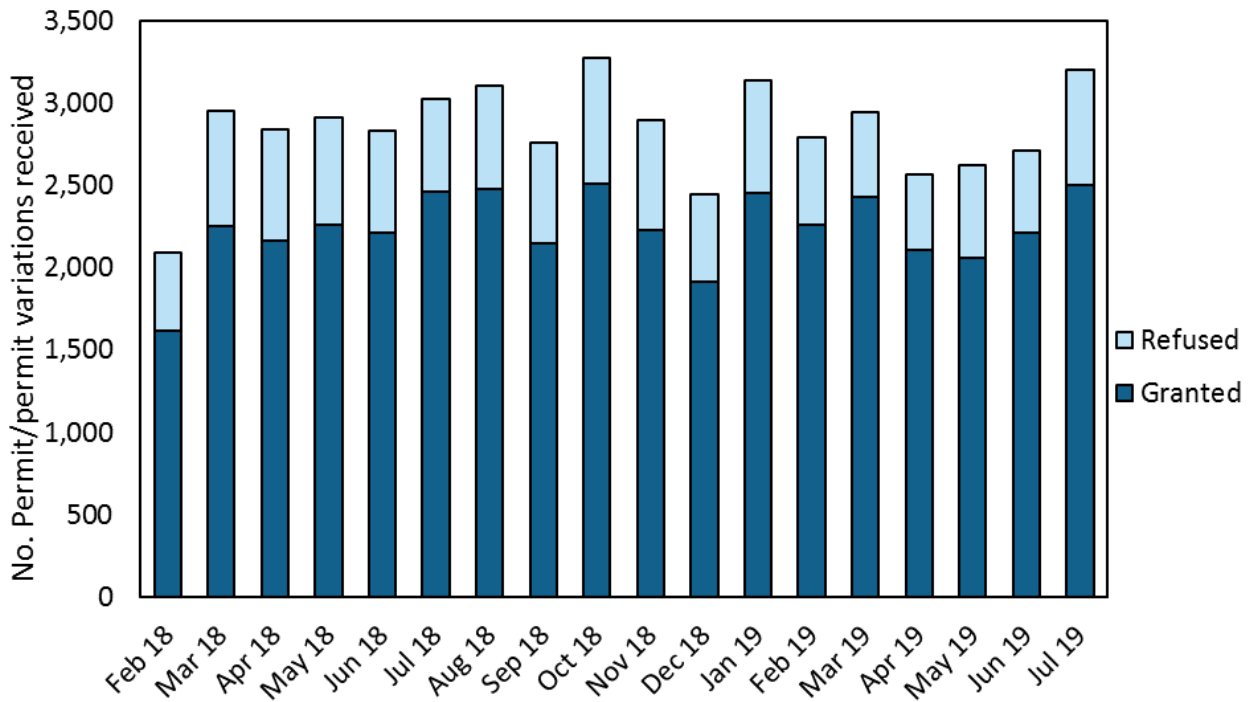
14. The Permit Scheme requires a Provisional Advance Authorisation (PAA) to be sought for Major activities. A PAA is not required for activities classed as Minor, Standard or Immediate. PAAs provide a mechanism for significant activities to provisionally 'book' road space prior to further planning and discussion between the Promoter and Leicestershire County Council.

15. The information contained within the PAA will provide confirmation as to whether the proposed works have the potential to be especially disruptive to local residents, businesses or road users. In such circumstances, the County Council will require the Promoter to provide advance publicity as it deems necessary for example letter drops to residents and businesses.

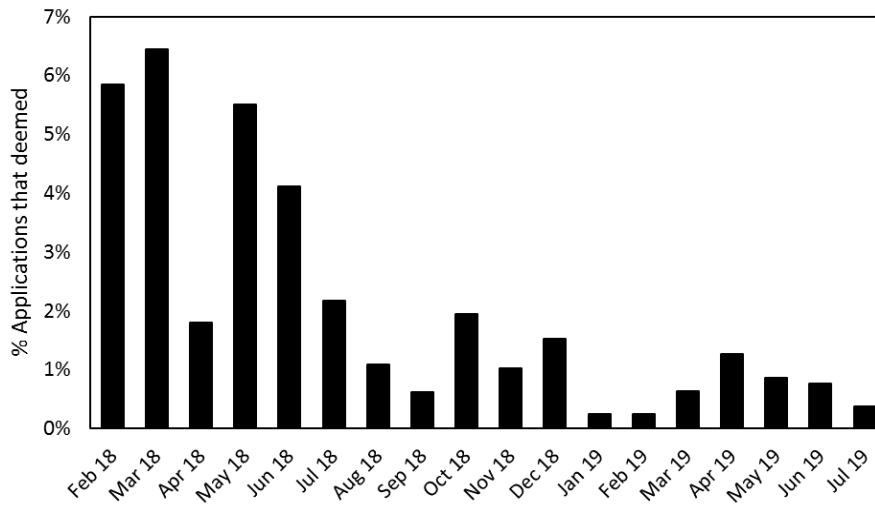
### **Permit Scheme overview**

16. From the start of the Permit Scheme in February 2018 up to the 1<sup>st</sup> August 2019 40,313 permits (and permit variations) have been granted. This gives an average of 2,240 permits per month (as shown in Fig.2), with an average of 50 to 70 street works or road works starting every day.

**Fig.2 Volume of Permit Applications**



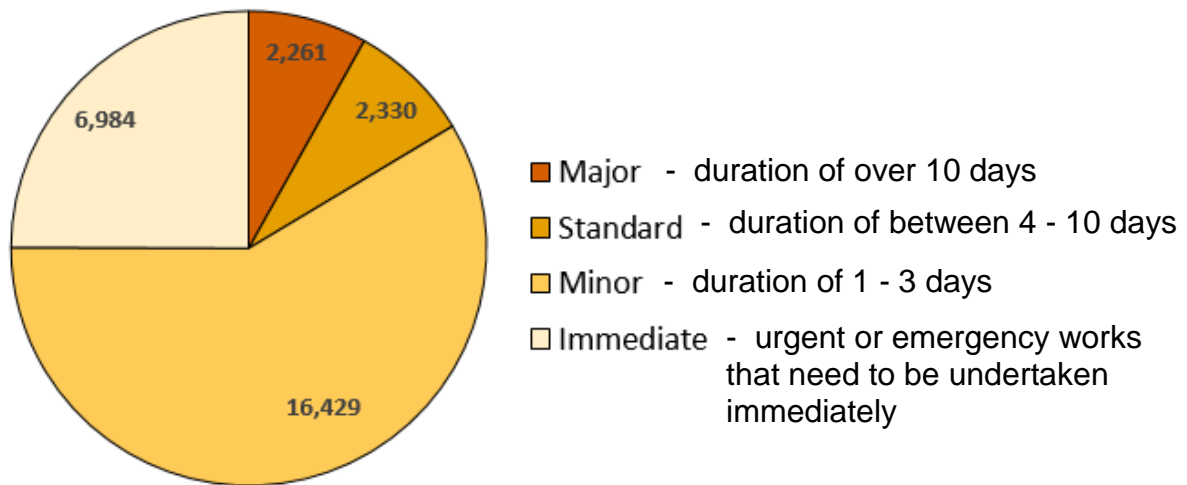
17. If the County Council does not respond to a permit application within the statutory response time, then a permit is “deemed to be granted”. No fee is charged for a deemed permit. The rate of deemed permits has remained below 2% since August 2018 as shown in Fig.3.



**Fig.3 Percentage of Deemed Permits**

18. The volume of work started by the different type of permits is set out in Fig.4 below

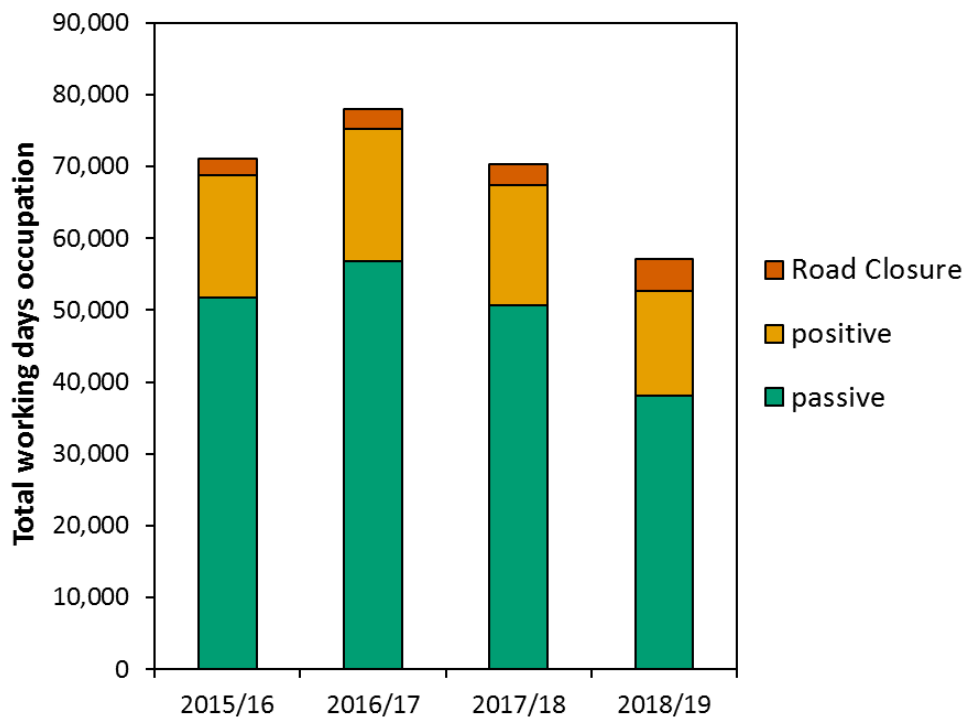
**Fig.4 Volume of Works started by type**



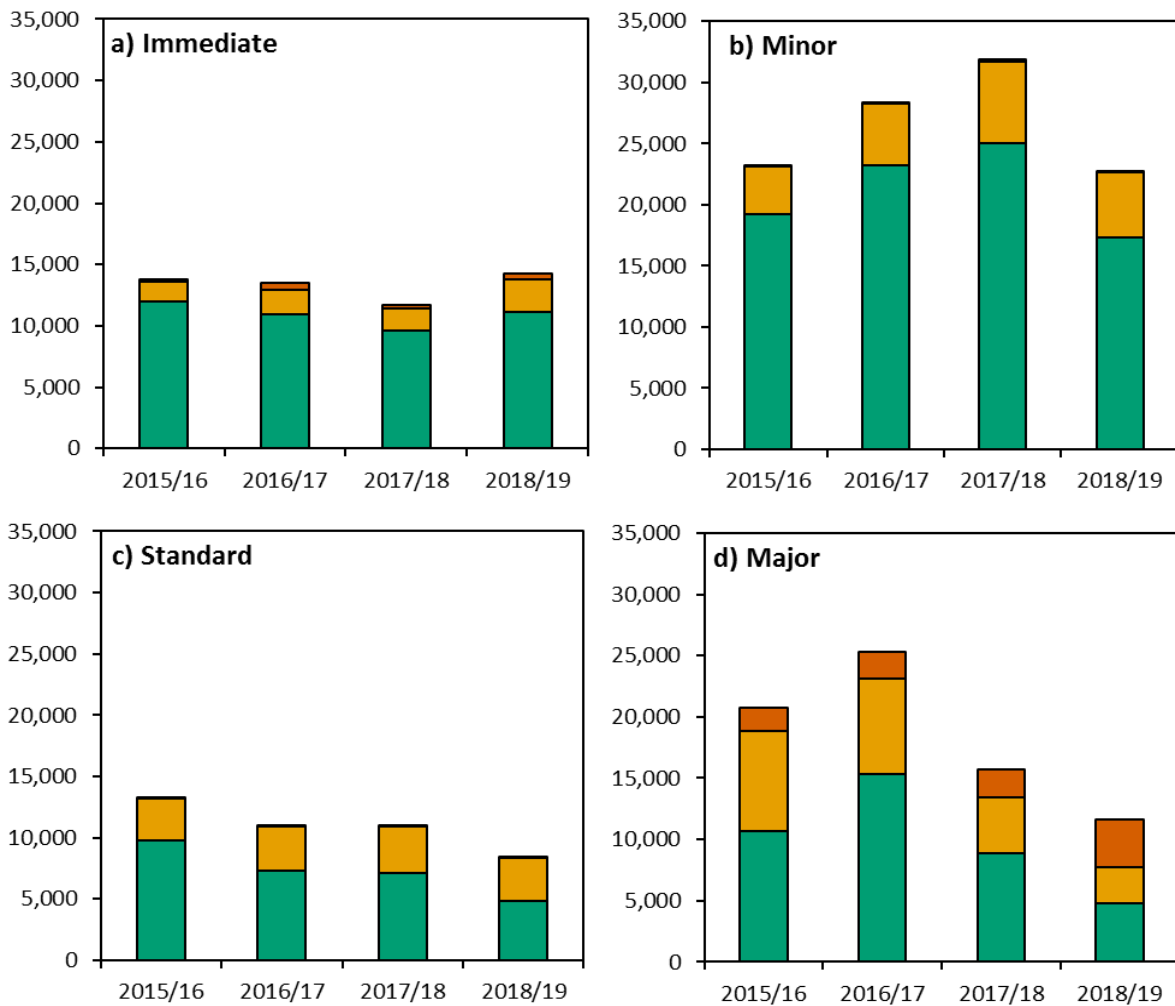
19. The total number of days occupation of the highway network by street works and road works declined in the first year of the Permit Scheme.

20. Figure.5 shows the total working days occupation under different types of traffic management (TM) for the past four years (including three years when works were subject to a Notice Scheme and one year under the current Permit Scheme).

**Fig.5 Total working days of occupation**

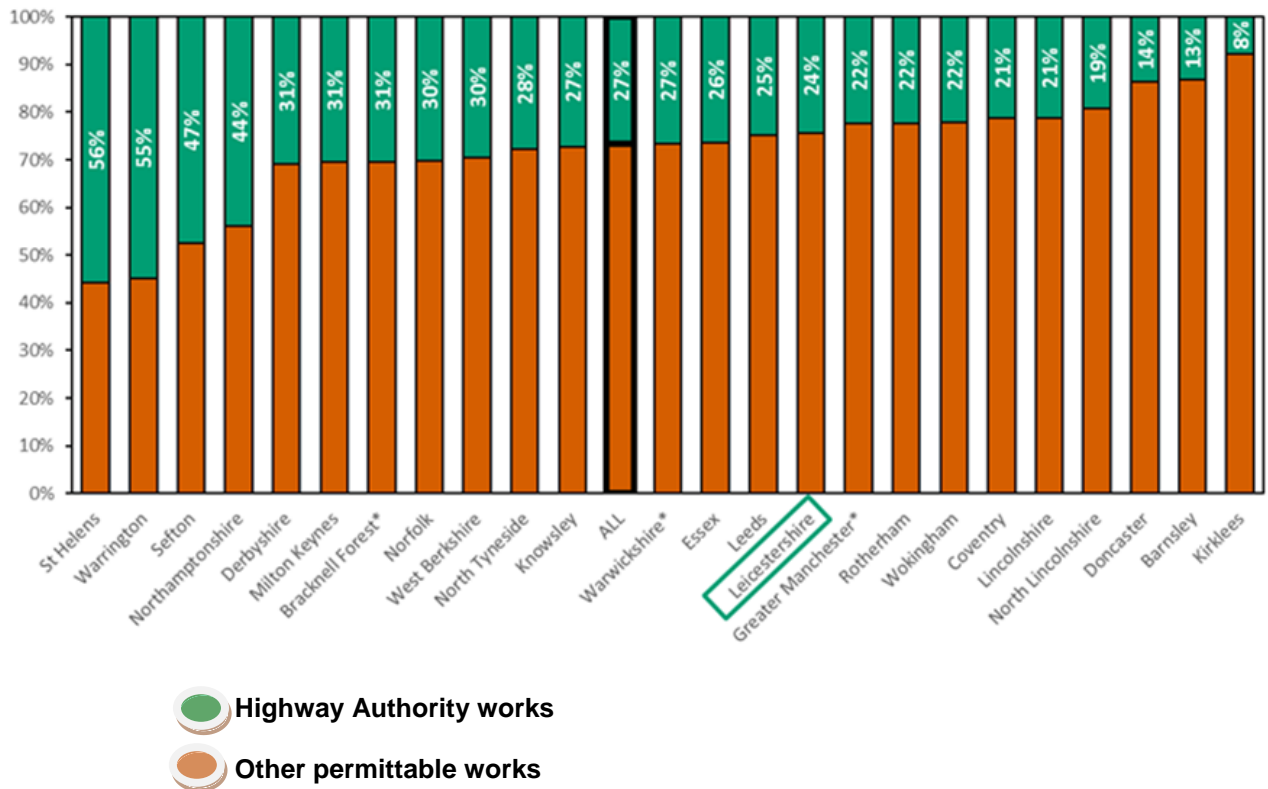


21. The graphs below show the total number of days occupation of the highway network by works type.



22. There has been a decline in occupation of the highway network for major works, possibly due to completion of Virgin Media's "Project Lightning".
23. There has been a decline in occupation of the highway network for minor works, possibly due to better planning under the Permit Scheme, however it is difficult to evidence this.
24. In Leicestershire 24% of all permits issued have been for the Council to undertake its own highway works (road works) as shown in Fig.6. Other authorities permit schemes report a range of 8% to 56% for highway works.

Fig.6 Percentage of Highway Authority works and Other permissible works



### Permit Scheme Administration

25. The Leicestershire County Council Permit Scheme is administered and managed through the Network Management team. The scheme is managed on a district basis with a Network Co-ordinator, Technician and Inspector responsible for each district. In total the team consists of eight Inspectors, eight Technicians, eight Network Co-ordinators, a Performance officer, a Network Manager, and an Assistant Network Manager.
26. On a daily basis the Network Co-ordinators monitor and examine all received permit applications and permit variations so that they can co-ordinate activities throughout their designated areas. This is to ensure that any potential impacts are minimised and controlled.

This may include:

- coordinating activities in consideration to conflicts with other works being carried out on the road, or particular restrictions of the road;
  - challenging proposed durations to restrict unnecessary inconvenience to the road user; and
  - ensuring any granted works can be undertaken, with appropriate conditions applied.
27. The Technicians support the Network Co-ordinator by liaising with works promoters to identify their requirements, providing network advice, updating the street works system



(One.Network), and liaising with relevant Council departments and external bodies to publish any statutory notices.

28. The highway inspectors ensure that works are being carried out in accordance with the granted permit. This will include meetings, on site if required, with a works promoter to discuss and agree any actions or controls for the works.

### **Finance**

29. The Traffic Management Act, section 37 (7), enables fees to be charged for all permit applications and variation requests granted for street works. Permit schemes are not intended to generate revenue for permit authorities although an authority may cover its costs.
- a) The permit regulations allow authorities to charge undertakers. Discounts on permit fees can be given for collaboration of works. Highway authorities are not charged as this would simply circulate money around a local authority.
- b) The income from fees shall not exceed the total allowable costs prescribed in the permit regulations. Allowable costs are limited to:
- the proportion of direct costs and overheads attributable to operating the scheme for undertakers.
  - the element of those costs that are over and above the cost of the authority's co-ordination duty under the New Roads and Street Works Act 1991 (NRSWA).
- c) Overall the permit scheme recorded a deficit of £13,800, this was offset by an operating surplus of £55,280 generated from penalty charge related offences as set out below.

TMA 2004 Regulation No.	Offence	Penalty	Number Issued	£
19	For carrying out activities within the highway without a permit	£500 reduced to £300 if paid within 29 days	75	£22,400
20	For carrying out activities on the highway that contravenes the conditions on the permit	£120 reduced to £80 if paid within 29 days.	411	£32,880

In addition to the above there is an option to 'revoke' a permit. A permit can be revoked in exceptional or unforeseen circumstances, repeated breach of conditions, or safety issues.

- d) The workload of the utility companies could reduce or increase in the future and this would impact on the income generated from the scheme. However, the scheme has been modelled on the most up-to-date information and the financial and operational aspects of the scheme are being reviewed each year. It is highly likely permit applications may rise due to the volume of activities required to maintain and update ageing utility infrastructure, in addition to the projects required to upgrade

these assets due to the high volume of developments taking place within the County. Adjustments to permit fees may be necessary in subsequent years to offset any surplus or deficit due to increased resources that may be required. It is not intended that the permit scheme should produce surplus revenue.

30. No change in permit fees is recommended at this stage.

### **Challenges**

31. To maintain and improve the current efficient performance of the permit scheme there are several key challenges that have to be recognised.

- Providing a good service to all works promoters, with the resources available, to ensure works programmes can be effectively co-ordinated and delivered.
- Implementing changes in legislation
- Demonstrating parity of service to both internal and external works promoters.
- Working with works promoters to improve the standard of permit applications therefore reducing the number of refused permits.
- Improve collaborative working/engagement between works promoters.
- To raise awareness of One.Network(previously Roadworks.org) to encourage customers to self-help and reduce the number of basic enquires.

### **Outcomes**

32. The Environment and Transport Interim Commissioning Strategy Action Plan, approved by the Cabinet on 10 March 2017, contains twelve departmental strategic priorities/outcomes, linked to the County Council's Strategic Plan. Officers believe implementation of the Permit Scheme has contributed to the delivery of the following strategic priorities/ outcomes identified in the Action Plan:

- a. Our transport system and assets are effectively managed and well maintained.
- b. More consistent, predictable and reliable journey times for the movement of people and goods.

### **Equality and Human Rights Implications**

33. An Equality and Human Rights Impact Assessment (EHRIA) was undertaken before implementing the scheme and identified that a full assessment was not required.

### **Resource Implications**

34. The cost of operating the Permit Scheme for utility works is being met by the utility companies by the fees charged. This cost includes the additional costs of staffing, IT

and other resources, over and above the previous costs of operating the NRSWA Noticing Regime.

35. Compliance with the Permit Scheme brings some additional costs for the County Council as a works promoter in preparing permit requests for highway works.

### **Background Papers**

Cabinet 10 March 2017 – ‘Environment and Transport Interim Commissioning Strategy 2017/18 Refresh’:

<http://politics.leics.gov.uk/documents/s126982/FINAL%20Cabinet%20report%20-%20Commissioning%20Strategy.pdf>

Cabinet 15 September 2017 – ‘Permit Scheme for Street Works and Road Works’

<http://politics.leics.gov.uk/documents/s131562/Permit%20Scheme.pdf>

### **Officers to Contact**

Ann Carruthers - Director  
Environment and Transport  
Tel: (0116) 305 7000  
Email: [Ann.Carruthers@leics.gov.uk](mailto:Ann.Carruthers@leics.gov.uk)

Pat Clarke – Assistant Director  
Environment and Transport  
Tel: (0116) 305 4244  
Email: [Pat.Clarke@leics.gov.uk](mailto:Pat.Clarke@leics.gov.uk)

This page is intentionally left blank