

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND
TRANSPORT**

6 May 2014

Report of the Strategic Director – Economy, Transport and Environment

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

(1) **Purpose of the Report** To seek the approval of the Cabinet Member to a consultation exercise ahead of the submission to Government of a 'permit' scheme for street works and works for road purposes.

(2) **Information and Analysis** Preparation work has been underway for some time into a 'permit' scheme for works on Derbyshire roads, which is intended to reduce the disruption caused by such works. In order to submit a scheme for the necessary Legal Order to be made by Government it is proposed that a consultation exercise takes place.

Highway networks are fundamental to Derbyshire's economy and to the wellbeing of its population, carrying large numbers of people every day by public and private transport, and delivering goods and services. They carry increasing volumes of traffic over time, despite a recent dip associated with the national economy. Highways also serve as distribution networks for essential supplies of water, power and communications, but these require renewal and repair which, alongside the essential maintenance work carried out by the County Council itself, inevitably causes significant disruption to the network. This disruption creates difficulties for all users, making the accurate prediction of journey times difficult for time-critical logistics and public transport, and can reduce the attractiveness of the County to visitors.

As part of the Derbyshire Local Transport Plan (LTP) 2011-2026, the County Council identified that, as part of its 'core business' for management of the highway network, it would seek improvements to the co-ordination of street works. In considering the Council's network management duties the LTP includes an aim to "co-ordinate and reduce the time taken to undertake road works and street works efficiently and safely". It is specified that this will be addressed, within the first five years of the Plan period, by the introduction of a 'permit' scheme for street works. Such a scheme would apply, as well, to what

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are defined as 'works for road purposes' carried out by the County Council and its contractors.

Co-ordination of street works already falls within the scope of work carried out by the Economy, Transport and Environment Department. Under the New Roads and Street Works Act (NRSWA) 1991 there is a system of notification for works carried out by the utility companies (Statutory Undertakers). The County Council, as local Highway Authority, is also required to register the description, timing and location of its own proposed works. This notification allows the timing and duration of works to be co-ordinated to some extent, and thereby enables the Authority to reduce impacts upon network users. These include bus companies which may not have the flexibility to alter routes and timings in the same ways in which car drivers can, so can be particularly susceptible to the effects of works.

The incentives to seek efficiencies for organisations affecting the network are, though, quite limited under the NRSWA process. In recognition of this, the Traffic Management Act 2004 enables the introduction of permit schemes. As the name suggests, this operates through a process whereby applications are made to the local highway authority for a permit to carry out works. This can improve the degree to which the Authority can control activities in the highway, giving it influence over their duration and over the information provided to the public, and a strengthened ability to influence the timing. It also provides, through penalties for contraventions of the scheme, direct financial incentives for the scheme promoter to minimise disruption. Under a permit scheme it is illegal for anybody to undertake work in the highway without a permit, meaning that the County Council would also have to apply for a permit for its own works.

The core objective of a permit scheme will be to reduce the disruption to network users caused by all activities. It is self-evident that if the overall duration of works is reduced this can have benefits for the utility companies themselves, network users, residents and businesses, carbon emissions and local air quality. There is evidence from monitoring of permit schemes introduced by other authorities that a successful scheme can achieve this.

Cabinet, at its meeting of 26 September 2012 (Minutes No. 282/12) considered the principles of a permit scheme and resolved to:

- (1) agree that the County Council proceeds towards the introduction of a permit scheme;
- (2) authorise the (then) Strategic Director – Environmental Services in consultation with the (then) Cabinet Member - Highways and Transport to deal with the preparation of a permit scheme, including consultation processes; and

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- (3) agree to receive a further report following consultation on the recommended permit scheme and to authorise the remaining steps in the process for the adoption of the scheme.

Since Cabinet considered the original proposal work has been underway to prepare a draft scheme and also to carry out informal consultation with the Statutory Undertakers. It is now proposed that a permit scheme be applied only to roads defined as Category 0, 1 and 2, which are generally the strategic A and B roads, plus those non-strategic Category 3 and 4 streets that are designated as traffic sensitive. This would comprise approximately 21% of the County's roads. Category 3 and 4 streets that are not traffic sensitive would continue to be covered by NRSWA. The reason for this is that the limited benefits of reduced delays and congestion on these quieter roads would be outweighed by the bureaucracy imposed by the permit scheme. The exclusion of roads which are not traffic sensitive would avoid applications having to be made and scrutinised for a very large number of small-scale or low-impact schemes.

The process to be followed for the adoption of a scheme has been altered since work on a Derbyshire scheme began. It will shortly become possible for local highway authorities to introduce schemes themselves. However, those which are submitted to Government before 1 August 2014 will still require the necessary Order to be made by (or on behalf of) the Secretary of State for Transport. Whilst it would appear in many ways to be advantageous for the County Council wait until it can make the Order itself, it is recommended that, if possible, this is submitted to Government. This will allow the scrutiny of the scheme and the drafting of the Order to be carried out by civil servants with expertise in the field, which should provide greater confidence for Statutory Undertakers that its coverage and content are reasonable.

While the introduction of a permit scheme is potentially of interest to a number of people and businesses, the parties with the closest interest will be Statutory Undertakers who would be required to comply with the scheme in order to work on Derbyshire roads, and who would pay permit fees and (where applicable) to incur penalties for non-compliance. In order to ensure that, as far as possible, the proposed scheme would achieve its objectives of reducing delay and congestion it has already been discussed informally with those organisations active within the County. Whilst they will wish to comment formally on any consultation exercise, these discussions to date have been positive. It is proposed that the draft scheme now be made available for consultation, for an six-week period, in order to allow any interested party to make observations. Subject to the Cabinet Member's approval this will be carried out through the County Council's website, with all parties known to have interests (including Statutory Undertakers, bus and freight operators) informed directly of how and when to respond.

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At this stage a realistic introduction date for a permit scheme would be 1 April 2015. The period between 1 August 2014 and this date would allow Government to draft the legal Order and to carry out further, formal, consultation on the proposed scheme. For the County Council, the decision on whether to proceed with the schemes will be made by Cabinet, informed by the findings of the proposed consultation, the business case for the scheme and the proposed charges and penalties.

(3) **Financial Considerations** Once the scheme is introduced, the administration costs and income received will form part of the departmental revenue budget and is expected to result in a surplus which is included in the departmental savings for 2014/15 onwards.

(4) **Equality and Diversity Considerations** An Equalities Impact Assessment will be undertaken in association with the business plan for a permit scheme.

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, human resources, environmental, health, property and transport considerations.

(5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(6) **Key Decision** No.

(7) **Background Papers** Guidance and background information on permit schemes can be found on the Department for Transport's website at this address: <http://www.dft.gov.uk/publications/street-works-permits/>. Officer contact details – Jim Seymour, extension 38557.

(8) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member:

8.1 Confirms that the County Council will proceed towards the introduction of a permit scheme for street works.

8.2 Authorises the Strategic Director – Economy, Transport and Environment to carry out consultation on the proposed scheme and to report on the response through a report to Cabinet recommending the draft scheme to be submitted to Government.

Mike Ashworth
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