

DERBYSHIRE COUNTY COUNCIL

CABINET MEETING

26 September 2012

Report of the Strategic Director – Environmental Services

**PERMIT SCHEME FOR STREET WORKS AND WORKS FOR
ROAD PURPOSES (HIGHWAYS AND TRANSPORT)**

(1) **Purpose of the Report** To seek agreement from Cabinet that the County Council will seek to introduce a 'permit' scheme for street works, to agree the broad scope of such a scheme and the process to be followed towards its adoption.

(2) **Information and Analysis**

Background

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

The recent review of highways and transport functions in the Environmental Services Department has brought about the introduction of a Roadworks Centre. This facility will more effectively coordinate the highway works of the County Council, and is a key element in the Authority's drive to improve the coordination of all disruptions on the County's highways. Better information will be available for the travelling public and for businesses that rely on the highway network, including public transport and deliveries. Improved journey reliability and predictability is considered vitally important for the local economy, especially where tourism plays a key role.

The Government's recent announcement on the roll out of superfast broadband in rural communities, the associated cabling works in the highway

and requirement for the installation of digital hubs highlight the necessity for appropriate coordination of road works.

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. Underlying this was the disruption caused to people dependent upon the network for transport purposes. In considering the Council's network management duties, the LTP states 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 are defined as 'works for road purposes' carried out by the highway authority (and its contractors).

Co-ordination of street works already falls within the scope of work carried out by the Environmental Services 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 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 enables the Authority to reduce impacts upon network users. These include, among others, 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.

Permit Schemes

The incentives for those affecting the network to seek efficiencies 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 of applications being made to the local highway authority for a permit to carry out works. This can improve the degree to which the highway 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 allows, through penalties for contraventions of the scheme, direct financial incentives for the scheme promoter to minimise disruption. Under a permit scheme it is unlawful for anybody to undertake work in the highway without a permit, meaning that the County Council would also have to apply for permits for all of its own works, although there would be no fee payable. All other performance measures would, however, be equally scrutinised.

The core objective of a permit scheme will inevitably 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.

Options for Derbyshire

Should Cabinet agree that steps should be taken towards the adoption of a permit scheme, further work will need to be carried out on how its impacts can be measured. As noted above, the overall duration of works will represent a sensible core indicator, but could be accompanied by measures of public or even visitor satisfaction, of the impacts of street works on bus services and on the numbers of complaints and incidents associated with works. A business case for a permit scheme will need to identify these objectives in detail and also include a cost-benefit analysis based upon predicted impacts upon them.

There are three broad options for the adoption of a scheme:

- A stand-alone Derbyshire scheme.
- A joint scheme with one or more other highway authorities sharing facilities for its administration.
- A 'common' scheme, consistent with those of other authorities.

Authorities in Yorkshire and Greater Manchester have already implemented the Yorkshire Common Permit Scheme and the Greater Manchester Road Activities Permit Scheme respectively, and Derby City Council is currently consulting on its own single scheme. The County Council also has the option to adopt a single scheme which would, though, be developed to complement other schemes where it may have an influence. Informal discussions have been held with Nottinghamshire County Council and the potential for any joint working arrangements will be reported to Cabinet as part of the specific proposal to be reported in due course.

There are also options for the extent of the highway network covered. It is possible for the permit scheme to be specified only for certain tiers of the roads hierarchy, leaving others covered by NRSWA. This has some merits, notably avoiding the necessary bureaucracy associated with the permit scheme for the parts of the network where disruption is less of a problem. It does, though, reduce the ability of the highway authority to take sensible, coordinated operational decisions. The option which is recommended to Cabinet is, therefore, that the permit scheme should apply to the whole network, but that approval of works should be automatic (through approval being 'deemed') for those parts of the network which are not traffic sensitive.

It is likely that the recommended coverage of any scheme will be for scrutinised permit applications for streets that are designated as traffic sensitive at any time. These include roads where traffic levels are high or carry a major bus route. Streets that are not traffic sensitive would have deemed approved permit applications. It is worth noting that where permits are deemed approved then no fee will be payable, from the Statutory Undertakers or their contractors.

It is important to reaffirm that permits would be required for the County Council's own schemes, as well as for those of Statutory Undertakers, although the proposal of 'deemed consent' for schemes which are not traffic sensitive would avoid applications having to be scrutinised for a very large number of small-scale schemes.

Permit applications have minimum notification periods dependent upon the activity type. 'Major' and 'standard' works have a 10 day application period, 'minor' works 3 days and 'immediate' (emergency) works 2 hours after the work has commenced. However, it should also be noted that major works will also require Provisional Advance Notification (PAA) of at least three months in addition to a permit application.

It is likely that a significant proportion of the County Council's annual highway maintenance programme will fall into the major works category.

Timetable to Introduce a Permit Scheme

Regulations made under the Traffic Management Act 2004 set out the process to be followed towards the adoption of a scheme is initiated by the development of a business case, as noted above. This needs to represent a firm proposal and include the intended charges and penalties associated with the scheme. Cabinet will wish to note that charges may cover the legitimate costs of the highway authority in administering the scheme but are limited to those costs associated with Statutory Undertakers activities only. A three-month period of consultation with Statutory Undertakers, local authorities, the emergency services, the Secretary of State and any other persons the County Council considers appropriate, is required, with the possibility that a scheme subsequently revised in any material way would require a further round of consultation, although for a shorter period. In order to ensure as far as possible that issues have been properly addressed in advance of this it is intended that a representative from the Statutory Undertakers active within Derbyshire be invited to sit on the project's steering group.

At the conclusion of the consultation process, an application for the legal order required for the scheme must then be made to and considered by the Secretary of State for Transport, adding a minimum of a further 10 week period to the programme. It is possible that this final stage in the process could alter, with the outcome awaited of consultation earlier in 2012 over whether local authorities could be authorised to make the necessary legal orders themselves. However, at this stage, a realistic introduction date for a permit scheme would be 1 October 2013. In order to adopt a preparation process as efficient as possible, it is recommended that the Cabinet Member - Highways and Transport be delegated to consider matters relating to the preparation of a scheme, including the initiation of consultation exercises and considering the responses received. A further report would be brought to Cabinet detailing the proposed scheme and its anticipated impact upon the

work of the County Council and others, and seeking authorisation for the process required for legal orders to be made.

(3) **Financial Considerations** Work undertaken on the development of a permit scheme can be met from existing capital programme design fees. The introduction of fees and charges for Permits will be the subject of detailed consideration as part of the development of the business plan. The principles of the charging proposals would be essentially to cover the costs of administration.

(4) **Legal Considerations** The Traffic Management Permit Scheme (England) Regulations 2007 set out the procedure to be followed by the Council to establish a Street Works Permit scheme, including the Statutory Consultation process referred to in the report.

(5) **Property Considerations** There are no property considerations associated with this report.

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

(6) **Key Decision** No.

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

(8) **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.

(9) **OFFICER'S RECOMMENDATIONS** That Cabinet:

- 9.1 Agrees that the County Council will proceed towards the introduction of a permit scheme for street works.
- 9.2 Authorises the Cabinet Member - Highways and Transport to deal with the preparation of a permit scheme, including consultation processes.
- 9.3 Agrees to receive a further report, following consultation, on the recommended permit scheme and to authorise remaining steps in the process for adoption of the scheme.

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