



Permit Scheme

Supporting Document

February 2018

Introduction

Part 3 of the Traffic Management Act 2004, (TMA) introduced permit schemes as a different way in which activities in the public highway could be managed to improve a highway authority's ability to minimise disruption from street and road works.

The Leicestershire County Council Permit Scheme (the Permit scheme) provides a change from the 'notification system' of the New Roads and Street Works Act 1991 (NRSWA). Instead of informing the street authority about its intention to carry out works in the area, a statutory undertaker will need to book time on the highway through a permit, as would the highway authority, its partners and agents, for its own works. Under the Permit scheme both statutory undertaker's activities and highway authority activities are treated in the same way with regard to co-ordination and the setting of conditions. The Permit Authority shall demonstrate at all times parity between activity promoters ensuring non-discrimination between permit applicants.

The Permit Scheme comes into force through the powers conferred by Section 33A (2) of the TMA by an Order made by the Permit Authority. This Order will come into effect on 2nd February 2018.

The Permit scheme will be reviewed in accordance with the Traffic Management Permit Scheme (England) Regulations 2007; and, the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 and any subsequent amendments.

Background

Leicestershire is a diverse county in the centre of England. It rings the City of Leicester and borders with the counties of Derbyshire, Nottinghamshire, Warwickshire, Staffordshire, Lincolnshire, Northamptonshire and Rutland. The population is a little over 690,000 and the county covers an area of about 2,000 square kilometres, across seven districts. There are exceptional transport links to the rest of the country, there are extensive road networks including the M1, M69, M42 and the A14. Nottingham East Midlands Airport (NEMA) lies in the north of the county and Birmingham airport to the west, providing flights to a wide range of destinations. NEMA is also one of the UK's major freight airports.

Leicestershire is predominantly rural, but has a number of county towns and suburban communities.

Leicestershire host the National Forest, which includes Charnwood Forest and pockets of ancient woodland. Other recognisable landscapes include the Soar and Wreake Valleys, High Leicestershire, the Leicestershire Vales and the Wolds.

One of Leicestershire's key strengths is its central location and strong communications network, providing easy access to the rest of the UK and beyond. There is a diverse economy, which is generally robust and prosperous and the second largest in the East Midlands. The gross domestic product per head is also the second highest in the region. Traditionally, the Leicestershire economy has tended to perform slightly better than other areas of the UK during any downturn in the economic cycle. Due in part to Leicestershire's relative prosperity, it has more traffic in terms of vehicle kilometres travelled per head of population than Derbyshire and Nottinghamshire, the two other shire counties in the East Midlands Three Cities sub-area.

The county has very diverse transport needs, ranging from the major urban conurbation of Leicester and Central Leicestershire, through busy county towns to substantial rural areas.

Principles of the Permit Scheme

Key Scheme Objectives

The scheme's primary objectives are:

- to increase the efficient running of the highway network by minimising the disruption and inconvenience caused by road and street works and other highway events and activities through proactive management of activities on the highway
- to protect the structure of the street and the integrity of the apparatus in it
- to ensure safety of those using the street and those working on activities that fall under the Scheme
- to ensure parity of treatment for all activity promoters particularly between statutory undertakers and highway authority works and activities
- better information for road users about works in the highway;

The successful performance of the Scheme will bring a number of subsidiary benefits. These include:

- maximising the safe and efficient use of road space
- providing adequate information for route planning
- improving the resilience of the network
- minimising inconvenience to all road users
- improving public satisfaction

Measuring the Objectives

The *Statutory Guidance for Permits* indicates that aspects of the scheme objectives should be measurable while Regulation 4(d) requires the Permit Authority to describe how they will evaluate the scheme.

Chapter 13 of the Permit Scheme states how the Permit Scheme will be evaluated. An advice note will set out in more detail the metrics that will be used to measure how the scheme is performing. These are based on the Operational Measures and Key Performance Indicators listed below.

KPIs and Operational Measures will be made available at quarterly coordination meetings by the Permit Authority.

An annual report will be produced by the Permit Authority, where the annual KPIs and Operational Measures will be analysed more fully to evaluate the scheme.

Key Performance Indicators

Regulation 40 requires the scheme to show parity of treatments for all types of activity promoters.

Equality and parity of treatment will be measured through Key Performance Indicators. The *Statutory Guidance for Highway Authority Permit schemes 2015* contains a set of Key Performance Indicators (KPIs) that has been developed by the HAUC (England) Permit Forum a mix of these and others will be used to help under pin scheme evaluation .Parity of treatment will be demonstrated through these KPI's

Operational Measures

Operational measures are performance reports that can be used to provide comparative measures of the Permit scheme and allow discussion on whether the scheme objectives have been met. The evaluation will allow comparison against the previous year's data, and baseline data collected prior to the introduction of the Permit scheme. The reports will show

- works phases started
- works phases completed
- days of occupancy
- number of overrun incidents
- average works durations
- FPNs given
- FPNs paid
- FPNs withdrawn
- Early start agreements

The operational measures detailed in this document are 'draft' metrics. This will allow them to be changed as new reporting tools or more consistent methods of analysis across the industry are developed by the Permit scheme working group, the street works software suppliers, the DfT or the National KPI working party.

Managing the Network

Any activity on the highway has the potential to cause inconvenience to vehicular traffic, pedestrians, cyclists and others. They may also cause inconvenience for residents and business. Where the activity affects traffic flows directly there is the likelihood of congestion and disruption.

Effective coordination and management of the highway requires reliable and timely information being communicated and enables differences between those competing for space or time in the street to be resolved in a positive and constructive way. In addition, efficient design of an activity on the highway will significantly mitigate the potential disruption of that activity.

Permits provide the basis for this with the requirement to manage the applications from utility companies and Highway Authorities in a proactive manner, which are the two activities that often have the greatest effect on traffic and disruption.

Section 59 of NRSWA places a duty on the street authority to coordinate works of all kinds on the highway. Of equal importance is the parallel duty under Section 60 on undertakers to cooperate in this process.

The Traffic Management Act 2004 and the associated Permit Scheme Regulations widen the Section 59 coordination duty to include other prescribed activities that involve temporary occupation or use of road space and incorporates any activities included in a Permit Scheme. In addition, Section 16 of the TMA introduces a network management duty on the traffic authority and requires them to secure the expeditious movement of traffic on their network, and facilitate the movement of traffic on the networks of their neighbouring authorities.

Operational Purpose of the Permit Scheme

The Permit scheme takes into consideration the statutory duties placed on the permit authorities and in particular aims to benefit a number of areas that are important for delivery of LCC's local transport plans, including:

- To support the economy and population growth
- To encourage active and sustainable growth
- To improve the connectivity and accessibility of our transport system
- To improve road safety

- To manage the condition and resilience of our transport system
- To manage the impact of our transport system on quality of life

The Permit Scheme is not intended to be bureaucratic, and an important consideration in its operation is ensuring that those activities that are important to the economic growth of UK plc such as major civil or telecoms/digital infrastructure projects and major events are treated and managed in a way that benefits all stakeholders. This will ensure the safety of the activity on the highway, the quality of workmanship and network assurance while not unreasonably delaying these activities from taking place. To this end:

- fee levels have been developed that are considered proportionate to the significance of the street and the likely amount of work required to effectively coordinate and manage activities on that street in their scheme area.
- discounts are available for those activity promoters that are able to deliver work in a proactive way to lessen the impact of their activities, for instance through collaboration
- there will be a flexible approach to works management including 'early starts' and in particular the scheduling and delivery of major schemes.
- the scheme uses the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions as developed by the HAUC(UK) Permit Forum to assist activity promoters identify and use these to best effect through a common and consistent approach
- Permit scheme advice notes will be developed as part of the scheme to provide further guidance and clarification and best practice on many elements of the scheme's day-to-day operation. These are 'live' documents, and the intention is that over time they will be adapted and added to in order to offer clear advice and agreements reached.
- In instances where a permit is refused, LCC will provide justified reasons for refusal with reference to the Permit Response Codes (HAUC (England) Advice Note No. 002 – 2016). All the reasons for the refusal should be provided so that the promoter can address all points raised in the first instance. Note that the network is live and subject to change. Circumstances may arise leading to further reasons for rejection after the resolution of any initial reasons for first refusal.

The Permit Authority will actively promote a cultural step change in attitudes from other departments within their authority that play an important role in the overall network assurance, by:

- working closely with an authority's own highways contractors to improve working practices and ensure high quality of information and comprehensive planning processes
- forming network management teams to bring together the coordination of all highways activities including, for example, events and highways operations
- greater engagement with Development Control and Planning departments to bring in their structures and processes to the forward planning process to ensure better coordination and delivery of their activities that affect the highway

The Permit Authority will actively promote a cultural step change in attitudes from statutory undertakers. To this end:

- it is anticipated that regular meetings will be held between the statutory undertakers and the Permit Authority to discuss matters of operational performance and explore practical ways of undertaking essential works, exploring innovative methods of working and reducing disruption

- Principles engrained in NRSWA and TMA are that effective permit scheme objectives must include provisions:-
 - to ensure safety
 - to minimise inconvenience to people using a street, including a specific reference to people with a disability
 - to protect the structure of the street and the integrity of the apparatus in it.
 - In addition The Traffic Management (Guidance on Intervention Criteria) (England) Order 2007 sets out what the Secretary of State would take into account in determining whether or not a local traffic authority is performing its network management duties. This includes
 - co-ordinating and planning works and known events
 - ensuring parity with others, by applying the same standard or approaches to an authority's own works as to those of other activity promoters

Permit Fees

In accordance with the provisions set out in Section 37 of the TMA and Regulation 30, the Permit Authority may charge a fee for each of the following.

- a) the issue of a permit;
- b) an application for a permit, where the Permit Scheme requires a Provisional Advance Authorisation to be obtained as part of that application; and
- c) each occasion on which there is a variation of a permit

The Permit Authority will charge fees in accordance with Regulation 30, Permit fees do not include costs charged or recoverable by highway authorities in relation to consents or other requirements such as for Temporary Traffic Orders or Notices or parking suspensions related to other works being carried out.

It is not the purpose of fee charging under the Permit Scheme to generate revenue for the Permit Authority; although subject to the constraints set out a Permit Authority may cover its costs.

Fees are payable by Statutory Undertakers, but highway authorities are not charged. This is due simply to the fact that the money charged would only circulate around a highway authority. However to promote good practice the Permit Authority is encouraged to use a shadow charging arrangement to show the cost of issuing permits to its own activity promoters both to help understand its own costs and to set those alongside the costs to other activity promoters.

Fees to be charged by the Permit Authority.

Activity type	Charge on strategically significant streets	Charge on non-strategically significant streets
Provisional Advance Authorisation	£58	£48
Major activities (over 10 days duration AND all major activities requiring a TTRO)	£180	£93
Major activities (4 to 10 days duration)	£79	£68
Major activities (up to 3 days duration)	£41	£37
Standard activities	£79	£68
Minor activities	£41	£37
Immediate activities	£28	£19
Permit variation	£45	£35

Principles of Coordination and Permit Management

Principles of Coordination

To meet the objectives and outcomes required by the Permit scheme activity promoters and the Permit Authority need to adhere to four main principles:

- The need to balance the potentially conflicting interests of road users and activity promoters' customers
- The importance of close cooperation and liaison between the Permit Authority and activity promoters
- An acknowledgement that activity programmes and practices may have to be adjusted to ensure that the statutory objectives of the coordination provisions are achieved
- Successful coordination requires accurate and timely information and good communication between the Permit Authority and activity promoters.

The Scheme will operate in a way that encourages better planning, scheduling and management of activities so that traffic disruption is minimised as far as practically possible.

The principles of Sections 58 and 58a of NRSWA will operate alongside the Permit scheme to help coordinate large resurfacing schemes and utility projects.

The Scheme will operate in a way that is not intended to prevent or delay activities that the activity promoters consider necessary or are obliged to do. Instead, the operation of the scheme will seek to ensure that the Permit Authority will proactively work with activity promoters to facilitate and manage their works.

Small scale and short duration activities are unlikely to cause significant disruption. However, where several activities are close together they can be disruptive or cause a nuisance. Effective coordination therefore needs to take into account proposals of every scale and duration.

The Permit Authority will undertake the principles of coordination as described in the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters and related guidance issued by the Department for Transport and any other such best practice guidance in general use.

Principles for Activity Promoters

The term 'activity promoter' applies equally to statutory undertakers and their contractors and to the highway authority and their contractors.

It is essential that all activity promoters take the permit scheme objectives and the wider TMA objectives into account when planning and managing their works.

The prime responsibility for planning, supervising and carrying out individual activities falls on the activity promoter.

Activity promoters must consider the needs of all road users, including those with disabilities – whether they are pedestrians, equestrians, cyclists or motorists – throughout the planning and execution of activities. These will have implications for

- the timing of activities, for example the duration of the works, avoiding peak periods and consideration of out of hours working
- the way in which activities are carried out, including relevant health and safety and traffic management legislation
- the programming of activities which include coordination of activities and the possibility of collaborative working

Activity promoters should recognise that the statutory application periods are a minimum and that whenever possible longer periods should be given, particularly if the works are likely to be disruptive. Where modifications are required then the activity promoter should discuss these with the Permit Authority as soon as possible. This benefits both activity promoter and Permit Authority since it ensures that all implications of the activity can be considered more fully.

Activity promoters should ensure that they engage fully with any stakeholders and interested parties that the Permit Authority deems necessary and be prepared to modify their proposals where appropriate and practical.

Activity promoters should take into account the space needed for both the works and the storage of plant and materials when assessing the likely disruption the activity might cause.

Principles for the Permit Authority

In order to respond to a permit application the Permit Authority must consider all aspects of the proposed activity and other influences that may affect traffic. These include, but are not limited to

- the road network capacity
- the scope for collaborative working opportunities, including trench and duct sharing between activity promoters or working within the same area of traffic management
- the optimum timing and duration of activities
- the effect on traffic both on the Authority's network and adjoining highway authority
- safety for those engaged in the activity as well as the general public
- appropriate techniques and arrangements particularly at road junctions and pinch points, strategically significant streets or those with special engineering difficulties
- environmental impacts from both noise, excessive spoil and materials, and congestion
- the effect of other activities that take place on or affect the highway, for instance events and street parties, licensed operations or other consents under the Highways Act 1980, developments that affect the highway, highways activities such as gritting or rubbish clearance.

The Permit Authority will consider the difficulties that any proposed activity will or may cause and, where possible, agree an acceptable way forward either from the information provided in the permit application or through further discussion. Any agreements made will be validated using specific conditions that will apply to each activity to ensure that the work is carried out in the manner agreed, so as to minimise disruption and inconvenience particularly to local businesses and residents.

It will be the responsibility of the activity promoter in liaising with all necessary stakeholders and interested parties where the activity is likely to affect these organisations and will take into account their opinions and considerations. These may include, but are not limited to

- the emergency services, normally via the Police
- public transport operators and authorities, including Network Rail
- local authority areas such as planning or environmental health officers, or parish, town or borough councils
- other appropriate bodies, for example those representing disabled people, pedestrians, cycling groups, hauliers and motorists
- the Ministry of Defence, English Heritage, the National Farming Union, local tourism boards, the Environment Agency and any organisation as required

The Permit Authority will allow early starts to a permit (a reduction to the minimum notice period as set out in table 1, section 6.1 of the scheme) providing that

- it does not conflict with other activities
- there is a legitimate reason for the request and not a result of poor works planning by the activity promoter
- activity promoters do not use early starts regularly to conceal poor works management

The Permit scheme will be operated in a fair and equitable way ensuring a level playing field with all activity promoters competing for time and space on the highway.

National Infrastructure Projects

The major infrastructure projects which need to be taken into account at the time of implementation of the scheme are:

- The East Midlands Gateway Rail Freight Interchange.
- The roll out of the Superfast Broadband

LCC are committed to ensuring that the commencement of the Permit Scheme does not have a detrimental impact on any National Infrastructure Project within the Authorities boundary.

Permit Scheme Clarifications

Below is a list of clarifications on the Leicestershire Permit Scheme intended for operational purposes.

SCHEME SECTION	CLARIFICATION
4.4.7	Requests for an early start do not have to be made via telephone, and the Permit Authority will accept the initial permit application from the Promoter - with the required start and end dates- as a request for an early start.
5.1	Although the HA may request conditions to be applied to a permit, it is still the responsibility of the works promoter to add conditions to the permit either in initial application or follow-up modification or variation request. When conditions are requested via EToN, the relevant NCT code and any supporting text will be included.
5.3	Although it is not possible to notify LCC prior to using TM on Immediate Activities, it is good practice that the highway authority be advised of any TM on the network as soon as possible.

SCHEME SECTION	CLARIFICATION
6.	In instances where works have taken place without a permit, it is crucial that the works promotor inform LCC at the earliest opportunity so that the street works register properly reflects works that have taken place. A 'retrospective' permit will be issued but will not be charged for. However, an FPN for working without a permit will be issued (note that this is a higher cost than the permit fees).
12.9	It may be reasonable that the highway authority request a permanent reinstatement as a permit condition, for example using specialist materials, although an interim reinstatement may be agreed where the circumstances demand it. This should first be agreed with the work promoter in advance and comply with all statutory regulations. Please note that this can be enforced using condition NCT13 as per the HAUC Statutory Guidance for Permit Scheme Conditions which states "There may be an exceptional circumstance where a specific circumstance means that an additional condition needs to be added to a permit that is not covered by the text of the [standard] conditions."
12.10	<p>1. The Permit Authority does not require a separate notification for temporary traffic signal applications. The traffic management identified on the permit application, together with any attached information, such as a traffic management plan, will be accepted as an application for the temporary traffic signals.</p> <p>2. Where the use of multi-way signals is proposed, the works promoter should take into consideration that there may be additional factors that require a longer lead in time that is greater than the statutory minimum, <i>as per the works category</i>. The Promoter should take this into consideration when submitting the permit application.</p>
General	All emails relating to network management issues and TTROs should be sent to networkmanagement@leics.gov.uk
General	Where a Promoter is unable to attach traffic management details, such as a traffic management plan, to the permit application then this information may be submitted via email (networkmanagement@leics.gov.uk) with the permit reference number clearly marked in the subject line (header) of the email.
Conditions	National Conditions NCT1a, NCT1b and NCT11a do not have to be attached to a permit as these apply to all permits even if they are omitted.