



Permit Scheme Year 2 Review

December 2020

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1 Introduction

Any activity undertaken in a street has the potential to cause disruption. Activities can reduce the width of the street available to traffic, pedestrians and other users, and can also inconvenience local businesses and residents.

The scale of disruption caused is relative to the type of activities being undertaken, the capacity of the street, the duration and timing of the works and the methods employed to carry them out. Works on those streets where the traffic flow is close to, or exceeds, the physical capacity of the street will have greatest potential to cause congestion, disruption and delays.

Permit Schemes provide a way to manage activities on the public highway and were introduced by Part 3 of the Traffic Management Act 2004 to improve authorities' ability to minimise disruption from street and road works. The permit scheme supports LCC's duty to coordinate both street and road works and our network management duty to ensure expeditious movement of traffic by providing more powers to control road and street works.

The Leicestershire Permit Scheme came into effect on 2 February 2018. It is a requirement that an annual report be produced for each of the first three years that the scheme is in operation and then each third year. This report relates to the second year of operation, 2nd February 2019 to 1st February 2020. The purpose of this report is to evaluate the Permit Scheme in respect to these successes and give consideration whether the Permit Scheme is continuing to meet key performance indicators where these are set out in the Guidance.

Prior to 2 February 2018 all works promoters were required to give notice of their intended works to the Highway Authority. This notification effectively booked the required road space.

Under a permit scheme, all works promoters are required to obtain permission from the Highway Authority in order to proceed with their intended work. This permission, or permit, allows the Highway Authority an opportunity to require conditions to apply to how the works will be delivered in order to mitigate the impact the works could have on the road network.

The Leicestershire Permit Scheme applies to the whole of Leicestershire's road network but excludes private roads, trunk roads, motorways and Leicester City Council's network. A permit fee applies to all permits to reflect the amount of resource it takes Leicestershire's Network Management Team to assess the permit application. In addition, concessions are provided to encourage best practices, such as working wholly outside traffic sensitive times on traffic sensitive streets and for collaborative working.

Leicestershire's permit schemes must be able to demonstrate parity for all works promoters and mandatory Key Performance Indicators are in place to measure this. The permit scheme operates on a 'cost neutral' basis. The overall income from the permit fees aims not to exceed the prescribed costs of operating the permit scheme as defined in Regulation 29 of The Traffic Management Permit Scheme (England) Regulations 2007 as amended in 2015.

2 Objectives of the Permit Scheme

The objectives of the permit scheme are summarised below, along with how we work towards achieving them.

1) 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.

✓ This is achieved through the use of conditions to manage activities, coordination of works to avoid conflicts, increased forward planning, seeking collaborative opportunities and challenging works durations.

2) Provide better information for road users about works in the highway.

✓ The use of permit refusals to ensure information is accurate and Fixed Penalty Notices (FPNs) to drive quality of data and its timely submission are effective tools. Ensuring works information is synchronised to the One.network roadworks application, providing visibility to all stakeholders.

3) To protect the structure of the street and the integrity of the apparatus in it.

✓ We have a comprehensive inspection regime at works in progress stage and ensure that Section 58/58a protections are in place for new or improved roads.

4) To ensure safety of those using the street and those working on activities that fall under the scheme.

✓ Increased numbers of site inspections have driven focus on best practice, compliance and safety to all road users. Closer assessment and coordination processes allows better consideration to be given to modes of transport other than vehicles and including people with disabilities and young children.

5) To ensure parity of treatment for all activity promoters particularly between statutory undertakers and highway authority works and activities.

✓ Performance indicators are monitored to ensure that all works promoters (i.e. LCC highways works promoters and utility works promoters) are assessed equally and conditions applied to all in a measured and equitable way. Wider processes that do not necessarily fall under the permit scheme, such as developments and events affecting the highway, are also considered during the deliberations.

3 Fee Structure / Income

It is not the purpose of fee charging under the Permit Scheme to generate revenue for the Permit Authority, although a Permit Authority may cover its operation costs in line with statutory regulations. Fees are payable by Statutory Undertakers depending on the type of activity and road category (Table 1) however, highway authorities are not charged.

Leicestershire's permit scheme fees are currently average at ~70% of the maximum allowed.

Table 1 Current fee structure for LCC Permit Scheme.

Activity type	Road Categories 0-2 and all traffic sensitive streets	Road categories 3 and 4 (Non-traffic sensitive)
Provisional Advance Authorisation	£58	£48
Major activities (over 10 days duration and 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

Table 2 Permit Scheme Income / Expenditure

	Permit fee Income	Expenditure	Surplus / Deficit	FPNs for TMA regulations 19 & 20	Total FPNs Issued and Resolved
Year 1 (2018/19)	£772,652	£786,433	-£13,781	£55,280	574
Year 2 (2019/20)	£809,864	£812,847	-£2,983	£89,260	767

There has been a further small deficit in Year 2 on permit fee income to expenditure. A full cost benefit analysis will be ready for the Year 3 report and no change to the fee structure is recommended at this stage. However, income received from sanctions issued for regulation 19 (working without a permit) and regulation 20 (non-permit condition compliance) has increase by 61% in Year 2.

4 Performance Indicators

Year 1 provides baseline data for comparison with Year 2 performance of the Permit Scheme. All information was successfully gathered through the Confirm street works system.

Permit Applications and Variations

Table 3 - Total number of PAA's, Permits and Permit Variation applications granted / refused

PAA, Permits and Permit Variations Received	Year 1	Year 2	% adjust
Received	36,131	35,640	-1.3%
Granted	28,572	27,734	-3.0%
Refused	7,559	7,906	+4.3%

It is difficult to ascertain significant findings relating to any trends or patterns in the number of applications received during the first and second years. Year 2 has seen just over a 1% decrease in the total number of permit applications received. However, this actually resulted in 347 more permits being refused than during the first year. Any inference resulting from this may only be revealed in future data comparisons. These statistics will be used as the base line for future reports.

Number of Permit Applications

Table 4 shows the split of permit applications received from both highway authority and utility promoters. On average, highway authorities generated 16% and utility promoters 84% of the total applications received in Year 2 compared to a 20% / 80% split in Year One.

Table 4 Permit Application and variations split between Statutory undertakers and Highway Authority

	Works Promoter	Total PA received	Total variations	% Variations
Year 1	Statutory Undertakers	17,351	6,126	35%
	Highway Authority	4,455	2,225	50%
	Total	21,806	8,351	38%
Year 2	Statutory Undertakers	17,653	6,586	37%
	Highway Authority	3,349	1,609	48%
	Total	21,002	8,195	39%

Works promoters are required to submit a variation request should anything change once the permit has been granted. Variations can be submitted for numerous reasons, including:

- Date changes
- Changes in Traffic Management
- Co-ordinate changes
- Changes in Conditions

The number of permit variations have a slight increase of 1% compared to Year 1 indicating less works have been completed as initially planned. However, it is not possible to carry out detailed analysis of the reasons for variations to establish any trends.

Deemed Permits

Permits that did not receive a response within the timescales were deemed by the Streetworks Register. The number of permits that have deemed in Year 2 is less than 1% of the total permit applications received (Fig. 1). The low volume of deemed permits indicates that the Permit Applications are being dealt with in an efficient and timely fashion.

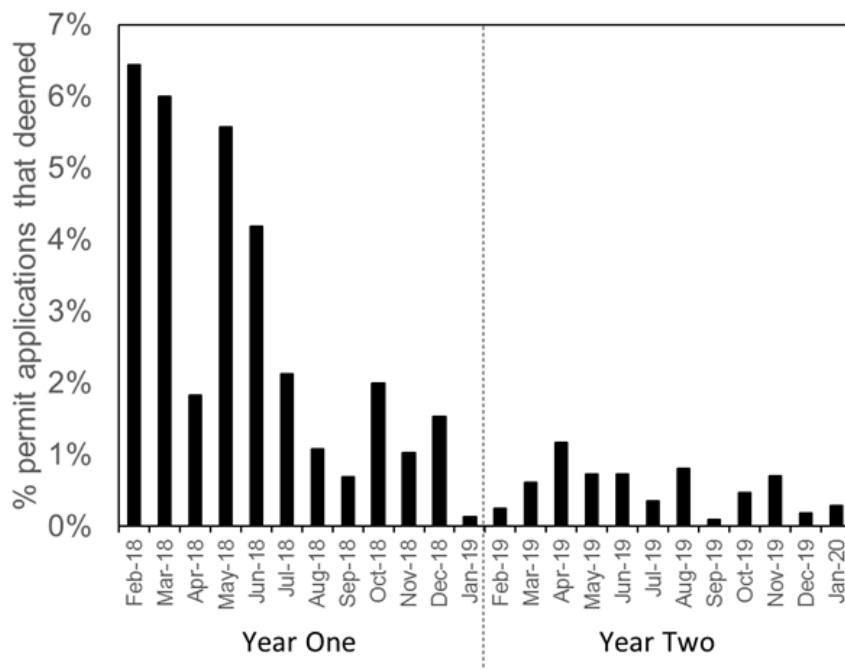


Fig.1 Percentage of permit applications that deemed in the first two years of the LCC permit scheme

The figures demonstrate that in Year 1 of the scheme, from a total of 36,131 submitted permit requests 937 deemed (2.5%), in Year 2 from a total of 35,640 submitted permit request only 196 deemed (0.5%), a clear improvement.

Permit Modification Response Times

Permit Modification Requests (PMR) are utilised by the Permit Authority to request the applicant to make minor changes or add National Conditions to enable the permit to be granted. The Guidance for the Operation of Permit Schemes recommends that PMRs are used in preference to Refusals in the first instance, and as the permits are fully assessed, the PMR identifies all modifications that are required on the PMR to assist the Statutory Undertaker to get their Permit granted on resubmission of the application.

Table 5 Portion of initial permit applications that receive a response from the permit authority (i.e. either grant or refuse) by end of next working day.

Permit type*	% with response by next working day		% with response within statutory limits	
	Year One	Year Two	Year One	Year Two
Major	50%	39%	97%	93%
Standard	55%	40%	97%	84%
Minor	72%	61%	98%	93%
Immediate	91%	96%	98%	100%
TOTAL	75%	67%	98%	94%

Whilst there are no statutory timescales to respond to Permit Modification Requests (PMR) and modified permit applications, the HAUC guidance recommends that they are responded to by the works promoter within 1 working day. If a PMR is not responded to by the works promoter, the permit application is considered as refused and works cannot commence. Both the permit authority and the works promoter are responding in less than 1 day ensuring that Permits can be granted with minimum delay.

Leicestershire County Council does not use PMRs for 'Immediate' permit applications. All immediate permits are granted and if conditions are considered missing from the application, an Authority Imposed Variation (AIV) is issued. If these are not responded to within the recommended 2 working hours, then the conditions are deemed as accepted by the Statutory Undertaker.

5 HAUC KPI Measures

This section outlines the Permit Indicators (KPI) contained as Annex A within the Statutory Guidance for Highway Authority Permit Schemes. These indicators for permit schemes are additional to the general TMA Performance Indicators (TPIs), which are already being produced.

KPI 1 – Granted / Refused / Deemed Permits

The number of permit and permit variation applications received, granted, and refused by application type in the second year of the Leicestershire County Council Permit scheme (2nd Feb 2019 – 1st Feb 2020).

Permit Type	Year One			Year Two		
	Received	Granted	Refused	Received	Granted	Refused
Provisional Advanced Authorisation (PAA)	2,271	2,154	117	2,400	2,205	195
Major	1,608	1,334	274	1,852	1,446	406
Standard	2,180	1,098	1,082	1,788	832	956
Minor	13,795	10,054	3,741	12,012	8,472	3,540
Immediate	4,103	4,068	35	5,221	5,195	26
Variation	12,174	9,864	2,310	12,367	9,584	2,783
TOTAL	36,131	28,572	7,559	35,640	27,734	7,906
%		79.1%	20.9%		77.8%	22.2%

There is no significant change to the number of granted and refused permits between Years 1 and 2. The high percentage of granted permits reflects the successful use of Permit Modification Requests by the Permit Authority and subsequent submission of a Modified Permit Application by the Works Promoters.

The Permit Scheme has been managed within the resources recruited for the scheme and only 196 permit applications deemed which is less than 1% of permit applications received.

KPI 2 – The number of conditions applied by condition type

All permit schemes imposing conditions must use the National Condition Text (NCT) as set out in the HAUC Guidance. The Conditions have been developed and agreed by the Highways Authorities and Utilities Committee (HAUC England).

EtoN Ref	Standard NCT conditions		Year 1		Year 2	
1	Date Constraints	1a	<i>Always applied</i>			
		1b				
2	Time constraint	2a	8,249	36.8%	7,530	36.7%
		2b	1,120	5.0%	1,130	5.5%
4	Material and Plant Storage	4a	1,377	6.1%	499	2.4%
		4b	42	0.2%	66	0.3%
5	Road Occupation Dimensions	5a	7,808	34.8%	7,674	37.4%
6	Traffic Space Dimensions	6a	11,181	49.9%	10,462	51.0%
7	Road Closure	7a	725	3.2%	1,010	4.9%
8	Light Signals and Shuttle Working	8a	5,789	25.8%	5,871	28.6%
		8b	804	3.6%	552	2.7%
9	Traffic Management Changes	9a	1,397	6.2%	1,035	5.0%
		9b	46	0.2%	62	0.3%
		9c	1,163	5.2%	780	3.8%
10	Works Methodology	10a	10,357	46.2%	10,405	50.7%
11	Consultation and Publicity	11a	<i>Always applied</i>			
		11b	791	3.5%	1,063	5.2%
12	Environmental	12a	704	3.1%	172	0.8%
13	Local Conditions	13a	20	0.1%	26	0.1%
N/A	<i>No extra conditions applied</i>	N/A	5,851	26.1%	4,470	21.8%

KPI 3 – Number of approved revised durations

Durations Variations / Extensions are considered on a case by case basis and maybe refused for one or more of the following reasons.

- Level of disruption being caused by the works
- Extension request not being submitted within 2 days or 20% duration before the end date
- Invalid / Insufficient information justifying the request
- Insufficient activity on site throughout the duration without a valid reason
- Conflicts with activities that have a granted permit

If the duration on the permit application is assessed as unreasonably long then a Permit Modification Request would be sent requesting the period to be reduced, together with the permit authority's justification. If an extension is requested for works that are in progress and the permit authority feels the request is not justified, then the extension request may be granted to ensure the activity can continue without the Statutory Undertaker committing a criminal offence but a Duration Challenge is then submitted determining the Reasonable Period. Statutory Undertakers then have the opportunity to counter challenge within 2 working days.

In Year 2 of the scheme there has been no significant change in the percentage of variation applications by the Statutory Undertakers (SU) in relation to the number of applications as shown in Table 4. The Highway Authority has reduced the number of variation applications from 50% to 48% suggesting that the reasonable period for more works has been assessed more accurately which is supported by the fact that the durations have not been challenged. Table 6 shows that requests for extensions in year two remain about the same as year one.

Table 6 Extension requests for works with permit date up to 01 Feb 2020

Works Type	Permit granted	Extension requested	% of granted permits with extension request	Extension granted	% extension requests approved
Year One					
Immediate	4,447	493	(11.1%)	447	(90.7%)
Minor	14,495	642	(4.4%)	465	(72.4%)
Standard	2,329	269	(11.6%)	229	(85.1%)
Major	2,402	265	(11.0%)	216	(81.5%)
Total	23,673	1,669	(7.1%)	1,357	(81.3%)
Year Two					
Immediate	5,327	439	(7.6%)	405	(92.3%)
Minor	12,670	638	(3.6%)	457	(71.6%)
Standard	2,141	315	(12.3%)	264	(83.8%)
Major	2,749	487	(14.8%)	406	(83.4%)
Total	22,887	1,879	(6.7%)	1,532	(81.5%)

KPI 4 – Number of occurrences of reducing the application period

Table 7 Average lead in times (days*) and % compliance with lead in times by application type. Permits that do not comply with lead in times are considered to be applications requesting an early start.

Application type	PAA	Major	Standard	Minor	Immediate [†]	All
Year One						
No. initial applications	3,269	2,200	2,579	15,704	4,480	28,232
Average lead in time*	59.7	31.8	22.3	10.4	02:16	
% compliance	86.2%	76.9%	89.6%	96.2%	93.7%	26,114 (92.5%)
% require early start	13.8%	23.1%	10.4%	3.8%	N/A	2,117 (7.5%)
Year Two						
No. initial applications	2,153	1,963	1,975	12,567	5,309	23,967
Average lead in time*	52.0	24.6	18.9	9.5	01:51	
% compliance	82.9%	72.8%	82.9%	96.1%	93.8%	21,906 (91.4%)
% require early start	17.1%	27.2%	17.1%	3.9%	N/A	2,061 (8.6%)

*PAA lead in times are calculated using calendar days and all other application lead in times are calculated using working days (i.e. excluding weekends and bank holidays) with the exception of Immediate permits where average time (hh:mm) after works start is shown.

[†]Immediate works permits need to be submitted no later than 2 hours after works have started (or by 10am next working day if works started outside working hours). Compliance rates are calculated against this time deadline as immediate works do not have a minimum lead in time.

6 Traffic Management Act (TMA) Performance Indicators

The Department for Transport requires the Permit Authority to report on seven TMA Performance Indicators (TPIs). These are as follows:

- TPI 1 Works Phases started
- TPI 2 Work Phases Completed
- TPI 3 Days of occupancy
- TPI 4 Average duration of works
- TPI 5 Phases Completed involving overrun
- TPI 6 Number of deemed permit applications
- TPI 7 Number of phase one permanent reinstatement

TPI 1 Works Phases started

The Volume of works started in in the previous 5 years (including two years under the LCC permit scheme)

Year	Scheme	LCC	Utility	TOTAL
2015/2016	Notice	3,624	14,082	17,706
2016/2017	Notice	3,428	14,835	18,263
2017/2018	Notice	5,208	15,628	20,836
2018/2019	Permit	3,794	15,358	19,152
2019/2020	Permit	3,585	15,391	18,976

TPI 2 Work Phases Completed

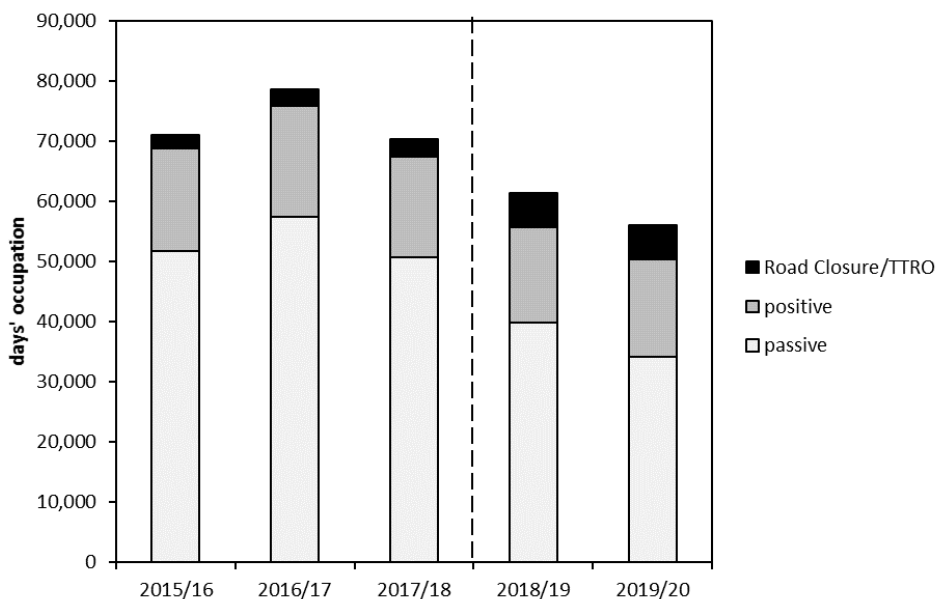
The Volume of works completed in the previous 5 years (including two years under the LCC permit scheme)

Year	Scheme	LCC	Utility	TOTAL
2015/2016	Notice	3,546	14,200	17,746
2016/2017	Notice	3,342	14,875	18,217
2017/2018	Notice	5,156	15,778	20,934
2018/2019	Permit	3,719	15,468	19,187
2019/2020	Permit	2,994	15,380	18,374

TPI 3 - Days of occupancy

Total working days occupation under different types of traffic management (TM) for the past 5 years (including 3 years when works were subject to a notice scheme and 2 years under the LCC permit scheme).

(The dashed line indicates point at which the permit scheme came into force)



- **Passive TM** - No Carriageway Incursion, Some Carriageway Incursion, Give and Take, Priority Working;
- **Positive TM** - Lane Closure, Stop/Go boards, Two-Way/Multi-Way Signals, Convoy Working.
- **Road Closure/TTRO - Road Closure**, No Waiting Cones, Contra-Flow, Reduced speed limit.

TPI 4 Average duration of works

The average duration of works within each of the previous 5 years (including two years under the LCC permit scheme) for the main works promoters within Leicestershire. Average duration is calculated using working days only.

Works Promoter	Notice Scheme			Permit Scheme	
	2015/16	2016/17	2017/18	2018/19	2019/20
Leicestershire County Council	4.23	5.38	3.33	2.64	2.59
Severn Trent Water	2.57	2.28	2.00	2.77	2.98
BT Openreach	3.20	3.36	3.20	2.74	2.24
Western Power Distribution	6.13	4.97	4.63	4.50	4.38
Cadent Gas	5.64	5.23	6.07	6.42	5.55
Virgin Media	5.29	7.32	4.04	2.19	2.01
Other	6.60	4.14	3.74	5.17	4.85
ALL	3.96	4.26	3.31	3.16	3.07

TPI 5 Phases Completed involving overrun

Phases completed involving overrun in the previous 5 years (including two years under the LCC permit scheme). Value in brackets indicates % of works for which an overrun was recorded.

Year	Scheme	LCC	Utility	TOTAL
2015/2016	Notice	461 (14%)	280 (2%)	741 (4%)
2016/2017	Notice	915 (30%)	203 (1%)	1,118 (6%)
2017/2018	Notice	528 (11%)	241 (2%)	769 (4%)
2018/2019	Permit	471 (14%)	340 (2%)	811 (4%)
2019/2020	Permit	322 (11%)	264 (2%)	586 (3%)

TPI 6 Number of deemed permit applications

Proportion of highway and utility granted permits that deemed by application type.

Application type	LCC (Highways)		Utility	
	No. granted	% deemed	No. granted	% deemed
Provisional Advanced Authorisation (PAA)	1,319	0.9%	1,071	2.7%
Permit Application (Major)	929	1.0%	683	1.0%
Permit Application (Standard)	350	2.6%	640	1.7%
Permit Application (Minor)	2,020	1.2%	6,785	0.6%
Permit Application (Immediate)	38	0.0%	5,163	0.0%
Permit Variation	2,502	0.6%	7,487	0.6%
OVERALL	7,158	1.0%	21,829	0.6%

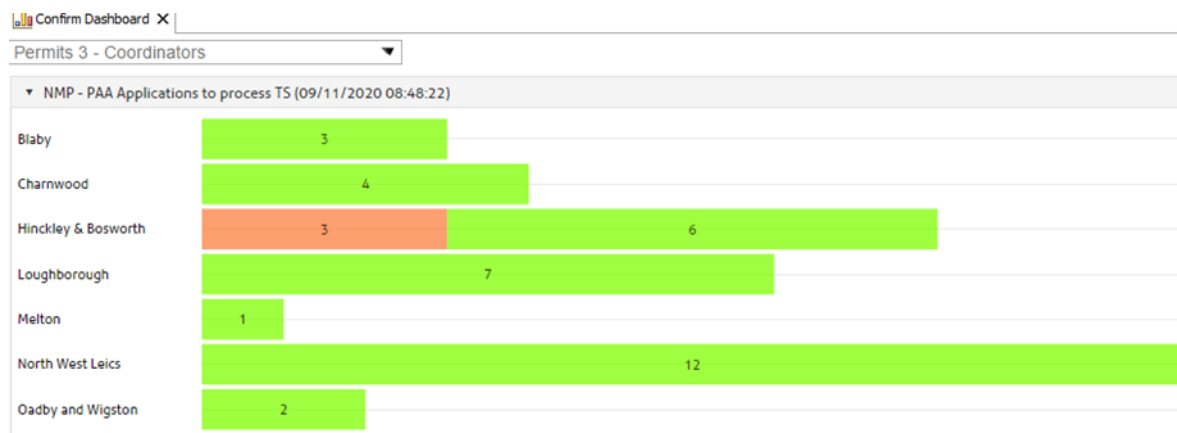
TPI 7 Number of phase one permanent reinstatement

The volume of full Phase One registrations received in the previous 5 years.

Year	Scheme	Total
2015/2016	Notice	10,490
2016/2017	Notice	10,180
2017/2018	Notice	11,408
2018/2019	Permit	11,192
2019/2020	Permit	12,299

7 Authority Measures

In addition to the above measures, Leicestershire County Council, has developed bespoke reporting to enable data to be analysed and cross-checked to ensure validity. In addition to this daily monitoring is provided by system dashboards. (example below)



8 Conclusion

The Leicestershire Permit Scheme continues to identify benefits to road users, local residents and businesses in the county and surrounding area. The scheme provides better control, planning and coordination of works and a more robust framework for checking and challenging activities to reduce the total duration of works taking place within the highway and ensure that the conditions attributed to permits promote the expeditious movement of traffic through works; reducing disruption and promoting safety at works sites.

In Year 1, the introduction of a permit scheme enabled powers not previously available under legislation to be used to improve the management of all activities on the road network through increased co-ordination and timing of works with all works promoters, including works for roads. The recommendations identified at the end of Year 1 (Appendix A) are now part of the day to day operation of the permit scheme. Year 2 has built upon this by maintaining and improving a robust network, by being proactive in its measures to correct non-compliance.

Any action carried out on the highway has the potential to cause disruption; our objective is to encourage a proactive attitude from works promoters. Regular performance meetings with utilities are held to enable a shared understanding as to why non-compliance has occurred and what measures can be introduced to prevent future reoccurrences. This contributes to improving the safety of road users in terms of signing and guarding whilst protecting the highway asset by ensuring the quality of works on the highway.

Overall days' occupation in Leicestershire has gone down by 9% in Year 2 of the LCC PS compared to Year 1 (See TPI 3 above). However, this is driven mostly by a decline in the duration of works using passive traffic management with slight increase in the overall duration of works utilising positive traffic management or road closures.

By maintaining a resilient compliance and inspection regime throughout the second year of permitting, we have seen an increase of over 33% (see table 2) in the number of Regulation 19 (working without valid permit) and Regulation 20 (non-compliance of permit conditions). In Year 1 the total issued for road works non-compliance was 96 out of a total of 574 (16%). In Year 2 this figure was 81 out of a total of 767 (11%), concluding an improvement in the compliance to the permit scheme regulations for road works activities.

Year 2 has also shown that 75% of utility works have had phase one permanent reinstatements and that the number of remedial works phase applications granted has reduced to 0.8%, demonstrating the pursuit of efficiency of operation of works and the desire to maintain quality.

Appendix A - Year 1 Report Recommendations

Recommendation 1 LCC must continue to monitor the KPIs used to assess the permit scheme. This is essential to ensure that parity can be demonstrated (e.g. with respect to refusal rates and deemed rates). In addition, the KPIs can be used to support recommendations specific for LCC and the various works promoters.

Recommendation 2 LCC must ensure that a more complete cost benefit analysis is ready by year 3 so that any revision of permit fees can be fully justified. As no excessive surplus or deficit has been identified in Year One, no revision of the permit fees is recommended at this stage.

Recommendation 3 LCC should issue quarterly sample inspection reports. As well as being good practice, this will also allow for the identification of any potential impacts that the permit scheme may have on the rate of defects reported, in line with the scheme's objectives.

Recommendation 4 Utility companies are urged to comply with statutory guidance when applying conditions so as to avoid excessive use.

Recommendation 5 LCC should continue to issue FPNs for breach of conditions, even for excessively applied conditions not requested by the permit authority. One FPN per breach of condition will be issued.

Recommendation 6 LCC should consider refusing permits with excessive conditions to ensure compliance with statutory guidance (covered by code RC11).

Recommendation 7 All works promoters are encouraged to apply condition NCT02a to limit works to off-peak times on traffic sensitive streets where positive TM is necessary. In cases where off-peak working is not feasible then the works promoter should provide a clear justification for not applying NCT02a so that the permit may be granted in the first instance (as long as there are no other reasons for refusal).

Recommendation 8 LCC must ensure that condition NCT11b is added to all permits that require a road closure to enforce requirements concerning advanced publicity for closure.

Recommendation 9 LCC should include a standard response code (RC) alongside the stated refusal reason with all permit refusals. The current rate of 88% is good, but ideally the rate should be closer to 100% as per HAUC guidance.

Recommendation 10 All works promoters are encouraged to use roadworks.org for some degree of self-coordination to minimise refusals due to clash of works. The LCC permit scheme came into force on 2nd February 2018.