



Permit Scheme Year 3 Review

Period to: 1st February 2021

Report Date : February 2022

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1 Introduction

The Traffic Management Act 2004 (TMA), Part 3 and the Traffic Management Permit Scheme (England) Regulations 2007 as amended in 2015, makes provision for Permit Schemes to be introduced in England. The Leicestershire County Council (LCC) Permit Scheme was introduced and adopted by LCC on the 2 February 2018. The permit scheme supports LCC's network management duty to ensure expeditious movement of traffic by providing more powers to control road and street works.

This report sets out an overview of the permit schemes operational performance in its 3rd year in Leicestershire and provides detailed scrutiny of the available data in relation, to both Street Works and Works for Road Purposes activities in Leicestershire for this period. The report aims to demonstrate that the LCC Permit Scheme is continuing to meet key performance indicators where these are set out in the Guidance.

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

The Leicestershire Permit Scheme applies to the whole of the Leicestershire road network but excludes private roads, trunk roads, motorways and Leicester City Council's network. A permit fee applies to all permits and reflects the amount of resource required to manage and operate the permitting process. However, financial concessions are provided to encourage best practices, such as collaborative working.

It is important that Leicestershire's permit scheme is able to demonstrate that the necessary parity of approach between all works promoters remains consistently applied. To this end mandatory Key Performance Indicators are in place to ensure this. The permit scheme operates on a 'cost neutral' basis. The overall income from the permit fees aims to not 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 strategic objectives of the permit scheme support the aims of LCC's Network Management Plan, namely:

- Develop and operate a holistic network management approach. This will ensure the optimal use of the Council's resources, strategically managing the operation, performance and development of the county's road network for the benefit of all current and future users.

The specific objectives for the Leicestershire Permit Scheme are to:


- 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.
- Provide better information for road users about works in 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.

3 Fee Structure

It is not the purpose of fee charging under the Permit Scheme to generate revenue for the Permit Authority, nevertheless 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.

 Leicestershire County Council	Main Roads	Minor Roads
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

4 Cost Analysis

Cost figures used are standard Leicestershire County Council (LCC) rechargeable resource costs. This is in line with Part 6.5 of the Statutory Guidance for Highway Authorities Permits Schemes October 2015.

The LCC rechargeable costs includes all costs from the baseline, plus employee driven corporate support costs such as office accommodation, IT, HR, training and insurance. It also includes corporate overhead costs such as Finance, Procurement, Democratic Services, Policy and Performance.

LCC reviews salaries and charge rates annually and these are introduced on the 1st of April. There was no change to the LCC Rate Card at the 1st April 2020. In line with previous reports, detail of actual staff in post has been used to calculate total staff charge rates rather than a generic number of posts. i.e. not all posts have been continually occupied throughout the time the Scheme has been in operation. Hence the costs in Table 2 show less expenditure than in year 2, due to carrying a part vacancy and staff shortages through the recruitment process.

The Authority is permitted to recover costs and overheads attributable to operating the scheme for undertakers which are over and above the costs of the Authorities co-ordination duty. The additional costs in operating a Permit Scheme associated to the County Councils own highway works cannot be recovered.

It is not practicable to derive an exact split of time spent reviewing Permit applications for Street Works against Permit applications for Works for Road Purposes, nor for the time spent by Officers inspecting compliance with Permit Conditions between the two work strands. A reasonable logical

rationale has been used to apportion staff time between differing activity types and remains consistent with that reported in the three years of the permit scheme.

Table 2 - Costs Year 3

	Scheme Income	LCC Costs	Deficit / Surplus	FPN Reg 19/20 Income
Year 1 Report	£772,652	£786,433	(£13,781)	£55,280
Year 2 Report	£809,864	£812,847	(£ 2,983)	£89,260
Year 3 Report	£773,606	£783,003	(£ 9,397)	£65,860

The figures in Table 2 above show that over the 3-year period of the permit scheme, the operating costs show a slight deficit in recovering the full costs within the current fee structure. However, this is minimal and at this time and there is no intention to increase the fees.

5 Performance Indicators

Years 1 and 2 provide baseline data for comparison with Year 3 performance of the Permit Scheme. All information was successfully gathered through our Highway Management 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	Year 3	% adjust
Received	36,131	35,640	33,382	-6.3%
Granted	28,572	27,734	26,192	-5.5%
Refused	7,559	7,906	7,640	-3.3%

It is difficult to ascertain significant findings relating to any trends or patterns in the number of applications received during the second and third years, However, year 3 has seen a 6.3% decrease in the total number of permit applications received. This is highly likely to be caused as a result in the reduction of works due to Covid 19.

Number of Permit Applications

Table 4 below shows the split of permit applications received from both highway authority and utility promoters. Year 3 resulted in that 18% of the total permit applications received related to highway works, with year 2 being 16%.

Table 4 - Permit Applications and variations between Statutory Undertakers and the 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%
Year 3	Statutory Undertakers	16,508	7,221	43%
	Highway Authority	3,555	1,932	54%
	Total	20,063	9,153	45%

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 has increased by 6% compared to Year 2, indicating that initial data received on permit applications is still limited in enabling permits to be granted 1st time. However, it is not possible to carry out detailed analysis of the reasons for variations to establish any trends.

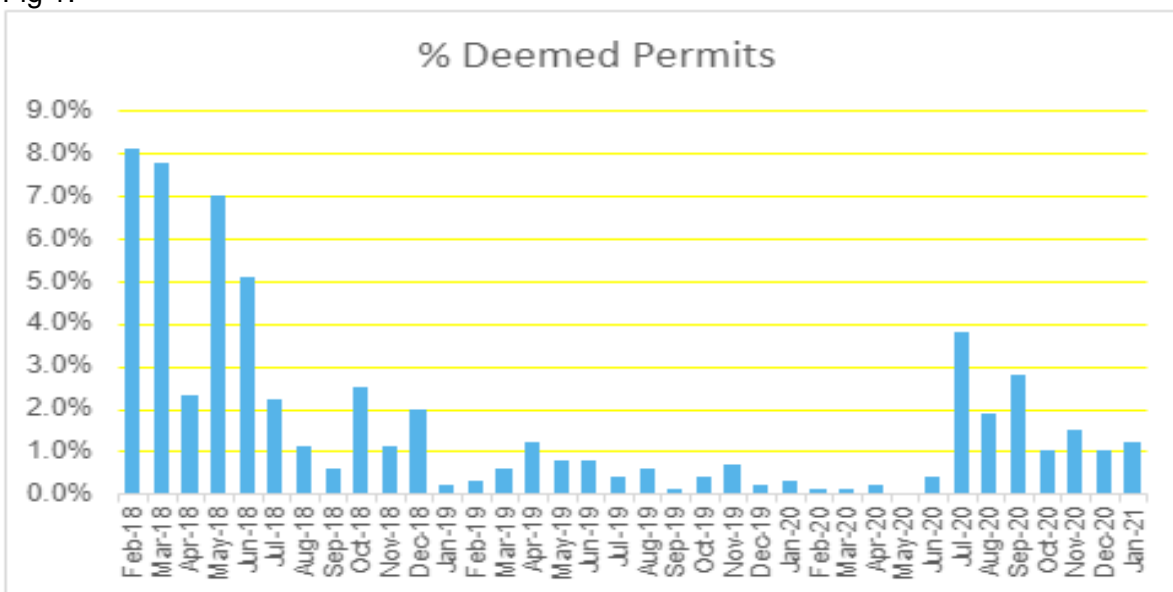
Deemed Permits

Permits that failed to receive a response within the various timescales are considered as deemed by the Streetworks Register.

The number of permits that deemed in Year 3 continues to be low, with 1.2% of the total permit applications received (Fig. 1 below). The low volume of deemed permits indicates that the Permit Applications are being dealt with in an efficient and timely fashion.

The figures demonstrate that in Year 3 out of total of 33,382 permit requests only 394 deemed (1.2%), an increase of 0.7% from Year 2. However, this was largely due to the outage link failure from the Street Manager System in July 2020.

Fig 1.



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.

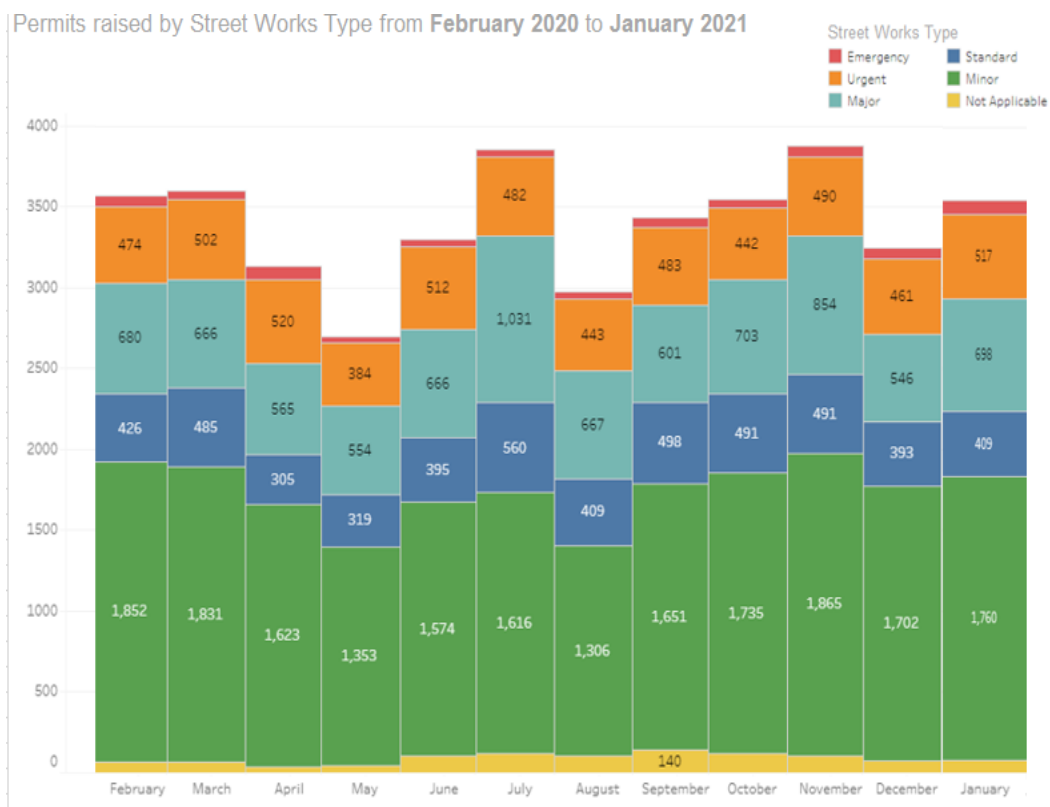
Permit type	% responded within statutory limits		
	Year 1	Year 2	Year 3
Major	97%	93%	95%
Standard	97%	84%	91%
Minor	98%	93%	94%
Immediate	98%	100%	100%
Total	98%	94%	95%

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.

Figure 2 below shows the number of permits applications for year 3. The ongoing target is to reduce the number of emergency and urgent works across the network, as these are unplanned works reducing these occurrences this will directly reduce congestion on the highway network.

Fig 2.



6 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

The number of permit and permit variation applications received, granted, and refused by application type over the first 3 years of the Leicestershire County Council Permit scheme is shown below.

Table 6

Permit Type	Year 1			Year 2			Year 3		
	Received	Granted	Refused	Received	Granted	Refused	Received	Granted	Refused
Provisional Advanced Authorisation (PAA)	2,271	2,154	117	2,400	2,205	195	2,699	2,505	194
Major	1,608	1,334	274	1,852	1,446	406	1,936	1,612	324
Standard	2,180	1,098	1,082	1,788	832	956	2,208	1,108	1,100
Minor	13,795	10,054	3,741	12,012	8,472	3,540	10,802	7,080	3,722
Immediate	4,103	4,068	35	5,221	5,195	26	5,117	5,109	8
Variation	12,174	9,864	2,310	12,367	9,584	2,783	11,070	8,778	2,292
Total	36,131	28,572	7,559	35,640	27,734	7,906	33,832	26,192	7,640
%		79.1%	20.9%		77.8%	22.2%		77.4%	22.6%

There is no significant change to the number of granted and refused permits between Years 2 and 3. 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 394 permit applications deemed which is 1.2% 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).

Table 7

EToN Ref	Standard NCT conditions		Year 1		Year 2		Year 3	
1	Date Constraints	1a	<i>Always applied</i>					
		1b						
2	Time constraint	2a	8,249	36.8%	7,530	36.7%	6,421	32.9%
		2b	1,120	5.0%	1,130	5.5%	1,043	5.3%
4	Material and Plant Storage	4a	1,377	6.1%	499	2.4%	756	3.9%
		4b	42	0.2%	66	0.3%	308	1.6%
5	Road Occupation Dimensions	5a	7,808	34.8%	7,674	37.4%	7,291	37.4%
6	Traffic Space Dimensions	6a	11,181	49.9%	10,462	51.0%	9,342	47.9%
7	Road Closure	7a	725	3.2%	1,010	4.9%	1,157	5.9%
8	Light Signals and Shuttle working	8a	5,789	25.8%	5,871	28.6%	6,650	34.1%
		8b	804	3.6%	552	2.7%	973	5.0%
9	Traffic Management Changes	9a	1,397	6.2%	1,035	5.0%	1,864	9.6%
		9b	46	0.2%	62	0.3%	132	0.7%
		9c	1,163	5.2%	780	3.8%	1,218	6.2%

10	Works Methodology	10a	10,357	46.2%	10,405	50.7%	9,360	48.0%
11	Consultation and Publicity	11a	<i>Always applied</i>					
		11b	791	3.5%	1,063	5.2%	1,927	9.9%
12	Environmental	12a	704	3.1%	172	0.8%	57	0.3%
13	Local Conditions	13a	20	0.1%	26	0.1%	224	1.1%

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, the extension request may be granted to ensure the activity can continue without the Statutory Undertaker committing a criminal offence, then a Duration Challenge will be submitted determining the Reasonable Period. Statutory Undertakers have the opportunity to counter challenge within 2 working days.

Table 8 - Extension requests for works with permit date up to 01 Feb 2021

Works Type	Permit granted	Extension requested	% of granted permits with extension request	Extension granted	% extension requests approved
Year 1					
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 2					
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%
Year 3					
Immediate	4,763	355	7.5%	332	93.5%
Minor	10,439	348	3.3%	265	76.1%
Standard	2,545	237	9.3%	203	85.7%
Major	3,439	243	7.0%	225	92.6%
Total	21,186	1,183	5.6%	1,025	86.6%

Table 8 shows that requests for extensions in year 3 remain consistent with years 1 and 2.

KPI 4 – Number of occurrences of reducing the application period

Lead times under legislation are:

- Provisional Advanced Authorisation for Major Works or those requiring a Temporary Traffic Regulation Order - 3 months
- Major work permit applications - 10 days
- Standard works - 10 days

- Minor works - 3 days
- Immediate works permits required within - 2 hours.

Therefore, those under these periods are considered to have been given an early start.

Table 9 - Average lead in times (days*) by application type

Application type	PAA	Major	Standard	Minor	Immediate [†]	All
Year 1						
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	
Year 2						
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	
Year 3						
No. initial applications	3,027	1,783	2,400	11,293	5,148	23,651
Average lead in time*	65.4	29.5	21.6	10.5	02:17	

*PAA lead in times are calculated using calendar days and all other application lead in times are calculated using working days (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).

7 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 the previous 3 years.

Year	Scheme	LCC	Utility	Total
2018/2019	Permit	3,794	15,358	19,152
2019/2020	Permit	3,585	15,391	18,976
2020/2021	Permit	3,125	15,471	18,596

TPI 2 Work Phases Completed

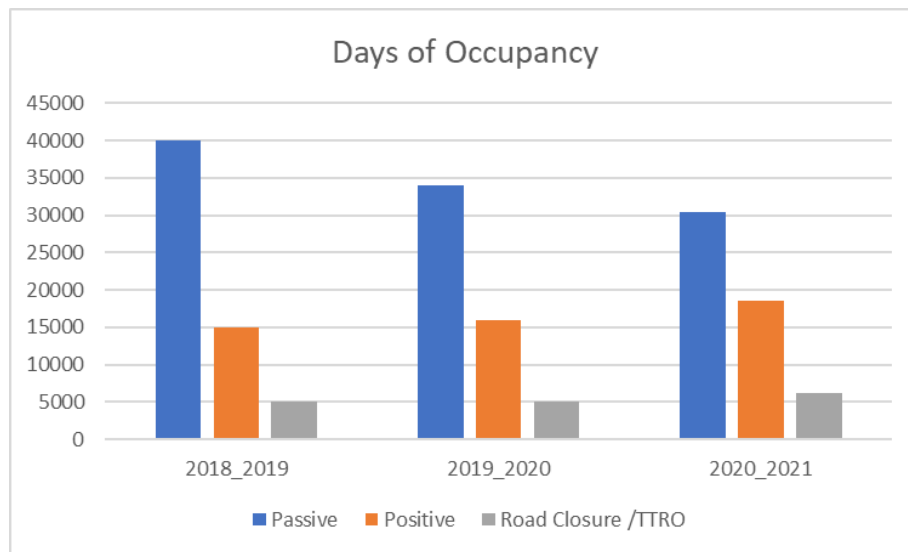
The volume of works completed in the previous 3 years.

Year	Scheme	LCC	Utility	Total
2018/2019	Permit	3,719	15,468	19,197
2019/2020	Permit	2,994	15,380	18,374
2020/2021	Permit	3,021	14,926	17,947

TPI 3 - Days of occupancy

Total working days occupation under different types of traffic management (TM) for the past 3 years.

Fig.3.



- **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 3 years for the main works promoters within Leicestershire. Average duration is calculated using working days only.

Works Promoter	2018/19	2019/20	2020/21
Leicestershire County Council	2.64	2.59	3.81
Severn Trent Water	2.77	2.98	2.40
BT Openreach	2.74	2.24	1.85
Western Power Distribution	4.50	4.38	4.40
Cadent Gas	6.42	5.55	5.72
Virgin Media	2.19	2.01	1.60
Other	5.17	4.85	4.16
ALL	3.16	3.07	2.99

TPI 5 Phases Completed involving overrun

Phases completed involving overrun in the previous 3 years. Value in brackets indicates % of works for which an overrun was recorded.

Year	Scheme	LCC	Utility	TOTAL
2018/2019	Permit	471 (14%)	340 (2%)	811 (4%)
2019/2020	Permit	322 (11%)	264 (2%)	586 (3%)
2020/2021	Permit	358 (12%)	283 (2%)	641 (3%)

TPI 6 Number of deemed permit applications

Proportion of highway and utility granted permits that deemed by application type in Year 3.

Application type	LCC (Highways)		Utility	
	No. granted	% deemed	No. granted	% deemed
Provisional Advanced Authorisation (PAA)	1,675	0.3%	1,056	2.2%
Permit Application (Major)	1,097	0.5%	723	1.4%
Permit Application (Standard)	542	0.3%	690	1.7%
Permit Application (Minor)	1,865	1.2%	5,362	1.6%
Permit Application (Immediate)	37	0.0%	5,002	1.3%
Permit Variation	1,850	3.3%	7,148	1.0%
OVERALL	7,066	1.1%	19,981	1.4%

TPI 7 Number of phase one permanent reinstatement

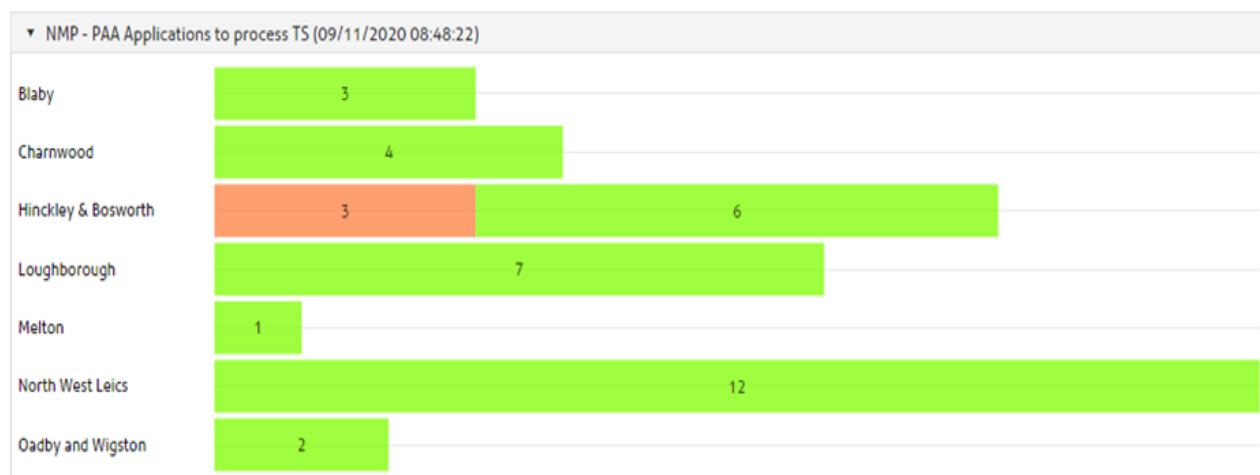
The volume of full phase one registrations received in the previous 3 years.

Year	Scheme	Total
2018/2019	Permit	11,192
2019/2020	Permit	12,299
2020/2021	Permit	10,423

8 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 Fig 3 below)

Fig 3.



9 Conclusion

The recommendations identified at the end of Year 1 are now part of the day to day operation of the permit scheme. Years 2 and 3 have built upon this by maintaining and improving a robust network, by being proactive in its measures to correct non-compliance.

In Year 1, the introduction of a permit scheme enabled controls 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 purposes.

The Leicestershire Permit Scheme continues to identify benefits to road users, local residents and businesses in the County and surrounding area. The scheme has provided improved control, planning and coordination of works and a more robust framework for checking and challenging activities. These measures have promoted a reduction in the total duration of works taking place within the highway and ensures that the conditions attributed to permits promote the expeditious movement of traffic through works thus reducing disruption and promoting safety at works sites.

Year 3 has been challenging during the period of the enforced restrictions of Covid pandemic. However, despite this we have continued to provide a consistently high level of service to all works promoters.