

### 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 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 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 comes into effect on 1st February 2019. 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.

### Principles of a Permit Scheme

#### **Key Scheme Objectives**

The scheme's primary objectives are:

- To reduce the length of occupation of highway works and therefore ongoing disruption to the public
- To improve the quality and timeliness of information received from all activity promoters and to ensure the correct information is available to public
- To encourage a proactive approach to planning and undertaking of works on the highway from promoters and consequently lessen the impact of activities on road users
- Promote a safer environment for both operatives working on the highway and all public interactions with streetworks / roadwork
- To protect the structure of the street and the integrity of the highway asset
- To ensure parity of treatment for all activity promoters particularly between statutory undertakers and highway authority works and activities
- Contribute to the reduction of carbon emissions and an improvement to air quality

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 reliable journey times
- improving the resilience of the network
- minimising inconvenience to all road users
- improving public satisfaction
- The Permit Scheme objectives will also link to the strategic objectives contained within the West Midlands Local Transport Plan 2011 – 2026 (<https://www.tfwm.org.uk/media/1397/wcce-e8-west-midlands-local-transport-plan-2011-2026.pdf>). With specific attention to the long term objectives and area specific themes.

### ***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.

These are based on the Operational Measures and Key Performance Indicators listed below.

KPIs and Operational Measures will be published quarterly by each individual Permit Authority and will be made available in a raw format (without additional analysis) on their website and at performance and coordination meetings.

An annual report will be produced either by each individual Permit Authority, or as a group, 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 and these will be used to help underpin scheme evaluation. Parity of treatment will be demonstrated through these KPI's.

In order to show that the permit authorities are operating the scheme in a fair and equitable way each, those departments responsible for examining and granting permits will be separated from the highway activities of the authority.

### ***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 reports will show

- number of overrun incidents
- average works durations
- number of days of reduced occupation
- number of collaborative works and the days of saved occupation
- the number of refused permits by refusal reason
- number of permit cancellations
- number of first time permanent reinstatements
- site safety
- permit condition inspection results

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 and highway works 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 these statutory duties placed on the permit authorities and in particular aims to benefit a number of areas that are important for delivery of the participating the permit scheme authority's local transport plans, including:

- Improved coordination of activities on the highway through better active management of the road network
- Contributing to environmental benefits stemming from the reductions in disruption and congestion and improvements in material usage
- Contributing to the long term maintenance of the highway pavement asset
- Contributing to public health benefits from greater control over pollution and environmental impacts as well as safe working practices
- Improved information to the travelling public
- Public transport benefits which come from more structures and coherent stakeholder engagement at all stages of an activity's life
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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 by the permit authority 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 promoters that are able to deliver work in a proactive way to lessen the impact of their activities, for instance through collaboration or innovation
- 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 Permit Conditions as developed by the National Permit Forum to assist 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

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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 instance 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
- closer working with other divisions for instance environmental health, parking, parks and the environment.

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 works 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

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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 Promoters both to help understand its own costs and to set those alongside the costs to other 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	£103	£75
Major activities (over 10 days duration AND major activities requiring a TTRO)	£218	£143
Major activities (4 to 10 days duration)	£117	£73
Major activities (up to 3 days duration)	£53	£40
Standard activities	£117	£73
Minor activities	£53	£40
Immediate activities	£40	£28
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 permit authorities 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 permit authorities 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 permit authorities 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.

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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 promoters to facilitate and manage their works.

Small scale and short duration activities, particularly in non-traffic-sensitive situations, 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 Permits, 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 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 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.

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

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 promoter and Permit Authority since it ensures that all implications of the activity can be considered more fully.

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.

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 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



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- 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.

The Permit Authority will liaise 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 7.1) 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 operate in a fair and equitable way ensuring a level playing field with all promoters competing for time and space on the highway. The Permit Authority will ensure sufficient separation between those operating the permit scheme and those responsible for highway activities so that parity of treatment is evident.

### Invoicing Arrangements

An Advice Note detailing Invoicing arrangements will be published prior to the Scheme coming into operation.

### Monitoring the Permit Scheme

The performance metrics will be based upon Operational Measures and Key Performance Indicators that will enable permit authorities to monitor their own performance and continuous improvement year on year.

KPIs and Operational Measures will be published quarterly by the permit authority and will be made available in a raw format (without additional analysis) on their websites and at performance and coordination meetings.

An annual report will be produced by each individual Permit Authority to evaluate the scheme objectives within their operational area.

### **Operational Performance Measures**

Operational measures will be used to provide a year on year quantification of aspects of the scheme, which will allow the operators to evaluate and review the scheme and provide trends and data to enable a more comprehensive analysis of the scheme's operation.

The measures can be quantified both against baseline data collected on selected streets prior to the commencement of the scheme, and against neighbouring authorities (those operating and those not operating a permit scheme), or simply ongoing yearly comparative analysis.

Permit authorities may include their own performance monitoring measures as part of their local political, community or departmental requirements.

Operational measures detailed in this document are 'draft' metrics. This will allow them to be open to change as new reporting tools or more consistent methods of analysis across the industry are developed, either by the permit working group, the ETON suppliers, the DfT or the National KPI working group.

It is accepted that some authorities will not be able to produce some of the following metrics due to systems or technology limitations.

### **Number of overrun incidents**

The number of activities that are logged by the Permit Authority as overrunning their agreed end date is an indicator of how well the activity promoters are managing their works and lessening the impact of their works on road users.

This measure will also allow comparison with neighbouring non-permitting councils to be made. It will be expressed as:

The number overrun incidents shown as a percentage of permits issued

Extension requests will be considered on their own merits See Section 7.2.3

### **Average road occupancy and number of days of reduced occupation**

One of the benefits of permits is that works durations can be judged more effectively and the use of conditions is a greater driver for tighter processes from all activity promoters to reduce their occupation on the highway.

Additionally analysis of activities that have had their duration reduced, and by how much, will show how the Permit Authority and activity promoters are reducing the overall impact of activities on the highway. It will be expressed as

The average number of working days for different works categories as compared between periods and other authorities

The total number of days of reduced occupation for different works categories as compared between periods and other authorities

### **Number of collaborative works and the days of saved occupation**

The potential economic benefits from shared working space are considerable. In addition, this will show a proactive and positive approach to working together to minimise disruption and occupancy. The number of collaborative works will be expressed as:

- a percentage of all works granted per period.
- as an ongoing measure, this will also be expressed as the number of collaborative works sites per period, thus enabling a percentage increase/reduction to be calculated.

Any activity on the highway will be included to show how the Permit Authority is able to coordinate works and other activities proactively.

### **The number of refused permits by refusal reason**

Actual numbers of applications refused are part of KPI1 and are an indicator of parity.

Monitoring permit refusals will show clearly the most common reasons for refusal. This is helpful to the activity promoter to identify particular areas where they are failing. This



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measure will also show any improvements for each period for the way promoters deal with systematic failures within their processes. It will therefore be a measure of how information quality is improving. It will be expressed as

- The number of each category of failure as a comparison of previous periods

### Number of cancellations as a percentage of granted permits

Since there is a fee for a permit, a statutory undertaker must pay for this even if the works subsequently do not go ahead. This is therefore a disincentive for works to be subsequently cancelled.

This measure will compare year on year rates of permit cancellation, and more particularly show how these rates fall from those under the notification system. This has a direct benefit to the Permit Authority and the activity promoter since it shows better works management and allows officers and staff to use their time more productively. This measure will be expressed as

- the proportion of notices/permits cancelled each period.

### First time permanent reinstatements

Undertaking a first time permanent reinstatement can reduce general disruption, particularly when traffic management is in place, by removing the need for a return visit to a site.

Measuring the number of interim reinstatements or the number of first time permanent reinstatements provides a comparison to be made each period, and also allows targets for the permit authority to be set to try to drive down interim reinstatements. The metric will be expressed as

- The number of interim reinstatements undertaken as a percentage of total permits issued.

### Category A 'in progress' inspection results

Category A inspections under the NRSWA Code of Practice for Inspections look at the way a site is set up; suitability of traffic management, signing and guarding and site safety. This is not just for vehicular traffic, it has particular significance for the safety of pedestrians and those with a disability. This metric will allow

- year on year inspection results to show improvements in this element of works
- comparison between highway authority activities and utility activities

The metric will be expressed as the number of failed category A inspections shown as a percentage of the total A inspections undertaken within a period.

Where possible the Permit Authority should include highway authority works in their inspection regime. However this is not a requirement under the Permit Scheme Regulations. If these figures are recorded by the Permit Authority and are considerably, lower in number for highway authority activities it should not be taken as an issue of parity, simply one of process. However this scheme strongly recommends each Permit Authority inspect their own works for road purposes in the same way as utility works as a matter of course.

### Permit condition inspection results

EToN 6 provides for specific permit compliance inspections which will provide a measure of when the works are compliant and at what stage the works are at

Additionally this measure can be evaluated from the number and types of fixed penalty notices issued under regulation 20 (breach of permit condition).

It is anticipated that any site that is inspected for a category A inspection will also have a permit conditions checked (and vice versa) and therefore the metric will be expressed in terms of the A inspection figures since different authorities may have different inspection regimes that include more than the statutory 10% random sample. This will allow a general comparison between authorities to be made. This will be expressed as

- Total numbers of FPNs issued under Regulation 20
- The number of individual types of condition breaches under Regulation 20
- The percentage of FPNs against the number of inspections undertaken

### National Infrastructure Projects

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

- The roll out of the Superfast Broadband

Sandwell MBC 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.