

Introduction of the West and Shires Permit Scheme

By

Staffordshire County Council

Consultation
Overview



Introduction

Staffordshire County Council intend to introduce a permit scheme to control works on their road network. As part of the process to do this, the Council is required to consult on the scheme with activity promoters (Utility companies and the Highway Authority), and apparatus owners under Section 50 of the New Roads and Street Works Act (1991) as well as any other interested stakeholders.

This document is provided to support the consultation process, with the intention to answer the questions Consultees may have in relation to the proposed introduction of a permit scheme. This document is not intended to influence opinion within this Consultation; any specific responses related to your area of interest can be submitted via the formal consultation response process, which is detailed below.

Purpose of the Consultation

The purpose of the consultation is to seek views and questions from those affected by the introduction of a permit scheme and other interested parties. From these responses, the Council will consider whether any changes are required to the permit scheme, or whether clarification of the scope or operation of the scheme is required.

You do not need to respond to this consultation unless you have specific questions or comments about the scheme.

The actual permit scheme has to be compliant to many different references, such as Statutory Instruments, Regulations, Codes of Practice and Statutory Guidance, so the Council is very limited in changes that can be applied to the scope of the permit scheme.



How to Respond to the Consultation

You do not need to respond to this consultation unless you have specific questions or comment about the scheme.

A response can be submitted on any section of the permit scheme or in relation to the overall scope or objectives of the permit scheme. Where appropriate, a reference to a specific section or paragraph in the permit scheme would be beneficial, to provide context for the response and to enable the Council to provide the necessary consideration or response.

All comments will be considered within the terms of the legislative framework of the Traffic Management Act 2004 (TMA) and associated regulations and codes of practice.

Responses can be received from individuals, organisations or those representing an interested party or organisation.

Responses to the consultation can be provided using the contact details within the section below - How to Obtain Consultation Documents.

The consultation will run for a period of 3 months, between **Monday 25th November 2019 and Friday 14th February 2020**.

Use of Consultation Responses

All consultation responses, including the respondent information, will be collated into a central list and made available to the public through the Council's website or upon requested, and will detail the Council's actions or responses.

No personal data related to any respondent will be published or included within the application documents released by the Council.



How to Obtain Consultation Documents

The proposed permit scheme and associated documents have been issued by Staffordshire County Council digitally; however, a paper copy is available, if required.

Website	www.staffordshire.gov.uk/permitconsultation
Online Survey	https://www.surveymonkey.co.uk/r/K7TZR9S
Address	Staffordshire County Council 1 Staffordshire Place Stafford ST16 2DH
Email	permitconsultation@staffordshire.gov.uk

Consultation responses may be submitted via the email address above, or uploaded via the website (see web page for relevant details), or a hardcopy may be posted to the above address.

Please note that responses received after **Friday 14th February 2020** may not be considered.



Permit Scheme Background and Context

What is a permit scheme?

Currently, organisations intending to carry out works on the Council's road network (the public highway) notify the Council of their intention to carry out these works. The Council has powers under the New Road and Street Works Act (NRSWA) 1991 to provide some direction to these works, and to apply penalties for instances where the works are not carried out according to the notice served.

A permit scheme can be introduced under the provisions of the Traffic Management Act (TMA 2004). It enhances these powers through the proactive review and approval of works (prior to commencing), together with the capability to apply conditions to the planning and carrying out of works, which the current noticing regime does not allow.

It is essential that all activities in the highway are effectively coordinated and managed to ensure that traffic disruption and inconvenience is minimised whilst allowing the Promoters of those activities (such as utility companies or the Council's own contractors) the necessary time and space to complete their work quickly and safely. Overall, a permit scheme provides the Council with greater control of when and how works are carried out on their road network, in order for them to deliver their Network Management Duty.

The powers provided under a permit scheme differ from existing powers for managing works in a number of key ways:

- a promoter must book 'road space' in order to occupy the highway for a certain period and with certain constraints (obtaining a permit for their works);
- any variation to the work needs to be agreed, before and after works have started, including any extensions to the duration;
- the Council can apply conditions to works to impose constraints; and
- additional sanctions for working without a permit or in breach of permit conditions.

What type of permit scheme does the Council intend to introduce and why?

Staffordshire County Council intends to introduce the **West and Shires Permit Scheme (WaSP)**.

WaSP is a 'Multi-Authority' scheme and complies with the 2007 permit scheme regulations (amended October 2015). Should the regulations or statutory or industry agreed guidance change in the future then the scheme will adopt any new or amended regulations as required.



Does a permit scheme apply to all works carried out on the highway?

Works that are included under the permit scheme are determined by Regulations. Primarily it relates to those undertaken by Utility Companies (Statutory Undertakers) called 'Street Works' and those carried out on behalf of the Council for the maintenance of the highway ('Road Works'). However, on a wider scale a permit scheme provides mechanisms to coordinate and manage other activities that take place on, or affect the public highway.

When will this permit scheme be introduced?

Staffordshire County Council is aiming to commence the permit scheme from **1st April 2020**.

Prior to the start of the permit scheme the Council will provide the minimum four weeks statutory notice to all those who have been consulted with.

What is Street Manager?

The Department for Transport (DfT) will be introducing Street Manager, a new digital service aimed at transforming the planning, management and communication of street and road works through open data and intelligent services. It will be for registered users from local highway authorities, utility companies and their contractors.

There will be amendments to the definition of the Technical Specification in the 2007 Noticing Regulations and the 2009 Charges Regulations so that it refers to Street Manager rather than Electronic Transfer of Notices (EToN). Where communications are to be in a specific form, this will be the form specified by Street Manager, rather than EToN. Further information on Street Manager can be found below.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/81776/4/street-and-road-works-street-manager-and-updates-to-permit-schemes.pdf

Will the scheme deliver value for money for the Council?

Under the permit scheme Regulations, the Council is allowed to charge statutory undertakers (utility companies) a Fee to issue a permit (and variation to a permit) which is proportionate to the cost to the Council for processing the application. These Fees are not applied to any works carried out for road purposes, such as resurfacing the highway – the costs associated to processing permits for these works are borne by each Council.

As part of the consideration to operate a permit scheme, the Council has to demonstrate that the proposed permit scheme is likely to deliver value for money. This requires an appraisal of the costs and benefits of the permit scheme, demonstrating that the scheme, on the balance of probabilities, is likely to deliver net benefits to road users and wider society that exceed the additional costs of the scheme.



A high-level Cost to Benefit Appraisal is provided with the consultation documents. A fuller economic appraisal has been developed based on traffic modelling and the guidance issued by the Department for Transport.

Will a permit scheme prevent works from being carried out, such as essential emergency works, repairs or road maintenance?

The Council recognises that works are vital to deliver the services provided by utility companies and maintain the road network. The overall principle of the permit scheme is to ensure any works are carried out with the least effect to the road network, including those traveling on the network, local residents and businesses. The scheme make provision for emergency or responsive works.

As a road user in the area, will I notice a difference when using the highway?

The operation of the permit scheme will develop over the first years of operation. As both the Council and organisations become familiar with the permit scheme and working practices, there should be an increased level of control and benefit. Operating a permit scheme **does not necessarily mean there will be less works taking place on the highway**. Works are essential to maintain and develop key services (gas, water, telecoms, electricity for instance) as well as maintain the highway network itself. However, from the outset, the visibility of planned works and access to information related to works should be improved and the Council can develop their controls to ensure the way in which works are carried out minimise inconvenience to road users and residents. Over time, the scheme intends to show a reduction in the occupation of the highway by works sites.

Why does Staffordshire County Council have different fee levels to other permit authorities?

Permit Fee levels are estimated based on costs, volumes (of works) and timings associated to the processing and management of permits. These vary considerably across different authorities therefore the fee levels are different.

However, the levels set are not at the maximum allowed, but reflect Staffordshire County Council's commitment to keeping charges proportionate to the level of work done in issuing a permit, while ensuring that the service they provide both covers the costs of operating the permit scheme for Statutory Undertakers as well as remaining cost neutral.

This will ensure that Staffordshire County Council are able to operate the WaSP in a rigorous and effective manner, focussing on more significant activities and those taking place on streets where disruption is likely to be highest, while ensuring that the whole



community and regional economy benefit from the enhanced coordination and network management that a permit scheme brings.



References

The following documentation may be useful references in understanding permit schemes. These are available online. There are also a number of other regulations and guidance documents available that are not listed here. Some of these documents have been made available as part of this consultation (refer to previous section 'How to Obtain Consultation Documents').

New Roads and Street Works Act 1991 (NRSWA)

Traffic Management Act 2004 (TMA)

Traffic Management Permit Schemes (England) Regulations 2007 (SI 3372) as amended 2015 (SI 958)

The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007

* *Code of Practice for Permits (2008)*

* *Code of Practice for Coordination of Street Works and Road Works (2008)*

* *Traffic Management Act Statutory Guidance for Permits (2008)*

* *Traffic Management Act Additional Advice note for developing and operating future permit schemes (2013)*

Statutory Guidance – Permit Scheme Conditions (March 2015)

Statutory Guidance for Highway Authority Permit Schemes (October 2015)

Electronic Transfer of Notices (EToN) Technical Specification (v6+)

(* Note although no longer statutory, these still provide useful and pertinent information on how permit schemes should be developed and operated)

