

Introduction of a Permit Scheme for Roadworks

Cabinet

Date: 3rd February 2021

Author:	Cabinet Member for Highways, Maintenance and Waste Services Director of Strategic Development
Wards:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 The report sets out details and the reasons for introduction of a street works permit scheme into Swindon to manage works on the highway network. Introduction of a permit scheme will contribute towards delivery of the Council Plan.
- 1.2 The report seeks Cabinet's agreement in principal, to the introduction of a Street Works Permit Scheme, subject to consultation and final detail of the scheme to be determined by the Cabinet member for Cabinet Member for Highways, Maintenance and Waste Services, .
- 1.3 Introduction of a permit scheme will contribute towards Priority One, improve infrastructure and housing to support a growing, low-carbon economy.

2. Recommendations

Cabinet is recommended to:

- 2.1 Agree in principle to the introduction of a Street Works Permit Scheme subject to consultation and to note the detail of the scheme be determined by the cabinet member for Highways, Maintenance and Waste Services
- 2.2 Authorise the Director of Strategic Development to proceed with a consultation, as prescribed under Regulations, to introduce a Street Works Permit Scheme into Swindon.

3. Detail

Roadworks in Swindon

- 3.1 Swindon has a road network comprising nearly 580miles of length, of which 91% (525 miles) comprise minor roads and 10% comprise principal or trunk roads. There are 9.5 miles of motorway (M4) running through the area.
- 3.2 In 2019, 6,676 utility works were undertaken across Swindon, resulting in over 31,000 days with highway occupation. It is estimated that an additional 5,170 Council works are undertaken during an average year resulting in 3,500 of highway occupation.
- 3.3 In an average year the Council receives 16,000 applications to work in the highways per year, with 47,000 days of combined occupation of the highways. This volume of works

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would equate to an average of 28 works starting each day of the year, averaging 1.2 every hour.

- 3.4 Using sophisticated programs, the following cost impact to society of these works can be estimated:

3.4.1 Road user travel time (delay caused to consumer and business);

3.4.2 Road user vehicle operating costs (the impact of delay and diversion on vehicle operating costs for consumers and business);

3.4.3 Accident costs;

3.4.4 Emissions costs (resulting from congestion and diversion); and

3.4.5 Indirect tax revenue (increased tax revenue to the exchequer because of higher fuel consumption).

- 3.5 The average annual impact of works in the area resulting from road user travel delay, vehicle operating costs and wider effects stands at £15.4 million per annum. The average daily cost impact of works is an estimated £362, while the average work impact cost is an estimated £1,515.

Permit Schemes

- 3.6 Under the Traffic Management Act 2004 ('The Act'), the Council has a statutory network management duty described as '...managing the road network with the aim of securing the expeditious movement of traffic...'. The Act is clear that traffic means all road users, including pedestrians and cyclists, not just motorised vehicles.
- 3.7 The overall objective of the duty is the efficient operation of the network, as a whole, and allows the Council (as a Highway Authority) to act, under legislative controls, to deliver this objective.
- 3.8 The Act and associated secondary regulations widened existing legislation for the coordination of activities and works on the road network; Part 3 of The Act allows the Council to introduce a permit scheme to support the delivery of their duty.
- 3.9 The fundamental objective of a permit scheme is to create a common procedure to coordinate works on the highway to ensure that traffic disruption and inconvenience is minimised whilst providing organisations the necessary time and space to complete their work.
- 3.10 A permit scheme should be considered as an evolution, not a fundamental change, to current statutory powers to manage the network. A permit scheme complements the New Roads and Street Works Act 1991, enabling the Council to take a more active

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involvement in the planning and coordination of works, from the initial planning stages through to completion.

- 3.11 This is achieved through key changes to working practices:
- 3.11.1 Organisations book occupation for work instead of giving notice, essentially obtaining a permit for their works;
 - 3.11.2 Any variation to the work needs to be agreed, before and after works have started, including extensions to the duration;
 - 3.11.3 The Council can apply conditions to works to impose constraints; and
 - 3.11.4 New sanctions with fixed penalty notices for organisations working without a permit or in breach of the permit conditions.
- 3.12 Utility companies have the legal right to place and maintain their apparatus in the public highway and must do so in accordance with legislation and associated codes of practice. This work inevitably causes some disruption at times to road users.
- 3.13 The introduction of a permit scheme to manage streetworks does not prevent this work taking place but it does provide a framework to improve the Councils ability to control and check the work. This ensures that the network is managed more efficiently for the benefit of all road users.
- 3.14 Each works category has a defined lead time – for either the initial notice or the permit application (under a permit scheme). For Major and Standard works the lead time is 10 working days prior to the proposed works start date. Major works also require a 3-month advanced notice, which becomes a provisional advanced authorisation under a permit scheme. Minor works require 3 working days lead time. Immediate works can be submitted after works start and must be received within 2 hours of works start or by 10:00 on the next working day if work started on a non-working day.
- 3.15 The Department for Transport has published Specification of the reinstatement of openings in highways. This is a statutory guidance document outlines the standards for reinstating streets after completing street works. Anyone who carries out street works must reinstate the street once the work is finished, in line with these standards.

Secretary of State Direction

- 3.16 After a national evaluation of permit schemes undertaken for the Department for Transport, the Secretary of State for Transport sent a letter to all councils not operating a permit scheme in July 2018 requesting consideration for the introduction of a permit scheme by 31st March 2019. This letter implies that the Secretary of State may 'use

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their powers, under section 3(2) of The Act, to direct an authority [Council] to introduce a scheme’.

- 3.17 In November 2020, the Transport Minister for Roads, Buses and Places sent a further letter to the Council stating ‘Your authority is one of the few outstanding [not operating a permit scheme], though I am also pleased that there are plans to introduce a scheme in your area. I would like to offer my encouragement and support ... I should therefore be interested to hear more about your plans and to have confirmation of the intended start date for your permit scheme’.

Benefits of a Permit Scheme

- 3.18 The objectives of a permit scheme are based on the delivery of the network management duty – to deliver an effective and efficient network. The objective of a permit scheme is not to stop works taking place. The maintenance and development of utility services, roads and rail is essential to maintain quality of life and grow the local area and economy. The objectives should therefore be viewed as:

3.18.1 ensuring the effective coordination of works on the highway;

3.18.2 ensuring adherence to health and safety of road users and those undertaking works;

3.18.3 to minimise disruption and inconvenience;

3.18.4 to tackle congestion;

3.18.5 to encourage good behaviour and working practices;

3.18.6 to encourage collaboration between organisations undertaking works;

3.18.7 to provide better communication on works to the road user; and

3.18.8 to demonstrate parity for all organisations undertaking works, including the Councils own works.

Next Steps

- 3.19 In accordance with Regulation 3 of the Traffic Management Permit Scheme (England) Regulations the Council is required to consult on a proposed permit scheme, with defined consultees and interested parties, prior to bringing a scheme into legal effect. The purpose of the consultation is to seek views and questions from those potentially affected by the introduction of a permit scheme and other interested parties. The consultation documents will be posted online on the Council’s website, requesting responses to be sent directly to the Street Works section via email.

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- 3.20 The consultation will run for a period of 8 weeks. The Cabinet Member for Highways, Maintenance and Waste Services will consider the consultation responses. and respond through a Cabinet Member Decision Note.

4. Alternative Options

- 4.1 The alternative option for the Council is not to introduce a permit scheme and continue using existing powers for network management. Under this option the Council would need to respond to the Transport Minister explaining why the Council do not want to introduce a permit scheme.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 To introduce a permit scheme the Council will need to increase their employees within the Transport Planning, Development & Street Works Management Team to administer the scheme and ensure compliance through inspections and enforcement.
- 5.2 A feasibility exercise has been undertaken for the Council by a specialised consultancy to determine the financial impact of a permit scheme. This study estimates an increased cost for the Council of £141,279 per annum which includes additional staff and resources. The Study also estimates the potential income from the scheme, through regulatory charges (permit fees) and penalties from offences, of £220,042. There is an estimated cost to income variance of £78,763 in surplus income.
- 5.3 It should be noted that these estimates contain a potential over-recovery of allowable costs, under regulations, and the Council would need to adjust their permit fee charge levels should a sustained surplus be maintained. However, there is a strong likelihood that other income streams from penalties may improve as a result of increased resources within the Street Works Management section.
- 5.4 Overall, the introduction of a permit scheme should not be an income generating opportunity, but an opportunity to achieve more financial resilience to deliver a critical statutory duty.

Legal and Human Rights Implications

- 5.5 The Council will need to create a legal Order to bring a permit scheme into effect. The process to create this legal order is well established across English Local Authorities since 2015.
- 5.6 There are no perceived human rights implications from the introduction of a permit scheme.
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Climate Change Impact

- 5.7 A benefits arising from a permit scheme is a reduction in carbon emissions, driven by more efficient vehicle movements, and the avoidance of the 'stop-start' movements associated with traffic control and queues around work sites.
- 5.8 The feasibility study undertaken for the Council used a program to create models to assign a monetary value on emissions savings by applying a 'cost of carbon' to the amount of carbon generated because of works, *such as additional fuel due to idling, or diversions*.
- 5.8.1 The implied carbon emissions attributable to works in the Swindon area amounts to 8,760 tonnes.
- 5.8.2 This amounts to around 4% of total vehicular emissions on local roads in area.
- 5.9 The improved efficiency of works under the permit scheme means that the scale of carbon emissions generated as a result of works may be expected to be reduced post-scheme implementation, leading to an estimated carbon emission savings of 748 tonnes CO2 per year.
- 5.10 To set this emission saving in context, using the typical emissions of new cars sold in the UK currently, this reduction amounts to an equivalent saving of 5.9 million annual car kms.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.11 The structure of Street Works Management and the roles and responsibilities of the existing staff members will change. Three new staff members will be recruited to fulfil the Council's duties to operate a permit scheme. The requisite HR process will be followed to carry out any staff consultation and recruitment.
- 5.12 The introduction of a permit scheme will support more informed decision making by the Council. Impacts of individual schemes on Crime and Disorder will be assessed as part of their planning and design.

Diversity Impact Assessment

- 5.13 A Diversity Impact Assessment (DIA) has been undertaken and a copy is available from the report author. The DIA has assessed the implications of introducing a permit scheme for all those who might be affected and concluded that introducing a permit scheme supports diversity by making mobility provisions for all sectors of the community.
- 5.14 The only group with a perceived impact is Disability, which is considered a positive effect as the Council can further ensure works are carried out in consideration to the needs of all vulnerable road users.
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Risk Management

- 5.15 A feasibility exercise has been undertaken for the Council by a specialised consultancy to determine the financial impact of a permit scheme. There is an estimated cost to income variance of £78,763 in surplus income.

6. Consultees

- 6.1 The Corporate Director of Finance and Assets (s151 officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 Swindon Borough Council Permit Scheme (draft)
8.2 Appendix 2 Swindon Borough Council Permit Scheme Consultation Overview (draft)

9. Key Decision/Decision in Cabinet Work Programme and Forward Plan

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme and Forward Plan for February 2020.