

Traffic Management Act 2004
Swindon Borough Council Permit
Scheme
Consultation Overview

Foreword

- 1.1.1 Making the best use of our road network is vital for Swindon Borough. Our roads facilitate the transport of people and goods, provide access to homes, businesses and other destinations, and provide public space where people shop, socialise or relax. Under the road surface lies essential infrastructure for the communications and services that underpin our lives.
- 1.1.2 Swindon Borough Council has a legal duty to manage, maintain and improve the road network, including managing its use and the activities (works) taking place on it.
- 1.1.3 The Council has a range of powers and duties under which they maintain and improve the network, and manage its use and the activities taking place on it. These include the Highways Act 1980 principally covering the structure of the network; the New Roads and Street Works Act 1991 covering utility street works; and the Road Traffic Regulation Act 1984 regulating the activities of road users.
- 1.1.4 Swindon Borough Council intend to introduce a permit scheme to control works undertaken across their road network. As part of the process to do this, the Council issued a consultation on the proposed scheme on (date to be inserted).
- 1.1.5 In accordance with Regulation 3 of the Traffic Management Permit Scheme (England) Regulations the Council is required to consult on a new permit scheme, with defined consultees and interested parties, prior to bringing a scheme into legal effect.
- 1.1.6 The Council have issued this document to support the consultation process, with the intention to answer the questions consultees may have in relation to the proposed permit scheme.
- 1.1.7 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, detailed below.

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1 Permit Scheme Consultation

1.1 Purpose of the Consultation

- 1.1.1 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.
- 1.1.2 From these responses, the Council will consider whether any changes are required to the permit scheme, or whether further clarification of the scope or operation of the scheme is required, in light of the responses.
- 1.1.3 It should be noted that the permit scheme has to be compliant to legislation and many associated references, such as: statutory guidance; technical specifications; and codes of practice. As such, the Council is limited in changes that can be applied to the scope and content of the permit scheme.

1.2 Consultation Period

- 1.2.1 The consultation will run for a period of four weeks, between **(dates to be inserted)**.

1.3 How to Respond to the Consultation

- 1.3.1 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 and a response (where applicable).
- 1.3.2 Responses can be received from individuals, organisations or those representing an interested party or organisation.
- 1.3.3 Responses to the consultation can be provided using the contact details within the section 1.4. All consultation responses, *including the respondent information*, will be collated into a central list. No personal data related to any respondent will be stored or released by the Council.

1.4 How to Obtain Consultation Documents

- 1.4.1 The proposed permit scheme and supplementary reference documents have been issued by the Council to their website. Paper copies of these document are available and can be obtained by contacting the Council. Contact details are shown below:

Council Website

Postal Address

Email Address

Contact Phone

2 Permit Scheme Background

2.1 What is a permit scheme?

- 2.1.1 Currently, organisations intending to carry out works on the Council's road network notify the Council of their intention to carry out these works. The Council has powers under the New Road and Street Works Act to provide direction to these works and also apply penalties for instances where the works are not carried out according to the notice served.
- 2.1.2 The powers provided under a permit scheme evolve the existing powers in a number of key ways:
- organisations **book occupation** for work instead of giving notice, essentially obtaining a permit for their works;
 - any **variation** to the work (before and after work has started) needs to be agreed, *including an extension to the agreed works duration*;
 - the Council can apply **conditions** to works to impose constraints; and
 - **new sanctions** with fixed penalty notices for organisations working without a permit or in breach of permit conditions.
- 2.1.3 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 to maintain an effective and efficient road network.

2.2 Why is the Council considering the introduction of a permit scheme?

- 2.2.1 The Council as a highway authority is responsible for the maintenance and management of public roads across Swindon Borough.
- 2.2.2 This responsibility includes a network management duty which is set out within the Traffic Management Act (TMA). The Act describes the duty 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.
- 2.2.3 The overall objective of the Duty is the efficient operation of the network, as a whole, and allows the Council to act, *under legislative controls*, to deliver this objective.
- 2.2.4 The scope of this Duty has the following main considerations:
- **manage the road space for all users;**
 - identify current and future causes of congestion, and to plan and act accordingly;
 - **take a proactive approach to the coordination of works on the road, including unplanned emergency works;**
 - gather and publish accurate information about planned works and events;
 - manage unforeseen incidents and events on the network;
 - establish and implement contingency plans for incidents and issues; and
 - manage cross-border network travel and demands.

- 2.2.5 Part 3 of the Traffic Management Act allows the Council to introduce a permit scheme to support the delivery of this duty through greater control of works. Since 2010 many councils have introduced permit schemes.
- 2.2.6 In 2017 the Department for Transport commissioned an evaluation of permit schemes across England. This evaluation determined that the introduction of a permit scheme has the potential to deliver clear benefits, one of these through the overall reduction of works duration and therefore any associated congestion and disruption potentially caused by these works.
- 2.2.7 The recommendations from this evaluation included “those LHAs that have not already done so should give consideration to the introduction of a permit scheme, given that this report has identified that such schemes can support LHAs to fulfil their network management duty and help to reduce the disruption caused by works”.
- 2.2.8 In consideration to the findings of this evaluation, the Secretary of State for Transport sent a letter to the councils in July 2018 requesting consideration for the introduction of a permit scheme.
- 2.2.9 During 2020 the Council undertook a feasibility study for the introduction of a permit scheme, with the aim to provide the information and evidence for the Council to make the necessary decision for the introduction of a permit scheme.
- 2.2.10 This feasibility study outlined a clear benefit for the Council to introduce a permit scheme, which is now underway.

2.3 How does a permit scheme come into effect?

- 2.3.1 The introduction of a permit scheme requires an amendment to existing legislative powers and therefore an Order (statutory instrument) to bring the scheme into legal effect.
- 2.3.2 Permit Scheme Regulations allow the Council to create their own Order, and the permit scheme document will form part of this Order.
- 2.3.3 The permit scheme needs to contain specific information for it to be legally effective, which is outlined within the Statutory Guidance for Highway Authority Permit Schemes (October 2015 edition) – Annex B. Appendix A of this document contains the checklist from Annex B, with a reference to the relevant permit scheme section, *as appropriate*.

2.4 How does the introduction of a permit scheme align to the strategic transport objectives for Council?

- 2.4.1 Local transport plans (LTP) are an important part of strategic transport planning, and the Council (as a highway authority) is expected to prepare them as forward-looking plans covering a number of years (typically five years).
- 2.4.2 The Council's LTP must:
- outline the current baseline with regard to transport, accessibility and pollution;
 - set out challenging but achievable objectives;
 - set out the programme for achieving these objectives; and
 - outline 'bids' for funding from the DfT

- 2.4.3 The current LTP for Swindon is the third Plan (LTP3) and covers the period from 2011 to 2026. The 2009 Swindon Transport Strategy sets overarching objectives of the LTP, which are to *deliver a vibrant local economy, improve the sense of place and reduce the need to travel*.
- 2.4.4 A key objective of the LTP is to *reduce lost productive time by maintaining or improving the reliability and predictability of journey times on key local routes for business, commuting and freight ... with an aim to ... reduce congestion and journey time reliability through the management of roadworks*.
- 2.4.5 Related to this objective is Policy A of the LTP, which specifies a desired transport outcome to *optimise the capacity of the highway network and improve journey time reliability for all forms of transport*. The delivery options for this outcome includes:
- *...better manage the existing highway network to ensure that existing capacity is optimised and use efficiently*
 - *... improve coordination of road works ...*
 - *...the provision of up to date and accurate information to allow people to make informed decisions about their travel choices.*
- 2.4.6 To demonstrate that the LTP policies have addressed the key transport challenges for Swindon, seven transport outcomes have been defined.
- 2.4.7 The introduction of a permit scheme will directly and indirectly support the following four outcomes through the coordination of works, taking into consideration potential impact and disruption for the road user and local community:
- Improved journey time reliability for all forms of transport
 - Improved road safety Improved accessibility
 - Improved local environment and quality of life.
- 2.4.8 A permit scheme will directly contribute to the delivery of the LTP, not only to manage the highway network, but also other associated objectives.

2.5 Why don't current legislative powers provide sufficient control of works?

- 2.5.1 The Council already has a range of powers and duties to manage the road network. For many of the potentially higher impact works the Council using these powers to engage with organisations undertaking work to agree when and how the works should be carried out. This does have a positive impact in reducing unnecessary inconvenience and disruption.
- 2.5.2 A permit scheme enhances these powers and the capability to undertake a proactive review and approval of **all works** together with the capability to apply conditions to the planning and carrying out of works, which the current *noticing* regime does not allow.
- 2.5.3 Experience from other councils operating a permit scheme shows that increased resources provided through permit fee income increases control across the network. In addition, the need for the councils to also include their own works (for road purposes) within the permit scheme provides added control that does not currently exist.

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

- 2.6.1 The Council intends to introduce a permit scheme that applies to **all roads**, both strategic and non-strategic, across the entire network.
- 2.6.2 For a network to work most effectively it must work for all areas, not just the roads with a higher demand. Although works on roads with less traffic or in areas of less demand may have a perceived lower impact, the overall impact to overall journeys across the network can be significant. The Council needs total control across the entire network to be most effective.
- 2.6.3 The Council has decided to create their own permit scheme, working in collaboration with neighbouring Councils in the area. In developing this scheme, the Council has taken into consideration best practice from existing permit schemes together with proposed changes within the industry, including the national transition to a new **street manager** IT system.

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

- 2.7.1 As specified within the Permit Scheme Regulations, works that can be controlled under a permit scheme are defined as a **registerable activity** and comprise both **street works** and **works for road purposes**.
- 2.7.2 **Street works** are those carried out in pursuance of a statutory right, such as by local and regional, gas, water and electricity boards and national telecoms providers.
- 2.7.3 **Works for road purposes** are essentially works carried out for the maintenance of the highway and associated assets, by or on behalf of the Council.

2.8 Will a permit scheme prevent works from being carried out?

- 2.8.1 The purpose of a permit scheme is not to stop works taking place.
- 2.8.2 The Council recognises that works are vital to deliver the essential services provided by utility companies and to maintain the road network. The overall principle of the permit scheme is to ensure any works carried out are done so with the minimal impact to the road network, including those traveling on the network, local residents and businesses.
- 2.8.3 For urgent and emergency works, *such as a gas or water leak fault finding or repair*, there is provision within the permit scheme for works to commence, with a retrospective permit application (within a set time period after work commences).

2.9 As a road user will I notice a difference when using the highway?

- 2.9.1 It is expected that the operation of the permit scheme will develop over the initial years of the scheme. As both the Council and organisations become familiar with the permit scheme and working practices there should be an increased level of control and associated benefit.
- 2.9.2 Road users and local residents should not expect to see an absence of works on the roads, however over time the Council can develop their control to ensure the way in which works are carried out minimise inconvenience.

2.10 When could a permit scheme be introduced?

- 2.10.1 In consideration to the time required complete the necessary activities to bring a scheme into legal effect and to make changes within the Council to operate the scheme, the Council is aiming to commence a permit scheme from April 2021.
- 2.10.2 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.

2.11 Is the permit scheme a mechanism to generate revenue?

- 2.11.1 To operate the permit scheme the Council needs to increase their resources to administer the processes, *including reviewing and approving applications and carrying out permit compliance inspections.*
- 2.11.2 Under the Permit Scheme Regulations, the Council is allowed to charge statutory undertakers (utility companies) a fee to issue a provisional advanced authorisation, a permit or permit-variation. This fee should be proportionate to the cost for the Council to administer the **additional work to operate a permit scheme only for the statutory undertaker works.**
- 2.11.3 The permit scheme must be applied with parity to all organisations undertaking a registerable activity (refer to 2.7.1), including works for road purposes, *such as resurfacing the highway or fixing a pothole.* Fees cannot be applied to these works and the costs associated to administer the permits for these works is borne by the Council.
- 2.11.4 On this basis, the introduction of a permit scheme would therefore represent an increased cost to the Council. **The introduction of a permit scheme should therefore not be viewed as a mechanism to generate revenue.**

2.12 In the current economic climate is a permit scheme justified?

- 2.12.1 As part of the initial feasibility study undertaken for the introduction of a permit scheme, the Council had to evaluate if the proposed permit scheme is likely to deliver value for money.
- 2.12.2 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 operating the scheme.
- 2.12.3 Refer to section 3 for detail on the permit scheme cost-benefit analysis.

2.13 Will the Council apply a zero-charge for permits on non-strategic streets?

- 2.13.1 The Council intends to apply the permit-scheme across their entire road network and for all works. According to the Permit Scheme Regulations, permit fee levels are set to recover the Council's additional cost of operating the scheme (for Statutory Undertaker works only).
- 2.13.2 There is an actual cost incurred to process the permits on the non-strategically significant streets, *albeit a reduced cost as the level of work required is typically less*, which reflects the level of activity required.

2.13.3 The Council does not want to introduce an operating model that is predicated on recovering costs solely from works on the strategically significant streets and/or varying works categories lower works.

2.13.4 From the outset the Council wants to demonstrate parity treatment to all Promoters by applying a fee that is proportionate, not an inflated fee to compensate for a lower or zero fee to recover to total prescribed cost.

2.14 Will the Council issue operational guidance for the permit scheme?

2.14.1 Many operational guidance documents, *including codes of practice and advice notes*, have been developed over the past 10 years of permit scheme operation. The Council will seek to follow this guidance unless there is a direct contradiction to the permit scheme or legislation.

2.14.2 Those organisations undertaking works that require a permit are advised to contact the Council to seek any clarification on the scope of the permit scheme and associated working practices. The Council expect the level of engagement with these organisations to increase and will recruit additional staff for this.

2.15 Where can I obtain further information?

2.15.1 For further information on the proposed introduction of a permit scheme contact the Council directly (details in section 1.4).

3 Permit Scheme Cost-Benefit Analysis

3.1 Methodology

- 3.1.1 The development of a Cost-Benefit Analysis (CBA) is required as part of the due diligence in the preparation of a permit scheme. The CBA provides a framework within which the impacts of a scheme can be compared against the cost of setting up and operating the scheme, ideally to demonstrate the scheme in all probabilities will deliver value for money.
- 3.1.2 The role of the CBA is outlined in the Permit Scheme Statutory Guidance and the later advice note 'For local highway authorities developing new or varying existing permit schemes' (June 2016) which states:
- 3.1.3 The approach adopted for the CBA is based on the DfT's Transport Appraisal Guidance, also referred to as WebTAG. Under this approach the outputs of the CBA are:
- **Present value of benefits (PVB)** which is the sum of the benefits over the appraisal period (typically 25 years); and
 - **Present value of costs (PVC)** which is the sum of the costs over the appraisal period.
- 3.1.4 The PVB and PVC allow comparison of the costs and benefits of a scheme. This can be done using a number of metrics - the two most commonly used metrics are the benefit-cost ratio (BCR) and the net present value (NPV).
- 3.1.5 The **benefit-cost ratio (BCR)** is given by PVB / PVC and so indicates how much benefit is obtained for each unit of cost, with a BCR greater than 1 indicating that the benefits outweigh the costs.
- 3.1.6 The **net present value (NPV)** is simply calculated as the sum of future benefits minus the sum of future costs: $PVB - PVC$. A positive NPV means that discounted benefits outweigh discounted costs.

3.2 Estimating the cost impact of works

- 3.2.1 The estimated impact of the works, *based on those with incursion into the carriageway*, have been modelled using the **Queues And Delays and Roadworks (QUADRO)** program. QUADRO was originally developed for the DfT and designed to assess and monetise the impact of delays from works.
- 3.2.2 Many QUADRO model runs were undertaken to provide estimates of the daily impact for all types of work taking place on the Councils road network. These impact estimates include the following elements:
- Road user travel time (delay caused to consumer and business as a result of works);
 - Road user vehicle operating costs (the impact of delay and diversion on vehicle operating costs for consumers and business);
 - Accident costs;
 - Emissions costs (resulting from congested conditions and diversion); and
 - Indirect tax revenue (increased tax revenue to the exchequer because of higher fuel consumption).

- 3.2.3 Having developed costs for every work type, each work within a dataset comprising three years' worth of work undertaken was assigned an impact cost, according to its characteristics and duration of the work.
- 3.2.4 This provides highly granular results, *especially when compared with the typical aggregated CBA approach adopted for many evaluations*. The modelled impact of typical works across the Councils road network forms the basis of the projected permit scheme benefits calculation.

3.3 Quantification of permit scheme benefit

- 3.3.1 The benefits of the permit scheme are achieved through further reduced impacts. The benefits of the permit scheme are achieved through reduced disruption from work events, compared to the patterns observed before scheme implementation (under the current coordination regime).
- 3.3.2 A national study commissioned by the DfT, the **Evaluation of Street Works Permit Schemes** (July 2018) found statistically significant variations (positive and negative) in works durations under different promoter types and works category. This found an overall reduction of 5.4% of works impact (based on reduced works durations).
- 3.3.3 To ensure a robust pre-scheme appraisal, this 5.4% assumption has been used to calculate the appraisal. The table (below) shows the calculated benefit of the scheme under this assumption.

Table: Estimated societal cost of roadworks and benefit of permit scheme

Results of CBA	£value
Societal cost of roadworks without scheme	£15,450,211
Societal cost of roadworks with scheme	£14,615,899
Benefit to society of permit scheme	£834,311

- 3.3.4 The benefits of introducing a permit scheme to local road users and the wider local economy are estimated at £835,000 (based on 2019 figures).
- 3.3.5 The cost benefit appraisal requires that these estimated scheme benefits are appraised against scheme costs over the whole appraisal period, which in the case of permit scheme appraisal is over a recommended 25-year time horizon.
- 3.3.6 Consequently, the benefits are projected forward over following years, with impacts increasing in real terms to reflect growth in values of time, vehicle operating costs, accident savings and emissions costs.

3.4 Permit scheme costs

- 3.4.1 Having established scheme benefits, these must be set against scheme costs to determine value for money. Permit scheme costs include the following elements:
- Setup costs;
 - Scheme operating costs, such as staff, consultants, administration and running costs; and
 - Scheme capital costs, such as IT equipment, software, accommodation and transport.

- 3.4.2 Importantly, the permit scheme costs included within the appraisal are **the additional costs of operating the permit scheme** above those incurred to operate the current regime. By considering the incremental costs, this fairly compares the 'with permit scheme' scenario with the 'business as usual' (current) scenario.
- 3.4.3 In addition to the costs of operating the permit scheme, it is important to recognise that there are costs borne by Promoters also in operating under the permit scheme. These will include:
- Permit Fee costs which represent a business cost to the promoter;
 - Additional administration costs incurred to comply with the permit scheme; and
 - Costs related to changes in working practices such as greater use of traffic management or working off-peak or at weekends.
- 3.4.4 Within the CBA permit fee costs are treated as a business cost to the promoter, netted from overall scheme benefits. However, the transaction is effectively a transfer payment between promoter and the Council, so the payment is treated as a revenue and is subtracted from scheme operating costs
- 3.4.5 Detailed promoter cost data is not been available, but in line with the default assumption in the National Permit Scheme Evaluation, an estimate of 20% of Council operating costs relating to Statutory Undertaker works has been applied.

3.5 Appraisal results

- 3.5.1 The cost benefit analysis takes the benefits and costs estimated for the first year of operation and projects these over a 25-year appraisal period.
- 3.5.2 The future cost and benefit streams are discounted using the standard discount rate of 3.5%, meaning that near term costs and benefits are valued more highly than those occurring later in the appraisal period. The results of the cost benefit analysis are as follows:
- 3.5.3 The benefit to cost ratio (BCR) is a measure of value-for-money exhibited by a scheme. The BCR for the permit scheme sits above 2, which is the threshold above which the scheme can be defined as demonstrating '**High Value for Money**'.
- | | |
|-----------------------------|-------------|
| Net Present Benefits (B) | £18,158,160 |
| Net Present Costs (C) | £1,639,974 |
| Net Present Value (B-C) | £16,518,186 |
| Benefit to Cost Ratio (B/C) | 11.07 |
- 3.5.4 The full breakdown of the costs and benefits are shown in the Analysis of Monetised Costs and Benefits (AMCB) table (below) - shown using the figures based on the national permit scheme evaluation evidenced assumption calculation.
- 3.5.5 It should be noted that with schemes generating significant revenues (like a permit scheme), the benefit to cost ratio can become very sensitive to inputs. It should be interpreted alongside the net present value of the scheme to provide a complete picture of scheme appraisal.
- 3.5.6 Whilst the appraisal presents an estimate of the likely beneficial impact of introducing a permit scheme, many of the benefits, such as ensuring appropriate and safe use of traffic management, are by nature very difficult to capture within the appraisal framework.

Table: Analysis of Monetised Costs and Benefits

Noise		(12)
Local Air Quality		(13)
Greenhouse Gases	1,143,658	(14)
Journey Quality		(15)
Physical Activity		(16)
Accidents	983,489	(17)
Economic Efficiency: Consumer Users (Commuting)	5,197,872	(1a)
Economic Efficiency: Consumer Users (Other)	7,796,808	(1b)
Economic Efficiency: Business Users and Providers	4,890,939	(5)
Wider Public Finances (Indirect Taxation Revenues)	1,854,607	(11) See Notes
Present Value of Benefits (see notes) (PVB)	18,158,160	See Notes
Broad Transport Budget	1,639,974	(10)
Present Value of Costs (see notes) (PVC)	1,639,974	(PVC) = (10)
OVERALL IMPACTS		
Net Present Value (NPV)	16,518,186	NPV=PVB-PVC
Benefit to Cost Ratio (BCR)	11.07	BCR=PVB/PVC

For (11) - sign changed from PA table, as PA table represents costs, not benefits

$(PVB) = (12) + (13) + (14) + (15) + (16) + (17) + (1a) + (1b) + (5) - (11)$

Appendix A – Permit Scheme Checklist

The tables below are taken from the advice note: 'For local highway authorities developing new or varying existing permit schemes' published by the Department for Transport in 2016.

High-level Checklist

ID	Permit Scheme Regulations	Statutory Guidance	Subject	Reference
1			Scheme compliance statement which includes:	
			The Legal name of the authority/authorities included an assurance of compliance with current electronic communication structure.	Not Applicable
			A table showing regulatory compliance.	Checklist
			Confirmation that all financial requirements have been met.	Not Applicable
2			The Permit Scheme document must:	
			Clearly define the streets to which the scheme applies	4.3
			Detail the team that will be in place to operate the scheme	Not applicable
			Detail the approach to post-implementation evaluation	2.4
			Should demonstrate benchmarking undertaken & completed.	Not applicable
3	4 (1) (c) & 40		Demonstration of compliance with the non-discrimination obligation.	4.7.3
4	4 (1) b		Permit Scheme Objectives including the improvements expected.	2

5	4 (1) (d)		How and when the Permit Authority proposes to evaluate the scheme so as to measure it continually against its objectives [by written statement from senior manager].	2.4
6	4 (1) (e)		The costs and benefits, financial or otherwise, which the Permit Authority anticipates will result from the Permit Scheme.	Refer to Cost-Benefit Analysis
7	4 (1)(f)		The evidence considered by the Permit Authority as to the fees which may be charged, and the reasons for its decision (fees matrix).	Refer to Cost-Benefit Analysis
			LA Undertaking - Fee self-certification.	Not applicable
	29 &30		To confirm that the fees and costs are developed in line with the Regulations, they cover the costs of the scheme only, and are proportionate to the value added by issuing a permit.	Refer to Cost-Benefit Analysis
8	4(g)		The proposed implementation date.	1.1.3
9	4(h)		Details of any transitional arrangements which the Permit Authority would wish to apply in relation to the Permit Scheme coming into effect.	Legal Order
10	3 & 4 (1) (g)		Consultation Report – changes to scheme clearly shown in response to the consultation.	Consultation Review
11			References to nationally significant initiatives, for example, implementation of Superfast Broadband or similar.	10.4.3

Full Checklist

	Permit Scheme Regulations	Statutory Guidance	Subject	Reference
			Consultation	
1	r3 (1) (a)	2.2 – 2.9	Consulted all statutory undertakers and s50 holders in the area – regulation 3.	Post Consultation Activities
2	r3 (1) (b)	2.2 – 2.9	Consulted all authorities whose streets/areas are included or affected by the scheme – regulation 3.	
3	r3 (1) (c)	2.2 – 2.9	Consulted TfL – only applicable if scheme is in or borders TfL network.	
4	r3 (1) (d)	2.2 – 2.9	Consulted any PTE if the scheme covers their area.	
5	r3 (1) (e)	2.2 – 2.9	Consulted the emergency services which operate in the area covered by the scheme.	
6	r3 (1) (f)	2.2 – 2.9	Consulted the Secretary of State for Transport – as set out in regulation 3.	
7	r4(i)	1.35	The proposal contains a summary of responses to the consultation and the changes made in the light of the consultation.	
8			It is good practice to consider providing all activity promoters operating within the permit area, and all those consulted on the proposed scheme, with the details of post consultation changes before the scheme goes live.	
			Scheme objectives, design, cost-benefit analysis and evaluation arrangements	
9	r4(b)	1.21	The scheme must state its objectives.	2
10		1.28	There is an explanation of the Permit Authority's chosen design for the permit scheme – 100% of the network, or an area largely defined by its significantly significant	Consultation Overview

			streets.	
11	r4(c)	9.4 – 9.7	The scheme sets out how the permit authority will ensure non - discrimination between permit applicants.	4.7
12		1.35	The scheme is designed to ensure, as far as possible, parity of treatment between both types of works by evidence of compliance with KPIs.	4.7, 2.4
13	r4(d)	2.10 – 2.13	The scheme sets out how and when the permit authority will evaluate the scheme to ensure that the stated objectives are met.	2.4
14	r4 (1) (e)	2.12 & 3.70	The submission sets out the costs and benefits of the scheme and the consultation considers responses to the consultation.	Refer to Cost-Benefit Analysis Consultation Report
			Coverage of the scheme	
15	r4(2)	2.10 – 2.13	The Permit Authority will need to be able to confirm that the scheme has been prepared in accordance with and complies with these regulations.	1.1.1
16	r7(1)	1.33-1.35	The scheme states the area it will cover.	4.2
17	r8(1)	1.28 – 1.30	The scheme states the streets within the area that are included in the scheme.	4.3
18	r6(1)	3.2 – 3.4	The scheme states the types of works the scheme applies to.	4.4
19		1.55	The scheme includes both highway and statutory undertakers' works.	4.4
20		1.37–1.41 & 7.1	All works comprising “registerable works” in terms of the 2007 Notices Regulations under NRSWA are included in the scheme.	4.4
21	r9(2)	3.9 & 3.10	The scheme states which specified people or types of people do not have to apply for a permit, and in which circumstances.	4.4

			Implementation and transition	
22	r4(g)	1.35 & 4.3	The scheme states the date when the permit scheme is going to start operation.	1.1.3
23	r4(h)	1.35 & 9.8 – 9.9	The scheme sets out any transitional arrangements that the authority proposes to implement.	Legal Order
			Compliance with general technical and definitional requirements	
24		1.42	The scheme is set up to receive applications, issue notices and otherwise communicate electronically.	4.9
25		1.42	The scheme is designed to operate in a manner which complies with the Technical Specification (EToN) and follows its requirements.	Not Applicable
26		1.43	The scheme uses a nationally consistent local street gazetteer for identifying streets.	4.3.4
27		1.44	The scheme provides that a “street” refers to that length of road associated with a single USRN, i.e. to part of a whole street where a street is subdivided.	4.3.4
28		1.45	The permit authority’s local street gazetteer is upgraded to level 3.	Not applicable
29	r33(2)	7.1 – 7.5 & 7.20 – 7.22	The permit authority is committed to creating and maintaining a register containing the names of each street included in the scheme and specifying whether such streets have been designated as protected, of special engineering difficulties, or traffic-sensitive.	4.8
30		7.1-7.5	The permit authority is committed to maintaining a register in connection with their permit scheme containing information about all registerable activities on those streets.	4.8
31		7.10-7.11	The permit authority is committed to ensuring that all the information held in permit registers is referenced to the Elementary Street Unit Identifier, and the Unique Street Reference Number (USRN) and that permit registers follow the street works equivalent by being GIS (Geographic Information System) based.	4.3.4

32		1.4	<p>The scheme uses the same or equivalent definitions or requirements as are used in the NRSWA notice system for:</p> <ul style="list-style-type: none"> Registerable activities/works; Categories of activities/works (major, standard, minor and immediate activities/works); Street gazetteers, including street referencing by means of Unique Street Reference Number (USRN) and Associated Street Data (ASD); Street reinstatement categories as defined in the NRSWA Reinstatement Specification; The distinction between main roads and minor roads, where such distinctions are relevant; and Streets designated as protected, having special engineering difficulty or traffic-sensitive. 	4.11.5
			Provisional Advance Authorisations (PAAs)	
33		3.2	If the scheme requires a PAA for major works then the promoter should be required to provide the final detailed information in support of its application for a permit at least 10 working days before the activity is due to commence.	5.3.2
34		3.19 & 3.51	The scheme incorporates a requirement for PAAs in relation to major permits only.	5.3.1
35	r11(2)	3.19	Where a scheme requires PAAs to be applied for it specifies the information that should be included in the application for a PAA.	5.3.3
36		3.19 – 3.20	The scheme requires an application for a PAA to specify proposed start and end dates for the relevant activities, although the scheme should allow sufficient flexibility to enable the dates to be reasonably adjusted when a permit is ultimately issued.	5.3.3
37		3.16	The information stipulated by the scheme to support an application for a PAA should be equivalent to, and certainly should not exceed, that required in support of an application for a permit.	5.3.3
38	r11(6)		Where a scheme requires a PAA to be applied for, it requires that a copy of the PAA is sent to a relevant authority or any other body having apparatus in the street when it is requested by that body.	5.6

39			Where a PAA has been given but a full permit has not yet been issued and proposals change, the scheme stipulates that the Permit Authority has to be informed of the proposed changes and a revised application for PAA or permit made.	8.2
			Immediate activities	
41			<p>Immediate Activities are defined as emergency works as defined in section 52 of NRSWA, or activities (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required)—</p> <p>(i) to prevent or put an end to an unplanned interruption of any supply or service provided by the promoter;</p> <p>(ii) to avoid substantial loss to the promoter in relation to an existing service; or</p> <p>(iii) to reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period;</p> <p>This includes works that cannot reasonably be separated or severed from such works.</p>	4.4 Definitions
42			That the scheme provides that the initial (emergency) stage of emergency works are exempt from requiring a permit.	5.2
43			The scheme requires promoters of immediate activities to apply for a permit within two hours of the activity starting.	6.2.1
44			The scheme is able to link an immediate activity and the conditions attached to it prior to a permit being issued with the application for a permit for that immediate activity when it is made.	4.6.4
45			The scheme has different procedures in place for immediate works & fault finding (e.g. for identifying the exact position of gas leaks)	9.4
46			The ASD must be marked with any streets for which the scheme requires a promoter to ring the authority when starting immediate works.	9.5

			Other works requiring permits	
47	r9(1)		The scheme includes a provision requiring a permit to be obtained before specified works are carried out in a specified street.	4.1.2
48	r9(8)		The scheme provides that each phase of work requires a separate permit, e.g. a separate permit would be required for interim and permanent reinstatements.	4.4.12
49			Standard activities are defined in the scheme as those activities, other than immediate or major activities, that have a planned duration of between 4 and 10 working days inclusive.	4.4.8
50			The scheme stipulates that a standard permit is applied for 10 days in advance of works commencing.	6.2.1
51			Minor Activities are defined in the scheme as activities other than immediate or major activities, where the planned working is 3 working days or less.	4.4.8
52			The scheme stipulates that a minor permit is applied for 3 days in advance of works commencing.	6.2.1
			Applications for permits	
53			The scheme requires promoters applying for permits or PAAs to copy their applications to any authority or undertaker that has requested to see permit applications on certain streets.	5.6
54	r9(3)		The information that has to be included in a permit application is specified in the scheme.	7
55	r9(4)		The scheme requires that each application for a permit only covers one street.	5.1.2
56	r9(5)		The scheme requires each application for a permit or a variation of a permit to include an estimate of the likely duration of the works.	7.6

57			The scheme requires a sufficiently detailed description of the activities to be provided to allow the street authority to assess the likely impact of the activity.	7.8
58			The scheme requires promoters to include an accurate location in their application based on National Grid References, one in the centre of the excavation for small excavations and one at each end of trenches, along with the dimensions of the space taken up by the activity in the street.	7.3
59			The scheme requires each application for a permit to include proposed start and end dates, and should require applicants to indicate whether they wish the permit to cover work at weekends and on Bank Holidays (where applicable).	7.6
60			The scheme allows the Permit Authority to require the applicant to provide an illustration of the works (including plans, digital photographs etc.) in appropriate cases. Activities on streets with Special Engineering Difficulty will in any case require a plan and section. This should include details of what the works are, whether they are likely to affect more than one lane of the street and if possible a numerical measure of estimated disruption.	7.5
61			The scheme requires applicants to supply details of the planned techniques to be used, such as open cut, trench share, minimum dig technique or no dig.	7.8
62			The scheme requires applicants to supply details of their traffic management proposals including applications for approval for portable light signals, including any requirement for action by the local authority, such as the need for Temporary Traffic Regulation Orders to facilitate the works.	7.7
63			The scheme requires that activity promoters provide their best estimate of the excavation depth as part of the application.	7.8.3
64			The scheme requires applicants to indicate whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both. If the latter, then details would need to be provided as to where interim or permanent reinstatements will be completed within that permit.	7.4.1

65			The scheme requires applications to include the provisional number of estimated inspection units appropriate to the activity.	7.4.2
66			The scheme requires all applications to include the contact details of the person appointed by the activity promoter to deal with any problems that may occur during the activity, including any provision made for out of hours contact by the promoter.	7.2
			Permit content and conditions	
67	r9(6)		The scheme provides for each permit to specify the duration within which the specified works on a specified street are by that permit authorised.	4.5
68			There is a commitment to date permits in calendar days not working days.	4.5.2
69			The scheme is designed so that in relation to category 0, 1, 2, and traffic-sensitive streets the planned commencement date and finishing date for the activity are the start date and end dates respectively on the permit. The permit will not be valid before the start date on the permit and will cease to be valid once the end date has passed unless a variation is granted.	9.2
70			The scheme is designed so that category 3 and 4 streets that are not traffic-sensitive are effectively treated as 'noticing' – they will provide for permit start and end dates which should allow for flexibility in the start of the activity, but once the activity is started it must be completed within the activity duration period specified in the permit. The starting window should be 5 working days for major and standard activities and 2 working days for minor activities.	9.2
71			The scheme is designed to ensure that working at weekends or on bank holidays is reflected in the permit start and end dates and are subject to any legislative controls.	4.5.2
72			The scheme provides for the national permit conditions to be applied where appropriate.	4.6
73			The scheme provides that the permit will specify in detail the activity it allows and the conditions attached.	4.9.4

74			The scheme provides that any constraints in the original application should be reflected in conditions in the permit.	Not applicable
75			The scheme provides that an issued permit will contain all the conditions attached to the permit so that there is no ambiguity about the validity and terms of the permit.	4.9.4
76			The scheme imposes a national condition that requires the permit reference number to be prominently displayed for each set of works.	4.6
			Time limits for responses to applications	
77			The scheme sets out times in which the permit authority will respond to applications for: PAAs, variations of permits; and permit conditions.	6.2
78			The time limits for the permit authority to respond to a permit application are set out in the statutory guidance.	6.2
			Issue of permits: procedure	
79			The scheme provides that permits will be sent to the promoter electronically through the EToN system.	Not applicable
80			The scheme provides that the permit will be placed on the permit register and copied to any undertaker, authority or other relevant body that has asked to be informed about activities on a particular street.	4.8
81			The scheme provides that a permit will be issued to the promoter for every permit that is granted.	6.3.5
82			The scheme provides that all permits will be given a unique reference number (following the EToN numbering conventions).	Not applicable

83			The scheme provides that permits will be marked so as to indicate cross references to any linked permits which have also been issued.	4.4.18
			Revocation and variation of permits	
84	r15(1)		The scheme includes provisions to enable the permit authority to vary and/or revoke permits and permit conditions.	8.3 and 8.4
85	r10(6)		Where a condition is specified in a permit the Permit Authority must use the wording and numbering for that condition set out in the Statutory Guidance – Permit Scheme Conditions issued 17 March 2015.	4.6
86			The scheme includes a statement of the Permit Authority's policy as to the circumstances in which it will review, vary or revoke permits on its own initiative.	8.4
87			The scheme sets out the process by which: a promoter who no longer requires a permit for an activity can request the authority to revoke or cancel a permit that has already been issued; or an authority can cancel or withdraw an application that has been submitted but for which a permit has not yet been granted.	8.5
88			The scheme sets out clearly how applications for variations to permits or conditions should be made. It provides that where the existing permit has more than 20% of its duration or more than two working days to run, whichever is the longer, the promoter shall apply for a variation electronically.	6.3
89			The scheme stipulates that in any other case the promoter shall first telephone the Permit Authority to ascertain whether the Authority is prepared to grant a variation and only apply, again electronically, if the Authority is so prepared.	6.3.2
90	r15(2)		The scheme specifies the information that needs to be included in an application for a variation or revocation of a permit or permit condition.	8.1.4
			Other miscellaneous aspects of scheme content	

91			Part 8 of the Regulations amend NRSWA section 58 (restrictions on works following substantial road works) and section 74 (charge for occupation of the highway where works unreasonably prolonged) for undertakers' works only. The scheme provides similar arrangements for highway authorities' works, in the interests of parity.	Not applicable
92			The permit scheme has taken into account any known national infrastructure projects. For example: Broadband roll out and rail projects etc.	Not applicable
93	r13		If a scheme has specified types of works where a permit does not apply, but still wants to apply national conditions to these types of works, then the scheme specifies how these conditions are to be identified and how these will be brought to the attention of the undertaker.	Not applicable
			Fees	
94	r4(f)		The proposal provides the evidence considered by the permit authority when deciding on the proposed fee levels, and the reasons for their decisions.	Refer to Cost-Benefit-Analysis
95	R29 & 30		Permit fees are within the maximum specified and appropriate only to the added value being added.	Refer to Cost-Benefit-Analysis
96	r30(2)		Where applicable the scheme sets out the range of fees that may be charged and the criteria which are taken into account when determining how the applicable fee is identified from the range.	Refer to Cost-Benefit-Analysis
97			The scheme provides that where a permit variation would move an activity into a higher category, the promoter will be required to pay the difference between the permit fees for the two categories as well as the permit variation fee.	10.2.5
98			The scheme provides that where, through no action, failing or fault on the part of the promoter, the Permit Authority revokes the promoter's permit, no fee should be payable for the new permit.	10.3.1
99			The permit scheme sets out the circumstances in which the permit fees are discounted.	10.4

			'Linked schemes' – looking for economies of scale	
100	Sg14	16 (4)	Schemes may need to demonstrate to each other (and via their approving structure) that they have fully discussed and come to an agreement on the economies of scale they are working to achieve – so they can evaluate outcomes.	Not Applicable
101			Schemes may wish (where relevant) to appoint a person to be responsible for financial accounting.	Not Applicable
102			Schemes may wish to consider sharing (and being able to demonstrate effective) network management duty.	Not Applicable