

Introduction of the West and
Shires Permit Scheme by
Warwickshire County Council
and Coventry City Council

Consultation Overview

Introduction

Warwickshire County Council and Coventry City Council intend to introduce a permit scheme to control works on their road network. As part of the process to do this, they issued a consultation on the proposed scheme on 7th April 2014.

In accordance with Regulation 3 of the Traffic Management Permit Scheme (England) Regulations (2007), both Councils are required to consult on a new permit scheme, *with defined consultees and interested parties*, prior to submitting an application to introduce the permit scheme to the Secretary of State.

This document has been developed 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 Councils will consider whether any changes are required to the permit scheme, or whether clarification of the scope or operation of the scheme is required.

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

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.

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 8 weeks, **between 7th April and 30th May 2014**.

Use of Consultation Responses

All consultation responses, *including the respondent information*, will be collated into a central list and provided to the Secretary of State for Transport, *together with the Councils action or response to the consultation response*. Once the application has been formally submitted to the Secretary of State, this document will be made available via the Council website or upon request.

No personal data related to any respondent will be published or included within the application documents submitted to the Secretary of State for Transport or released by the Council.

How to Obtain Consultation Documents

The proposed permit scheme and associated documents have been issued by each Council to their websites, however a paper copy is available, *if required*, and can be obtained by contacting the relevant Council.

Contact details are shown below:

	Warwickshire County Council	Coventry City Council
Council Website	www.warwickshire.gov.uk/ask	www.coventry.gov.uk/consultations
Address	Streetworks Team Budbrooke Depot Old Budbrooke Road Warwick CV35 7DP	Traffic and Network Management Coventry City Council Civic Centre 4, Floor 8 Much Park Street Coventry CV1 2PY
Email	streetworks@warwickshire.gov.uk	trafficmanagement@coventry.gov.uk
Phone	01926 412515	024 7683 2062

Permit Scheme Background and Context

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

The New Roads and Street Works Act (1991) places a duty on highway authorities to coordinate activities (works) of all kinds on the highway under the control of that Authority. The Traffic Management Act (2004) and the associated Regulations widened this NRSWA coordination duty to include other prescribed activities that involve temporary occupation or use of road space. Part 3 of the TMA allows for an Authority to introduce a permit scheme in order to deliver this duty.

The fundamental objective of a permit scheme is to create a common procedure to control activities in the highway. 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) the necessary time and space to complete their work.

What is a permit scheme?

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.

The powers provided under a permit scheme differ from existing powers for managing works 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 needs to be agreed, before and after works have started, including an extensions to the duration;
- the Council can apply conditions to works to impose constraints; and
- new sanctions with fixed penalty notices for Promoter working without a permit or in breach of conditions (of the permit).

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.

How will a permit scheme come into effect?

The introduction of a permit scheme requires an amendment to existing legislative powers, and under current Legislation each Council intending to introduce a permit scheme needs to submit an application to the Secretary of State for Transport for a legal Order (a Statutory Instrument) to bring a permit scheme into legal effect. Each Council will receive a separate Statutory Instrument to bring their permit scheme into legal effect.

This submission is reviewed and evaluated by the Department for Transport, *on behalf of the Transport Secretary*, to ensure it conforms to Legislation, is practical in approach and will deliver a clear cost to benefit.

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

The Local Transport Plan (2011 – 2016) for Warwickshire County Council sets-out a vision for the Warwickshire road network and the strategy to achieve this vision, with policies to be introduced, one of which is the introduction of a permit scheme: Policy NMD8: Developing a Permit Scheme.

The West Midlands Local Transport Plan (2011 – 2016), which includes Coventry City Council, sets out how the transport system can support the planned growth and transformation of the region. Many of the transport interventions within the West Midland Local Transport Plan are aligned to the benefits of a permit scheme:

- enhancing the efficiency, and reliability of our transport networks for the movement of people and freight;
- improving safety and security; and
- effectively maintaining and managing our transport assets.

Why don't current powers available under legislation provide sufficient control of works?

Existing regulatory powers allow the Council to give direction to works where works are causing significant delay and disruption. A permit scheme 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.

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

Both Warwickshire County Council and Coventry City Council intend to introduce a permit scheme that has already been developed for the region, the West and Shires Permit Scheme. This scheme is has already been introduced by Shropshire Council and came into effect from 1 April 2014.

This permit scheme applies to all roads, both strategic and non-strategic, across each Councils network.

When could a permit scheme be introduced?

In consideration to the time required to submit an application to the Secretary of State for Transport, the associated review and evaluation process, and the changes required by the Council to operate the a permit scheme; each Council is aiming to commence a permit scheme from 6th April 2015.

Prior to the start of the permit scheme each Council will provide the minimum 4 (four) weeks statutory notice to all those who have been consulted with.

Is the permit scheme a mechanism for the Council to generate revenue?

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. In consideration to this, the introduction of a permit scheme would therefore represent an increased cost to the Council. The introduction of a permit scheme should not be viewed as a mechanism to generate revenue.

In the current economic climate, is the introduction of a permit scheme justified?

As part of the application, *to the Secretary of State for Transport*, to introduce a permit scheme, the Council has to demonstrate that the proposed permit scheme is likely to deliver value for money.

This requires a basic 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.

An initial Cost:Benefit Analysis Appraisal has been issued with this Consultation. A full Cost:Benefit Analysis will be developed based on this Appraisal, prior to the formal application.

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

The purpose of a permit scheme is not to stop works taking place. Each 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 carried out are done so with the least effect to the road network, including those traveling on the network, local residents and businesses.

For urgent and emergency works, there is provision within the permit scheme for works to commence, *such as fault finding or repair*, with a retrospective permit application.

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

As specified within the Regulations, works that can be controlled under a permit scheme comprise both street works and works for road purposes.

Street works are those carried out in pursuance of a statutory right, such as a utility company.

Works for road purposes are essentially works carried out for the works for the maintenance of the highway, by or on behalf of the Council.

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

It is expected that the operational of the permit scheme will embed and 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.

Road users and local residents should not expect to see an absence of works on the roads, as these are essential to maintain and develop key services, however from the outset an improvement on the visibility of planned works and access to information related to works should be improved. Over time the Council can develop their control to ensure the way in which works are carried out minimise inconvenience.

Why do the Warwickshire County Council and Coventry City Council WaSPS have the same Permit Fee levels?

Warwickshire County Council currently provide a Joint Streetworks Service, with Coventry City Council to coordinate works. This will be carried forward into a permit scheme operation.

The Permit Fee levels are estimated based on costs, volumes (of works) and timings associated to the processing and management of permits. As these will be identical for both Councils, *through the Joint Streetworks Service*, the resulting Permit Fees are the same. The actual income received through permit fees will vary for each Council as the volume and type of works carried out varies for each Council.

Why will Warwickshire County Council and Coventry City Council not apply a zero-charge for permits on non-strategically significant streets?

Both Warwickshire County Council and Coventry City Council want 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 Councils cost of operating the scheme (for Statutory Undertaker works only). There is an actual cost incurred to process the permits on the non-strategically significant streets, albeit a reduced cost, which reflects the level of activity required.

The Council does not want to introduce an operating model that is predicated on recovering costs solely from works on the strategically significant streets.