

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Regeneration and Environment
2.	Date:	6 June 2011
3.	Title:	Traffic Management Act 2004 – Permits to Work in the Highway; All Wards
4.	Programme Area:	Environment and Development Services

5. Summary

To report the outcome of the consultation for the introduction of a Permit Scheme for road and street works, and to seek authority to submit an application for a Permit Scheme on the busiest and most important traffic routes in the borough.

6. Recommendations

1. **The outcome of the Statutory Consultation be noted**
2. **Cabinet Member authorises an application be made to the secretary of State for Transport to implement a permit scheme in Rotherham**

7. Proposals and Details

Part 3 of the Traffic Management Act 2004 came in to effect in 2007, and allows for the introduction of a Permit Scheme to enable the better management of work activities on the highway. In particular it aims to improve the ability of local authorities to control and coordinate utility company's street works and its own highway works in order to minimise disruption and congestion.

The scheme provides for a change from the 'notification system' of the New Roads and Street Works Act 1991. Instead of utility companies notifying the Council about their intention to carry out street works in the borough, they would be required to book road space and time on the highway through a permit, as would the Council for its own works. The Council would choose to grant a permit, apply conditions to a permit or decline permission to work within the highway.

A permit scheme offers a powerful tool for local authorities to co-ordinate and control road and street works, and events. Schemes have recently been introduced in London, Kent, and Northamptonshire. Many local authorities are now actively developing schemes and a national group has been formed to provide advice and support.

The Yorkshire and Humberside Traffic Managers Group convened a working group, the Yorkshire Permit Planning Group (YPPG) to look at the feasibility of providing a permit scheme in the region. Their recommendation was to develop a 'common' permit scheme, which has the same standard provisions when managing works, and targets the main road network throughout the region.

Any authority wishing to introduce a permit scheme is required to apply to the Secretary of State for Transport for approval. An application would not be approved unless it provides a business case that demonstrates that the benefits to the travelling public outweigh the costs of implementing the scheme. The consultants WSP have prepared a cost / benefit analysis for six of the Yorkshire Authorities, i.e. all 4 South Yorkshire Authorities, Leeds and Kirklees. The report shows a positive cost / benefit ratio for Rotherham and each of the other authorities, which includes wider benefits such as reduced financial losses to business, and environmental impact.

In addition to the benefits in terms of reducing disruption on the local road network, local authorities can make a charge for the permit. Utility companies along with other authorities such as the SYPTTE would have to pay but there would only be 'shadow charging' for an authorities own works. The cost of a permit is set at a level to enable us to recover the cost of managing the scheme, and the income that we would legitimately recover from the fees should meet any additional costs to the Authority.

Key tasks include the assessment of traffic management layouts, proposed works durations, reinstatement provision, encouraging multi agency coordination, and where necessary consultation.

The YPPG, including officers from Rotherham, invited over 300 consultees (statutory and local) to comment on the Common Permit Scheme between December 2010 and March 2011 for a period of 12 weeks. There have been 186 responses of which 18 were positive, 151 were neutral and 17 were against the scheme received from interested parties such as South Yorkshire Police, South and West Yorkshire PTE's, and bus companies. The feedback received and the responses made are attached as Appendix A to this report.

Many of the 151 neutral responses, the majority of which were from utilities, were seeking points of clarification in the scheme documentation or permit scheme procedures. The 17 negative responses were primarily received from utility companies not wishing to carry out the few additional tasks that a permit scheme requires. It is the view of the YPPG that no valid reason for not implementing a permit scheme was raised.

Should the scheme be approved, the Yorkshire Permit Planning Group will work with these organisations during the implementation phase, to provide a smooth transition from the current street works noticing arrangements, to the successful launch of the permit scheme. The results of the consultation also highlighted the need to undertake minor amendments to the permit scheme documentation, which has been completed.

The YPPG has developed and updated a project timeline as work on the common permit scheme has progressed. There are factors such as the availability of a Government Minister to sign the final Order that may influence the implementation date. It is anticipated that Rotherham could make an application to implement a Permit Scheme no earlier than September 2011. The DfT require approximately 30 weeks to approve applications, and therefore the earliest that a Permit Scheme would be implemented should be around mid April 2012.

8. Finance

The Department for Transport (DfT) permit fee calculation matrix includes a validation check to determine the number of officers required to work on permit applications and permit conditions vetting for the authority. The additional staff required for processing the permit applications for utility works and works promoted by other authorities will be funded from the permit fees. Permit applications for the councils own works will be processed by the current staff resource. Costs involved in setting up the permit scheme will be recouped from the permit charge income.

To effectively manage the additional tasks of a permit scheme, the DfT permit fee calculation matrix has estimated that an additional 1.6 full time equivalents (FTEs) at salary band H will be required. These FTEs will be self funded by the permit fee income for fulfilling the required tasks through permit application assessments.

9. Risks and Uncertainties

The potential exists for utility companies to allocate their resources to focus only on authorities that have adopted a permit scheme. Subsequently, there is a risk of poor coordination and planning of works on Rotherham's highway network, should a permit scheme not be introduced here. Without the income generated from a permit scheme, the Authority would be both under resourced and under-legislated to drive positive change within utility companies.

Every local authority has a duty under the Traffic Management Act 2004 to manage the traffic on the network in the most effective way. A Permit Scheme would demonstrate that a local authority is taking steps to achieve this. A cost / benefit analysis has been completed which showed it would be appropriate to proceed with a Permit Scheme application. However, where an authority is failing in this duty, intervention can be considered by the DfT. In extreme cases this would potentially lead to the government appointing a traffic director to take over responsibilities for traffic authority operations and guide the Council out of any crisis.

There is a low risk that the Permit Scheme may fail to deliver the predicted benefits outlined in the scheme document and, consequently, there is a slight possibility that the scheme may have to be abandoned or amended. Should the scheme be abandoned, then all works would then be coordinated through the existing notification system, which affords limited powers in dealing with the Council's own works. Other authorities such as Kent have undertaken a preliminary evaluation of their scheme and are reporting very encouraging early results. A recent letter from Norman Baker (MP), Parliamentary Under-Secretary of State for Transport encourages other local Authorities to pursue Permit Schemes.

10. Policy and Performance Agenda Implications

The scheme is in line with objectives set out in the South Yorkshire Local Transport Plan 3, where specific note is made regarding the benefits of introducing a permit scheme. The scheme accords with Traffic Management Act 2004 in that it will give greater control over roadworks on the busiest and most important traffic routes in the borough. This will reduce delays and congestion, resulting in reduced carbon emissions and improved air quality. In addition, the proposal supports the clean streets and safer and well maintained roads objectives in seeking an improved environment.

11. Background Papers and Consultation

New Roads and Street Works Act 1991.

Traffic Management Act 2004.

Local Transport Plan 2011 – 2015.

Appendix A – Consultation Feedback and Responses

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