NJUG Consultation Response

Consultation on the Derby City Permit Scheme (Road Works and Street Works)

Introduction

The National Joint Utilities Group Ltd (NJUG) is the UK’s only trade association which represents the interests of utilities and their contractors solely on street works matters. NJUG’s focus is on driving up standards of street works through a range of voluntary initiatives, whilst engaging with government and policy makers to ensure any regulation is balanced, robust and workable, and doesn't place unnecessary burdens on utilities and their customers.

NJUG welcomes the opportunity to respond to this consultation and hopes that our response is helpful. We would also value the opportunity to discuss our response in person. Our response is drafted to reply to the specific questions asked and, for ease of reference, follows the same numbering.

Consultation Response

Q1: Do you consider that the Derby City Permit Scheme is appropriate to the local needs of Derby?

A1: No.

There is insufficient data supplied in the Benefit Cost Ratio (BCR) provided – more detail is required on how this BCR was arrived at including the detailing of the split of lane closure / road closure between the relevant works promoters. Congestion levels need to be established within the proposed scheme as well as the levels after the imposition of the scheme.

Q2: Do you think the Derby City Permit Scheme reflects the requirements of the draft Statutory Guidance for Permits?

A2: Yes.

Q3: Do you think the Derby City Council Permit Scheme reflects the requirements of the draft Code of Practice for Permits?

A3: Yes.

Q4: Do you think the Derby City Council Permit Scheme accurately reflects the requirements of The Traffic Management Permit Scheme (England) Regulations 2007?

A4: Yes.

Q5: Do you agree that it is helpful to have an ‘optional’ permit, as detailed in section 4.5, which can be used if a works promoter wishes to book road space?

A5: No.
Optional permits impose an administrative burden on an already heavily burdened process. Any additional requirements will not only increase both utility and authority costs but also lead to confusion of what is already a complex legislative system.

The first line in section 4.5 is contradictory ('Optional permits will be available for those activities not requiring a permit').

Clear direction needs to be given when a permit is / is not required. Optional permits can leave a works promoter in a situation where they do not know if they require a permit or not. How will the works be communicated and how will the authority identify that a permit is required if they have not received notification by some other means beforehand?

Co-ordination is a key to delivering a manageable road network and all works need to be recorded to this end. The advent of greater technology will lead to more and more map-based planning of all works open to all works promoters and the general public, and will offer the ability to capture all works impacting the network. This co-ordination element is essential.

**Q6: Do you agree that it is helpful to have an ‘optional’ permit, as detailed in section 4.5, which can include ‘Special Event’, such as large sporting or cultural events that may have an impact on the normal use of the highway?**

A6: No.

Please see the response to Q5 above. In addition, it would be useful to know whether this means that non-permit activities may become permit activities through the optional process (i.e. working in chambers/boxes or investigatory works associated with repairing/tracing apparatus). Furthermore, how would ‘optional permits’ be recorded or applied for within the existing parameters of the EToN Technical Specification?

**Q7: Do you understand what conditions may be applied in granting a permit?**

A7: Yes.

The conditions laid down do appear to reflect those designated within the National Codes of Practice for Permits. It should be noted that permit conditions should be applied in accordance with the Regulations and should be imposed by the permit authority and not by the works promoter.

**Q8: Are the penalties for not correctly applying for a permit clearly identified?**

A8: Yes.

Section 14 clearly identifies this.

**Q9: Are the penalties for not abiding by permit conditions clearly identified?**

A9: Yes.

Section 14 clearly identifies this.

**Q10: Do you think that the monitoring proposed for the scheme is adequate?**

A10: No.

In the scheme there is reference to Appendix D, yet there is no Appendix D. The monitoring proposed also needs to reflect the National KPMs currently being drafted through the HAUC(UK) Working Group.
Q11: Are there any aspects of the Derby Permit Scheme which require further clarification?

A11: Yes.

Section 1.4 – NJUG would like assurances that any additional designated traffic sensitive streets prior to the commencement of the scheme meet the criteria set out in the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 – Regulation 16 and that this information be freely available.

Section 1.9 – Relates to the NRSWA noticing system which is currently governed by the August 2009 version of the Co-ordination Code of Practice, the DfT Code of Practice for Permits which this scheme is affiliated to is based on a earlier code of practice, so is out of date.

Section 2.3 – NJUG would like to see more details on how these additional measures will be monitored and benchmarked against existing performance to demonstrate the benefits of deploying the permit scheme.

Section 2.5 – Clarification on what is deemed as ‘better’ is requested within the scope of this paragraph.

Section 2.6 – It should be identified that the regulations and the specification for EToN do not complement each other and that permit authorities cannot directly impose conditions on the Permits. Enhanced communications between works promoters and permit authorities need to be established to ensure that the scheme can operate efficiently.

Section 3.1 – The traffic-sensitivity status of designated streets should be reviewed to ensure that they comply with the regulations.

Section 3.4 – This would not be a registerable activity and therefore not warrant noticing or permitting.

Section 4.0 – Relates to the specified activities detailed in the second edition of the Co-ordination Code of Practice, not the current third edition. The DfT Code of Practice for Permits which this scheme is affiliated to was never updated and also refers to the earlier Co-ordination code of practice so is out of date.

Section 4.3 – Last bullet point – imposition of conditions is understood but clarification on what ‘directions’ are in comparison to conditions would be appreciated.

Section 4.4 – Greater clarification is needed on how a permitting authority would manage permits that fall inside / outside the traffic-sensitive times and from a works promoter that does not utilise the EToN process (e.g. a fire brigade).

Section 4.5 – The storage of apparatus on the highway is covered under the Highways Act. However it would be useful to have clarity on how these permits will be instigated without having an impact on other parts of the legislation and not being registerable. Will it be a paper process? Further work is required to clearly identify this process. Clarification is sought to the application of FPNs to optional permits

Section 4.7 – What are the proposals for works that span both permitting and noticing lengths within the same street/USRN? If works promoters are to serve more than one notice/permit to cover this eventuality it could lead to double jeopardy under S74.

Section 4.9 – A defined number needs to be detailed when reductions would apply and clarification on how the benefits to the travelling public will be measured.
Section 5.1 – A Provisional Advanced Application (PAA) is NOT a permit type and the term ‘full permit’ is misleading and should refer to permit application.

Section 5.6 – Typo – ‘charges’ should be ‘charged’. Also clarification of ‘at the same time’ actually means (i.e. same day, hour etc or should it be consideration given to reducing fees if works are co-ordinated to reduce traffic although the applications may not be made at the same time).

Section 5.10 – Regarding the terminology ‘Full Permits’, this should be changed to align to other permitting references and should be referred to as the Permit Application (PA).

Section 6.10 – Will the Permitting Authority have 24/7 support to receive the telephone calls requested? What benefit does the call derive? Permits can only be sent as defined by the constraints of the EToN system, thus out of hours permitting will only appear to the HA by 10am the following day. Telephone calls are administrative and burdensome and demonstrate no advantage to co-ordination unless the HA has a 24 hour response, telephone calls should be confined to major incidents that could lead to severe disruption (i.e. Road Closures etc.).

Section 7.7 – This requirement appears to be over and above those identified in other permit schemes where ‘standard works’ are undertaken. What are the benefits of this requirement? Disruption effect scores are NOT applied in other permit schemes, if they are to be implemented a full updated record of each street within the scheme would need to be provided detailing the last review of the traffic sensitivity criteria including vehicular count.

Section 7.8 – Once again this seems to be very excessive requesting a Traffic Management Plan (TMP) on every job; there is a considerable administrative burden and cost for works promoters in providing this information. There is no proven need for TMPs for non-complex sites which are more than adequately covered by mandatory requirements of the Safety code of practice.

Section 7.10 – Depth recording in EToN is only permissible as a comment.

Section 9.5 – NJUG strongly disagrees. Permits are only required as previously described for registerable activities – signing, lighting and guarding are not registerable activities. This has no legal standing and could discourage works promoters from placing advance signage.

Section 11.7 (i) – What are the identified benefits of notifying the permit authority for additional excavations? This is an excessive administrative burden on works promoters with no added value as the outcomes are not recorded.

Section 13.10 – A PAA is not chargeable until the associated PA has been granted.

Q12 Do you have any suggestions for improving the Derby City Council Permit Scheme?

The scheme has not defined which sections of NRSWA have been dis-applied by the application of the permit scheme and this should be detailed within the scheme.