

West and Shires Permit Scheme



Application Annex for Worcestershire County Council to operate the West and Shires Permit Scheme

In support of WaSP scheme document Version 1.5 – Department for Transport
application release

Issue	Status	Owner	Date	Change summary
1.0	DRAFT	Worcestershire	1/7/15	For amending
1.5	DRAFT	Worcestershire	8/2/16	Final draft
2.1	FINAL	Worcestershire	10/2/16	Final
2.2	UPDATED	Worcestershire	10/4/19	Modified Scheme now requiring Permits fees on all roads

CONTENTS

CONTENTS.....	2
1 Introduction	3
2 Background	4
3 Worcestershire County Council WaSP scheme	6
3.1 Worcestershire County Council Addendum.....	6
4 Significant infrastructure projects	10
4.2 BT Broadband	10
5 Accompanying documents.....	Error! Bookmark not defined.

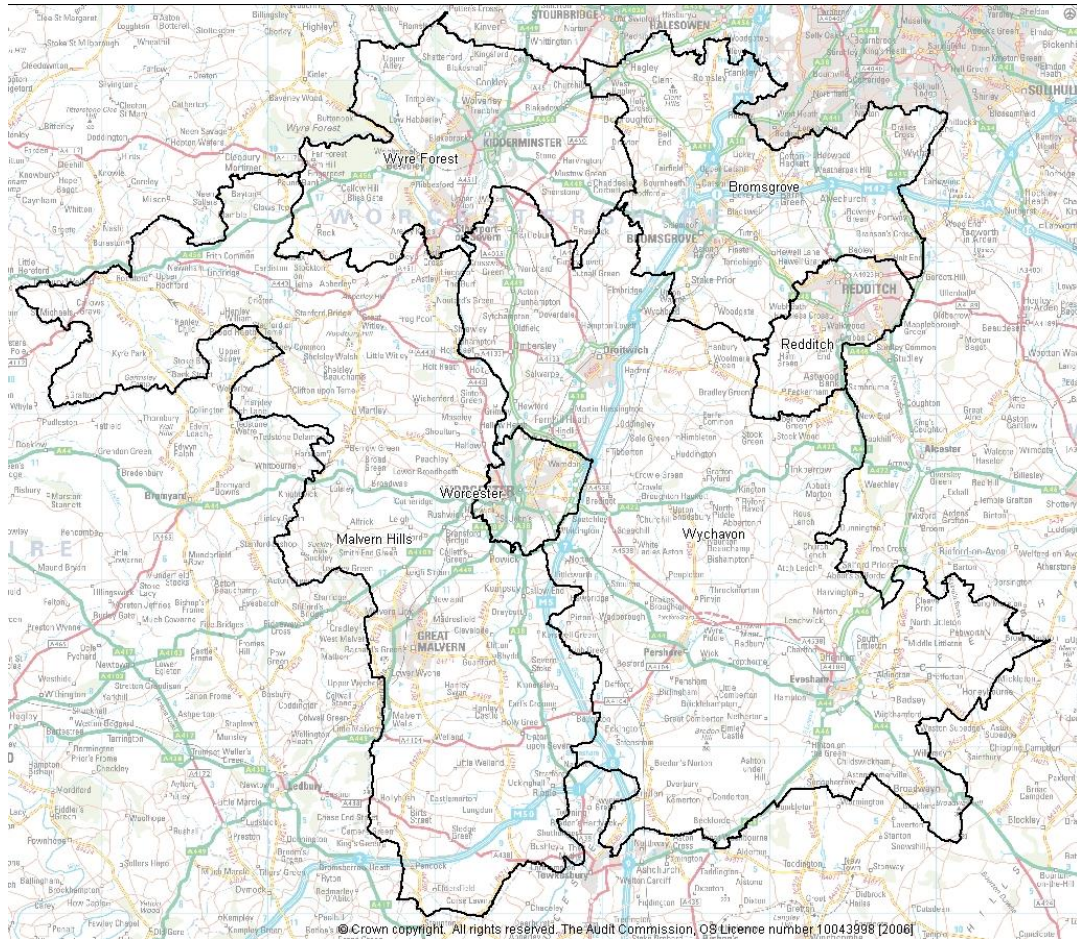
1 Introduction

- 1.1.1.1 The West and Shires Permit Scheme (“the WaSP scheme”) has been developed under the powers provided in Part 3 of the Traffic Management Act 2004 (“TMA”) and the *Traffic Management Permit Schemes (England) Regulations 2007*, (as amended) Statutory Instrument 2007 No. 3372 (“the Regulations”) made on 28 November 2007. It is a permit scheme for the purposes of Section 32(1) of the TMA.
- 1.1.1.2 This document contains information specific to Worcestershire County Council's application to operate a TMA permit scheme for street and road works.
- 1.1.1.3 An addendum is also available separately that lists all streets within Worcestershire County Council's geographical area that fall under the WaSP scheme.

2 Background

- 2.1.1.1 Worcestershire is a county in the West Midlands region with a population of 566,169 (2011 census). It has 4.1 thousand kilometres of road network, of which less than 24% comprises A and B roads. Worcestershire is a varied and diverse county that blends industrial and economic strength with inspiring scenery and sites of key historic significance.
- 2.1.1.2 Although the urban environment can be particularly challenging in achieving effective overall network management due to the numbers of people and amount of traffic, there is increasing evidence to suggest that the effects of disruption felt in rural areas are equally frustrating and costly to residents, road users and rural business.
- 2.1.1.3 The availability of reliable and efficient transport networks plays a major role in the effectiveness of the Worcestershire economy. Evidence has shown that a good transport network is important in sustaining economic success in modern economies. Where investment in transport infrastructure and services has been inadequate, this has been shown to adversely impact on future growth and competitiveness.
- 2.1.1.4 In mature economies (like Worcestershire's), with well-established transport networks and where connectivity between economic centres is already in place, the evidence suggests investment should be focused on maintaining or enhancing the performance of the existing networks, particularly where journey time reliability is deteriorating. The efficiency with which existing transport networks are used is just as important as the underlying investment in major new infrastructure (and can improve justification for investment in new infrastructure).
- 2.1.1.5 There is a considerable volume of traffic carrying residents and tourists into and through the county. Effective management of the highway network is vital to stimulating further growth of tourism businesses, which will lead to increased visitor numbers, ultimately benefiting other businesses and promoting wider infrastructure improvements.
- 2.1.1.6 Worcestershire's Local Transport Plan (LTP) 2011-2026 (and the associated implementation plans) sets out Worcestershire's transport objectives. Operating a permit scheme compliments the Network Management Plan as part of the wider LTP.
- 2.1.1.7 Permits provide greater accuracy of works timing, particularly on traffic sensitive roads. The use of conditions when granting a permit will allow Worcestershire to manage the way that works activities are carried out providing tighter control of network space. Evidence from previous successfully implemented schemes suggests that the provision and use of well thought-out conditions and, where appropriate, enforcement action helps drive improvements in reducing occupation of the highway by works. The cost of the permits also helps dissuade promoters from planning works unnecessarily and poorly.
- 2.1.1.8 The highway network is an essential part of the local economy and the effective management of the network ensures that everyone benefits:- from improvements in safety, journey reliability and decreased environmental impacts. A well-managed network also aids local regeneration projects and helps to support the local economy.

2.1.1.9 Through implementing the West and Shires Permit Scheme, Worcestershire County Council plan to increase the efficient running of the highway network by minimising the disruption and inconvenience caused by road works and other highway events and activities through proactive management of activities on the highway.



3 Worcestershire County Council WaSP scheme

3.1 Worcestershire County Council Addendum

3.1.1.1 This addendum to operate the WaSP scheme is for Worcestershire County Council.

3.1.2 **Streets covered by the Worcestershire scheme**

3.1.2.1 The “specified area” as required under Regulation 7, will be the geographical area encompassed by Worcestershire County Council’s boundary in respect of Worcestershire County Council.

3.1.2.2 All streets maintained by, or on behalf of Worcestershire County Council are included within this scheme (Regulation 8). These streets are identified as part of Worcestershire County Council’s additional street data (ASD).

3.1.2.3 Roads administered by Highways England (M5, M50 and M42 motorway network and A46 trunk road), and private streets are not included in the scheme.

3.1.3 **Objectives and measures**

3.1.3.1 Worcestershire County Council will use the objectives and measures as described in the WaSP scheme and associated guidance issued by either the Department for Transport or HAUC.

3.1.4 **Strategically significant streets**

3.1.4.1 Strategically significant streets includes traffic-sensitive streets (defined under Regulation 16 of *The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.*) as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in Section 1.3 of the statutory *Specification for the Reinstatement of Openings in Highways (SROH)*.

3.1.4.2 In addition, the Permit Authority may include other streets that are significant locally, for instance streets linking rural communities where the impact from activities on the highway could be severe. This definition is given in the DFT document *Permit Schemes – Additional Guidance (January 2013)*.

3.1.4.3 Worcestershire County Council intends to designate a number of additional streets over and above the ‘traffic sensitive’ network as 'strategically significant'. In general, these are classed along the following considerations.

- Village Route: Road identified as being strategic to Village/Hamlet, in particular some villages with only one or two roads in and out of the village are particularly vulnerable to disruption from even small scale activities on these roads
- Commuter Route: Road identified as high volume use. These might also be due to tourism. A particular problem with these roads is the scale of diversion routes which can often be 40 or 50 miles
- Diversion Route: Road identified as being used as diversion route, for instance off Highways England roads, or at times of flooding
- Roads outside or close to military bases

3.1.4.4 A full list of all streets included in the permit scheme, with an indication of those considered strategically significant will be available in spreadsheet form as an addendum to this document. These streets are also identified within Worcestershire County Council’s Additional Street Data (ASD). Because of the

limitation on both the EToN specification and the National Street gazetteer data transfer format, these street, for the purposes of a permit scheme, are classed in the local street gazetteer as 'traffic sensitive', while having a textual indication that they are classed as "SSS".

- 3.1.4.5 Under the West and Shires Permit Scheme, streets that are classed as SS Streets do not fall under the higher Section 74 charges for overruns. However, they do attract a higher permit charge to reflect the greater importance placed on them in terms of coordination and potential for disruption.

3.1.5 Fee Levels

- 3.1.5.1 Worcestershire County Council has set their fee levels in accordance with the DFT document *Permit Fees Guidance (July 2008)*, and the *Additional Advice Note – for developing and operating future permit schemes (January 2013)*, and in accordance with the maximum fee levels specified in Regulation 30.
- 3.1.5.2 The levels set reflect Worcestershire County Council's commitment to keeping charges proportionate to the level of work done in issuing a permit. This ensures Worcestershire County Council are able to operate the WaSP scheme in a rigorous and effective manner. There is a charge for Permit Variations on all streets. This reflects the added work required to manage changed situations and is an incentive for activity promoters to plan and submit permits accurately in the first instance.

	Main Roads			Minor Roads
Reinstatement category of street	0, 1 and 2	3 and 4		3 and 4
Street designated as traffic sensitive or not	All streets	Traffic sensitive at some times/locations		Non traffic sensitive at any time or location
Time and location of activity	Any time and location	Any part within traffic sensitive times / locations	Wholly within non traffic sensitive times / locations	Any time and location
Provisional Advance Authorisation	£105.00*	£105.00	£52.50	£75.00
Major Works – over 10 days <u>and</u> all major works requiring a traffic regulation order	£240.00*	£240.00	£120.00	£150.00
Major works – 4 to 10 days	£130.00*	£130.00	£65.00	£75.00
Major works – up to 3 days	£65.00*	£65.00	£32.50	£45.00
Standard Activity	£130.00*	£130.00	£65.00	£75.00
Minor Activity	£65.00*	£65.00	£32.50	£45.00
Immediate Activity	£60.00*	£60.00	£30.00	£40.00

3.1.6 Waiving and reduced permit fees

3.1.6.1 Section 9.3 and 9.4 of the WaSP scheme document details when a fee may be waived or discounted.

3.1.6.2 In addition, Worcestershire County Council may waive an individual charge or offer a discount where it considers such action is merited.

3.1.6.3 Worcestershire County Council intends to follow DfT or HAUC guidelines with respect to the discounting of fees for works that take place wholly outside traffic sensitive times.

3.1.7 Fee Review

3.1.7.1 Worcestershire County Council is committed to undertaking a review of its level of fees in accordance with Regulation 16A to ensure that the overall fee income does not exceed the allowable costs in running the scheme. The outcome of the fee reviews will be published and open to public scrutiny.

3.1.7.2 If a sustained surplus or deficit occurs over a period, the fee levels will be adjusted accordingly.

3.1.8 Invoicing arrangements

3.1.8.1 Problems with electronic systems, or incorrect sequencing of notices, or other reasons may lead to differences between the activity promoter and the Permit Authority over what each party consider applicable charges.

3.1.8.2 Worcestershire County Council intend to provide a schedule of charges to each activity promoter on a monthly basis in the form of a 'draft invoice'. This will be submitted to the activity promoters for them to review and reconcile with their own systems.

3.1.8.3 Following this submission there will be a one-month period to enable the activity promoter to agree the charges with Worcestershire County Council.

3.1.8.4 Following agreement, or where no response has been submitted, Worcestershire County Council will submit a final invoice under its normal terms of payment.

3.1.8.5 The WaSP scheme Operational Guidance will provide further details on this process and invoicing and payment terms.

3.1.9 Conditions

3.1.9.1 Worcester County Council's implementation of WaSP scheme follows the DfT Statutory Guidance on permit conditions, or any amendments or guidance issued in future..

3.1.9.2 This guidance is contained in the DfT's *Statutory guidance for Highway Authority Permit Schemes – Permit scheme conditions (March 2015)*

3.1.9.3 Worcestershire County Council intends to commence the modified permit scheme on 20 May 2019.

3.1.9.4 As required in Regulation 3, the Permit Authority will give a minimum of 4 weeks notice of commencement of the modified scheme, following the Order being made, to all those previously consulted on the modified permit scheme.

4 Significant infrastructure projects

- 4.1.1.1 A permit scheme requires Worcestershire County Council to take into account significant infrastructure projects that have a significant impact on the economic policy of the region or the UK as a whole.
- 4.1.1.2 Section 9.4.7 provides for the WaSP scheme authorities to discount permit application fees for these kinds of activities.
- 4.1.1.3 This is in addition to the WaSP scheme stated purpose to ensure that permits do not hinder these kinds of project and should be used as a tool to help manage the activities on the ground, while not detracting from the Authority's aim to deliver a safe and minimally disrupted network. It is key to the scheme that it does not unduly obstruct activity promoters in the work that they do.
- 4.1.1.4 Worcestershire County Council has a number of large 'Gamechanger' sites which are currently being developed:- Malvern Science Park, Redditch Eastern Gateway, South Kidderminster Enterprise Park, Worcester Six Business Park. It is anticipated that section 9.4.4 of WaSP will enable them to ensure that new connections or diversionary works are exempt from permit fees.

4.2 BT Broadband

- 4.2.1.1 Currently BDUK, is being installed at a number of locations around Worcestershire.
- 4.2.1.2 Worcestershire County Council is now working with BT/Openreach on the 'Connecting Worcestershire' project to get superfast broadband to 93% of Worcestershire residents and businesses. Worcestershire County Council has employed a team to help project manage this.
- 4.2.1.3 Worcestershire County Council has offered to guide Openreach through the permit transition and onwards until its completion as well as provide additional assistance to Openreach to aid the planning and permitting processes.
- 4.2.1.4 Worcestershire County Council will hold regular meetings with BT/Openreach and have already done an extensive piece of work considering cabinet locations and ensuring they are suitably located.
- 4.2.1.5 Worcestershire County Council will continue to assist BT/Openreach in terms of timelines and submission requirements. This will ensure that once activities are ready to take place on the ground there will be a minimum of delays due to a lack of information or communication, while ensuring that they take place within the legislative requirements of NRSWA and TMA and the WaSP scheme.

5 Regulatory Compliance

5.1.1.1 The following table shows which sections of the scheme relate to which regulations

5.1.1.2 The following table shows which sections of the scheme relate to which regulations

Regulation	Am'd Reg	WaSP paras/other	Comments
PART 1 - INTRODUCTION			
1. Citation, commencement, and application		N/A	
2. Interpretation	3	N/A	
PART 2 – APPLICATION FOR SCHEME	4		
3. Consultation for new permit schemes	5	1.1.1.9 1.1.1.10	Consultation undertaken as per regs, and responded to.
4. Procedural requirements for submitting new permit schemes	6		
a) the name of every person who is a highway authority for one or more of the specified streets		4.1 and Annex	
(b) what the objectives of the Permit Authority are for that permit scheme;		2.3	
(c) how the Permit Authority proposes to ensure that it will comply with the obligation set out in reg. 40		1.1.1.6	
(d) how and when the Permit Authority proposes to evaluate that permit scheme so as to measure whether the objectives for it have been met;		2.4 and Chapter 14	Plus Regulation 16A - evaluation of scheme (1.1.1.11)
(e) the costs and benefits (whether or not financial) which the Permit Authority anticipates will result from that permit scheme and how such costs and benefits will be demonstrated when the permit scheme is evaluated in accordance with regulation 16A;		CBA and Economic appraisal	Submitted separately. See also r.16A
(f) the evidence considered by the Permit Authority when it decided to include any provisions in the permit scheme as to the fees which may be charged, and the reasons for its decision;		Fee Matrix	Submitted separately
(g) the date on or after which the Permit Authority proposes that the permit scheme should come into effect		Annex	Submitted separately
(h) details of any transitional arrangements which the Permit Authority would wish to apply in relation to the permit scheme coming into effect; and		Annex	Submitted separately
(i) the responses received to the consultation undertaken under regulation 3		Consultation undertaken	Following consultation, this Annex will set out any amendments post consultation.
4(2). The Permit Authority shall confirm in the permit scheme that the scheme has been prepared in accordance with these Regulations and that it had regard to the Guidance		1 and annex	
5. Varying and revoking permit schemes at the Permit Authority's request	7	15	
PART 3 – PERMIT SCHEME CONTENT			
6. Specified works		4.3	
7. Specified area		4.1	
8. Specified streets		4.1 and Annex	
9. Permits; specified streets, works and information contained within	8	5	note amendment provided for in 5.1.1.3. Note required information also dictated by ETON protocol

9(3) scheme states which specified people do not have to apply for permits		4.3	
10(1)(2)(5). Conditions attached to permits	9	6	Note amendment fully covered in Chapter 6
10(3) Provision to revoking a permit		8.4	
11. Provisional advance authorisations		5.3	
12. Permit reference numbers		5.5.2	Note dictated by EToN Specification
13. Conditions on works to which requirement to obtain permit does not apply		6	Relating to "Immediate activities" which are either emergency works as defined in section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007
14. Criteria to be taken into account by Permit Authority		5.7	In relation to notices issued under NRSWA Section 58/58A
15. Review, variation and revocation of permits and permit conditions		7 and 8	
16. Time limits on Permit Authority		7	
16A. Evaluation of permit schemes		1.1.1.11 and Annex	
PART 4 - PUBLICITY			
17. Notification of permit scheme	11	Annex	Notification to be submitted four weeks in advance of proposed start of scheme
PART 5 - SANCTIONS			
18. Action which may be taken for unauthorised works		11	
19. Offence to undertake works without a required permit		11	
20. Offence to breach a permit condition		11	
21. Giving Fixed Penalty Notices		11	
22. Time limit for giving fixed penalty notice		11	
23. Form of fixed penalty notice		11	Note set out in Code of Practice and EToN Technical Specification
24. Penalties payable when fixed penalty notice given		11	
25. Discounts for early payment		11	
26. Saving from proceedings where fixed penalty notice given		11	
27. Withdrawal of fixed penalty notice		11	
28. Application of sums received from fixed penalties		11	
PART 6 - FEES			
29. Prescribed costs		9	Plus Fee Matrix
30. Power to charge a fee and discounts	12	9	Note amendments covered by discounts
31. Savings from the payment of fees and discounts		9	
32. Application of sums received as fees		9	Plus financial statement
PART 7 - REGISTERS			
33. Duty to maintain register		3.4.2	
34. Access to register		Appendix C	
PART 8 – OTHER ENACTMENTS			
35. Application of Part	13		
36. Disapplication of enactments		Appendix B	
37. Modification of enactments		N/A	
38. Modification of Regulations		N/A	
PART 9 - MISCELLANEOUS			
39. Service of documents, etc		N/A	
40. Non-discrimination		1.1.1.6, 2 and 14	

6 APPENDICES

6.1.1.1 The following appendices will provide the additional information required by the Authority to consider prior to making the Order for the scheme to come into effect.

6.2 Summary of any changes following consultation

The consultation took place in December 2018 /January 2019. The consultation was open for 5 weeks and followed the regulatory requirements (Regulation 3) the consultees included

- Secretary of State for Transport
- Statutory Undertakers and industry bodies (HAUC, JAG, NJUG)
- Councillors and Parish Councils
- Neighbouring highway authorities (including Highways England)
- Emergency services
- Owners of apparatus licenced under Section 50 (NRSWA) within the last two years
- Others including transport operators, freight associations, cycling groups, motoring groups, Environment Agency and English Heritage.

A full list of consultees, and the consultation questions are available separately.

6.2.1 *Worcestershire County Council Permit Scheme amendments*

The following minor amendment has been made following on from the consultation.

- A discount of **100%** will be applied were a separate Permit is required for traffic management exceeding 20 metres into an adjacent street (separate USRN).

6.2.1.1 The most recent version of the WaSP scheme (version 1.5) has been adopted by Worcestershire County Council, without further consultation