

**12 September 2023**

**Streetworks Permit Scheme**

**Ward(s): All**

**Portfolios: Councillor Kerry Murphy**

**1. Aim**

To provide the committee with an overview of the Streetworks Permit Scheme and an understanding of how its operation facilitates safer and fewer disrupted journeys for pedestrians and motorists travelling within the borough.

**2. Recommendations**

- 2.1 That the committee considers the legislative constraints imposed on the operation of a street works permit scheme.
- 2.2 That the committee recognises the statutory rights held by the council and utility companies to undertake street and road works on the public highway.

**3. Report detail – know**

- 3.1 This report has been requested to understand the powers and responsibility that the council has with regard to the management of road and street work activities undertaken on the highway network (hereafter called street works). It results mainly from a scheme currently being introduced by Cadent Gas on Walsall Road, Aldridge.
- 3.2 The council has a responsibility to manage all street work activities on the public highway that requires the use of the network such as road maintenance, utility works, new developments and public events. The co-ordination of all works is crucial to provide access for all works promoters who are competing for space or time to work in a street to be resolved in a positive and constructive way.
- 3.3 On 6 May 2019 the council introduced a permit scheme to help with the management of the day-to-day operation of all street works. The scheme was developed under the powers provided in Part 3 of the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007, and all subsequent amendment regulations.
- 3.4 The permit scheme replaced the previous Electronic Transfer of Notices system introduced under the New Roads and Street Works Act 1991 (NRSWA) for all

works taking place on the highway. Instead of informing Walsall Council about its intention to carry out works in a street, all utility operators and the highway authorities' own contractors would need to book time on the highway through a permit. Under the scheme all work applications are treated in the same way with regard to co-ordination and the setting of conditions to ensure that the works are undertaken safely whilst minimising the impact on road users.

- 3.5 On 1 July 2020 the government introduced Street Manager, a new digital service operated by the Department for Transport to help transform the planning, management and communication of street works. Using open data and intelligent services, its main aim is to minimise disruption on the network and improve journey planning for the public.
- 3.6 The permit scheme now operates through this Street Manager service and is managed by a dedicated NRSWA permit team set up to manage the road network with assistance, where required, from the traffic management team.
- 3.7 There are a range of works undertaken on the public highway and the permit scheme designates each application under the following categories:
  - Major Works: that have been identified in a promoters' annual work programme or works that require a temporary traffic regulation order i.e. road closure;
  - Standard Works: activities that have a planned duration of between 4 and 10 days inclusive;
  - Minor Works: small scale works where the planned duration is 3 days or less;
  - Immediate Works: where an urgent response is required due to an unplanned interruption of any supply or service provided by the works promoter.
- 3.8 All permit applications must be made electronically via Street Manager and include the following information:
  - Detail on the works being undertaken;
  - The proposed dates of the works;
  - Description of work methodologies employed;
  - A description of the layout and impact of the activity on the general public (for example the use of temporary traffic management measures);
  - Details of any collaborative working;
  - Any other information pertinent to that activity.
- 3.9 To minimise disruption, the permit scheme actively promotes collaborative working between works promoters and includes financial incentives to encourage sharing road space, especially when temporary traffic management measures are required.

- 3.10 To ensure that the works are carried out safely and expeditiously a range of conditions are applied to the permit covering timing, duration, traffic management provision, environmental conditions, publicity and consultation. Failure to comply with any of the agreed conditions may leave the works promoter liable to a fixed penalty fine.

### ***Main Works Promoters***

- 3.11 The majority of the work undertaken on the public highway is carried out either by the council or utility companies.
- 3.12 Council promoted work is primarily to help maintain the integrity of the highway network and ensure its safe use by the general public. The work is undertaken predominantly by our highways term maintenance contractor, Tarmac Limited, although a number of permits are also raised by Amey Limited, who is our street lighting contractor under a PFI agreement.
- 3.13 Permit applications are also submitted by Transport for West Midlands (i.e. SPRINT) and contractors working on behalf of Highways England where national works are also required on the local network.
- 3.14 Utility companies have a statutory obligation to provide a supply or service to their customers and therefore have permitted rights to locate their services (water, gas, electricity and telecommunications etc) within the public highway. This includes a legal right for them to carry out any associated street works.
- 3.15 For utility works in Walsall most of the permits are submitted by:
- Cadent Gas – who is currently undertaking a large mains replacement programme;
  - Openreach – who has an extensive communications network and has recently been undertaking a major scheme to upgrade to full fibre connectivity to improve their network speed for business and residential customers;
  - Virgin Media – who has also upgraded parts of their network to full fibre connectivity, further schemes in Walsall are still to be programmed;
  - National Grid (formally Western Power) – the major electricity supplier in the region;
  - South Staffs Water and Severn Trent Water – the 2 main water supply companies covering Walsall.
- 3.16 The council also receives a number of permit requests from other communication companies, including Netomnia and Lit Fibre. This is to help provide a fast, fully fibre network and major projects are currently being undertaken in the Bloxwich, Aldridge and Streetly areas of the town.

### ***Walsall Road, Aldridge – Cadent Gas Scheme***

- 3.17 This report was originally requested due to long standing traffic delays caused by a Cadent Gas scheme in Walsall Road, Aldridge. This originally started as emergency work in April 2023 due to a gas leak that required 2-way temporary traffic signals and a part closure of Portland Road to enable the work to be carried out safely. In normal circumstances we would only have granted permission for such work during a holiday period due to the impact on nearby schools and peak hour traffic. However, as it was an emergency job we had no power to refuse the permit or deny them access due to the potential danger with their supply.
- 3.18 It was soon evident that the problems were greater than originally envisaged and Cadent Gas decided to undertake a full replacement of the main between Portland Road and Birmingham Road. As there continued to be problems in replacing the main we insisted that the works be made safe and rescheduled for the current school summer holidays. This extra planning time has enabling them to complete the works safely with less impact on traffic before the nearby schools reopen in September. We also insisted on them notifying all affected residents and businesses to explain why further works were necessary.

***Number of permits per year***

- 3.19 To give an indication on the number of requests received to undertake work on the public highway the following is the permits considered during the 2022-23 financial year:

Promoter	Applications Received	Granted		Refused	
	Total	Total	Cancelled	Total	Cancelled
Walsall Council	5,305	4,506	86	240	76
Utility Operators	13,478	8,890	1,379	1,407	1,174
TfWM	189	101	2	40	14
National Highways	32	19	1	10	0
<b>Total</b>	<b>19,004</b>	<b>13,516</b>	<b>1,468</b>	<b>1,697</b>	<b>1,264</b>

Note; some applications were still being considered during April and some were open awaiting further response from promoters

- 3.20 There is a charge for determining each permit application depending on the type of work being undertaken. These charges are set in accordance with the Department for Transport Statutory Guidance for Permit Schemes and all income can only be used to meet the allowable costs of running the scheme. No charge is made for works undertaken on behalf of the council as the money charged would only circulate around various sections within the authority.

***Works Inspections***

- 3.21 The council carry out an extensive inspection of all street works to ensure that they are undertaken safely and to the correct method as detailed on the approved permit. This also helps establish the overall performance of each work promoter to help identify areas of improvement. NRSWA requires works promoters to fund a percentage of inspections by the authority at various stages during the works process; including live sites, post reinstatement and immediately prior to the end of the 2-year guarantee period. These are known as sample inspections and are supplemented by a number of routine inspections we undertake to ensure a comprehensive scrutiny of all works undertaken.
- 3.22 There are set procedures for ensuring compliance with the permit and that the works are being carried out safely and this includes a range of fixed penalty fines for a range of offences. In addition, there is a set process for dealing with reinstatements that fail or do not conform to the national specification. NRSWA regulations allows the council to charge for all inspections associated with these non-compliant reinstatements.
- 3.23 Section 74 of NRSWA also allows highway authorities to charge works promoters if street works are unreasonably prolonged (i.e. take longer than agreed on their permit). These offences are part of our inspection process to reduce unnecessary street works on the highway causing delays and inconvenience to all road users.

### ***Section 58 Restrictions***

- 3.24 The council has the powers to restrict further works in all or part of a street following substantial resurfacing work through Section 58 of NRSWA. This allows us to restrict work activities being undertaken on newly resurfaced streets for 3 years unless there is a leak / service disruption or a new connection is required to a development that would not have been known or programmed prior to the resurfacing work.

### ***Publicity and Information accessible to the public***

- 3.25 To help communicate street works to members and the general public the council utilises the one network platform <https://one.network/> that extracts information from Street Manager and displays it effectively in an online digital format. One Network provides an up-to-date view of the national road network enabling the public to access important information on all street works as well as helping work promoters to programme their works effectively, with collaborative working where possible. Bespoke training has been made available to members so that they utilise the full benefits from One Network including setting up email reminders of any street works.

## ***4. Financial information***

- 4.1 Permit fees are set statutorily by the Department for Transport. Maximum fees are specified for each permit category.

- 4.2 Locally, fees are determined with reference to the statutorily set maximum fee and allowable cost base.
- 4.3 The council cannot make a profit from its permit scheme operations. If income from permit fees exceeds the cost of operating the permit scheme, permit fees must be reduced.
- 4.4 The council does not have to pay permit fees for its own work. However, it must demonstrate parity of compliance with permit scheme requirements when compared with utility companies and other contractors working on the public highway.
- 4.5 Current permit scheme fees are set out below.

<b>Activity type</b>	<b>Strategically significant streets*</b>	<b>Non-strategically significant streets</b>
Provisional advance authorisation	£93.00	£69.00
Major (over 10 days duration and/or requiring a TTRO)	£218.00	£136.00
Standard	£126.00	£74.00
Minor	£51.00	£36.00
Immediate	£45.00	£31.00
Permit variation	£45.00	£31.00

## **5. *Reducing Inequalities***

- 5.1 A well-maintained and managed public highway plays a pivotal role in reducing inequalities by enhancing accessibility and connectivity. It supports equal opportunities for economic growth, social development, and improved quality of life. In remote or marginalized areas, a reliable highway network connects residents to essential services, education, healthcare, and employment opportunities in urban centres. This access enables people from all backgrounds to participate in the economy and access resources previously out of reach.

## **6. *Decide***

- 6.1 The committee is asked to note the significant legislative constraints imposed on the operation of a street works permit scheme.

## **7. Respond**

- 7.1 The committee is asked to provide any feedback they wish to be cascaded to the Department for Transport when they next consider future legislative change.

## **8. Review**

- 8.1 The council must undertake an annual review of its permit fees in accordance with the statutory maximum fees allowable and taking into account the allowable costs in providing the service.

### **Background papers**

The Walsall Council Permit Scheme

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