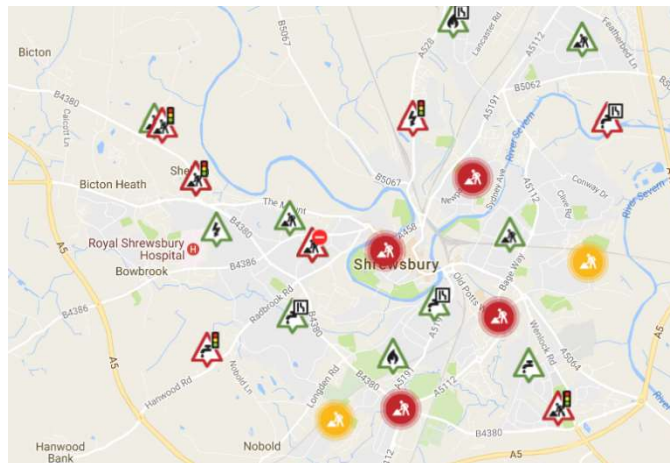


Shropshire Council

West and Shires Permit Scheme

Annual Performance & Evaluation Report

Year 4-7, 2017/18 – 2019/20



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1 Executive Summary

This report evaluates the progress of the Shropshire Permit Scheme in meeting both the stated objectives and parity of treatment of both local authority highway and statutory undertaker work for the three financial years 2017/18 – 2019/20.

There has been a steady decline in the number of permits applied for from both promoter groups over these three years, and also a decline in the numbers approved (granted).

Reductions in works duration have levelled out since the scheme's inception in 2014, which is to be expected. However there continues to be a gradual reduction in some areas. Collaboration (two or more promoters working on the same road space where the activity footprint and the traffic management allows) continues to improve and the number of collaborative activities undertaken over three years has saved more than 700 days of occupation, the large proportion of this would have been under highly disruptive forms of traffic management (road closures and temporary traffic signals). This alone equates to a monetised saving economically from reduced occupation approaching £0.25m¹.

Nearly 3000 early start requests were processed and approved, and the coordination teams also dealt with more than 4000 extension requests (as the report shows there are problems with providing an 'approval' rate for these). Fixed Penalty Notices for poor works data or site permit condition compliance are high, and the numbers of overrunning works that are found (where no extension request have been made, or where the request has been refused) are also significant. These are wholly avoidable charges for statutory undertakers and reflect poor performance and compliance by either the statutory undertakers or their contractors. Shropshire Council has made effective use of their powers in this regard and continues to work closely with statutory undertakers to improve compliance levels.

The permit fee levels for statutory undertakers are approaching the highest allowed under regulations in many of the works and road categories. This reflects the complexities of the coordination and assessment function, and the resource being put into ensuring that Shropshire Council fulfils their Network Management Duty. The coordination team that deals with statutory undertakers continues to be cost neutral to the Council.

Shropshire Council continues to show a rigorous approach to network management in general, from the permit assessment, through coordination of activities and inspection of works in progress, while ensuring a firm but fair approach in their management of the scheme in general.

¹ Based on the modelling used in the economic assessment undertaken by Shropshire Council during the scheme development, which used DFT figures to provide a range of works costs, based on the type of road, and the average length of a works site and on an average duration of an activity and other factors.

2 Introduction

The Traffic Management Act 2004 (TMA), Part 3 Sections 32 to 39, and the Traffic Management Permit Scheme (England) Regulations 2007 make provision for Permit Schemes to be introduced in England. The West and Shires Permit (WaSP) Scheme was adopted by Shropshire Council on 1st April 2014 and has been revised in October 2015 to reflect the requirements introduced in the 2015 permit scheme regulation amendments².

Permits provide greater accuracy of works timing, particularly on traffic sensitive roads. The use of conditions when granting a permit will allow Staffordshire 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.

This report sets out an overview of the scheme's operational performance in the three years covering 2017/18 to 2019/20. The report provides analysis of the available data in relation to street works and road works activities in Shropshire Council for the primary purpose of

- demonstrating the introduction of the WaSP scheme has and will continue to provide the benefits stated in the objectives; and
- outlining any changes required by Shropshire Council to improve the operation of the scheme.

Data has been collected, collated and presented in either graphical or tabulated format for each of the defined performance indicators and operational measures. Commentary is also provided to expand on noteworthy trends in the data.

The highway network is an essential part of the local economy and its effective management ensures that everyone benefits; from improvements in safety to all road users, journey reliability and decreased environmental impacts. A well-managed network will also aid local regeneration projects and help improve local transport further promoting the local economy.

² The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, 2015/958

3 Objectives of the WaSP Scheme

The objectives of the West and Shires Permit Scheme are laid out in Section 2.3 of the Scheme document. These are summarised in the table below along with how they have been met.

Objective	How the objective has been met
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	Significant savings in occupation from activities through the use of conditions to manage activities, coordinating works to avoid clashes, seeking collaborative opportunities and challenging durations.
To improve the quality and timeliness of information received from all activity promoters to increase and improve the publicly available data for integration into the Council-wide travel information.	Use of permit refusals to ensure information is accurate. Use of Fixed Penalty Notices to drive quality of information and its timely submission. Encourage the use of non-statutory cancellation notices. Works information synchronized to roadworks.org for visibility to the public.
To encourage a proactive approach to planning and undertaking of works on the highway from promoters and thus lessen the impact of activities on road users	Greater level of planning to ensure permit contains all the necessary information required in order to grant the permit. Careful use of conditions to ensure works are undertaken at suitable times. Encourage first time permanent reinstatements or interim reinstatements where this benefits the network.
To protect the structure of the street and the integrity of the apparatus in it	Greater number of Major works are now planned to ensure 'Section 58/58a' protection of the asset. More comprehensive inspection regime at 'works in progress' stage, and coring programme in place to look at wider reinstatement and material issues.
To ensure safety of those using the street and those working on activities that fall under the Scheme, with particular emphasis on people with disabilities	Increased number of site inspections have helped to drive focus on best practice, compliance, and safety to all road users. Closer assessment and coordination process allows better consideration to be given to modes of transport other than vehicles, and a focus on elements such as those people with disabilities and young children.
To ensure parity of treatment for all activity promoters particularly between statutory undertakers and highway authority works and activities working on activities that fall under the Scheme.	Performance Indicators show both highway authority and statutory undertaker works are assessed in a similar manner and conditions are applied to both in a considered way. Introduction of wider Council processes to include other activities that do not fall under the scheme (highway events, developments, Highways Act licenced activities etc.).

The successful performance of the scheme has bought a number of unquantified subsidiary benefits. These include:

- maximising the safe and efficient use of road space;
- providing reliable journey times;
- improving the resilience of the network;
- minimising inconvenience to all road users; and
- improving public satisfaction.

4 Fee Structure

4.1 Permit fees

A charge is raised only once an application has been assessed and the permit subsequently granted. Applications that are refused, or have modification requests, are not charged. This was considered when preparing the fee model. Permits that are granted but subsequently cancelled are still charged; it is therefore a disincentive for promoters to cancel an activity after the permit is issued which should encourage better planning.

The levels set are within the maximum allowed by the DfT and reflect the nature of coordinating activities in a large rural county interspersed with busy market towns and conurbations; the variation between categories allows Shropshire to focus on more significant activities and those taking place on streets where disruption is likely to be highest while remaining considerate to the demands placed on the 'lower' tier network by residents, businesses, schools and commuters, and others.

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.

4.1.1 Permit fee matrix

Activity type	Charge on strategically significant streets	Charge on non-strategically significant streets
Provisional Advance Authorisation	£105	£75
Major activities (over 10 days duration OR requiring a TTRO)	£240	£150
Major activities (4 to 10 days duration)	£130	£75
Major activities (up to 3 days duration)	£65	£45
Standard activities	£130	£70
Minor activities	£64	£40
Immediate activities	£60	£35
Permit variation	£45	£35

Fees highlighted in orange are at maximum allowed level (set by the DfT)

4.1.2 Permit fee discounts

There are a number of discounts available to help promote improvements in working practice that help reduce the impact or occupation of activities and to reflect the desire of the Council not to penalise economic growth and development.

Discount	Discount value
Where the Permit Authority has to vary or revoke a permit through no fault of the activity promoter	100%
For the maintenance of fire hydrants carried out by the fire service or a contractor designated by the fire service to carry out this work on their behalf	100%
Where the works are Diversionary Works as a result of a Major Highway or Bridge works, initiated by the Highway Authority, as described in Section 86 of NRSWA.	100%
Where promoters work in a collaborative way (sharing trench or road space or traffic management)	At least 50%
Multiple applications for a single activity (e.g. works continue around a corner into another street)	At least 50%
Working fully outside traffic sensitive times (Regulation 30(3) as amended)	Lower tier (i.e. Cat 3 or 4 non TS level)
Innovative working techniques that can be shown to substantially reduce disruption or occupation	At least 50%
Economic development, including new connections or new major infrastructure works	100%
Other situations where benefit has been gained through the positive and proactive or pre-emptive actions of a statutory undertaker	At least 50%

4.2 Current fee levels

The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 require that the permit authority shall give consideration to whether the fee structure needs to be changed in light of any surplus or deficit.

Shropshire Council has set their fee levels in accordance with the Department for Transport and within the maximum fee levels specified in Regulation 30. In 2017 the permit fee profile was reviewed following the expansion of the permitting and coordination team. New fee levels were introduced in 2018. Demand for road space and traffic has not changed significantly in this time. General analysis of the work undertaken in operating the permit scheme and the fees received continues to show that fee levels are lower than the amount required to cover the costs of the team.

4.3 Future fee levels

Shropshire will continue to ensure the cost neutral requirement of the service delivery.

5 Performance Indicators

Key Performance Indicators (KPI) are set by the DFT primarily to be a measure of parity; to show that the permit authority is treating all promoters in an equitable way, as required by regulation 40.

The WaSP scheme states that "... [it] will operate in a fair and equitable way ensuring a level playing field with all promoters competing for time and space on the highway. The Permit Authority will ensure sufficient separation between those operating the permit scheme and those responsible for highway activities so that parity of treatment is evident." (section 3.3.1.5).

Throughout this report the term statutory undertaker (SU) refers to utility companies, and highway authority (HA) for Shropshire Council's own highway maintenance activities.

5.1 KPI 1 - The number of permits and permit variation applications

The number of permit applications (PA) and permit variation applications (PV) received, the number granted, and the number refused is shown as:

- The total number of permit and permit variation applications received, excluding any permit applications that are subsequently withdrawn
- The number of applications granted as a percentage of the total applications made
- The number of applications refused as a percentage of the total applications made

5.1.1 KPI 1 Results

The data provided has been collated from Mayrise using the report "KPI1 Permit and Permit Variations". It includes all permit applications and variation applications that were granted, refused outright or refused with a modification request. It includes any granted permits that are subsequently cancelled and any permits that have 'deemed to be granted'

Table 5.1a: Total number of permit applications and responses (highway authority and statutory undertakers together)

	Year 1 (2017/18)	Year 2 (2018/19)	Year 3 (2019/20)
Permit and Variation Applications Received	29928	26118	25936
Granted	22819 (76%)	17598 (67%)	17501 (67%)
Refused	6470	7757	7611

Chart 5.1a: Proportion of permit applications and variations received (highway authority and statutory undertakers)

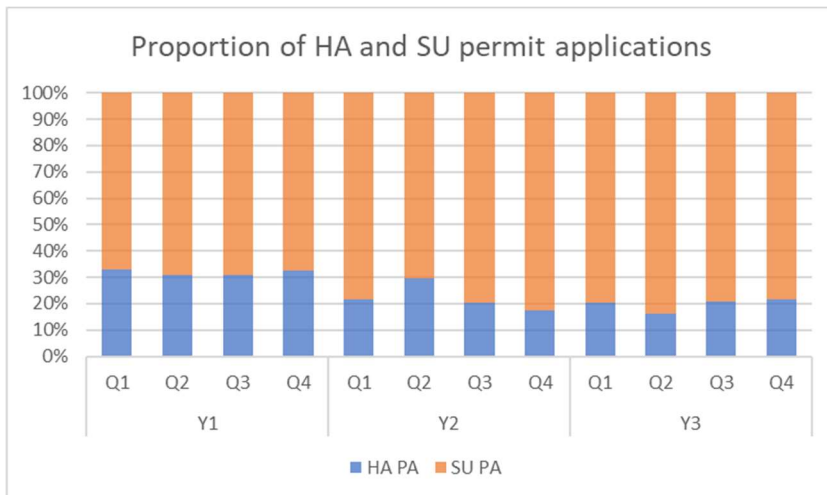


Chart 5.1b: Number of permit applications received, and total permits granted (highway authority and statutory undertakers)

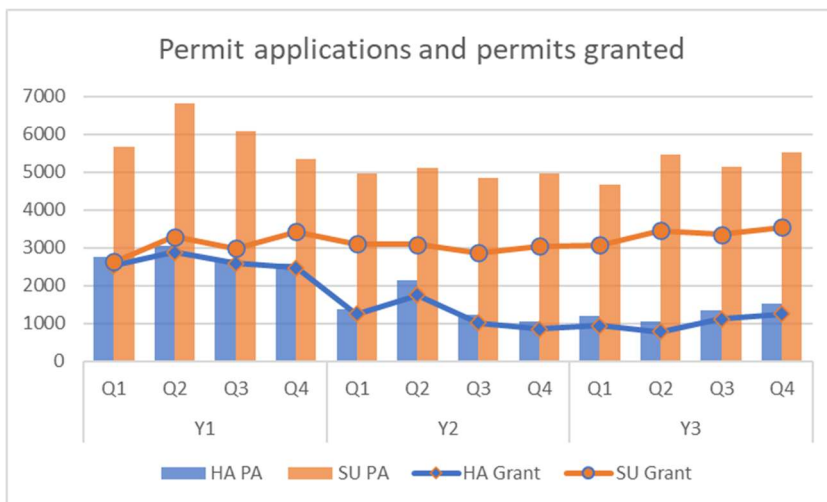
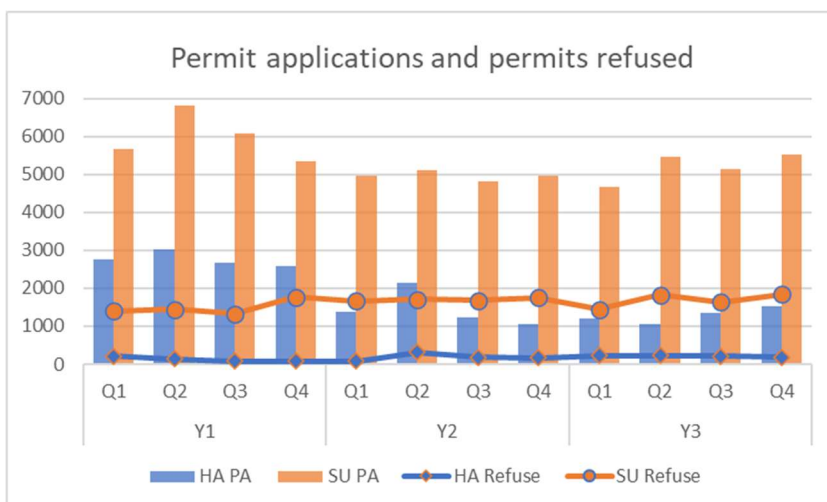


Chart 5.1c: Number of permit applications received, and total permits refused (highway authority and statutory undertakers)



5.1.2 Notes on data

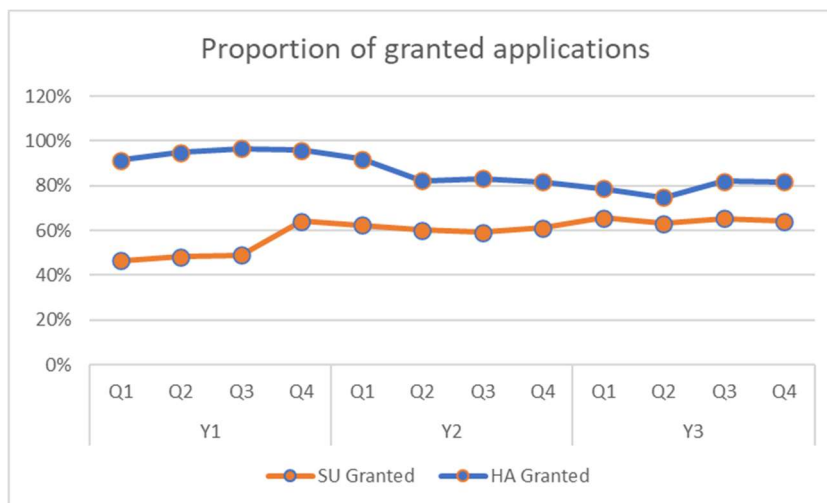
- Each application has a statutory response period for the authority which ranges between 2 or 5 days depending on the works type; the number of applications received in any one period will not necessarily correspond to the total permits granted plus applications refused within that same period since the application may be responded to within the next period.
- Superseded applications are those where an application is submitted and subsequently modified before the first version is assessed. Both are counted as individual applications but only the later of these will normally go on to be assessed and granted or refused.
- Those permits granted includes a small proportion that will subsequently be cancelled; this is to be expected – not all works can go ahead after a permit is granted.

5.1.3 KPI 1 Commentary

There has been a significant drop in the number of applications made between years 1 and then subsequent years 2 and 3. This is seen in both HA and SU promoters. However overall approval rates (granted permits) have also dropped from an average of 76% in the first year to 67% in the following two years.

Analysing the data in more detail shows that while numbers of applications have dropped for both promoter groups, the proportion of applications made by the HA is lower over the second and third year. In addition, the proportion of granted permits for the HA decreased quite significantly (more than 15%), while for the SU it increased sharply in the tail end of the first year.

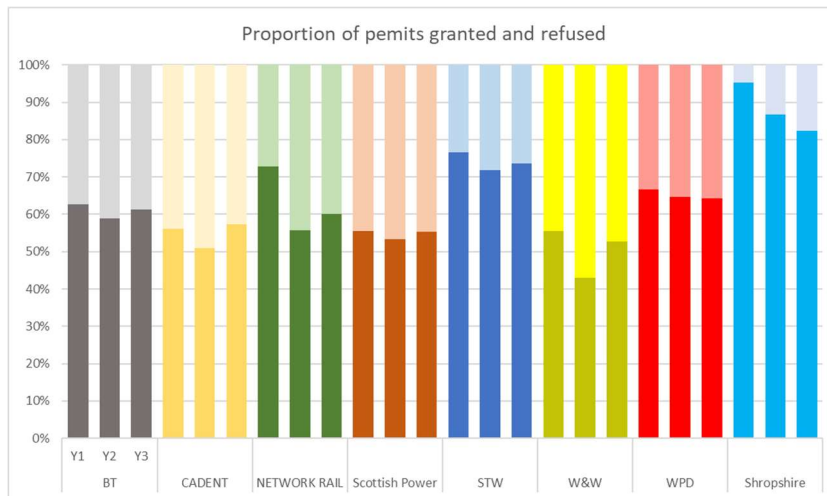
Chart 5.1d: Comparison of the proportion of permits granted (statutory undertaker and highway authority)



This increase in approvals for SU works is almost certainly down to additional resourcing and a general change to the coordination team structures as well as additional inspectors, that were brought in in early 2018. The approval drop for HA works is probably accounted for by the change in highway maintenance contract in April 2018; with the new contract, new processes and expectations were put in place regarding quality and timeliness of permit application data.

The highway authority applications have a much greater grant rate than statutory undertakers. This is certainly due to the dedicated resource provided for HA works assessment; this team has close working relationship that means many activities (particularly larger schemes) are being discussed in detail prior to the permit being submitted, ensuring a better-quality permit application.

Chart 5.1e: Proportion of granted (lower bar) and refused (upper bar) permits broken down by promoter and by year



As Chart 5.1e shows, the proportions of granted and refused permits over each year for individual promoters does not change significantly. This chart also shows that certain promoters have a higher proportion of granted permits than others. This data set could provide a basis for more in-depth performance analysis to show why this is – it might well indicate systemic issues with the promoters that result in a higher number of refused or modified applications.

While 20-30% refusal rate is not unusual (it is seen in many authorities across the country), 40% should be regarded as high. Further analysis should be done to explore the figures; whether it is encouraging better planning or more targeted performance reporting it is beneficial to all parties to increase rates of approval across the board, while preserving a rigorous approach to permit assessment.

KPI1 is a measure of parity of how HA or SU applications are dealt with and assessed. Where there is significant difference in grant-rates (in this case the difference between SU and HA averaging around 20% in year 3 and significantly wider gap in previous years), it is suggestive that either:

- the permit authority is less demanding with their own contractor; or
- the SU applications are generally of a lower standard.

It is beyond the scope of this report to analyse these differences. It is possible that this is simply a reflection of the nature of the different kinds of activity undertaken and different demands on road space and the work required. It might also reflect the early comment around a dedicated resource for HA assessment and a close working relationship that requires more programming and other information to be provided up-front, prior to any permit applications being made. In the final year, the difference is much less marked, although a 20% difference is significant..

5.2 KPI 2 - The type and numbers of permit conditions applied

Conditions are set out in statutory guidance and allow for 13 'condition types' that relate to the kinds of condition that might be applied under the regulations, for example: traffic space, timing, publicity and consultation, environmental etc. There may be several permit conditions (with textual descriptions of the condition) under each condition type that can be applied, for instance National Condition Type (NCT) 09a, 09b etc. See Appendix B for a list.

Conditions are applied by the works promoter either through their own volition or as requested by the authority when assessing a permit (a typical use of the PMR mentioned in 3.1.3). Normally the promoter must select the condition type by way of a 'tick-box' and then provide any relevant condition text separately.

There are three conditions that are 'standard' and apply to every permit in all cases; it is not necessary to select these condition types or include the condition text when submitting an application. These are in summary:

- Site must display the permit number at all times (NCT11a - Publicity)
- The activity will only take place between the permit estimated start and end date on a Traffic Sensitive street (NCT1a - Date constraint)
- The activity will only take place between the permit start and end date allowing for a validity period which allows works to start and end later, on a non-Traffic Sensitive street (NCT1b - Date constraint)

KPI 2 measures the number of condition types applied to permits and permit variations and shows:

- the number of permits granted per period
- the number of condition types applied
- the number of each type being shown as a percentage of the total permits issued

5.2.1 KPI 2 Results

The data available for this KPI is inaccurate and does not provide results that can be interpreted.

5.3 KPI 3 - The number of approved revised durations

Also known as "duration extensions", these are an increase in the agreed permit duration, and therefore in most cases the Section 74 'reasonable period'³.

Within the constraints set out in the WaSP scheme, works promoters may request an extension to their permit if they are responding to a genuine and unforeseen engineering difficulty on the ground. If the permit authority believes the reason for an extension is spurious, for instance due to poor planning or works management, then they may refuse the extension, 'resetting' the works duration back to the original end date and reasonable period.

Extensions can have a significant impact on the network; an activity that is the subject of consultation or publicity, or where the temporary traffic management is considerable, will cause substantial disruption or nuisance to those people who are affected. An extension may add significantly to traffic congestion or disruption. Extensions are often required because of poor planning initially. For example, works may be complete, but materials or plant remains on site because a resource was not available to remove them. These situations are often a preventable inconvenience.

Identifying and controlling extensions support the objectives of the WaSP scheme to reduce unnecessary occupation and disruption.

Extension requests are considered individually on their own merits by the coordination team, who will grant an extension if the reasons are legitimate (genuine engineering difficulties met) and if the network allows it (no conflict with other activities etc.).

The measure is shown as:

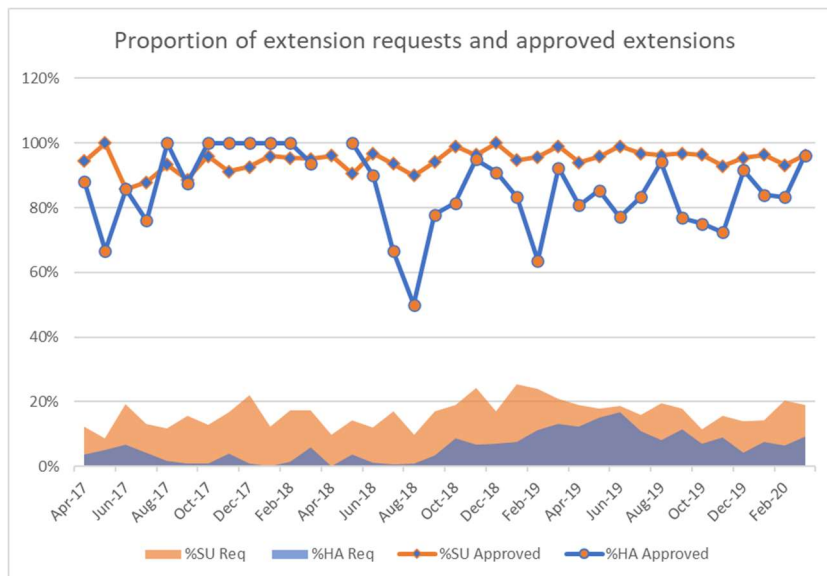
- the total number of permits granted
- the number of requests for revised durations shown as a percentage of permits granted
- the number of agreed revised durations shown as a percentage of revised durations applied for

³ Under Section 74 of NRSWA The Reasonable Period is the legal definition of the works duration (in working days) once a permit has been granted, in other words what the authority considers is a reasonable timeframe to complete works.

5.3.1 KPI 3 – Results and Analysis

The data provided has been collated from Mayrise using the report “KPI3 Approved permit extensions”.

Chart 5.2b: Percentage of extension requests from permits issued, showing the proportion of those subsequently approved (statutory undertaker and highway authority)



5.3.2 Notes on data

- The majority of extension requests (Duration Variation Applications – DVA) happen once work are in progress and there is a specific EToN application code for this. This data is gathered by counting the number of times one of these applications is made, and its outcome (grant or not granted).
- There may be a small proportion of works where an extension is requested prior to works starting (as a Permit Variation). These are not included in the data and will be an insignificant number.
- The gaps on the charts are where there were no extension requests made, therefore none approved or refused.
- ‘Issued permits’ is not the same figure as KPI1 ‘permits granted’. It is not clear in the Mayrise report specifications exactly what the selection criteria is. It might be assumed that KPI1 includes all permits and permit variations submitted, while this report only uses the count of actual permits in place (essentially live phases for the period in question).

5.3.3 KPI 3 Commentary

The reasons for requiring extensions will vary considerably between promoters and contractors and the kinds of works being undertaken. It might be incidental reasons (broken equipment or vehicle, dealing with adverse weather in winter when resourcing can be stretched), or more systemic problems such as poor planning processes.

There is a question over exactly how this Mayrise report deals with the conflict between permit durations and the section 74 ‘reasonable period’. These two separate pieces of (respectively) TMA and NRSWA legislation must be used together when an extension is required:

- A permit extension request is submitted, which is assessed.

- In many cases the reason for an extension will not be agreed by the authority (for instance the request does not represent what is seen on site). It will almost always be necessary to allow the works to continue to completion, so the permit extension request is granted.
- However, a subsequent 'duration challenge' notification is sent to the promoter to contest the works duration back to the original reasonable period (or on other occasions the extension is approved, but later challenged once the site is inspected).

Therefore, the aspect of granting the permit does not reflect the actual outcome of the extension request since it is legally necessary to have a permit in place at all times the site is live, even if the extension to the 'reasonable period' is denied.

This Mayrise report does not take these two different transactions into account and so the number of approved extensions is almost certainly considerably lower than shown.

Another factor not considered is that it is likely that a significant number of jobs overran on site but did not apply for an extension request (either the promoter forgot, or was too late to request, or did not think the authority would approve an extension and so did not attempt to request one). This information is not included in this indicator.

In general, the output of this report does not provide the accuracy to make any further analysis on this indicator.

5.4 KPI 4 - The number of occurrences of reducing the application period

Also known as "early starts", these are a reduction to the minimum notice period as set out in regulations and shown in table 1, Chapter 7 of the WaSPS document.

Adherence to the correct minimum lead times for a permit application (or to vary a permit) allows the coordinator to have adequate time to assess the application. It is essential to ensure effective coordination of works and to provide opportunities for collaboration between works promoters. The visibility of proposed works is also vital to control the impact of these works through increased awareness and subsequent journey planning.

Early start requests are used to help promoters reschedule activities and personnel if needed, while ensuring that their statutory requirements under permits are still met and the permit authority has the opportunity to properly assess and coordinate the activity and others in the area. There may also be operational factors that justify the need for an early start in order to ensure an activity's impact on the network is minimised, either through collaboration or to ensure works are carried out at a certain time.

Early start requests are considered individually on their own merits by Shropshire to ensure that there is a legitimate reason for the request and not a result of poor works planning by the activity promoter.

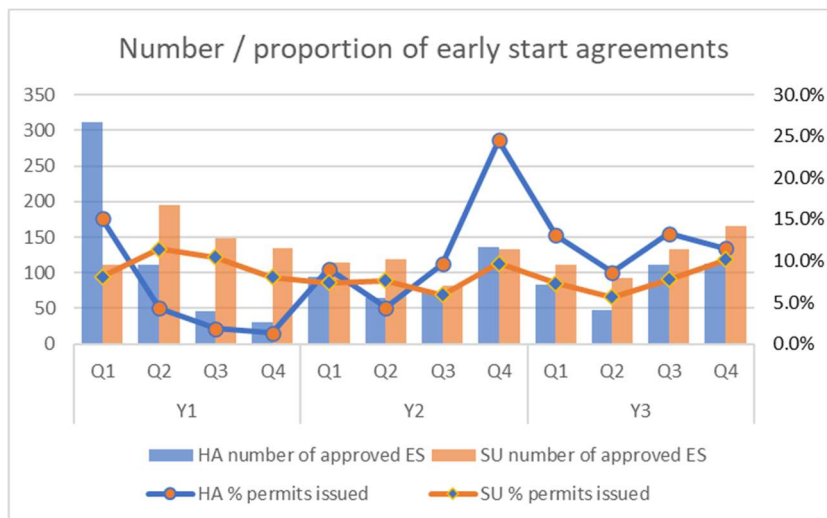
The measure is shown as:

- the total number of permit and permit variation applications made
- the number of requests to reduce the notification period as a percentage of total applications made
- the number of agreements to reduce the notification period as a percentage of requests made.

5.4.1 KPI4 Results and Analysis

The data was gathered from Mayrise using a bespoke report to count the number of times a specific 'standard comment' was used referencing "RC42a Early start agreed".

Chart 5.4a: number of early start requests approved, and that number as a proportion of permits issued (highway authority and statutory undertaker)



5.4.2 KPI4 Notes on data

- Data does not differentiate between permit applications, variations, or provisional advance authorisations; it is quite possible a large proportion of these are permit applications following on from a PAA.
- Data only shows a count of comments 'approving' an early start. This assumes a certain process was carried out: typically, the promoter submitting a permit with the correct lead-in times and with a request for an early start which is then approved using the comment function. However, there are other routes to an early start that would not necessarily have a response, e.g. simply submitting a PA with the 'early start' already set out in the date fields. There is nothing to say this is not a valid process and a coordinator who comes across one of these will either assess in the normal way or will refuse it – in either case these are not counted in this report.
- In addition to (a) above, the report does not count how many in total were requested (the remainder being subsequently rejected).

5.4.3 KPI 4 Commentary

The data only shows approved early starts through this one process. More useful would be to identify the actual number of applications and both the approved and rejected responses to gain a better understanding of how promoters are managing this aspect of their work and how Shropshire deal with these requests and the reasons for rejecting one.

In terms of the data available, there are clearly a significant number of early start requests. The caveat already given in point (a) is that a large proportion of these may be related to Major works; while there is still value in counting these, the way Major works are treated generally is different to Standard and Minor works and there is often considerable (justifiable) movement in dates within the process of arranging and planning these activities. It would be more useful to be able to split works categories up.

From the middle of year 1 to the start of year 2 there is a decline in requests and approvals across the board. At this time the permit authority had a specific policy in place to try to limit early start approvals because it was felt to be difficult to deal with the numbers. For SUs this did not provide the widespread reduction in approvals that might have been anticipated because it is likely that the majority of requests are for major works where it is not reasonable or practical to limit the movement of dates.

For the HA however there was a much more dramatic drop to more sustainable levels moving through year 2. This initial drop and then small lift in the first quarter of year 2 reflect the change of highway maintenance contractor, winding down through the final quarter and then in the new year procedures and expectations were changed in relation to all aspects of permit applications.

Overall, the numbers of early start requests and approvals are relatively high; while large numbers of early start requests might signify poor programming on the part of promoters, it is perfectly reasonable to also suggest that Shropshire are operating in a sensible and practical way (for both promoter groups) by allowing promoters the space to move their activities around and to manage such a high number is providing a good service to promoters in this regard.

It should be noted that the normal timelines for submission are statutory requirements, and the authority is under no obligation to allow an early start, particularly if workloads are high or there is the impression that the promoter is asking for early starts because of poor programme management.

6 TPI measures

This section outlines the Permit Indicators (TPI) contained as Annex A within the Statutory Guidance for Highway Authority Permit Schemes (July 2020).

These indicators for permit schemes are additional to the general TMA Performance Indicators (TPIs), which are already being produced.

- TPI1 Works Phases Started (Base Data)
- TPI2 Works Phases Completed (Base Data)
- TPI3 Days of Occupancy Phases Completed
- TPI4 Average Duration of Works
- TPI5 Phases Completed on time
- TPI6 Number of deemed permit applications
- TPI7 Number of phase one Permanent Registrations

It should be noted that TPI data is available from the Joint Authorities Group and GeoPlace for analysis.

Some of these measures, or elements of the output, have been used in the data analysis in the following section.

7 Authority Measures

In addition to DfT KPIs and HAUC TPIs, The WaSP scheme sets out a number of Operational Measures that provide further insight into the way the scheme is being operated and the success of the scheme.

7.1 OM 1 – Number of overrun incidents

It is essential for Shropshire to ensure that works being carried out on the network have a permit and are also compliant to the agreed terms and conditions of the granted permit, such as timing and duration. Permit schemes provide increased visibility of works and greater certainty of the works-state of an activity, allowing overrunning works⁴ to be more easily identified and sanctions used to discourage this avoidable practice.

The number of activities that are logged by the permit authority as overrunning their agreed end date is an indicator of how well the promoters are managing their activities and lessening the impact of their works on road users.

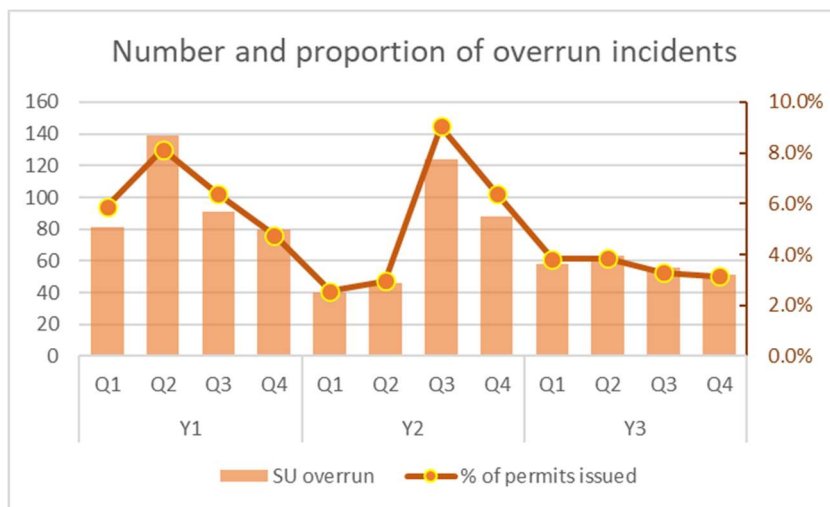
This measure is expressed as the number overrun incidents shown as a percentage of permits issued.

Whilst this measure sheds light on the effort of works promoters to complete works within agreed timescales it is not considered that it is a measure that is reflective of the success or failure of permitting.

7.1.1 OM 1 Results

This data has been recorded outside Mayrise.

Chart 7.1a: Number and proportion (against permits issued) of overrun incidents recorded (statutory undertaker)



7.1.2 OM 1 Notes on data

- Data is recorded on an external tracker (outside Mayrise). The tracker records incidents of overruns logged (i.e. 'Section 74'), but not all of these necessarily go on to be charged.
- Only statutory undertaker overrun incidents are recorded. There is no requirement in the legislation to undertake the same overrun monitoring or use the same penalty structures for highway authority works.

7.1.3 OM 1 Commentary

There is clearly a dip in the incidents in the first half of year 2, followed by a large increase in the following half year. This is almost certainly down to resourcing; the inspection team had a number of vacancies that were filled in spring 2018 which explains both the drop in recorded incidents, and the abrupt increase.

⁴ NRSWA – Section 74 provides for an authority to apply various charges for an activity that overruns its agreed duration (Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) (Amendment) Regulations 2012)

Most overruns over the three-year period are accounted for by Severn Trent Water STW (61%), and Cadent Gas (18.5%). Some sampling of the data shows that the majority of STW overruns were given off the back of refused extension requests rather than site-identified overruns. Further exploration shows that most of these extensions were refused for not complying with the '2day/20% rule'⁵, rather than an issue with the request itself (i.e., was the request reasonable/genuine or could the problems have been foreseen etc.). In many cases there was no site evidence to show that works did subsequently overrun.

There were also examples of activities that were closed the day following the proposed end and a charge has been applied despite being no evidence to show works did physically overrun. In these instances, the date issue seems to have been an 'administrative' error since the Works Stop was submitted within the correct timeframe, but the Stop date was incorrect – and often the promoter had commented soon after that the dates were in error.

Both of these examples are 'administrative overruns' and not necessarily the intension of the legislation; if necessary they could have been dealt with either with no penalty (particularly where the promoter had self-identified the problem) or through an Fixed Penalty Notice (FPN) under Section 74 rather than an 'overrun' charge.

There were also several activities that were granted with 'zero duration'. This is where Shropshire believes that the activities planned have, or should have been, completed under a previous permit: the location and works description match a recent permit that was worked on and subsequently closed down often, in the belief of the authority, to avoid an overrun. It is beyond the scope of this report to examine in detail these situations. From a small sample it was clear that works were indeed taking place at the same location but in those cases nothing to suggest that the previous job had been closed 'early' in order to avoid section 74 charges and then reopened to complete; there were often reasonable explanations for the second activity.

This report does not look at the financial aspects of section 74 (what might be charged, what is subsequently mitigated or negotiated and finally what is invoiced and then paid). It is likely that a number of the potential overruns discussed above had a negotiation take place after the event and will have had the charges 'cancelled'. This process of negotiation is an important one to go through and if it is undertaken with suitable diligence then the proactive search to drive down durations and to find overruns demonstrations a firm approach from Shropshire.

However, exploiting a particularly 'strong' approach to Section 74 can lead to inflexibility and have a degenerative effect and care should be taken. For instance, automatically refusing all extension requests because of the '20% rule', may just lead to promoters not requesting extensions at all, with every likelihood that very few would actually get picked up as overruns. This diminishes the point of the scheme and the coordination team efforts to minimise road occupation and reduces Shropshire's ability to obtain better intelligence and control over those activities that do need managing more carefully. Given the number of times that promoters are not meeting the 20% rule, it seems to be a systemic issue and quite possibly down to poor understanding and processes by promoters.

More exploration might also be undertaken on the numbers of extension requests. It is possible that the drive to reduce the duration on permit applications means that promoters cannot complete works within such timescales. Rather than delay the works taking place (many of which might be customer driven) the promoter accepts the revised duration in the hope that they can later extend the job, and even if the extension is refused they are willing to risk the fines for certain jobs on the basis that not every refused extension request will be inspected in time.

Shropshire might consider monitoring and recording overruns with HA works. Even if there is no capacity to translate these into normal fines as with SU works, it can be a useful mechanism for monitoring contractor compliance and showing parity. It is recognised that this might require a significant increase in resource-time.

⁵ The '2day/20% rule' is set out by DFT in their statutory guidance and effectively states that any extension request that is made solely electronically (i.e. as a request using EToN) must be made with at least 2 days or 20% of the works duration still left to run. This is essentially highlighting the fact that the authority has a statutory 2-days to assess a variation and if they are not given that time-period then there is no guarantee that they will get to see the extension request therefore it cannot be a valid request and the permit will expire. Where there is not enough time on the permit the request should be made by phone.

7.2 OM 2 – Average road occupancy and reduced occupation

One of the benefits of permits is that works durations can be judged more effectively and the use of conditions is a greater driver for tighter processes from all activity promoters to reduce their occupation of the highway.

Analysis of permit durations shows how permit authority and activity promoters are reducing the overall impact of activities on the highway. It is expressed as

- the average number of working days for different works categories as compared between periods.
- the total number of days of reduced occupation for different works categories as compared between periods

7.2.1 OM 2 Results

Similar data is contained in TPI4. For this report the Mayrise report “OM4 (AM1) Average duration of works” has been used to compile this measure which is calculated for all works phases started within a month where the aggregated duration (actual works start to works stop) is divided by the number of works started.

Chart 7.2b: Comparison of highway authority average duration of works categories years 2013 (last year of 'noticing'), 2014 (first year of permitting) through all years to 2019/20

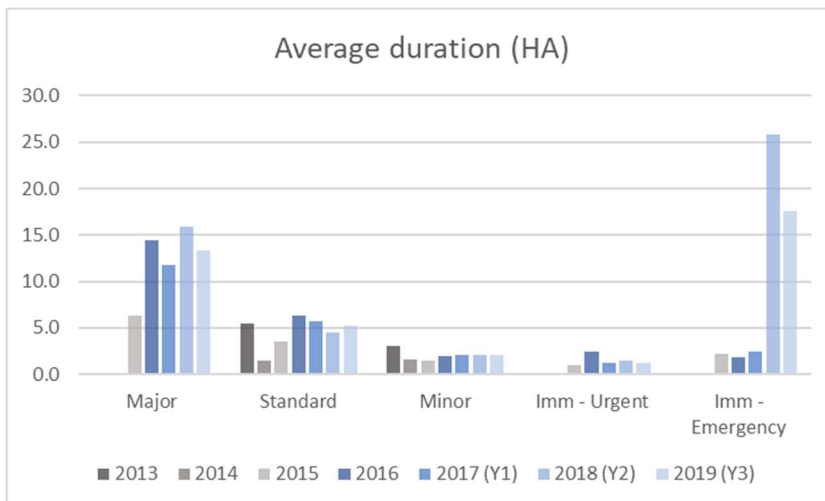
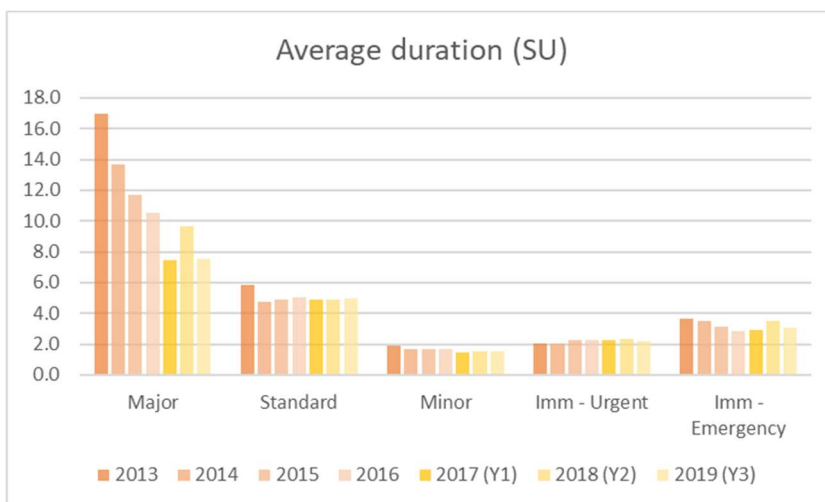


Chart 7.2a: Comparison of statutory undertaker average duration of works categories years 2013 (last year of 'noticing'), 2014 (first year of permitting) through all years to 2019/20



7.2.2 OM 2 Notes on Data

- a. Additional years of data have been included as a comparator; financial year 2013 is the last year of noticing and is the baseline.
- b. HA and SU works have been split apart from each other – this is different to previous years reporting (the split metric was not available at the time). Separate visibility of these two promoter groups is useful because it highlights certain trends. However previous years cannot then be included to look at longer-term trends.
- c. Minor works are classed as those that last between 0 and 3 days, Standard works may last between 4 and 10 days, major works last over 11 days or have any duration but require a temporary traffic regulation order. Immediate (both Urgent and Emergency) are not defined by duration, but in general there are 'typical' extents for most kinds of activity that fall under Immediate works; for instance repairing a gas leak might ordinarily have a 5-day duration, or a leak on a water service might be allowed 2 days etc., so there should be an overall consistency between years and the exercise is still valid for Immediate activities.
- d. For the HA, 2013 and 2014 data on some works categories is missing – this reflects the low-state of permitting with the HA contractor at the time.
- e. Only open phases are considered, essentially a true reflection of actual works on the ground; activities that are cancelled or that do not take place are not included.
- f. Minor works category includes interim-to-perm phases and remedial works.

7.2.2 OM 2 Commentary

While the rest of the report covers only the three years 2017-2020, this measure is useful when considered in the context of the scheme as a whole. One of the key drivers of permit schemes are their ability to better control works duration through the assessment process. Most permit schemes show a significant drop in average works durations from the baseline (noticing) year to into the first year of permit operation, and after that a levelling out as promoters and the authority begin to find a balance.

In the case of statutory undertakers this is quite clearly what is seen in the data. While in the last 3 to 5 years there is some fluctuation in the overall average works durations this is to be expected and in the case of planned works (Minor and Standard in particular) this is minimal.

Major works have been included but it is more difficult to be sure of trends or analysis because what constitutes major works is complicated by having different durations for different categories of major works, and the scope of any project can vary considerably; it can be very dependent on location, works methodology and the wider coordination efforts. Major works durations are also very likely to fluctuate significantly from year to year and this is also seen in the data. It is clear that overall, there has been a definite downward trend in durations. Further analysis would be interesting to see if this is a trend that is pushed by proactive project management of genuinely largescale projects like gas or watermain replacements etc., or a function of 'zero duration' major works permits (as discussed in OM1) or many more shorter duration Major works (for instance works requiring a Temporary Traffic Restriction Order (TTRO) which might only last a day or two).

For the highway authority the picture is a little more mixed although it is clear with that the last three to four years in particular, which included the new highway maintenance contract award in April 2018, planned works durations have settled somewhat. The obvious anomalies are for Immediate-emergency works where average durations are clearly far above what might typically be expected. Further investigation shows that the number of activities is fairly low (38 in Year 2 and 106 in year 3) and the average duration is pushed up by a handful of activities with significant durations (anywhere between 2 and 6 months). These were in response to dangerous situations such as bridge strikes (road traffic incidents), road collapse, urgent bridge repairs, closure of footways or footpaths (and subsequent problems sourcing materials) and so on. While these are genuine reasons and explain the very long durations these sorts of permit should technically have been 'severed'⁶ from the emergency permit that initiated the response and converted to Major works. This is an administrative technicality, and it is understandable why

⁶ Provided for under Section 52 of NSRWA. WaSP section 5.6.7 indicates that typically, immediate activities shall consist only of a repair to end the emergency, or restore the service, and complete the necessary reinstatement, or to make a site safe. Follow-up activities undertaken to provide a permanent solution are "severed" and subject to a separate permit application.

this has not been done as there are no particular issues with the permit or the administration of the permit. However, for those viewing the works online (*one.network* which might be used by other coordinators, inspectors, or indeed the general public) the expectation with Immediate works is that they are relatively short duration; where it is clear the site may be there for a significant period of time then the severing of the original works should be considered in future, in particular where there are multiple duration extension requests. This helps provide a greater clarity (improved works descriptions) on the situation and the expected duration and so on.

The charts don't provide the finer detail; it is also important to consider the difference in average duration in this context the actual numbers of permits being issued, as shown below.

Table 7.2a: Comparison of average duration against permits issued over three years, with the change in average duration between years 1-2 and 2-3 (negative GREEN indicate a drop in average duration while positive RED shows an increase in average duration)

		Year 1		Year 2		Year 3		Ave Dur change	
		permits issued	Ave Dur	permits issued	Ave Dur	permits issued	Ave Dur	Year 1-2	Year 2-3
SU	Standard	702	4.93	↓ 605	↓ 4.92	↓ 378	↑ 4.99	-0.01	0.07
	Minor	4497	1.49	↓ 4545	↑ 1.50	↓ 3006	↑ 1.55	0.01	0.05
	Immediate - U	2252	2.25	↑ 2549	↑ 2.33	↓ 1954	↓ 2.21	0.09	-0.13
	Immediate - E	424	2.96	↓ 347	↑ 3.51	↓ 321	↓ 3.08	0.55	-0.43
HA	Standard	65	5.76	↓ 52	↓ 4.50	↑ 78	↑ 5.21	-1.26	0.71
	Minor	278	2.10	↑ 577	↓ 2.04	↑ 1079	↑ 2.11	-0.06	0.07
	Immediate - U	8532	1.21	↓ 2857	↑ 1.48	↓ 2017	↓ 1.17	0.27	-0.31
	Immediate - E	12	2.42	↑ 38	↑ 25.86	↑ 106	↓ 17.53	23.44	-8.33

Notwithstanding the highway authority Immediate-Emergency works discussed previously, these fluctuations are all fairly small. In general, it is expected to see variation for Immediate works anyway because of the uncertainty of the activity. For the statutory undertaker therefore, there are no significant changes over the three years. For the highway authority, Standard works show a relatively large variation.

Another useful calculation shows that the cumulative saving (or otherwise) in duration for each works category between the years of the report, based around numbers of activities.

Table 5.2b: The saving (negative value) or increase (positive value) in days of occupation on the road between consecutive years 1 -2 and 2- 3 due to the change in average duration in the previous year

		Year 2		saving (-ve)	Year 3		saving (-ve)	
		Total work days	Total work days		Total work days	Total work days		
	Ave Dur Y1 x P issued	Y1	Y2		Ave Dur Y2 x P issued	Y2	Y3	
SU	Standard	2980.3	2975.0	-5.3	Standard	1858.8	1886.9	28.1
	Minor	6761.3	6803.7	42.4	Minor	4499.9	4664.2	164.3
	Immediate - U	5726.8	5945.5	218.6	Immediate - U	4557.7	4312.1	-245.6
	Immediate - E	1026.1	1218.3	192.2	Immediate - E	1127.0	989.7	-137.3
HA	Standard	299.4	233.8	65.6	Standard	350.7	406.1	-55.4
	Minor	1211.0	1176.0	34.9	Minor	2199.2	2278.8	-79.6
	Immediate - U	3449.2	4233.5	-784.3	Immediate - U	2988.8	2355.5	633.3
	Immediate - E	91.8	982.7	-890.9	Immediate - E	2741.3	1858.1	883.2

While it must be borne in mind that the numbers of permits move up and down each year and is driven by customer demand (for the statutory undertaker) as much as anything else, the two tables show that even a very small difference in average duration of a tenth of a day, when multiplied out over the total number of activities within that category across the year, can still deliver a substantial movement in the overall days of occupation.

Minor works includes phases of work classed as either 'interim-permanent' (works to move from a temporary reinstatement to a permanent one), or 'remedial works' (works to rectify a defective reinstatement), or activities

that require no excavation but are permitted because they fall under ‘registerable activities’⁷ (i.e., using temporary traffic management to survey, or lift manhole covers etc.). These kinds of activity are not unusual and it is likely that they skew the figures somewhat for minor works as these will generally take less than a day to complete. It is more useful to consider this dataset in terms of the asset works themselves which might take more than one day. However, this would require some additional work to the Mayrise report to exclude these various activities.

There is no suggestion of a lack of challenge to initial permit application durations. This is borne out by the steady state of the data in the above tables, and by the data presented in OM1. A permit scheme allows the coordinators to not approve an activity until they are happy with every element of the application, including the duration. This facility has been used effectively as seen in the context of driving down working times and road occupation. However, the caveat expressed in the comments of OM1 is also important to note; the desire to reduce durations on permit application may mean that promoters cannot complete works within such limited timescales, and many find it preferable to try for extensions, or risk overrunning (and not being caught) rather than delay the works in the first place to try to negotiate a different initial duration.

7.3 OM3 - Number of collaborative works and days of disruption saved

The potential economic benefits from shared working space are considerable. In addition, this measure shows a proactive and positive approach to working together to minimise disruption and occupancy. The number of collaborative works will be expressed as:

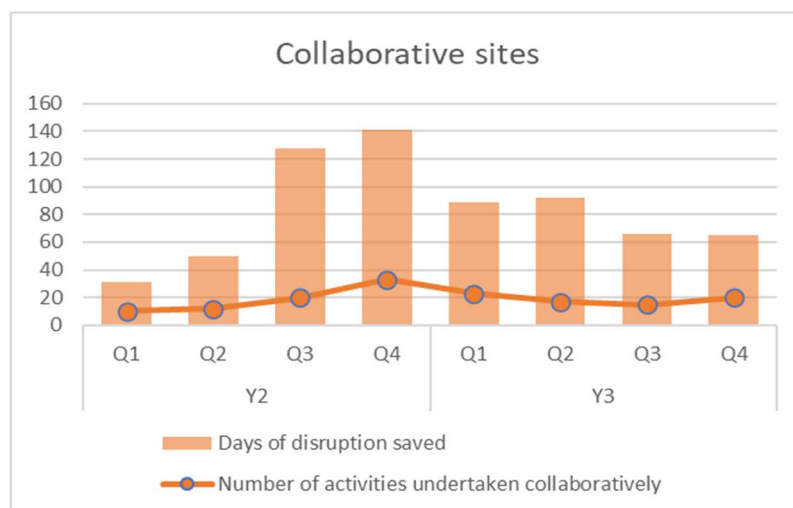
- a percentage of all works granted per period.
- the number of days of reduced occupation per period.

Any activity on the highway will be included to show how the permit authority is able to coordinate holistically and proactively; for instance works around new developments sites, highway events, highway licenced activities etc.

7.3.1 OM 3 Results

This data has been recorded outside of Mayrise.

Chart 7.3a: Collaborative activities and total number of days of disruption saved for years 2 and 3 (2018/19 and 2019/20)



⁷ ‘Registerable activities’ are defined in the regulations as those specified activities that require a permit.

7.3.2 OM 3 Notes on Data

- a. Year 1 (17/18) is not available.
- b. Collaborative sites include any on-street activity that takes place with a works activity site – for instance this might include highways licenced activities (i.e. a crane operation or scaffold erecting etc).

7.3.3 OM 3 Commentary

Drilling into the data shows a wide range of collaborative efforts between different work promoters for both statutory undertaker and the highway authority, as well as Section 278 (developer-led works) and section 171 (dropped kerbs).

Predictably, the main source of collaboration is when a road has to be closed for a period of time, but there was good evidence of use of temporary traffic signals to instigate collaborative efforts.

It is unclear from the data whether licenced activities such as scaffold erection and crane operations etc., have been used as a potential source; it is possible they are included (for instance a road closure to allow a mobile crane to operate etc), but in any case, these kinds of activity are also a useful and coordinators should work together with licencing officers to improve exchange in information.

With on-street events the initial reaction is to try to clear an event route or area of works; it obviously makes sense to remove live sites from an area where large number of participants, supporters or general public might be congregating. However, there could be useful opportunities to investigate; for instance, on approach roads to an event area, or at certain times such as after the event is complete but before all the temporary traffic management is taken down.

It was not possible to examine the charging regime in detail; under the WaSP scheme collaboration allows a statutory undertaker to have a reduced permit fee. Some sampling of data suggests there was no evidence within the datasets, or the SWR, that these were being given (or indeed requested at the point of submission of the permit application, or at the granting of the permit). It is reasonable that this mechanism is utilised initially by Shropshire, rather than waiting for the statutory undertaker to 'claim' it. While these discounts are minimal in terms of the cost of an entire job, it would show a positive and proactive approach from the permit authority.

7.4 OM 4 – Number of refusals, by refusal reason

Actual numbers of applications refused are part of KPI1 and are an indicator of parity. More detailed monitoring of permit refusals will show clearly the most common reasons for refusal. This is helpful to the activity promoter to identify specific shortcomings in their application processes, as well as potentially highlight deficiencies in the authority's permit assessment processes.

This measure will also show any improvements for each period for the way promoters deal with systematic failures within their processes. It is therefore a measure of how information quality is improving. It is expressed as

- the number of each category of refusal as a comparison of previous periods.

The term 'refusal' includes the issuing of a permit modification request (PMR); under the regulations this is technically a refusal since an application will automatically expire if a PMR is not responded to with a modified permit application (MPA). Refusal codes are used in both scenarios (PMR or a straight refusal), the decision to use one or other generally depends on wider data/quality and timeliness of that application. However, there are certain situations when only a refusal will be issued: incorrect unique street reference number (USRN), or the permit dates conflict with other activities etc.

Refusal codes and reasons (comments) are included in appendix C.

7.4.1 OM 4 Results

The data provided has been collated from Mayrise using a bespoke query to draw out all standard comments. Data is then compiled using a count of the refusal codes.

Charts 7.4a: Total number and type of standard refusal comments sent for years 1 to 3 (combined highway authority and statutory undertaker)

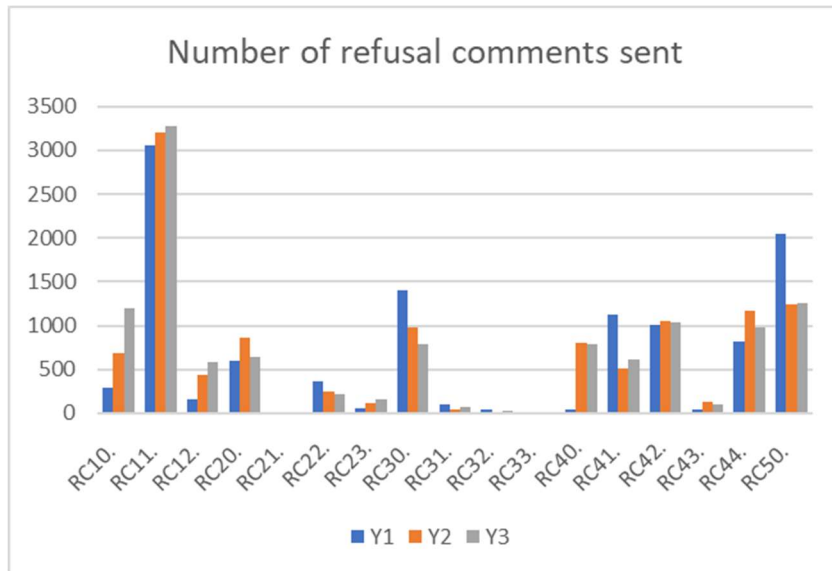


Chart 7.4b: Number of standard comments sent by the highway authority (years 1-3)

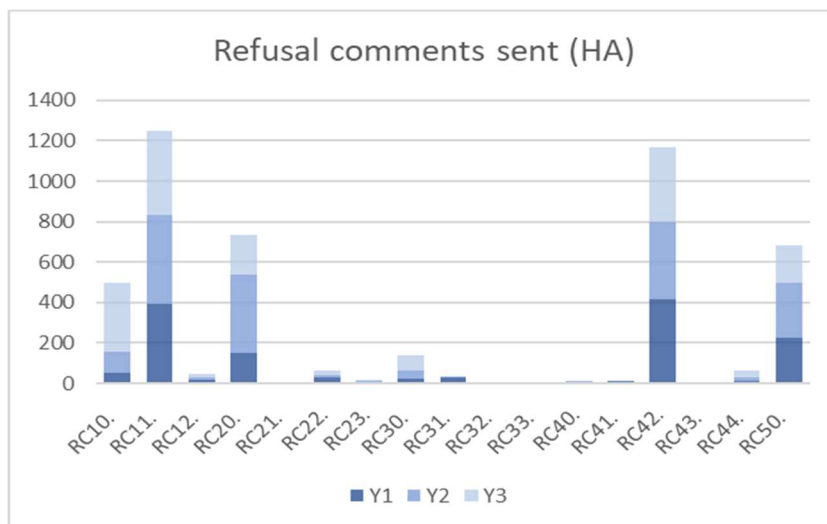


Chart 7.4c: Number of standard comments sent by statutory undertakers (years 1-3)

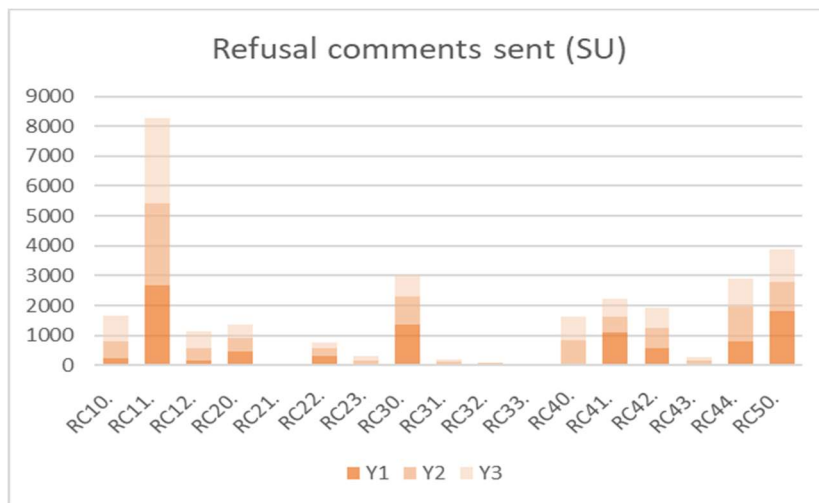
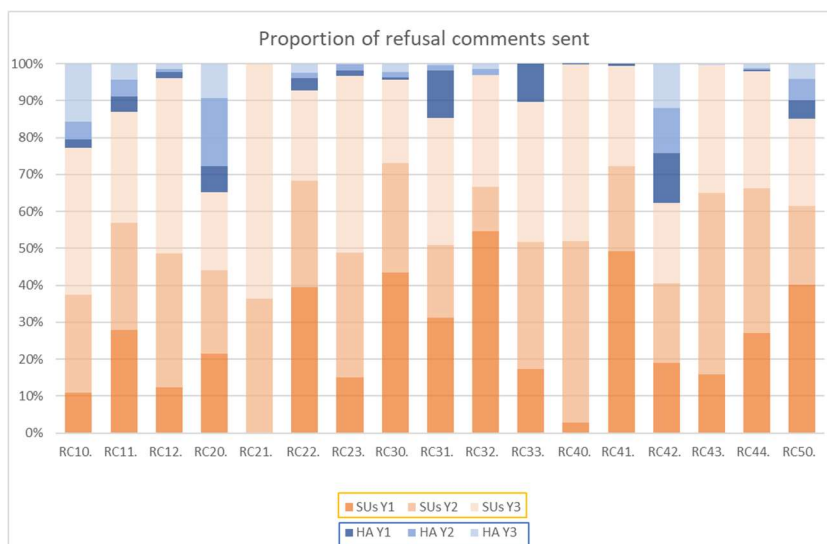


Chart 7.4d: Proportion of standard comments sent (statutory undertaker and highway authority) years 1 to 3



7.4.2 OM 4 Notes on Data

- HAUC define a set of refusal codes that have been adapted by WaSP.
- The scales on Charts 7.4 b and c are not the same and should be compared with care.
- When an application is refused, there may be more than one reason for it's refusal so these codes and comment are added in turn. That means that in any one month the total number of codes/comments sent may be several times greater than the number of applications refused.
- For consistency, all codes are shown for both promoter groups, even if the number of times it has been used are zero, or very low. Therefore proportionally the data may look anomalous in some cases (for instance RC21 and RC33).

7.4.3 OM 4 Commentary

The total number of refusal comments sent has remained relatively similar over three years (chart 7.4a), allowing for fluctuations in the number of applications received. Of the more significant changes, there have been increases

in the use of RC10 (Missing information). Further exploration of this code shows that it is often being used as a 'catch-all' for a number of different reasons, many of which could have been put against other codes. For instance, in the small sample examined some should have fallen into RC11 (incorrect conditions), RC44 (unacceptable duration), RC30 (road-space/coordination problems) and a large proportion under RC20 (incorrect information). It is likely that most of the other uses could have been allocated to RC50 which is specifically for anything else not covered in one of the other standard comments). This incorrect use of RC10 seems to have become prevalent over the three years.

Investigation of the use of the other codes shows that mostly they are used correctly.

There is minimal use of some codes; this is not unusual as RC21, 32, 33 and 43 are all used in less common situations.

In terms of comparing HA and SU, note that the two scales on Charts 7.4 b and c are not the same and should be compared with care (for statutory undertakers there are significantly larger numbers of activities – see KPI1 which shows that the highway authority accounts for 20 and 35% of all activities). The use of RC11 is high for both works promoters. This is quite typical as missing or incorrect conditions is a common problem. RC42 is high and this relates to early start requests being requested and refused.

7.5 OM 5 - Number of cancelled permits

To ensure the control of works and to proactively minimise the effect of those activities by many different affected parties it is important that any booked road space not required is cancelled, in a timely manner. Since there is a fee for a permit, a statutory undertaker must pay for their permit even if the works subsequently do not go ahead. This is therefore a disincentive for an activity to be cancelled once a permit is granted. It is not a statutory requirement for promoters to cancel works, either before or after the start date, however the DfT and HAUC support good practice that promoters should cancel road space bookings if not required. One of the anticipated benefits of permitting is that better planning will mean that fewer activities are cancelled. This has a direct benefit to the permit authority and the activity promoter since it shows better works management and allows officers and staff to use their time more productively.

This measure will compare year on year rates of permit cancellation. This measure is expressed as

- the proportion of permits cancelled each period.

7.5.1 OM 5 Notes on Data

- a. The data provided for this OM by the Mayrise report is inaccurate and does not provide results that can be interpreted

7.6 OM 6 – Number of first-time permanent reinstatements

Section 70 of NRSWA allows statutory undertakers to undertake an interim or permanent reinstatement. Interim reinstatements must be made permanent within 6 months. Undertaking a first-time permanent reinstatement can reduce general inconvenience and disruption, particularly when any temporary traffic management has to be used, by removing the need for a return visit to a site. In general, there can be significant cost benefits for many statutory undertakers, both in terms of labour, temporary traffic management overheads and permit charges, as well as other (albeit avoidable) liabilities like fines.

Measuring the number of interim reinstatements or the number of first-time permanent reinstatements provides a comparison to be made each period and allows targets for the scheme to be set to try to drive down interim reinstatements.

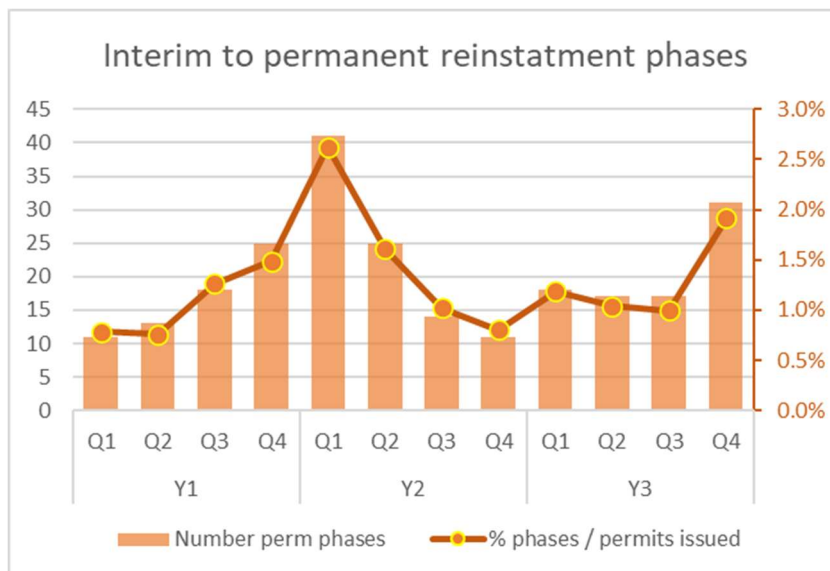
The metric is expressed as

- the number of interim reinstatements undertaken as a percentage of total permits issued,
- OR
- the percentage of first-time permanent reinstatements from total permits issued.

7.6.1 OM 6 Results

The data provided has been collated from Mayrise using a bespoke query which counts the number of interim to permanent phases.

Chart 7.6a: Total number of interim to permanent reinstatement phases and percentage against permits issues (statutory undertakers)



7.6.2 OM 6 Notes on data

- TPI8 is a standard measure and is available in Mayrise. However, analysis of this data has shown discrepancies. Therefore, for the purposes of this report data has been collated using a tailor-made Mayrise query which counts the number of interim to permanent phases.
- The nature of highway authority works is different to statutory undertaker, and the use of interim/temporary reinstatements is generally confined to urgent responsive repairs; timelines for making these permanent is contractual rather than set out in NRSWA and so have not been included in this data.

7.6.3 OM 6 Commentary

Results are in line with the previous year (2016-17), which itself showed the lowest number of interim-perm phases in the previous three years. It is positive that promoters are managing high rates of first-time perm reinstatements; while these would normally be short duration works (normally less than a day for most sites), this is still an added burden on road space and coordination time and in many cases general inconvenience.

While it is not unusual for a coordinator to request a first-time reinstatement (or sometimes request an interim reinstatement to remove the occupation more quickly), it should be noted that there is no recourse to penalty if the reinstatement is not completed to that requirement, even if this is applied as part of a condition. NRSWA

regulations provide for either interim or permanent methods to be used at the decision of the promoter and permit conditions do not supersede these provisions.

Some further analysis of the results shows that a large proportion of these works are a result of the previous phase being Immediate works; this is not surprising since a promoter responding to an urgent or emergency situation will not necessarily know where the dig will be and with the onus on them to resolve the situation and clear site quickly, will only provide materials that they can use in any situation as a temporary reinstatement. The interim-perm works will therefore be completed later when suitable planning and resource can be put into it.

Other times where an interim reinstatement is used might typically be works that require excavation of the footway and the carriageway; works of this type will have materials provided that will provide a perm reinstatement to the footway and the same material can be used as an interim reinstatement on the carriageway. The interim-perm phase takes place normally to resolve the reinstatement in the carriageway. There are also issues around reinstating concrete or some stone or slab surfaces.

While first time permanent reinstatements are beneficial in terms of reducing overall occupation, there must be a balance; this can also lead to substantial pressures on promoters to complete works very quickly and this is often to the detriment of the reinstatement quality. In some instances, specialist surfaces mean that a first-time permanent reinstatement is not practical because of the need to source materials and often provide specialist reinstatement gangs. There are also other demands, for instance during winter when mains networks are under substantial pressure because of weather conditions, or where immediate works require a speedy resolution.

7.7 OM 7 – Category A inspections

Category A inspections⁸ scrutinize the way a site is set up; suitability of traffic management, signing and guarding and site safety. This is not just for vehicular traffic; it has particular significance for the safety of pedestrians and those with a disability. In addition, they also cover methods of excavation, materials and methods used during the reinstatement.

Category A inspections are part of NRSWA and are a common reporting and performance measure for authorities. It can be argued that this measure is not specific to the permit scheme and does not necessarily provide information on how the permit scheme is being operated. However, this measure has been included within the WaSP scheme because one of the key objectives of WaSP is to ensure safety of those using the street and those working on activities that fall under the scheme, with particular emphasis on people with disabilities.

The metric is expressed as the number of inadequate (failed) category A inspections shown as a percentage of the total Cat-A inspections undertaken within a period.

While it is a statutory requirement to undertake a random sample of at least 10% of all recorded sites, there are difficulties in producing such a daily sample due to the transient nature of some works.

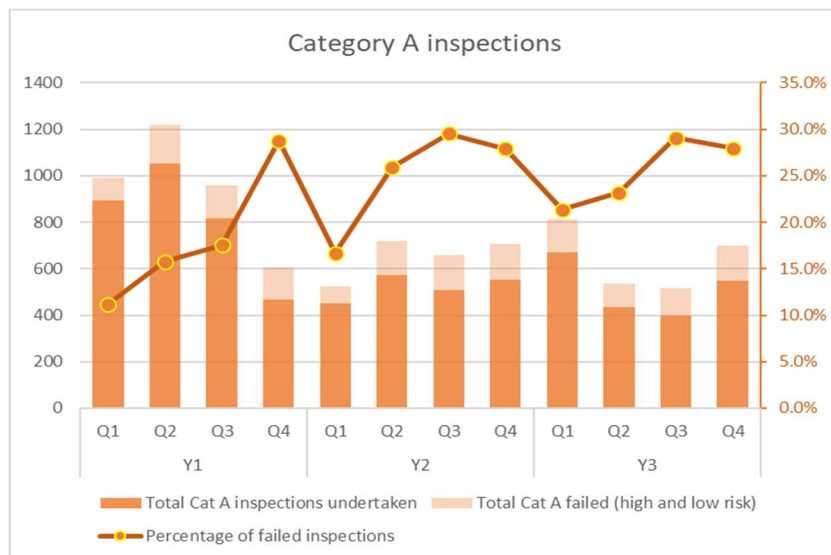
Therefore Cat-A Inspections should generally be carried out on an ad hoc basis. It is common practice across the industry to visit a much larger number of 'live' sites with the expectation that a proportion will not have started yet or are already completed and closed down. The remaining visits bring the total to something higher than 10% but that is beneficial to the authority (and to promoters) because health and safety is an important area to monitor.

⁸ Described in the NRSWA Code of Practice for Inspections (COP)

7.7.1 OM 7 Results

The data has been collated using a bespoke Mayrise report “Shropshire Inspection Details”.

Chart 7.7a: Category A inspection results showing number of inspections undertaken, the number of those that were classed as failed, and this number as proportion of the total.



7.7.2 OM 7 Notes on data

- Data only shows statutory undertaker works; the highway authority is not required to inspect or report their works under the same NRSWA regime as statutory undertakers.
- The term ‘failure’ is used in this reporting context, however in the COP these are described as ‘inadequacies’ and there are two states: high risk and low risk, both with similar procedures for dealing with them but with shorter timelines for the high risk. This data has not been separated out for this measure.
- The chart shows inspections undertaken (i.e. those passed or failed), plus those classed as ‘abortive’ (which occur when an inspector attends a site but works have either not started or have completed).
- An inspector will normally require site operatives or their supervisor to remedy any inadequacy found whilst on site. Even for relatively minor site issues that are rectified in this way, a failed inspection should always be recorded against the works so that there is a record of the problem which feeds into longer term monitoring and performance.

7.7.3 OM 7 Commentary

Number of inspections in year 1 quarter 1-3 are much higher than in other months. This is because two promoters were in special measures for previous past performance. Part of this regime requires a much higher proportion of sites to be monitored, more often.

It is normal to expect up to 10% failure rate each month for any promoter. Over 10% over a period of months is unusual unless there are significant performance issues. The results clearly show that there must be a sizable proportion of promoters who are over the 10% threshold.

Further analysis of the raw data shows that, barring an occasional promoter in any one quarter, all promoters had failure rates of well over 10% - six of the twelve quarters have an average failure rate of over 30%, while the other six had failure rates in the high teens or early twenties.

Because of the high number of routine inspections undertaken (inspections over the statutory 10% for Cat-A), this is not so surprising; if attending high numbers of sites, that a higher proportion might fail however, it does not seem likely that this would translate into a 3 or more times increase. To compound this, this data includes ‘abortive’

inspections (see notes on data above). A relatively significant proportion of inspections undertaken result in abortive outcomes, therefore the true reflection of failed sites against actual inspections recorded is even higher.

High failure rates are suggestive that the inspection team is carrying out their duties and trying to drive better site management. However, there are some questions to be considered, in particular a closer examination of these results to understand why failure rates are so high and what can be done to improve these since over the three years failure rates actually show an increasing trend. Drilling into the data shows there may also be a problem with the incorrect recording of abortive inspections in some cases.

This sort of in-depth performance data should be very useful to both the authority and the promoter and its contractors. Since these are potential H&S failures, they should be taken seriously by all parties. However, it is quite likely that any promoters regularly receiving failure rates of 30% or more would become immune to the issues, particularly if these are only statistics given out at coordination meetings as opposed to a targeted performance regime.

7.8 OM8 - Permit condition compliance

EToN caters for specific permit condition compliance inspections that provide a measure of whether the promoter is working within the terms of their permit.

There is no statutory inspection sample size for condition compliance inspections, however the expectation is that any site that is visited for a NRSWA Category A inspection will also have its permit conditions checked (and *vice versa*).

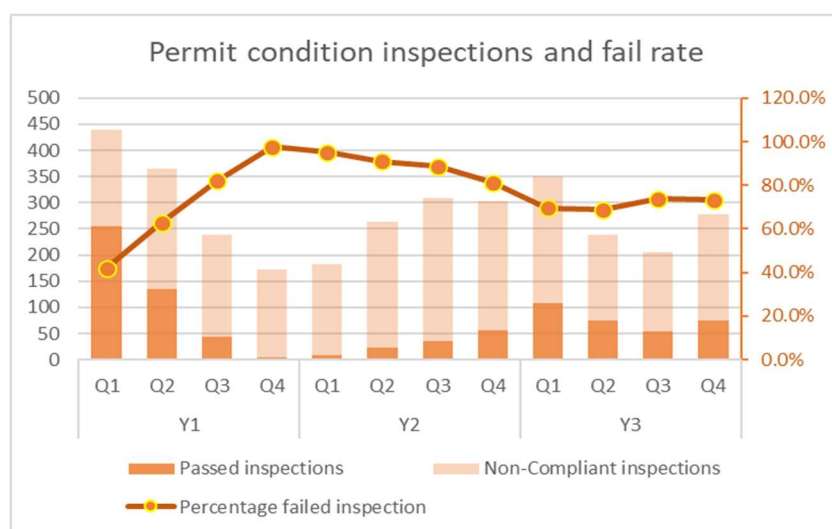
The measure is expressed as the

- total numbers of permit condition inspections undertaken.
- the number of failed permit condition inspections.
- the percentage of failed permit condition inspections.

7.8.1 OM 8 Results

The data has been collated using the Mayrise report “KPI 7 – Permit inspections”.

Chart 7.8a: Number of permit condition inspections undertaken, number of those that pass or fail, and the percentage of failed condition inspections (statutory undertaker)



7.8.2 OM 8 Notes on data

- Data recorded is for statutory undertakers only. There is no specific requirement to undertake similar condition compliance inspections for the highway authority works.
- Data shows specific inspections undertaken; any one activity may have more than one inspection; longer duration works for instance may have an inspection towards the start of the works and then again towards the end. Alternatively, a particular breach of condition may be critical enough to require a second inspection the following day etc.
- Note that a failed condition inspection may not necessarily result in a Fixed Penalty Notice⁹ (FPN); this is dependent on factors such as the severity of the condition breach, whether it is rectified immediately on site, and the general ongoing compliance of the site for the rest of its life. However, it is also possible that one failed compliance inspection may generate more than one FPN if there are breaches of different conditions on site.

7.8.3 Commentary

There is drop in the number of compliance inspections undertaken between at the end of year one and into year two, due to the resourcing of the inspection team. Number of inspections increased as new staff were taken on.

Non-compliance of permit conditions is consistently very high which is surprising and a concern, because a permit is granted on the basis that all the conditions and contents of the application – which are ultimately supplied and agreed by the promoters - can be adhered to. It should be noted that it is not clear whether all passed sites are being recorded in order to provide an accurate idea of the actual numbers of inspections undertaken and the proportions of fails. This must also be taken into account irrespective of the NRSWA Cat-A inspection outcome. Some further analysis of performance is given in the following section.

7.8.4 Fixed Penalty Notices for condition compliance

While condition failures are a critical facet of measuring overall performance on site in relation to permits, there are also benefits to be gained by looking at the numbers of Fixed Penalty Notices given and some of the reasons. It should be noted that these figures will not tie into the condition failure numbers for the following reasons:

- An FPN can be given up to 90 days after the offence date, the majority of FPNs examined were given several weeks after the inspection / offence date.
- For every condition inspection failure, there might be a number of conditions breached, and therefore a number of FPNs eventually given.
- Data does not include FPNs that were subsequently withdrawn or cancelled for any reason.

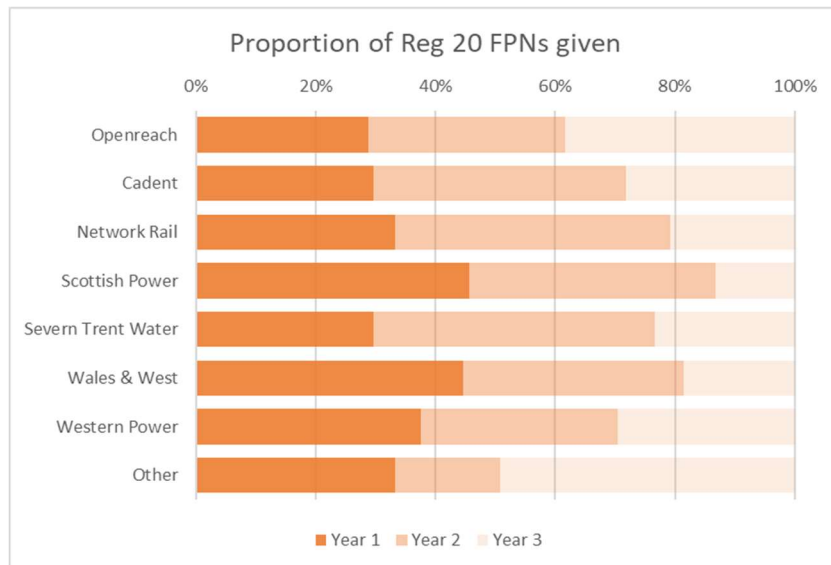
Despite this, it is another useful tool to explore compliance.

Table 7.8a: Number of Regulation 20 FPNs given in years 1 to 3, broken down by promoter

Promoter	Year 1					Year 2					Year 3				
	Q1	Q2	Q3	Q4	TOTAL	Q1	Q2	Q3	Q4	TOTAL	Q1	Q2	Q3	Q4	TOTAL
Openreach	16	20	31	24	91	22	32	18	32	104	23	23	45	30	121
Cadent	41	33	23	24	121	15	40	38	78	171	46	11	23	35	115
Network Rail		2	3	3	8	1	2	2	6	11	1	1	1	2	5
Scottish Power	10	16	20	6	52	4	17	12	14	47	6	4	2	3	15
Severn Trent Water	69	139	141	83	432	80	157	233	212	682	133	73	64	71	341
Wales & West	7	8	8	6	29	3	4	3	14	24	0	6	3	3	12
Western Power	42	37	9	11	99	15	18	28	26	87	30	15	16	17	78
Other	7	9	4	1	21	4	3	4	0	11	10	1	7	13	31

⁹ Regulation 20 (Reg 20) of the TMA provides that an FPN to be given for a breach of permit condition.

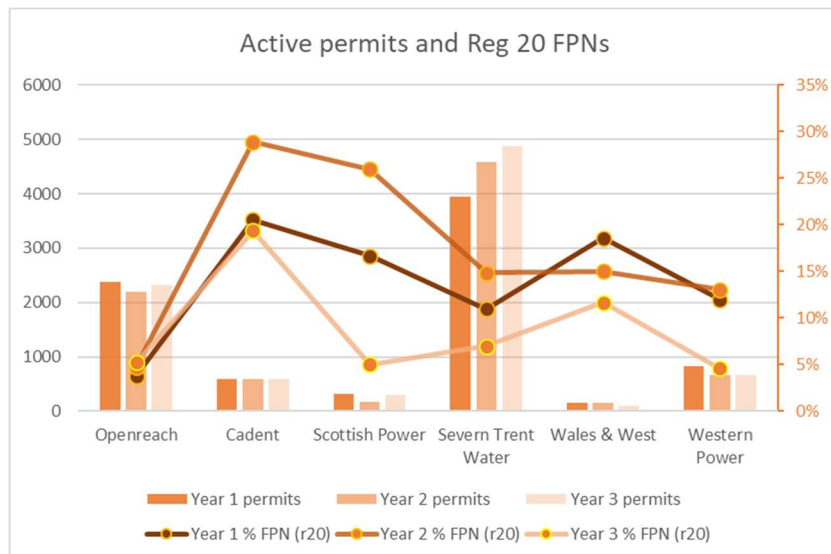
Chart 7.8b: Proportion of permit condition offences given Fixed Penalty Notices in years 1 to 3 (statutory undertaker)



In very general terms, there were more FPNs being given in Year 2 and fewer given in Year 3 than in previous years. The exceptions are Openreach (BT) where there has been a steady increase over the three years, and 'Other'. This increase in the third year is almost certainly due to the inclusion of Virgin Media in this group, who historically have had no works in Shropshire but since 2018 have begun to lay their main routes in the larger towns, including Shrewsbury.

While Severn Trent Water (STW) show much higher numbers of FPNs, this is the result of the far greater numbers of activities that they undertake each month, compared to the other statutory undertakers. Further analysis shows that despite the significantly higher number of permits being issued to STW, they are actually better performing than most promoters when the number of regulation 20 FPNs given is compared against live / active permits each quarter.

Chart 7.8c: Proportion of Regulation 20 FPNs given against actual number of live works in years 1 to 3 (statutory undertaker)



Again, it is also clear that despite static or slight increases in the number of permits issued in Year 3, most promoters show a significant drop in the proportion of FPNs being issued for Reg 20 which is positive. Cadent continue to show a high number of offences for the amount of works they undertake; across the years the majority were for breaches of condition NCT11a.

While the general drop in year 3 is positive, the actual number of FPNs given for condition offences are still very high. Shropshire Council and other WaSP authorities should continue to regularly assess and evaluate the benefits and validity in issuing fixed penalty notices on a consistent, effective and reasonable basis whilst ensuring their appropriate use.

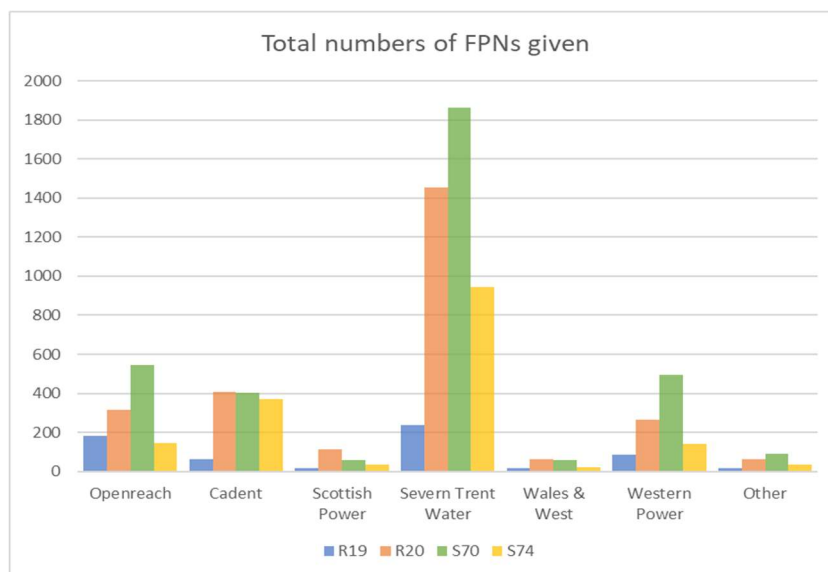
7.8.5 Other Fixed Penalty Notices

There are four situations where an FPN may be given:

- Regulation 19 (TMA) – Working without a valid permit in place
- Regulation 20 (TMA) – working in breach of a permit condition (see previous section)
- Section 70(6) (NRSWA) – incorrect or missing registration data
- Section 74 (NRSWA) – late or incorrect data relating to works start, works stop and duration

While figures will be presented, it is not within the scope of this report to specifically look at these offences in detail, although some commentary is provided where necessary. In particular the two offences under NRSWA are not technically ‘permit scheme’ related although these sections of NRSWA are critical to the good functioning of a scheme.

Chart 7.8d: Total number of Fixed Penalty Notices given over years 1 to 3 (statutory undertaker)



Highway authority works are not included (there is no specific requirement to penalise their works in the same way as SUs). Network Rail figures were minimal across all offences therefore have not been included.

No significant sample was taken or analysed of FPNs given under regulation 19, Sections 70 and 74. However passing exploration of FPNs while looking at other data suggests:

Reg 19 (working with no valid permit)

Sites where works are found to be active (or have been in the past) where not permit exists: permits might have been approved and then cancelled; or assessed and refused (or a modification request sent but no subsequent

amended application received); or a site location is so different to the permit that Shropshire Council has judged that there is no permit in place; or simply no permit application was ever sent

- The figures peaked in year 2 but are at their lowest in year 3.
- A significant proportion are given for immediate works where the application is submitted late¹⁰.
- The reasons for ascribing Immediate (Urgent or Emergency classifications) are being disputed by Shropshire Council; the challenge is made and if no 'evidence' is forthcoming the permit is refused/revoked and an FPN given. While some challenges to poor works description were well-founded, it was not clear from several of the small selection studied about the reasoning behind the challenge, nor were additional inspections scheduled to further investigate the on-site activity.

Section 74 (Late or incorrect works start or works stop notifications)

The majority were valid (late submissions), although even within a small number checked, there were anomalies:

- A number of jobs where a revert stop has been requested because it had been registered or shut down in error, but subsequently given an FPN because of this error, despite the revert being issued and the notices / registration details corrected. The permit authority might consider how reasonable this is.
- Some FPNs given for "late start submitted on a Traffic Sensitive road". While guidance (and the WaSP scheme has in the past specified 10:00 deadline for Section 74 Notices on traffic sensitive roads, the legal requirement is 16:30¹¹. HAUC guidance at the time also notes that 10:00 should be aimed for but is not a requirement.

Section 70 (incorrect or late Registration details)

Registration details provide information on the size of the site, materials used in its reinstatement, its actual location if different to the original planned location, position of the site and so on. It is beneficial and appropriate that Shropshire Council check reinstatement details because they have a duty to ensure this information is accurate, for insurance purposes as well as for inspection records and asset data. Some comments from the small selection examined:

- There were examples of FPNs given based on location text particularly on low class roads in the countryside where there are limited options for precision; if the permit has been granted for a location and the registration is then submitted with the same information it is may not be reasonable to give FPN for that registration (unless works actually took place significantly further away); if the location is not considered suitable or accurate then the permit should not be granted in the first place. For added accuracy at registration it is reasonable to request additional detail and to amend the site details.
- Where FPNs are given for incorrect registration details (for instance position is given as footway while works were carried out in the carriageway), the authority should ensure that the promoter updates their registration to ensure they are correct and accurate.

¹⁰ For immediate works a permit must be applied for within 2 hours of works starting on site, or by 10:00 the following working day where works start outside of normal working days/times.

¹¹ Legislation has changed in mid-2020 so these timescales are no longer in place.

8 Conclusion & Recommendations

In general, the data analysed shows that Shropshire Council continues to manage the network and those activities that take place on it in an effective, robust but fair manner.

Parity between promoter groups is considered by the Department for Transport a vital part of the legislative requirements of running a permit scheme and it is clear that in the time since the change of highway maintenance term contractor, there has been a visible improvement in both the permitting operations on their side (planning and submitting programmes and applications), and in the way that those applications are then assessed and managed. Despite the separation of the coordination function into a team that assessed statutory undertakers and those that coordinate and assess the highway authority works, there is nothing to suggest that there are significant differences in approach or rigour. Having a 'dedicated' resource for the highway authority almost certainly improves the relationship and ensures a working relationship where both parties fully understand the scope of larger projects before the applications are submitted, thus ensuring a positive turnaround on the coordination and assessment element.

The Network Management Duty¹² requires the Authority to secure the expeditious movement of traffic across the county network and on other networks. While the scheme can legally only encompass activities undertaken by statutory undertakers and the highway authority works for road purposes, it is clear that proactive coordination is bringing in other highway activities such as on-street events, highway licences (crane operations, Section 184 and 278 Highways Act works, general road space or traffic management bookings from non-permittable activities), works on the Highways England network, and so on. Additionally, collaboration is a key element of minimising road occupation and can provide a very positive view of how the road space is managed. These are all important processes that need to continue to be developed and Shropshire Council recognises that there is still more that can be done to bring these elements under the wider network management and coordination service.

Operation of the scheme itself shows a proactive and positive approach in general, with a rigorous coordination approach that ensures road occupation is minimised where possible. It is clear however, that statutory undertakers are failing in large numbers to abide by the conditions set on a permit, or to follow the health and safety requirements under the statutory code of practice¹³. There are also clear failings in some of the basic elements of permit management by promoters (for instance the process of extending a permit when required) which seems to be driven by a lack of understanding of the legislation by promoters more than anything else. Shropshire Council should consider how best to address these constant failures with individual promoters, perhaps a programme of targeted and data-driven performance meetings with the overarching aim of improvement rather than penalty.

Data sources for this report have proved challenging, with many of the reports that are available from Mayrise presenting data that is inconsistent or questionable. There is also data that has been collected over the years of this report that has not always conformed fully to the measures detailed in the WaSP scheme. Best efforts have been made in this report to provide better consistency in some of the data across measures, and it should also be recognised that the change to using the Street Manager system in June 2020 as the primary permit database may have improved data quality and reliability across the board.

The WaSP scheme has now been running across the region for some years (although Staffordshire only joined in 2020) and there does not appear to have been use made of the facilities provided by the scheme to compare measures and performance indicators on a regional basis in order to try to ensure clarity and consistency between all authorities and promoters working under WaSP. As the lead-authority for WaSP, Shropshire Council might consider how this might be achieved going forward.

¹² Statutory guidance issued in 2004 (and updated since) by the Secretary of State for Transport under Section 18 of the Traffic Management Act 2004.

¹³ Code of practice for safety at street works and road works (2013).

It is also recommended that the wider WaSP authorities may consider reviewing the permit scheme's operational measures (OMs) with a view to ensuring they best reflect the needs of the authorities and promoters; they were compiled OVER eight years ago during the development of the scheme, in this time most authorities in England are now operating permit scheme, legislation has changed in part and things that were considered important in the management of schemes have also changed with general industry practice and so on. A review of these measures will ensure that they provide useful, clear and consistent real-world data that can be used individually and regionally to continue to inform good practice by all promoters.

Overall, Shropshire's operation of the scheme continues to provide a positive and beneficial network management policy.

9 Glossary

Category A inspection – An inspection undertaken during the progress of the works as defined in Section 2.3.1 of The Code of Practice for Inspections 2002

EToN system – The Electronic Transfer of Notices, the nationally agreed format for the transmission of notice information.

EToN developers (EDG) – representatives of the main software developers involved in street works

HAUC – Highway Authority and Utility Committee. Industry body to provide oversight of street works and associated practice.

KPI – Key Performance Indicator as developed by the DfT and set out in the Permit Code of Practice.

NMD – Network Management Duty, a legal obligation created by the Traffic Management Act 2004 for highway authorities to secure the expeditious movement of traffic.

NRSWA - New Roads and Street Works Act 1992

OM – Authority Operational Measure.

Street Manager – permit management system introduced country-wide by the DfT in 2020 to replace individual EToN systems. Most authorities continue to use their existing systems (in Shropshire this is 'Mayrise') to manage Street Manager notifications and act as their street works register.

TMA – Traffic Management Act 2004.

10 Appendices

10.1 Appendix A

Data that has been extracted and used in this report is available as a separate addendum. Please contact Network Management Team at Shropshire Council.

10.2 Appendix B - Permit scheme conditions

AS of October 2015 the DfT introduced nationwide standardised permit condition texts. Since this report covers the period before and after this change, the table below provides cross reference of original WaSP scheme conditions and existing statutory texts. There is some 'EToN type code' cross-over on a small number of the original conditions.

EToN ref	Statutory standardized conditions
1	Date Constraints
	NCT1a – Duration applies to all permits on streets where validity window does not apply
	NCT1b – Duration APPLIES TO ALL PERMITS on streets where the validity window applies
2	Time Constraints
	NCT02a - Limit the days and times of day
	NCT02b - Working hours
3	Out of Hours working (not used)
4	Materials and plant storage
	NCT04a -Removal of surplus materials/plant
	NCT04b Storage of surplus materials/plant
5	Road Occupation Dimensions
	NCT05a - Width and/or length of road space that can be occupied
	NCT06a - Road space to be available to traffic/pedestrians at certain times of day
7	Road Closure
	NCT07a - Road Closed to Traffic
8	Light Signals and Shuttle Working
	NCT08a - Traffic Management Request
	NCT08b - Manual Control of Traffic Management
9	Traffic Management Changes
	NCT09a - Changes to traffic management arrangements
	NCT09b - Traffic management arrangements to be in place
	NCT09c - Signal Removal from operation when no longer required
10	Work Methodology
	NCT10a - Employment of appropriate methodology
11	Consultation and Publicity
	NCT11a - APPLIES TO ALL PERMITS -Display of Permit Number
	NCT11b - Publicity for proposed works
12	Environmental
	NCT12a -Limit timing of certain activities
13	Local Condition
	NCT13a – reserved for exceptional circumstances and local agreements

10.3 Appendix C – Refusal Codes

WaSP scheme (WR) refusal codes used April 2016 – January 2017. HAUC (England) (RC) codes were in place from January 2017 onwards.

Code:
RC10. Permit is refused <i>delete as required</i> . There is missing information on the permit (specify). NAME XXXX
RC10a. Approval is given to amend/include XXXXX on the permit, please state agreement ref XXXXXXXX in the agreement section of the Modified application/variation request <i>delete as required</i> . Name XXXX
RC10b. Application to amend/include XXXXX is refused (Specify reason). NAME XXXX
RC11. Permit is refused <i>delete as required</i> . You have omitted essential conditions for these works. If you still plan to proceed with the activity you must supply the appropriate conditions within the conditions text box (Specify). NAME XXXX
RC11a. Approval is given to amend the conditions associated with this permit (details of new conditions) NAME XXXX
RC11b. Application to amend conditions (specify) is refused as (detail). NAME XXXX
RC12. Permit is refused <i>delete as required</i> . Please provide the required [TM application/bay suspension/reduced speed limit/illustration/traffic management drawing/works activity footprint] for this activity. Please supply the required plan and submit a new application once you have received approval. NAME XXXX
RC20. Permit is refused <i>delete as applicable</i> . The following details on the permit are incorrect (Specify). NAME XXXX
RC21. Permit is refused <i>delete as appropriate</i> . You have incorrectly selected XXX as the primary recipient of the permit. If you still plan to proceed with this activity you must submit a new permit application ensuring that you have issued it to the correct permitting authority. NAME XXXX
RC22. Permit is refused <i>delete as required</i> . Your location description and map coordinates conflict/is not sufficient <i>delete as required</i> preventing effective coordination of these works. If you still plan to proceed with the activity you must amend this information. NAME XXXX
RC23. Permit is refused <i>delete as required</i> . You have conflicting information contained within your permit application. You state [Example 1] which conflicts with [Example 2] If you still plan to proceed with the activity you must supply consistent information. NAME XXXX
RC30. Permit is refused <i>delete as required</i> . The works cannot be accommodated on the network (Specify why). Please submit a new permit application with alternative dates. NAME XXXX
RC31. Permit is refused <i>delete as required</i> . Your works will conflict with other (Works/Events/Diversion Routes etc. <i>delete as required</i>) for your proposed dates at this location, and collaboration is not possible. Please submit a new permit application with alternative dates. The conflicting works are estimated to be completed on [XX/XX/XXXX]. NAME XXXX
RC32. Permit is refused <i>delete as appropriate</i> . You have not specified the precise [Times/Days] that your work site(s) will be occupying the public highway. If you still plan to proceed with this activity you must supply the necessary timing information. NAME XXXX
RC33. Permit is refused <i>delete as appropriate</i> Your works will conflict with other activities for your proposed dates at this location. Please confirm you can co-ordinate your works with the party who are (Name of Conflicting Promoter). If you still plan to proceed with this activity you must submit a new permit application with alternative dates or an agreement of collaboration which is required to be referenced on the permit in line with the WaSP process <i>delete as required</i> . The conflicting works are estimated to be completed on [XX/XX/XXXX] by (XXXXX promoter). NAME XXXX
RC40. Permit application is refused <i>delete as required</i> as approval for (Specify) cannot be given/has not been given <i>delete as required</i> . NAME XXXX
RC41. Permit application is refused <i>delete as required</i> . You have not gained the relevant [TM plan/WAF/site meeting/TM] (<i>delete as appropriate</i>) approval for these works. NAME XXXX
RC42. Permit application is refused <i>delete as required</i> . Permit start date is within minimum application period and requires an early start. No Early Start Agreement has [been obtained/been justified/is permitted] <i>delete as required</i> for this activity. NAME XXXX

RC42a. Request to reduce the application period has been approved, please state agreement ref XXXXXXXX in the agreement section of the Modified application/variation request *delete as required*. Once the permit variation/modification is granted the revised start date is dd/mm/yy until this time the current permit dates must be adhered to. Name XXXX

RC43. Permit application is refused *delete as required*. This street is protected by a section 58 restriction. (Please provided evidence that you have the relevant agreement to work within this restriction/agreement to work within this restriction is not given and work must be replanned after restriction ends on dd/mm/yy) *delete as applicable*. NAME XXXX

RC44. Permit application is refused *delete as required*. The duration is considered to be excessive/insufficient (*delete as required*) because [XX]. Please specify a duration not longer than [XX] working days. NAME XXXX

RC44a. Application to extend the duration of the permit is approved; agreed end date is now dd/mm/yy NAME XXXX

RC44b. Application to extend the duration of the permit is refused NAME XXXX

RC44c. Approval is given to extend the end date of the permit however this agreement does not allow the extension of the reasonable period and the permit may be subject to overrun charges NAME XXXX

RC50. Permit application is refused *delete as required* for the following reasons. NAME XXXX