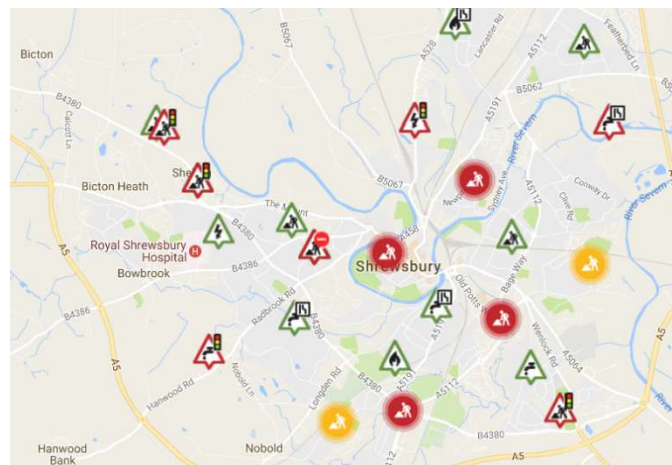


Shropshire Council

West and Shires Permit Scheme

Annual Performance & Evaluation Report

Year 7 – 9 (2020/21 to 2022/23)



Foreword from Dan Morris, Portfolio Holder for Highways and Transportation:



I'm pleased to present the Shropshire Council Permit Scheme Performance & Evaluation Report for years eight to ten (2020/21 to 2022/23) of the operation of the Scheme.

Road Works and Street Works, while never popular, are vital in order to ensure essential services such as water, waste, gas, electric and telecoms are effectively maintained, new and upgraded services can be provided to ensure appropriate & consistent supply, growth is facilitated, and our highway network can continue to be improved and well maintained.

2024 marks the 10-year anniversary of the "West & Shires Permit Scheme" (WaSP) operation in Shropshire. The scheme has continued to highlight some significant positive outcomes during this latest period. For example:

- A continued emphasis on ensuring that all applications to occupy the road network for works to take place are assessed fairly and equitably with reasonable works durations agreed.
- That specific & agreed conditions of work are consistently applied that take full account of the locality, scope, and timing of work to reduce unnecessary disruption, maintain safe working operations, increase journey reliability, and protect our highway asset.
- A continued focus by the team, on ensuring essential works take no longer than they should, has seen an overall decrease in road works occupation of the highway of 6000 days from the previous period. This equates to a monetised saving of £1.8 million to the local economy over the period and contributes to a decreased environmental impact.
- A proactive approach to promoting and agreeing collaborative working opportunities, when possible, has seen an average of 120 days saved of additional traffic control, such as traffic lights and road closures on the road network.
- One of the key objectives of the scheme is to ensure the safety of those using the street and those working on the street. It's encouraging to see that a continued rigorous but fair approach to enforcement is ensuring any on-site inadequacies are identified and appropriately actioned, thus helping to ensure the safety of road users and those working on the road.

Whilst the management of road and street works, and other highways activities, has continued to improve in years eight to ten of the operation of the scheme, it is recognised that there are improvements still to be made, such as:

- An increased focus on identifying and promoting opportunities for joint occupancy of the highway and collaborative working.
- Continue to work with all work promoters to improve the quality and timeliness of information.
- An increased and targeted data driven focus on improving permit management and compliance by all works promoters.
- As lead-authority for the regional and common WaSP scheme, continue to review and compare measures, Performance Indicators and Operational Measures to ensure they are contemporary, robust and best reflect the needs of member authorities and works promoters.
- Shropshire is committed to carrying out an annual fee review, whilst the WaSP scheme is in operation, in order to ensure that a balance is maintained between permit fee income and the costs incurred in dealing with Utility promoter permits.
- Shropshire will also work with all promoters in improving performance in relation to NRSWA Category A, B & C inspections, as well as driving the use of first-time permanent reinstatements if feasible and beneficial.

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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 2020/21 to 2022/23.

There has been a significant increase in the number of permits applied for from both promoter groups over these three years, but also an increase in the numbers approved (granted).

Reductions in works duration have levelled out since the scheme's inception in 2014, which is to be expected. Encouragingly 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) has declined significantly since the previous three years (see previous evaluation report), the number of days of occupation saved is 400 in this period, down for 700 in the previous period. However, 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 of more than £0.15m¹.

Overall road space usage has decreased, despite higher numbers of permits. This is due to tighter durations being approved by the coordination team. Overall occupation of the highway has decreased by 6000 days from the previous period, an economic monetised saving in the region of £1.8m.

Nearly 2000 early start requests were processed and approved, and the coordination teams also dealt with more than 4500 extension requests. While a significant proportion of these are reported as 'approved', the report details some issues with how the data is collated. There were nearly 1000 incidents identified where statutory undertaker works were overrunning their agreed durations (where no extension request has been made, or where the request has been refused). These are wholly avoidable charges for works promoters 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 which are greater than in the previous three years.

The permit fee levels for statutory undertakers are approaching the highest allowed under regulations in most 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 maintains 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. Since then, a number of changes have been made to other parts of the legislation and statutory requirements and guidance. It is the intention of the WaSP oversight group to make amendments to the existing scheme to bring it in line with these changes.

Permits provide greater accuracy of works timing, particularly on traffic sensitive roads. The use of conditions when granting a permit will allow Shropshire 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 financial years 2020 to 2022. 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 and consistent use of standardised 'permit response codes'. Works information synchronized to OneNetwork.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	Rigorous expectations of content 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. Encourage collaboration between works promoters and other highway activities.
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. Comprehensive inspection regime at 'works in progress' stage to ensure excavation and reinstatement methodology is as expected. Coring programme in place to monitor 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	High number of 'in progress' (site safety) and permit compliance 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 brings 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
- improvements in 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. The fee model does not charge for applications that are refused, or have modification requested. 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.

While the scheme's fee levels set must be within the maximum allowed by the Department for Transport (DFT), the majority are at the top of the range. This reflects the nature of coordinating activities in a large rural county interspersed with busy market towns and conurbations. The fee levels are split between two categories and 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, commuters, and other road users and stakeholders.

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 Authorization	£105	£75
Major activities (over 10 days duration OR requiring a TTRO)	£240	£150
Major activities (4 to 10 days duration)	£240	£150
Major activities (up to 3 days duration)	£240	£150
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 several 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 has increased in this reports period, and there is evidence that traffic is increasing County-wide. 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

Increasing the few categories of permit fees that are not currently at their maximum will make little difference to the overall income. Shropshire Council will continue to ensure the cost neutral requirement of the service delivery.

5 Performance Indicators

Key Performance Indicators (KPI) were set by the DFT and are 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).

5.1 Specific considerations

5.1.1 Timeframe

The majority of data is presented in three-month blocks (quarters), covering the three years of this report (Year 1 – 2020/21, year 2 – 2021/22 and year 3 – 2022/23).

5.1.2 Software

All authorities hold data in a street works register (SWR), or electronic register; software designed to manage the communications and notification protocols between other registers and works management systems.

As of July 2020, all street works notifications moved away from the Electronic Transfer of Notices (EToN) communication protocol to using a system called Street Manager; described by the Department for Transport as "...Street Manager is a new digital service that should transform the planning, management and communication of street and road works through open data and intelligent services to minimise disruption and improve journeys for the public".

All data for this evaluation report is compiled and analysed from a SWR provided by Yotta (the system is called Mayrise). Although there is a crossover period prior to the full implementation of Street Manager, in this report the terminology of Street Manager is generally used.

5.1.3 Permit Modification Request

A PMR response to an application gets around the delays and administrative burdens of an outright refusal. PMRs are technically treated as a refusal of the application, although it allows the promoter to resubmit their application with minor amendments and keep their proposed works dates. If there is no response to a PMR then the application is legally considered 'refused'. The use of PMR is a beneficial process to enable works to go-ahead as planned while allowing the authority and promoter to work quickly to improve elements of permit content and data quality. A 'hard-refusal' means that applications have to be resubmitted in whole, following the statutory timelines for advance notification and response.

5.1.4 COVID-19

First restrictions came in 23rd March 2020, which were eased in July although with local lockdowns introduced. In early November the second national lockdown came into force, and these were extended into January 2021 with tiered restrictions across the UK. In March 2021 many of these were eased over the next few months and in July most legal limits on social contact were removed in England and most closed sectors of the economy reopened.

5.1.5 Data collection

The sections below describe summary or high-level figures and analysis. The original data used to generate the charts and information is available separately as a supplement to this report.

Where reference is made to the previous evaluation report or previous periods of scheme reporting, this can be found in the Shropshire WaSP Scheme Evaluation report 2017-2020, available separately on request.

5.1.6 Terminology

Throughout this section, 'HA' is used to indicate the highway authority works, 'SU' the statutory undertakers (i.e. Utility works). 'PA' refers to permit applications (which, depending on context of the reporting criteria may include permit variations or modified applications). 'Works' and 'activities' are used interchangeably – in general it is possible to have an activity that covers a number of individual works sites but in general when looking at numbers, one permit equals one works or activity. Works categories are divided into four:

- Major works, any activity lasting over 10 days, or an activity of any duration that requires a Temporary traffic Restriction order (i.e. to close a road or prohibit traffic in some way)
- Standard works, any activity with a duration of 4-10 days
- Minor works, any activity with a duration of 1-3 days
- Immediate (Urgent and Emergency), an activity that has any duration, but which falls into the definition of Urgent or Emergency works as defined by NRSWA³

The WaSP scheme defines what activities are specified as registerable under the scheme (section 4.3) as defined in regulations⁴.

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

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

- The total number of permit application and permit variation applications received, excluding any permit applications that are cancelled prior to assessment.
- 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.

5.2.1 KPI 1 Results

The data provided 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 5.2a: Total number of permit applications and responses (highway authority and statutory undertakers together)

	Year 1 (2020/21)	Year 2 (2021/22)	Year 3 (2022/23)
Permit and Variation Applications Received	27483	28725	32018
Granted	18812 (68%)	19266 (67%)	22335 (70%)
Refused	3008	2123	2532

The charts below show the numbers of permits granted (5.1a) and refused (5.1b) in relation to highway authority and statutory undertaker applications.

³ Emergency works defined in NRSWA Section 52: works required to end, or prevent, circumstances, either existing or imminent, that might cause damage to people or property.

Urgent works defined in *The Street Works (Registers, Notices, Directions and Designations) Regulations 2007* section 2: '...activities (not being emergency works) to prevent or put an end to unplanned interruption of supply or service' etc.

⁴ Registerable Activities are those requiring a permit, as defined in *The Street Works (Registers Notices Directions and Designations) (England) regulations 2007*.

Chart 5.2a: Number of permit applications received, and total permits granted (highway authority and statutory undertaker)

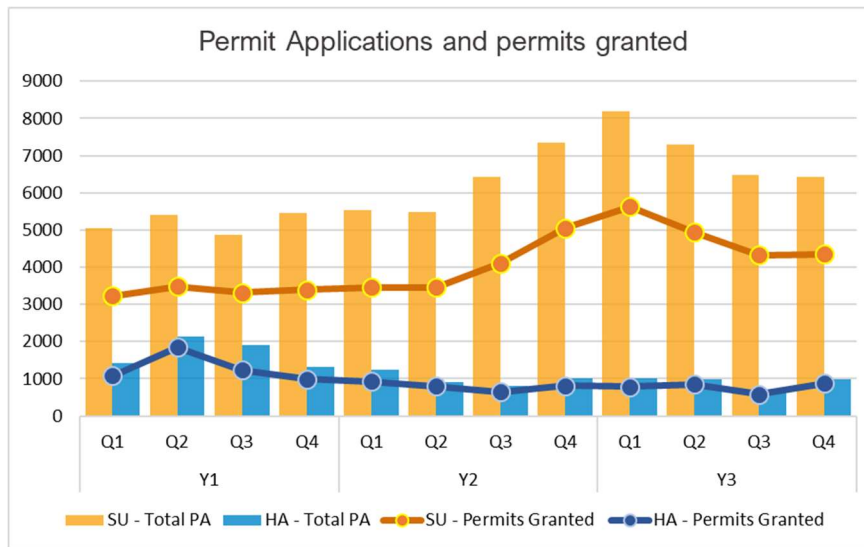
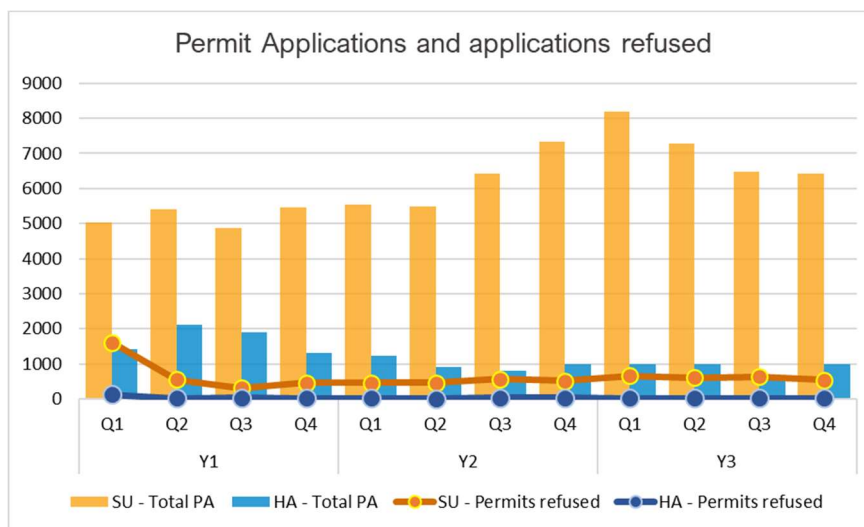


Chart 5.2b: Number of permit applications received, and total permits refused (high authority and statutory undertakers)



5.2.2 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.

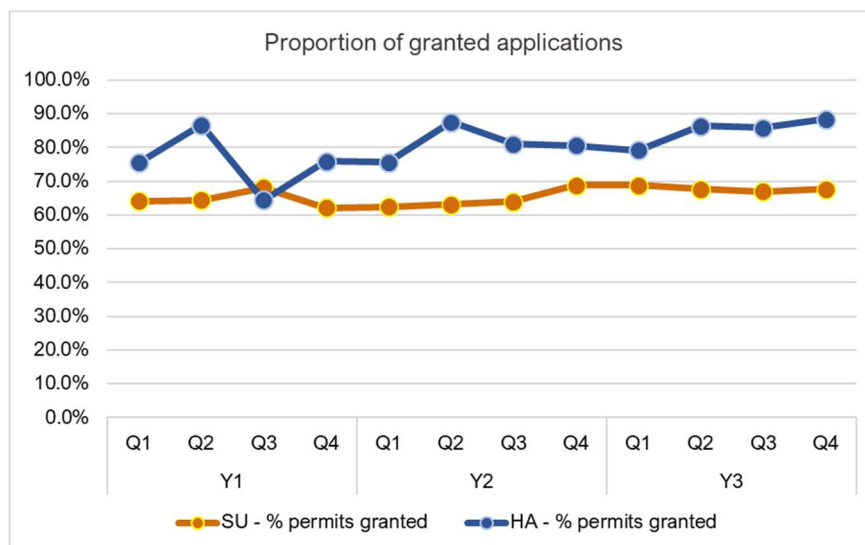
5.2.3 KPI 1 Commentary

In year1 the numbers of applications for both statutory undertakers and the highway authority are broadly in line with the figures for the period covered by the previous evaluation report (2017-2020). For the statutory undertakers there has been a significant rise in the number of applications made in years 2 and 3. Some of this increase is accounted for by the introduction of two new telecoms companies into Shropshire, Airband and Full Fibre which started working in Year 2. However, some of the rise is down to BT/Openreach who have seen a large upturn in activities (75% increase) and Severn Trent Water (almost 20% increase) over years 2 and 3. Other statutory undertakers don't show significant changes in numbers of applications outside of what would be expected from normal annual fluctuations in workload.

For the highway authority while there was an increase in applications in year 1, this dropped off in years 2 and 3 back to more typical levels seen in the previous two years (2018-19). The increase is partially attributed to Covid – while lockdowns came into force in early summer 2020 the highway authority made more use of opportunities to work on roads which had significantly less traffic on them. At this time significant additional late funding was received from the DFT for resurfacing and scheme work which led to additional programmes of work for the highway authority.

The proportion of permits granted is consistently higher for the highway authority than the statutory undertakers, as can be seen in Chart 5.1c below.

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



The proportion of granted permits for statutory undertakers is generally comparable month on month, although over the three years it has increased a small amount. This rise can be seen in the longer term (over six years it has risen from approximately 45% to almost 70%). This suggests wider improvements in the way statutory undertakers submit permits and a better understanding of the requirements of the permit authority. There is also clearly a consistency in the approach to permit assessment within the permit coordination team.

The proportion of granted permits for the highway authority shows more fluctuation in year 1 and is like that shown in the previous period. In year 2 and 3 this steadies off somewhat. It is possible the variability in year 1 is a hangover from the change of highway maintenance contract in 2018. Although two years previous, there was a lot of transformation that occurred in those years including a report in 2019 by WSP which highlighted a number of important areas for development from communication to the way works were programmed and permitted between the highway authority, the permit authority and the term contractors.

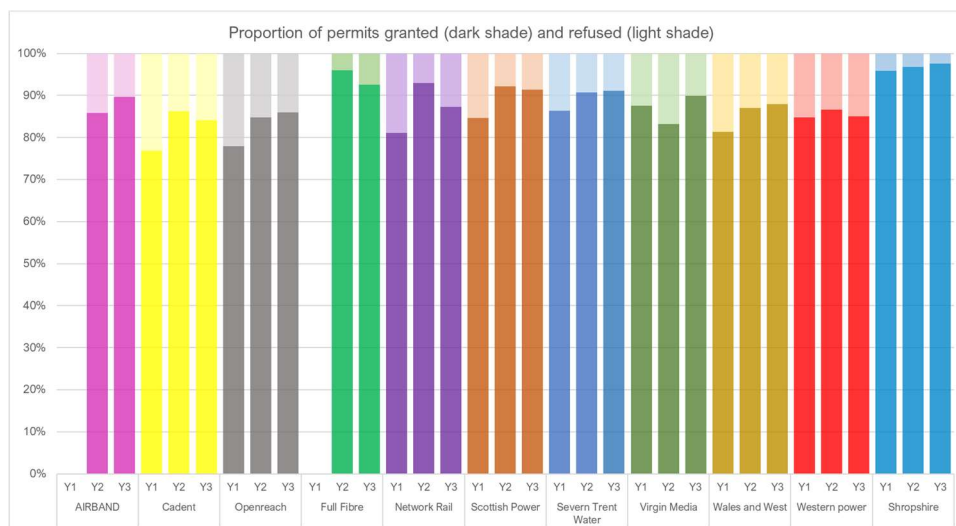
The highway authority applications have a higher grant rate than statutory undertakers (well over 10% higher for most quarters). AS KPI1 is a measure of parity and how the highway authority and statutory undertaker permits are dealt with and assessed this could suggest that either

- the permit authority is less demanding with their own contractor in terms of their expectations on the content of a permit application; or
- the statutory undertaker applications are generally of a lower 'standard'.

It is beyond the scope of this report to analyse these differences. However, it is likely that this is partly due to the dedicated resource provided for highway authority permit assessment; this team has close working relationship with the highway authority and their contractors. This means many activities (particularly larger schemes) are being discussed in detail prior to the permit being submitted, ensuring a better-quality permit application. An example of this is the work done with National Core Testing. Although most of the works are Minor, a works programme is discussed some weeks in advance and a detailed agreement reached on traffic management, timing of works and condition use. When the permit is submitted it is to some extent a tick-box exercise in terms of data quality and content, with the contractor fully understanding the requirements for the application as well as operationally once they undertake works.

It is also possible this difference in the proportion of permits granted is simply the nature of the different kinds of activity undertaken by the highway authority.

Chart 5.2d: Proportion of granted and refused permits by promoter and by year



As Chart 5.1d 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 certain promoters that result in a higher number of refused or modified applications.

While 10-20% refusal rate is not unusual (it is seen in many authorities across the country), much more than this might be regarded as high. In general, further analysis could 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.

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

Conditions are set out in statutory guidance⁵ 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).

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 described in 5.1.3). 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).
- On Traffic Sensitive Streets the activity will only take place between the permit estimated start and end date (NCT1a - Date constraint).
- On non-Traffic Sensitive Streets, the activity will only take place between the permit start and end date but providing a validity period which allows works to start later (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.

5.3.1 KPI 2 Results

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

5.4 KPI 3 - The number of approved revised durations

The vast majority of revised durations are 'duration extensions', these are an increase in the agreed permit duration, and therefore in most cases the Section 74 'reasonable period'⁶.

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; any 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 mostly a preventable inconvenience.

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

⁵ Statutory Guidance for Highway Authority permit schemes: permit scheme conditions

⁶ 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.

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

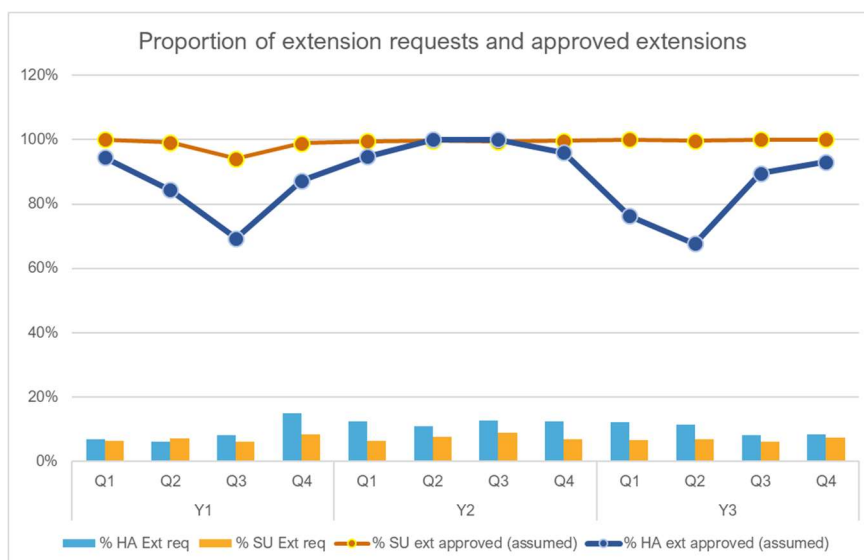
The measure is shown as:

- 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.

5.4.1 KPI 3 – Results and Analysis

The data was gathered from Mayrise using a bespoke report.

Chart 5.4a: Percentage of extension requests from permits issued, showing the proportion of those subsequently approved (statutory undertaker and highway authority)



5.4.2 Notes on data

- The majority of extension requests (Duration Variation Applications – DVA) happen once work are in progress. This data is gathered by counting the number of times one of these applications is made, and its outcome (grant or not granted) based on a standard works comment that should be sent by the permit authority in both cases (see Appendix C for response comments – ref RC44).⁷
- Analysis of the granted DVA shows that in many instances a works comment (approving or rejecting) was not sent. For the purposes of this report, those DVAs granted with no comment are taken as having been APPROVED; it is unlikely that a rejected extension will not have a comment sent as the permit authority would have no legal basis to raise an overrun charge if works on the ground are captured operating after the original end date.
- Amongst the ‘assumed approved’ permits there may be an over-estimation as it is possible more than one extension request is submitted on any one activity: the permit authority legally has up to two days to respond to a variation request however it is not unusual for a promoter to submit another request (within

⁷ This method is used since as it is possible to grant a DVA but NOT approve the extension: because of the way permit legislation (TMA) and street works legislation (relating to durations under Section 74 NRSWA) is interlinked if works continue on the ground after an extension is requested, the permit should be granted to allow the works to continue legally (under TMA), but the reason for approval may not be agreed and so the Reasonable Period (NRSWA) is set back by the permit authority to the original (or another) end date. The works comments RC44a/b therefore provide a good count of whether that DVA is approved or not.

this two-day period) if the promoter feels the matter is 'urgent' or are pushing for a response. There will therefore be two DVAs, but the permit authority will only respond once in these cases.

- d. It is also possible that a DVA will be submitted but the works subsequently closed down before the permit authority has had time to assess the DVA. There will therefore be a DVA with no actual response.

5.4.3 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.

The data clearly shows a very high and consistent approval rate for statutory undertakers. Some light analysis of the statutory undertaker data suggests many of the approved extension requests were Major works. This is to be expected; the nature and duration of Major works means there is more scope for circumstances on site to change and the need to adjust the end date in relation to how the works in progressing. There were some Minor works with approvals which again might be expected; for a short duration job with minimal impact, it is reasonable to approve an extension. The critical activities are those on more major roads or with significant traffic management where the permit authority's onus is to use the pressure of an overrun charge to speed up completion of works and mitigate as much as possible against the disruption being caused.

Over the three years for most promoters the proportion of activities with an extension request is between 5% to 10%. The exception is Cadent and Wales and West, however both companies have a generally higher number of Major works and so this higher proportion of extensions is in line with the comments above.

For the highway authority works the number not approved is significantly greater in proportion to those of the statutory undertakers. A large proportion of those refused were for slurry seal or surface dressing, often reasons for requesting an extension were confusing – sometimes a mixture of reasons which suggests a level of poor planning or perhaps a lack of communication. The need for clement weather when it comes to surface dressing programme are well understood, often reasons for extension included other factors as well as poor weather. It is possible some of these refusals could have had a different outcome if communication were better (i.e., instead of just making requests through the SWR, to call the permit officers instead).

Another factor not considered with this KPI is the likelihood 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 under the 2day/20% rule⁸, or did not think the authority would approve an extension and so did not attempt to request one). In these cases, the promoter will close the permit down on the SWR on the original end date and take the chance that the site will not be inspected for the overrunning period (which on Minor works might typically be just one day). This information is not included in this indicator (ref also section 6.1 OM1- Overrunning works and section 6.8 OM8 permit condition compliance).

While sampling some data it was noted that on several occasions the wrong response code was used and another occasion where a duration challenge was sent but no code used. It was also noted that on one occasion the extension approval code was used on a Major PAA when approving the follow-up permit – this is probably not the correct use of the code as the permit at this point has yet to be granted⁹ and the process for planning major works allow more flexibility in terms of the way the follow-up permit is handled. It would be suitable in this case to just grant the follow-up permit application.

⁸ The '20% rule' relates to the way an extension should be requested; since the permit authority must have a minimum of 2 days to assess a permit variation this rule dictates that if an extension is requested on any live permit that has less than 2 days (or 20%) of its original duration still left to run, that request should NOT be made through the SWR alone as the permit authority may not get the time to assess it before the works are already overrunning or the works have taken their course and been completed. In these cases the extension should be requested initially by some other means (typically a phone call).

⁹ Major works have a Provisional Advance Authorisation (PAA) application that is normally submitted 3 months in advance of the proposed works. This allows an extended period for planning time that is used to finalise the details of the works, and a normal permit application ('follow-up permit') is submitted with the final details confirmed. There is no reason why the duration at this point cannot be amended to take into account the changes in scope etc during the PAA planning process. It would not be necessary to 'approve' a longer duration using the extension request process.

It would be useful exercise to develop this report with a breakdown of works categories, and to undertake a more detailed exploration of the works comments. Factors like those jobs where no extension is requested could also be analysed more closely using actual site inspection and Fixed Penalty Notice data, and comparison of assumed approved extensions could be included. This would all improve the accuracy of the figures and remove duplications and the issues of assumed approvals and so on.

5.5 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 (as shown in table 1, Chapter 7 of the WaSP scheme document).

It is essential to ensure effective coordination of works and to provide opportunities for collaboration between works promoters and so 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. This is also important to ensure visibility of the proposed works with the correct dates on both works planning and public systems such as One.Network.

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 can 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 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.

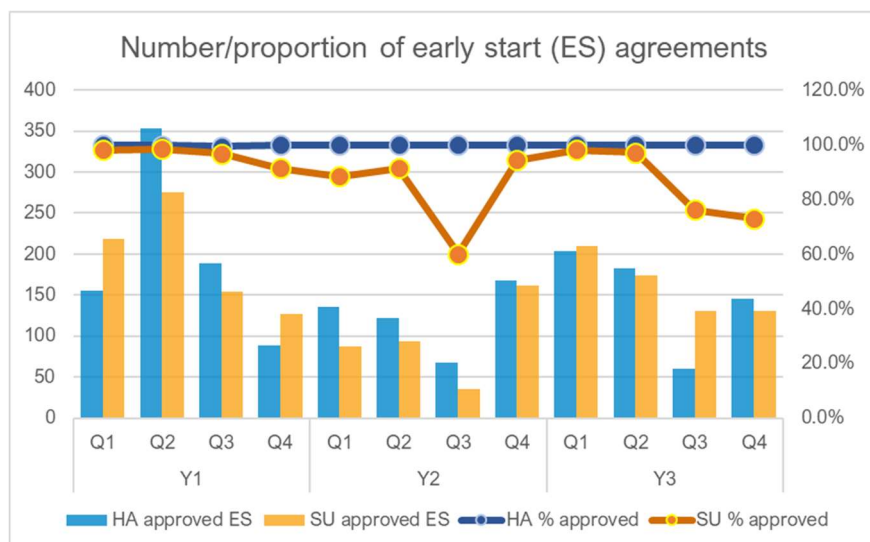
The measure is shown as:

- 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.

5.5.1 KPI4 Results and Analysis

The data was gathered from Mayrise using a bespoke report.

Chart 5.5a: number of early start requests approved, and that number as a proportion of permits issued (highway authority and statutory undertaker)



5.5.2 KPI4 Notes on data

- a. This data is gathered by counting the number of times a specific standard works comment is sent in response to a request for an early start (see Appendix C for response comments – ref RC42).
- b. 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.
- c. This dataset 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 the case of an approval although the coordinator should technically send an 'approval' comment, they may not and so this is not counted in this report.

5.5.3 KPI 4 Commentary

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 Major activities. It would be useful to split works categories up in future.

The highway authority figures show that they are responsible on average for over 50% of all early starts each month, and almost all are approved. The figures are especially high in year 1. Given that highway authority works only account for approximately 20% of all applications received, proportionally the number of early starts received from the authority are significantly higher than expected (ref also section 6.4 OM4 – Refused applications).

Some analysis of the actual comments shows that the majority of these early starts for the highway authority were for surface dressing and similar schemes. PAAs were submitted with early starts within days of the submission. Part of the issue is how the scheme gets planned by the highway authority and distributed to the contractors to programme - if the initial programme is delayed then the contractors cannot meet the legal permit timelines. At this time there was also additional finding by the DfT which had to be used quickly, this again led to a lack of full planning.

Applications had to be approved quickly to avoid the ramifications of the programme being either having to be completely pulled or for works to be undertaken illegally. Comments sent at the time included a caveat "PAA accepted as seen as insufficient time to assess. Only available road space checked and responsibility for this work lies with the contractor/client.". Other issues with this approach also meant that road closures (Temporary Traffic Restriction Orders - TTROs) were processed as a Notice rather than the normal Order¹⁰.

In year 2 there is a decline in requests across the board for statutory undertakers. However, approvals also dropped significantly.

Although early start requests for statutory undertaker major works are included in this dataset and a large proportion of the early starts are approved for Major works to help accommodate resourcing and wider works programmes, a proportion of them in year 2 were rejected because the early starts did not give sufficient time for TTROS to be made. TTROs normally require 8-12 weeks to process legally, so while the permit authority does its best to accommodate early starts on major works, this is not possible if this brings it to below the minimum required for raising the TTRO. It should be noted that given the situation discussed above with the highway authority timelines for TTROs, this approach shows a lack of parity in the way that major works are managed between statutory undertaker and highway authority.

¹⁰ Section 14 (1) and (2) of the Road Traffic Regulation Act 1984, allowing the authority to restrict or prohibit traffic on a road.

There are also situations when an early start is requested on the SWR but because the permit authority has a statutory assessment period¹¹, that early start date has already passed by the time the assessment takes place. The early start will be rejected.

Overall, the numbers of early start requests and approvals are relatively high and on average higher per quarter than in the previous three years. While large numbers of early start requests might signify poor programming on the part of promoters, it is perfectly reasonable to advocate 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.

The report does not provide analysis on the reasons for refusal. It is possible that an application is refused for some other reason other which has nothing to do with the 'early start' request.

It would be a useful process to provide more detail on works types relating to the early start process. More analysis on the reasons for approval and rejection would help gain a better understanding of the drivers for both requests and rejections.

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.

¹¹ Minor works 2 days, Standard works 5 days, Major works PAA 28 days, major works follow-up PA 5 days.

6 Authority Measures

In addition to DfT KPIs, The WaSP scheme sets out several Operational Measures that provide further insight into the way the scheme is being operated and provide another measure of the success of the scheme.

6.1 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 to the general public and greater certainty of the works-state of an activity, allowing overrunning works (NRSWA Section 74)¹² 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 promoters are managing their activities and lessening the impact of their works on road users.

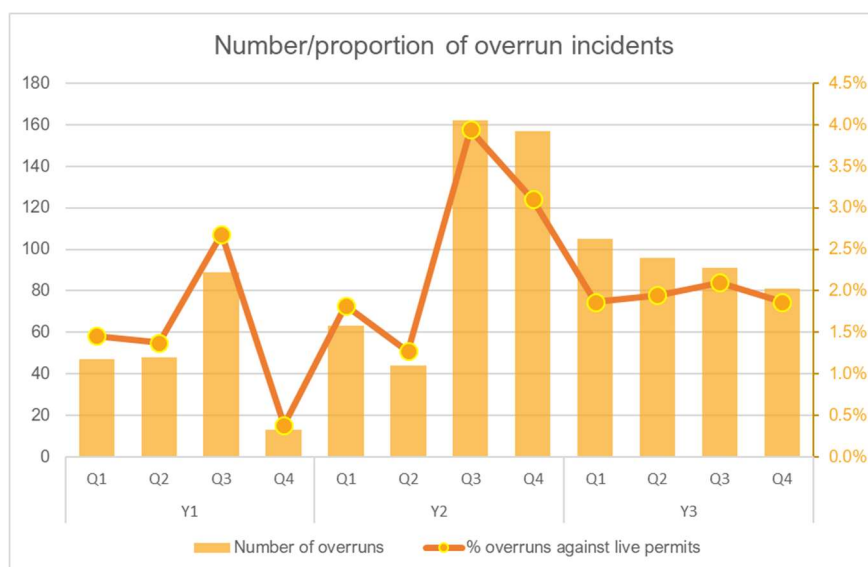
This measure is expressed as the number overrun incidents shown as a percentage of permits issued.

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.

6.1.1 OM 1 Results

This data has been recorded outside Mayrise.

Chart 6.1a: Number and proportion (against permits issued) of overrun incidents recorded (statutory undertaker)



¹² 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)

6.1.2 OM 1 Notes on data

- Data is recorded on an external tracker that records incidents of overruns logged, 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 use the same overrun monitoring or penalty structures for highway authority works.

6.1.3 OM 1 Commentary

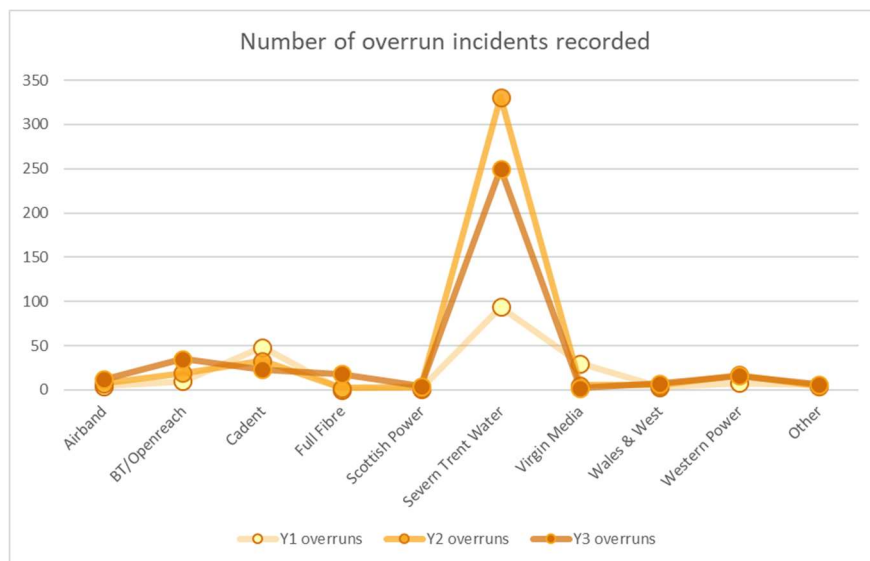
Once a permit has run its course, a Works Stop notification must be submitted to indicate that all works are complete and the site has been fully cleared of all ancillary equipment (including all signs, barriers etc). There are various 'levels' of overrunning works, depending on how much and what type of equipment is left, and on what class of road, and whether it impacts the carriageway. Different levels of overrun equate to different charges. Overrunning works are registered in three ways:

- A site inspection takes place, and the site is found to be live or some element of signing or guarding is found to remain, after the proposed end date of the permit. This inspection might be prompted by either a Works Stop notification having been submitted, or an inspection raised because a Works Stop has NOT been submitted at the due end date.
- A Works Stop is submitted with a date later than the proposed works end date. This is registered as an 'administrative' overrun; the permit authority will not have any proof that the site did in fact overrun.
- A 'zero' duration permit has been submitted. These are situations where a permit has been previously shut down and a new permit application is submitted which has the same or very similar works description at the same location. The permit authority considers the possibility that the previous phase was closed-down because the promoter did not have enough time to finish, and so they clear the site to avoid section 74 overrun charges, but then reopen a new phase to complete the works at a later date. The permit authority considers this to be an unapproved extension to the original work.

Most overruns over the three-year period are accounted for by Severn Trent Water (67%, an increase of 6% on the previous three years), and Cadent Gas (10%, a decrease of 8% from the previous three years).

From the middle of year 2 there is a large increase in overruns identified. Prior to this, numbers had been relatively low, and the numbers (around 40 per quarter) are commensurate with the figures from the previous three years (see previous evaluation report). A deeper look at the data shows increases in year 2 for most promoters, except Virgin Media and Cadent.

Chart 6.1b: Number of overrun incidents (by promoter)



In particular, the numbers of 'administrative' overruns identified by either the system or by a coordination team member (typically when dealing with refused extension requests) increased significantly:

Table 6.1a: Numbers of overruns identified in different ways (Years 1 to 3)

	Year 1	Year 2	Year 3
Co-ordination Team	74	130	117
System Generated	82	203	107
Site Inspection	88	92	147

Some sampling of data suggests that Severn Trent were struggling with various subcontractors in 2021/22 (identified by comments received against works) and were not identifying permits that were overrunning or might overrun and were also closing permits down late. Furthermore, most of these extensions were refused for not complying with the '2day/20% rule', 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. The spike is clearly a reflection of these problems.

One additional resource was added to the inspection team in mid-year 3 (August 2022) specifically to assist with section 74 inspections and improve coverage of live sites which explains the higher number of sites inspections that identified a live overrun moving into year 3.

It should be noted that although there are clearly large increases in overruns with Severn Trent Water, overall, the proportion of overruns identified against active works is not dissimilar to other promoters.

Chart 6.1c: Proportion of overrun incidents (by promoter) against active permits

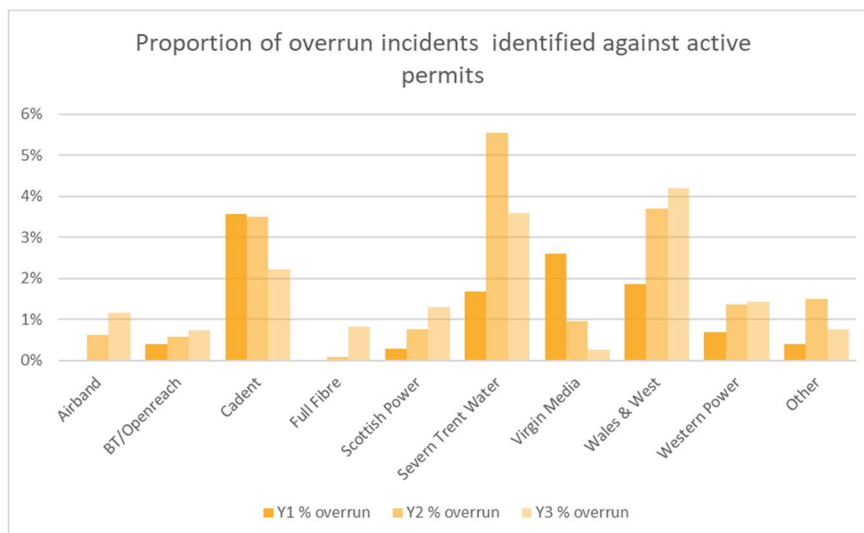
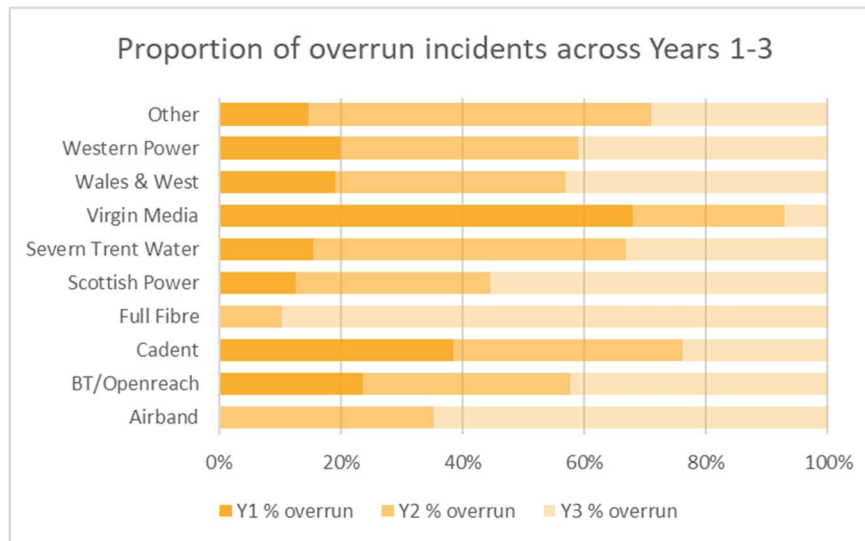


Chart 6.1d: Proportion of overrun incidents over the three-year period (by promoter)



The proportions of overruns (in relation to the number of active sites each year) shows that only Virgin Media and Cadent have improved over the three-year period, the figures showing Virgin Media have dropped off significantly. This may be partially to do with a lower number of permits in years 2 and 3 as their mains development programme reduced by a half in year 2 and it was at this time that another temporary resource was added to the inspections team for a two-month period specifically to monitor telecoms and broadband performance to try to capture potential on-site problems (like overruns) before they happen.

There were also several activities that were granted with 'zero duration' (see notes on data above). It is beyond the scope of this report to examine in detail these circumstances. From a small sample some were obviously not the same job or where there were often reasonable explanations for the second activity. This figure is significantly lower than in the previous three years which is a positive change as these kinds of penalty were highlighted in the previous evaluation as being possibly considered unreasonable.

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 demonstrates 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 only a small proportion will 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 of the correct (defined) processes by promoters.

More exploration could be undertaken comparing 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.

Highway Authority works are also monitored in regard to this Operational Measure and a monthly internal report generated to assist in identifying improvements. Highlighted overrunning works could potentially be applied as contractual low service damages.

It would be a useful exercise to look at overruns by works category as well as investigate more closely the zero duration overruns and administrative overruns.

6.2 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.

6.2.1 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 6.2a: Comparison of highway authority average duration of works categories years 2013 (last year of 'noticing'), 2014 (first year of permitting) through all years to 2023

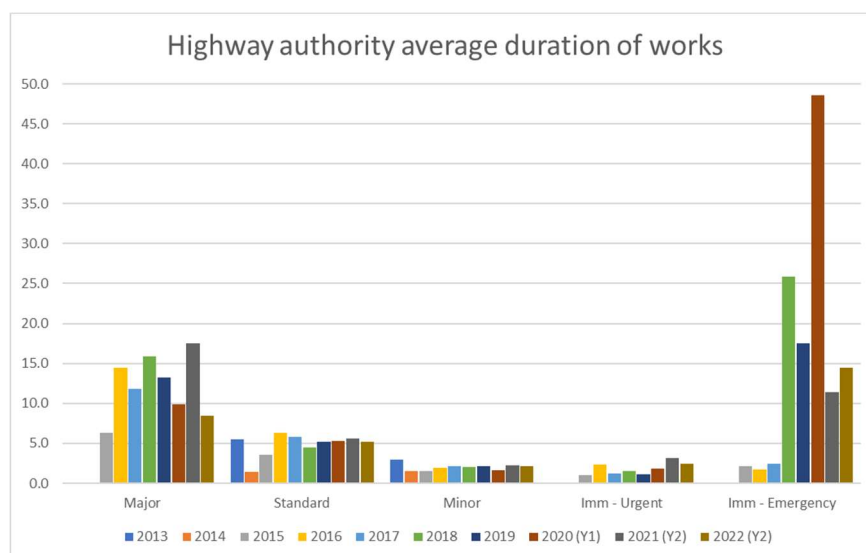
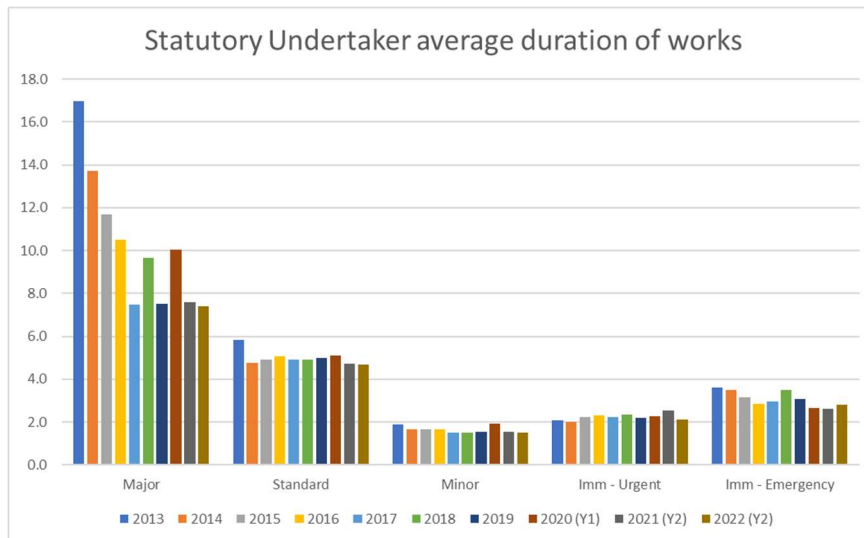


Chart 6.2b: Comparison of statutory undertaker average duration of works categories years 2013 (last year of 'noticing'), 2014 (first year of permitting) through all years to 2023



6.2.2 OM 2 Notes on Data

- Additional years of data have been included as a comparator; financial year 2013 is the last year of 'Noticing' and is the baseline.
- See section 5.1.6 for a description of works categories (defined primarily by duration). Immediate (both Urgent and Emergency) are not expressed by how long they last, 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.
- For the highway authority, 2013 and 2014 data on some works categories is missing – this reflects the low-state of permitting with the highway authority contractor at the time.
- 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.
- Minor works category includes interim-to-perm phases and remedial works.

6.2.3 OM 2 Commentary

While the rest of the report covers only the three financial years 2020-2023, this measure is useful when considered in the context of the whole life of the scheme. 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.

Statutory Undertakers

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. The data shows there continues to be a small downward trend in durations for these two works categories.

Major works have been included but it is more difficult to analyse because Major works are complicated by having different sub-categories of 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 however clear that overall, there has been a definite downward trend in durations.

Further analysis would be useful to see if this is a trend that is pushed by proactive project management of genuinely largescale projects like gas or water main 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 which might only last a day or two).

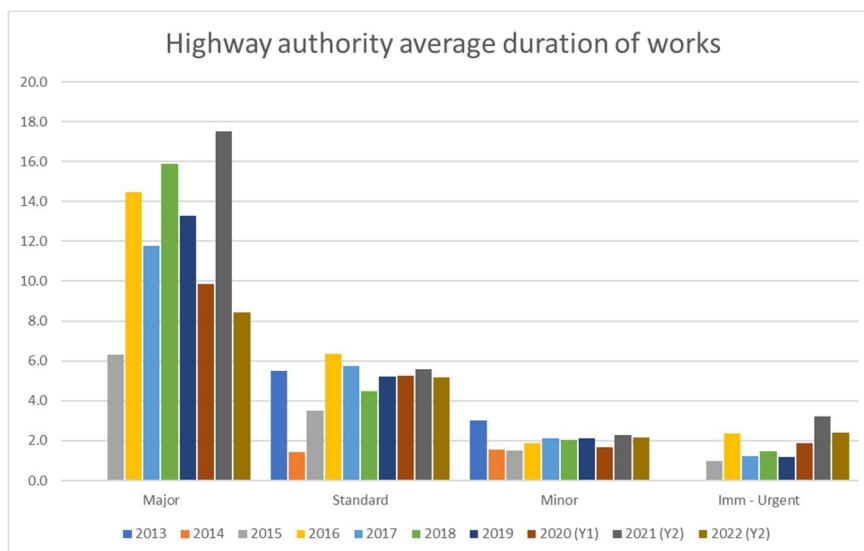
Highway Authority

For the highway authority the picture is a little more mixed. Immediate (Emergency) works have a large amount of anomalous data; the average duration is pushed up by a handful of activities with very long durations (anywhere between two and six months). These were in response to dangerous situations such as road traffic incidents (which damaged either a structure or street furniture), 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 Immediate permits should technically have been 'severed'¹³ from the emergency permit that initiated the response and converted to Major works.

For those viewing the works online 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 is an administrative technicality, and while there are no particular issues with the permit or the administration of the permit this would help provide greater clarity (improved works descriptions) on the situation and the expected duration and so on. This was an issue with the data that was identified in the previous evaluation report.

If this dataset is removed, it is easier to see the trends on other work categories.

Chart 6.2c: Comparison of highway authority average duration of works categories (not including Immediate (Emergency), years 2013 (last year of 'noticing'), 2014 (first year of permitting) through all years to 2023



¹³ 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.

Minor and Standard works continue to show minor variation from year to year. There does seem to be a pattern of increasing durations for Immediate (Urgent) works.

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 6.2a: 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	
		issued	Ave Dur	permits issued	Ave Dur	permits issued	Ave Dur	1-2	2-3
SU	Standard	622	5.09	844	4.73	934	4.70	-0.36	-0.03
	Minor	4733	1.92	6097	1.54	6584	1.51	-0.38	-0.03
	Immediate - U	3020	2.26	2958	2.52	3383	2.12	0.26	-0.40
	Immediate - E	365	2.67	324	2.62	296	2.82	-0.05	0.21
HA	Standard	75	5.26	122	5.57	139	5.18	0.30	-0.38
	Minor	616	1.67	702	2.29	550	2.16	0.62	-0.13
	Immediate - U	2370	1.88	400	3.20	85	2.42	1.32	-0.78
	Immediate - E	218	48.56	253	11.45	114	14.45	-37.11	3.00

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 6.2b: 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 Ave Dur Y1 x P Issued	Total work days		saving (-ve)	Year 3 Ave Dur Y2 x P Issued	Total work days		saving (-ve)
		Y1	Y2			Y2	Y3	
SU	Standard	4295.3	3994.9	-300.3	Standard	4420.9	4389.8	-31.1
	Minor	11691.0	9364.0	-2327.0	Minor	10111.9	9941.8	-170.1
	Immediate - U	6677.7	7457.6	779.9	Immediate - U	8529.1	7172.0	-1357.1
	Immediate - E	865.1	847.8	-17.3	Immediate - E	774.5	835.4	60.9
HA	Standard	642.1	678.9	-36.8	Standard	773.5	720.6	52.9
	Minor	1170.6	1605.2	-434.7	Minor	1257.7	1186.0	71.7
	Immediate - U	751.7	1279.3	-527.7	Immediate - U	271.9	205.7	66.2
	Immediate - E	12285.0	2897.5	9387.6	Immediate - E	1305.6	1647.8	-342.2

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. Despite this, for statutory undertakers the overall occupation has been reduced significantly despite increases in the number of permits.

Put into economic terms, this equates to a monetised saving economically from reduced occupation¹⁴ in the region of £1.8m.

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' (i.e., using temporary

¹⁴ This is a conservative estimate, 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.

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 coordinators to reject a permit application 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 while trying to negotiate a different initial duration.

6.3 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:

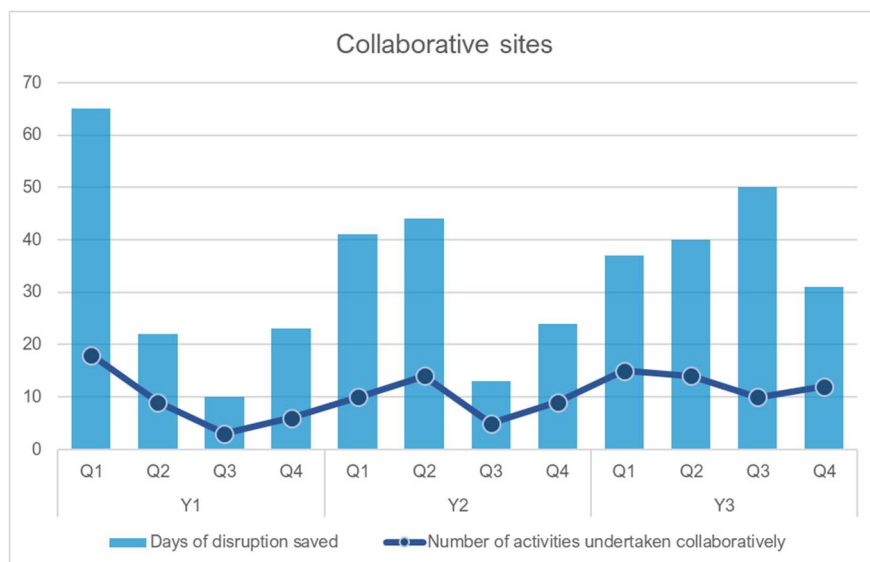
- The number of all collaborative activities approved per period.
- The number of days of reduced occupation per period.

Any activity on the highway will be included to show how the permit authority is able to coordinate holistically and proactively.

6.3.1 OM 3 Results

This data has been recorded outside Mayrise.

Chart 6.3a: Collaborative activities undertaken and total number of days of disruption saved.



6.3.2 OM 3 Notes on Data

- a. Collaborative sites include any on-street activity that takes place with a works activity site – for instance this works around new developments sites, highway events, highway licenced activities (such as crane operations or hoarding/scaffold erecting etc).

6.3.3 OM 3 Commentary

Drilling into the data shows a wide range of collaborative efforts between different work promoters for both statutory undertaker (including section 50 licences¹⁵) and the highway authority, as well as a small number of Highways Act licences including Section 278 (developer-led works) and Section 184 (dropped kerbs).

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

It is noticeable that the number of collaborative sites has decreased somewhat from the previous two years. In 2018-20 the number of collaborative sites was over 60 per quarter and the average number of network days saved was above 70 in the final year and 85 in the previous year. This reports' figures are clearly well below this, averaging around 30 days of network occupation saved per quarter.

It is not possible to identify why there is a large drop-off in year 1 although it is probably do with Covid restrictions and an unwillingness to either undertake shared working patterns or a challenge for coordinators to consider the opportunities. However, these low figures have never really recovered in the eighteen months since Covid restrictions were fully lifted. It is recommended that the coordination team revive their efforts to instigate collaborative working opportunities as the benefits to the network are significant, as well as the ancillary improvements in public health, street scene etc.

In addition to street and road works, licenced activities can be a potential source (for instance mobile crane operations etc.) 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 numbers 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, particularly in the difficult town centres like Shrewsbury or Ludlow. There are also other events promoted by town and parish councils that require road closures for setting up an event (for instance erecting Christmas Lights, occasional Markets and so on) that could be utilised.

Under the WaSP scheme collaboration allows a statutory undertaker to have a reduced permit fee. It was not possible to examine the charging regime in detail; some sampling of data suggests there is no evidence that these reductions were being given (or indeed requested at the point of submission of the permit application, or at the granting of the permit). It is recommended that this mechanism is commissioned 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.

¹⁵ Section 50 (NRSWA) a licence for a private individual or company to excavate the public highway in order to place or maintain apparatus (for instance private supplies etc.)

6.4 OM 4 – Number of refused applications and reasons

Actual numbers of applications refused are part of KPI1 and are an indicator of parity. More detailed monitoring of permit refusals shows the most common reasons for not issuing a permit. 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.

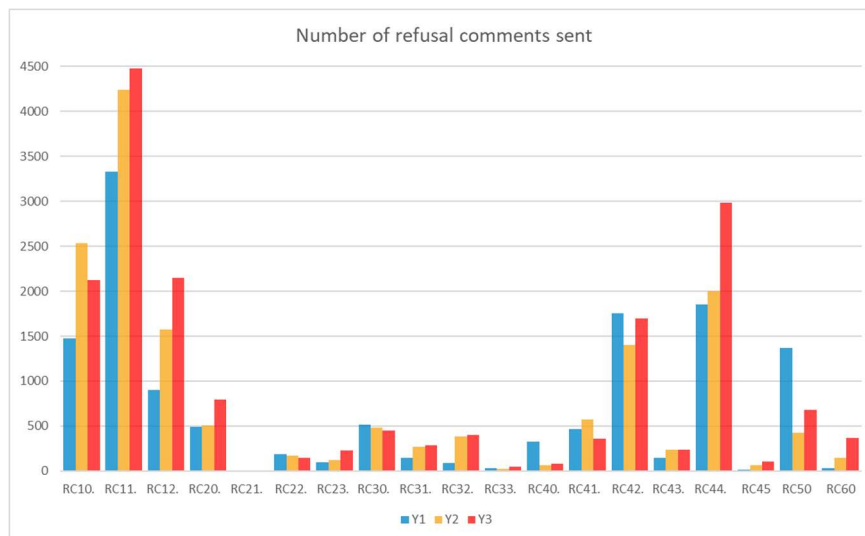
The term 'refusal' includes the issuing of a Permit Modification Request (PMR - see section 5.1.3); under the regulations this is technically a refusal since an application will automatically expire if a PMR is not responded to with a Modified Permit Application (MPA). Response codes are used in both scenarios (PMR or 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 straight refusal will be issued: incorrect unique street reference number (USRN), or the permit dates conflict with other activities etc.

HAUC define a set of response codes that have been adapted by the WaSP scheme (see appendix C).

6.4.1 OM 4 Results

The data provided has been collated from Mayrise using a bespoke query to draw out all standard comments.

Charts 6.4a: Total number and type of standard refusal comments sent for years 1 to 3 (combined highway authority and statutory undertaker)



6.4.2 OM 4 Notes on Data

- While the adapted codes used in the WaSP scheme (see Appendix C) are based on the HAUC 'permit response codes', in this data analysis only the codes that are indicative of a refusal are used – other response codes (such as RC44a – revised duration approval) are not included.
- When an application is refused, there may be more than one reason for its refusal, so the standard refusal codes and explanations are added to the refusal comment in turn. Therefore, in any one month the total number of codes/comments sent may be several times greater than the number of applications refused.
- This data includes codes used against PAAs. There is a question over the appropriateness of this use as the process for dealing with a PAA is different to a normal permit and this will skew the data heavily in terms of the usage (a much higher proportion of statutory undertaker works require a PAA) and in terms of the codes used.

6.4.3 OM 4 Commentary

The total number of refusal comments sent has remained relatively similar over three years (chart 6.4a), allowing for fluctuations in the number of applications received. Of the more significant changes since the previous evaluation report, there have been increases in the use of RC10 (Missing information) and RC12 (missing applications/documents).

Exploration of use of individual codes shows that RC10 is often being used as a 'catch-all' for various reasons, many of which could have been put against other codes. For instance, in the small sample examined some should have fallen into RC12 (missing applications/documents), 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.

In the period of this evaluation report RC32 (Times/dates not specified) has increased significantly; it is clear from deeper examination that much of the time this code is used incorrectly and often relates to RC20 (Coordination/road space).

The incorrect use of codes, in particular RC10, was noted as prevalent in the previous evaluation report and given the rise in its use in the past three years should be addressed to help ensure a better understanding of this operational measure.

There is minimal use of some codes (i.e. RC21, 33 and 45); this is not unusual as they are normally used in less common situations.

Chart 6.4b: Number of standard refusal comments sent by the highway authority (years 1-3)

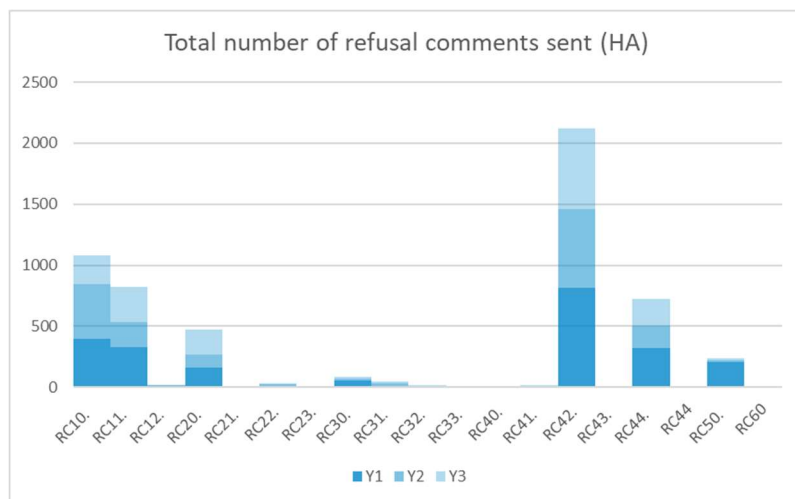


Chart 6.4c: Number of standard comments sent by statutory undertakers (years 1-3)

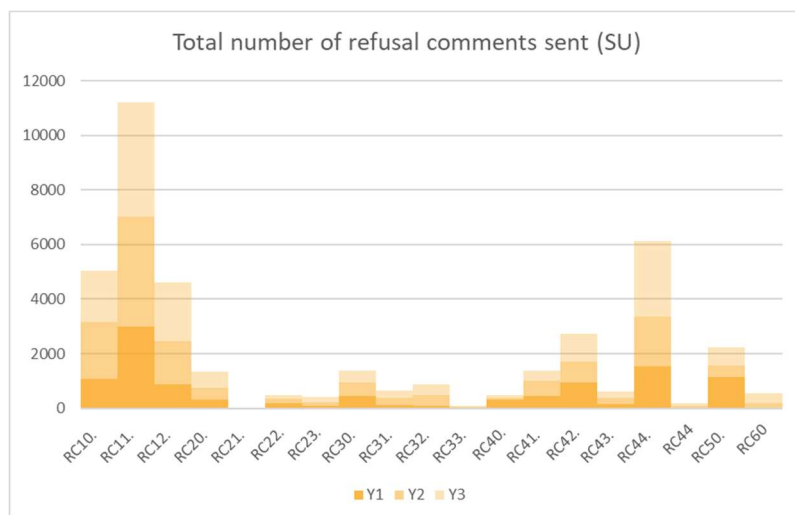
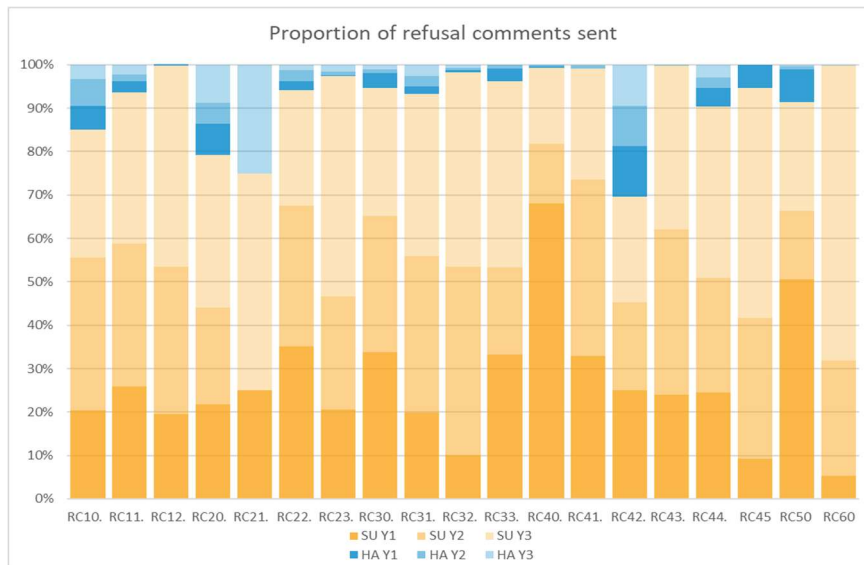


Chart 6.4d: Proportion of standard comments sent (statutory undertaker and highway authority) years 1 to 3



When comparing refusal code use between statutory undertakers and the highway authority, note that the two scales on Charts 6.4 b and c are not the same and should be compared with care (for statutory undertakers there are significantly greater numbers of activities – see KPI1 which shows that the highway authority accounts for only around 20 to 35% of all activities undertaken). Additionally in the three charts above, 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 RC12, 21 and RC41 etc).

Taking this into account, proportionally RC11 (Conditions missing/incorrect) and RC44 (Duration not acceptable) are probably not used by statutory undertakers more often, even though the charts suggest a much higher usage by statutory undertakers. However, RC42 (Early Start refusal) is used for highway authority far more often than for statutory undertakers proportionally. This suggests that the highway authority is asking for early starts much more often than statutory undertakers in relation to the numbers of permit applications being submit (refer also to data presented under KPI4).

RC44 (duration not acceptable) is a well-used code for both statutory undertakers and highway authority. Part of the permit assessment process is to consider the proposed duration of an application in relation to NRSWA s59¹⁶ and the TMA Network Management Duty¹⁷ and the general expectation to minimise use of road space particularly where it is likely to cause disruption. Where the coordination team feel that the proposed duration does not correlate to the amount of works planned, they will refuse it. The WaSP scheme operational guidance has a section relating to expected durations of certain types of work (known as ‘standard’ durations), which are simply average or typical durations set out for different works categories and types. For instance, it is generally accepted that replacing a water meter or stop valve will typically take one day or less in most situations, perhaps two days if the works are reinstated by a separate team to those undertaking the actual replacement.

It should be noted that this metric includes refusal codes used against PAAs. Most PAAs will be submitted with missing conditions; To some extent this is the correct use of the PAA – at the point of submission the promoter will not know all the final details on the scope and impact of the work, or who to specifically consult with etc. This almost certainly inflates many of the refusal codes, especially RC11 and RC12 (missing applications/documents)

¹⁶ NRSWA Section 59 (ii) states that Authorities should “...use their best endeavours to coordinate the execution of works of all kinds (including works for road purposes and the carrying out of relevant activities) in streets for which they are responsible.... to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability).”

¹⁷ Network Management Duty states that “...Authorities are required to manage their road network to secure the expeditious movement of traffic on their network and to facilitate the same on the network of others.”

where the large proportion of major works requires submission of TTRO applications and comprehensive traffic management plans.

PAAs should probably not be included; they are not necessarily reflective of the works that take place on the ground and additionally are much more susceptible to cancellation/multiple applications before the follow-up permit application is even submitted. In most cases the refusal codes are not being used as part of the refusal of a PAA, but as a mechanism to set out clearly the information that is missing and needs to be provided. In this sense they are genuinely 'response codes' not 'refusal codes'.

6.5 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 to cancel an activity 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 as it shows better works management and allows officers and staff to use their time more productively.

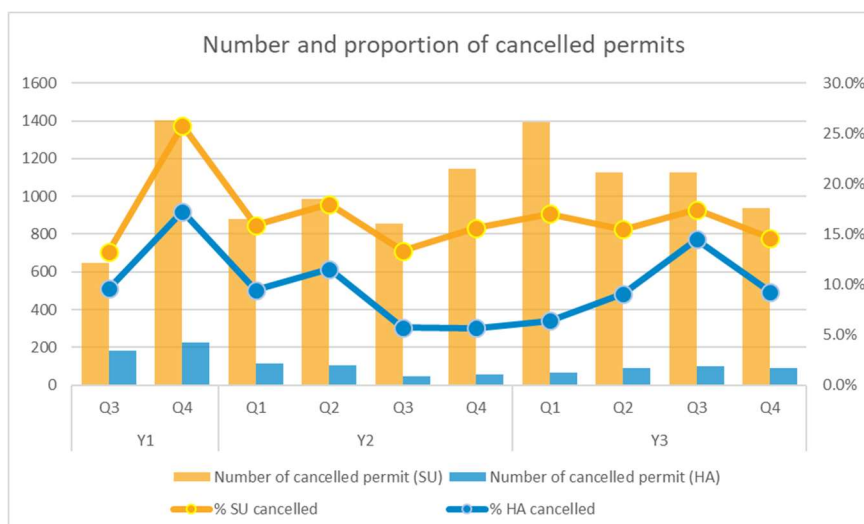
This measure will compare year on year rates of permit cancellation. This measure is expressed as:

- The proportion of permits cancelled each period.

6.5.1 OM 5 Results

The data provided has been collated from Mayrise using a bespoke query which counts the number of cancelled live phases.

Chart 6.5a: Total number of cancelled permits and percentage of cancelled permits against permits issued (highway authority and statutory undertaker)



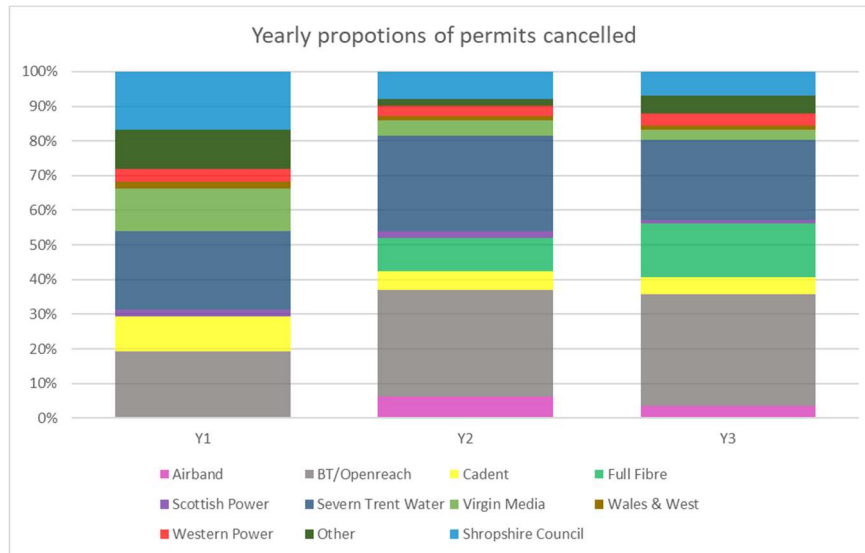
6.5.2 OM 5 Notes on Data

- The data provided for this operational measure in quarters 1 and 2 in Year 1 was inaccurate and does not provide results that can be interpreted, these data have been removed. This was an issue with this dataset in the previous evaluation report. The later data comes from Street Manager and there is nothing to indicate similar problems.

6.5.3 OM 5 Commentary

Proportions of cancellations did not vary significantly for the highway authority or statutory undertakers. Further examination of the data shows that the greatest proportion of cancellations come from BT/Openreach and Severn Trent Water

Chart 6.5b: Proportion of cancelled permits in relation to all promoters per year



Note on chart 6.5c, Airband and Full Fibre are only included in years 2 and 3. High numbers for Severn Trent Water are expected given their proportionally greater number of applications (typically 3 to 4 times the number of applications from most other promoters). Openreach have a relatively high number of applications however it is clear that the number of cancelled permits is higher than Seven Trent Water. Examination of the data shows that Openreach will generally submit a ‘cancellation’ following a refused application (often this includes after a PMR, probably because the timeline to submit the required information or to make the necessary changes to some element operationally - e.g. the traffic management - make it too difficult on minor works in particular). There is no reason to submit a cancellation in these circumstances from a legislative or systems perspective (the permit is effectively ‘refused’ once the PMR is sent by the authority) – it is possible that this approach is operational and helps ensure that the Openreach contractors are clear that the works must not take place and a new application must be submitted.

Full Fibre also have a relatively high number of cancellations because they operate in a similar way to Openreach in terms of PMR and refusals.

More detailed examination of the data doesn’t show a trend in the reasons for cancellation (where not related to a refusal). Adverse weather occasionally plays a part – possibly seen in the data as higher cancellation rates in Q4 and Q1 on both years. Many cancellations state ‘replan’ on them and looking at the comments in more detail suggests that reasons range from staffing issues to cars being parked in the way.

Ultimately all promoters will sometimes need to redirect resources or change plans (or have customers change plans) so needing to cancel works is not necessarily a problem. There is no indication that cancellations are being used because of systemic mismanagement. Additionally, since it is not a statutory requirement to cancel a permit that is not required, there may well be many more permits that could have been cancelled and have not, therefore these figures are almost certainly lower than they might be.

6.6 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.

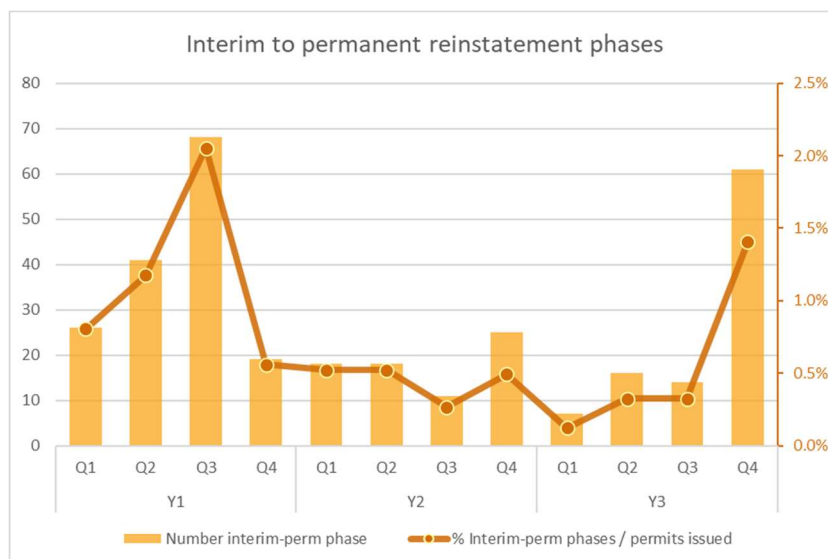
The metric is expressed as:

- 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.

6.6.1 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 6.6a: Total number of interim to permanent reinstatement phases and percentage against permits issues (statutory undertakers)



6.6.2 OM 6 Notes on data

- This data is for statutory undertakers only and does not include highway authority activities. 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.

6.6.3 OM 6 Commentary

Results are in line with previous years, which itself showed the lowest number of interim-perm phases recorded since the permit scheme started. 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.

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.

It must be noted that the permit authority cannot demand a first-time permanent reinstatement. Section 70 of NRSWA provides for either interim or permanent methods¹⁸ to be used at the decision of the promoter and permit conditions do not supersede these provisions. Therefore, while it is not unusual for a coordinator to request a first-time reinstatement (for instance to avoid a second visit), or sometimes request an interim reinstatement to remove the occupation more quickly, there is no recourse to penalty if the reinstatement is not completed to that requirement, even if this is applied as part of a permit condition (which it should not be).

6.7 OM 7 – Category A inspections

Category A inspections¹⁹ 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, as there is particular emphasis on the safety of pedestrians and those with a disability. In addition, they also cover excavation practices, materials and methods used during the reinstatement.

Category A inspections are part of NRSWA and are a common reporting and performance measure for authorities. This measure is not specific to the permit scheme and does not necessarily provide information on how the 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.

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

¹⁸ NRSWA section 70 (1A) "The reinstatement required ... may be permanent or interim."

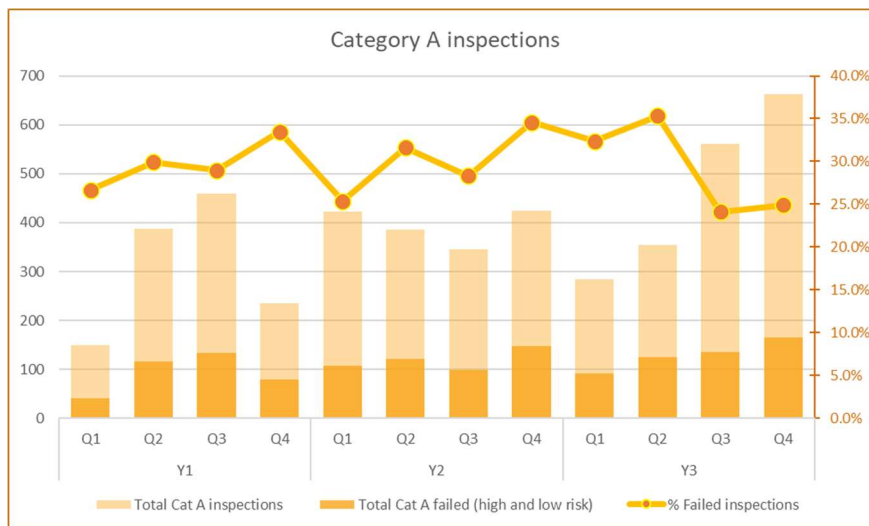
¹⁹ Described in the NRSWA Code of Practice for Inspections (COP) September 2002 and as subsequently revised.

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.

6.7.1 OM 7 Results

The data has been collated using a bespoke Mayrise report.

Chart 6.7a: 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.



6.7.2 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 the site to remedy any inadequacy found if they are on site at the time of the inspection. 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.

6.7.3 OM 7 Commentary

The number of inspections completed increases in quarters 3 and 4 in Year 3, this is in part because of fibre works by Virgin Media, Full Fibre and Airband. Overall failure rate remains relatively stable averaging 30% but closer examination of individual promoters' data shows that for some statutory undertakers this figure reaches up to (and sometimes over) 50%.

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% - five of the twelve quarters have an average failure rate of over 30%, while the other seven had failure rates above 20%. It should also be noted that these average rates muddy the data somewhat as in any quarter there is a very wide range between the highest and lowest promoters' failure rates; it was not unusual to have some promoters with 50% or higher. However sometimes this is based on only five to ten inspected sites.

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

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, a higher proportion might fail, however, it is concerning that this translates into a three- 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 suggest that the inspection team is carrying out their duties and trying to drive better site management. However, there are some questions to be considered, including 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 show an increasing trend.

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 Health and Safety 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.

Shropshire Council does hold regular performance meetings with statutory undertakers and data is shared and expectations reiterated. The street authority has also had extraordinary meetings with particularly bad performers and have also had some companies on an Improvement Notice²⁰. Shropshire have more recently begun some prosecutions for safety failures.

6.8 OM8 - Permit condition compliance

Permit schemes provide for specific permit condition compliance inspections that give 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 it is normal for any site that is visited for a NRSWA Category A inspection will also have its permit conditions checked (and *vice versa*). The outcome of the Category A inspection is not linked in any way to the outcome of the compliance inspection.

The measure is expressed as:

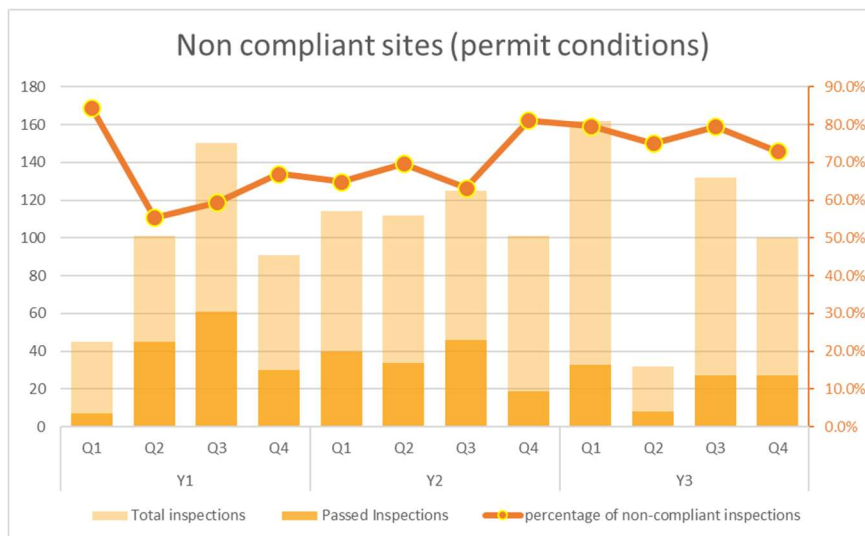
- The total numbers of permit condition inspections undertaken.
- The number of failed permit condition inspections.
- The percentage of failed permit condition inspections.

6.8.1 OM 8 Results

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

²⁰ Under the original Code of Practice for Inspections (2002), an Improvement Notice could be issued where more than 10% of the sample inspections of an undertaker's works over a three-month period are recorded as inadequate. An Improvement Notice leads to an Improvement Plan, designed to achieve certain objectives and provisions to improve site performance. The most recent code of practice does not provide for an Improvement Notice in the same way as the inspection regime is based performance driven charging regime – the greater the percentage of inadequacies, the more inspections are carried out in the next quarter – and since these are charged for the concept behind this is the financial impact will help improve practice on site.

Chart 6.8a: Number of permit condition inspections undertaken, number of those that pass or fail, and the percentage of non-compliant condition inspections (statutory undertaker)



6.8.2 OM 8 Notes on data

- Data recorded is for statutory undertakers only. There is no specific requirement to undertake similar condition compliance inspections for 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.
- A failed condition inspection may not necessarily result in a Fixed Penalty Notice²¹ (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.

6.8.3 Commentary

Year 1 Quarter 1 shows a low number of compliance inspections undertaken. While this jumps to more typical levels in Q2, overall numbers of compliance inspections for the remainder of the reporting period are significantly lower than in the previous report (for instance in 2018/19 and 2019/20 the number of compliance inspections averaged around 250, in the period covered by this report the average is 105). The figure drops in Q3 of Year 3, this was probably down to one inspector on long term sick leave leaving the geographical area under resourced and limited inspection cover provided by the other team members. Although the numbers of inspections over the three years are lower than previous years, the proportion of non-compliant sites remains similar, at around 70%.

Non-compliance of permit conditions is consistently high which is a concern. 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.

²¹ Regulation 20 (Reg 20) of the TMA provides that an FPN to be given for a breach of permit condition.

It would be a useful exercise to analyse permit conditions to ensure they are being applied in a manner that should be achievable on site.

6.8.4 Fixed Penalty Notices for condition compliance

Condition inspections are a critical facet of measuring overall performance on site in relation to permits. Considering the numbers of Fixed Penalty Notices given (under Regulation 20) and their typical reasons provides different insights into the wider condition compliance dataset. These FPN figures will not tie into the non-compliant condition inspections for the following reasons:

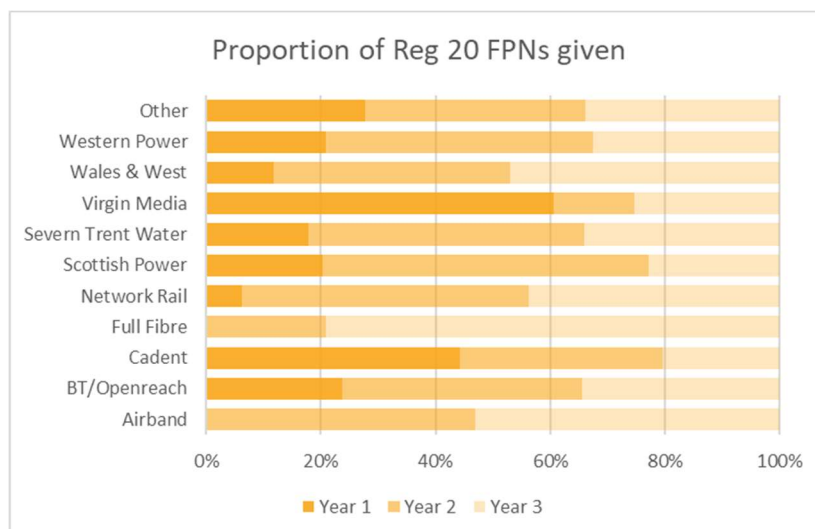
- An FPN can be given up to 90 days after the offence date, the majority of FPNs examined were given several weeks after the inspection / offence date.
- For every condition inspection failure, there may be a number of conditions breached, and therefore several FPNs eventually given.
- Data does not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

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

Table 6.8a: Number of Regulation 20 FPNs given in years 1 to 3, broken down by promoter

	Year 1					Year 2					Year 3				
	Q1	Q2	Q3	Q4	TOTAL	Q1	Q2	Q3	Q4	TOTAL	Q1	Q2	Q3	Q4	TOTAL
Airband					0	4	4	6	1	15	4	1	5	7	17
BT/Openreach	14	20	16	31	81	19	44	29	51	143	34	21	30	33	118
Cadent	19	26	53	52	150	48	23	15	34	120	3	19	15	32	69
Full Fibre					0	8	0	0	8	16	34	4	10	13	61
Scottish Power	2	9	1	4	16	16	13	5	11	45	6	2	7	3	18
Severn Trent Water	41	71	59	57	228	85	118	158	255	616	80	131	124	102	437
Virgin Media	3	23	14	3	43	1	2	6	1	10	5	8	2	3	18
Wales & West Utilities	0	1	1	2	4	2	4	6	2	14	7	3	1	5	16
Western Power	2	14	13	17	46	29	31	20	23	103	13	11	22	26	72
Other	1	3	0	14	18	6	4	11	4	25	6	1	6	9	22

Chart 6.8b: Proportion of permit condition offences given Fixed Penalty Notices in years 1 to 3 (statutory undertaker)



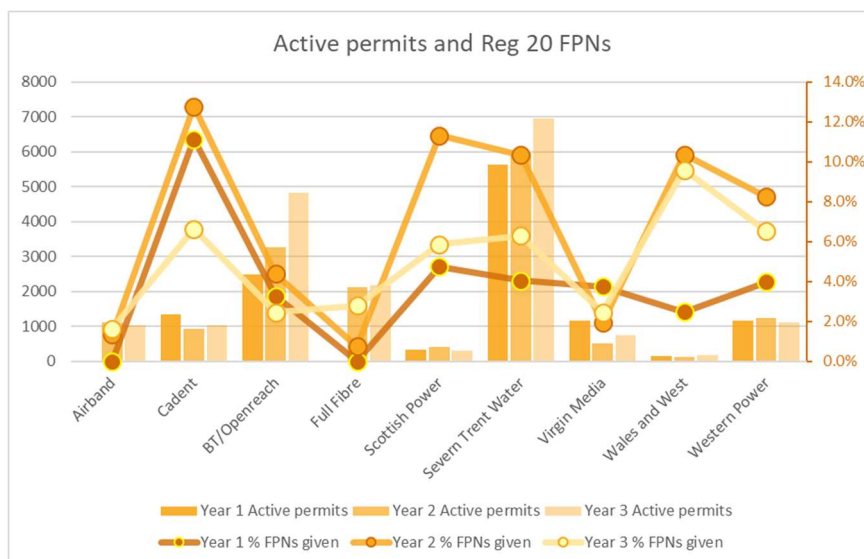
Shropshire Council is not included as there is no facility or legal requirement to monitor or penalise to highway authority works in the same way as statutory undertakers.

In very general terms, the number of FPNs being given over the period of this report is in line with the previous three years, although there is quite wide variation between individual years. Year 2 shows a large jump in FPNs, primarily because of much lower compliance rates from Severn Trent Water – as noted in previous sections of this report Severn Trent Water had problems with contractors which might explain these figures.

Year 2 saw the introduction of Airband and Full Fibre (both telecom companies) works in the county, which both contribute a few percent to the overall number of FPNs.

While Severn Trent Water 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. As Charts 6.8b and 6.8c shows, despite the significantly higher number of permits being issued to Severn Trent Water, the proportion of FPNs given (against active permits) is comparable to other promoters. Indeed based on the data shown in Chart 6.8c it is the promoters that have relatively small numbers of works, but very high proportional FPNs that should be the subject of greater scrutiny (for instance Cadent, Scottish Power and Wales and West).

Chart 6.8c: Proportion of Regulation 20 FPNs given against actual number of live works in years 1 to 3 (statutory undertaker)



Although there is variation in the proportions of FPNs given, the overall proportions for the three years are mostly under 10% which is a significant drop from the previous evaluation report period (which ranged from 5% to 30% although with an overall drop in that time).

The actual number of FPNs given for condition offences are still relatively high. Shropshire Council 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.

6.8.5 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 6.8d: Total number of Fixed Penalty Notices given over years 1 to 3 (statutory undertaker)

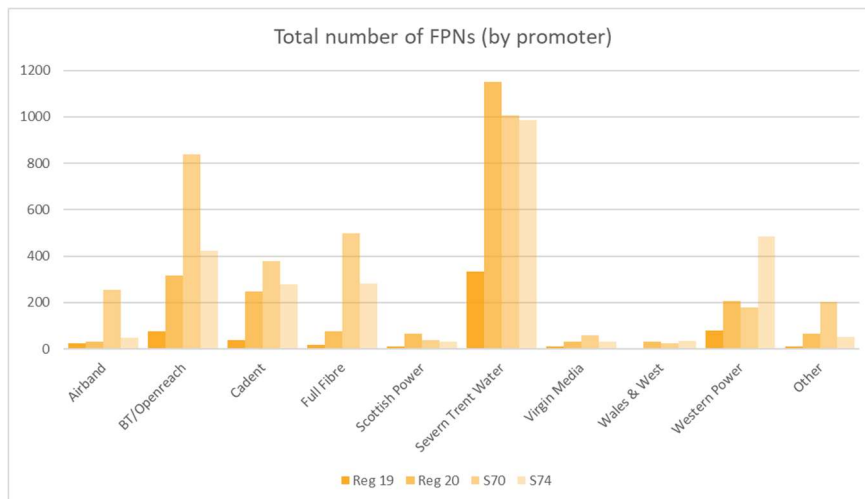
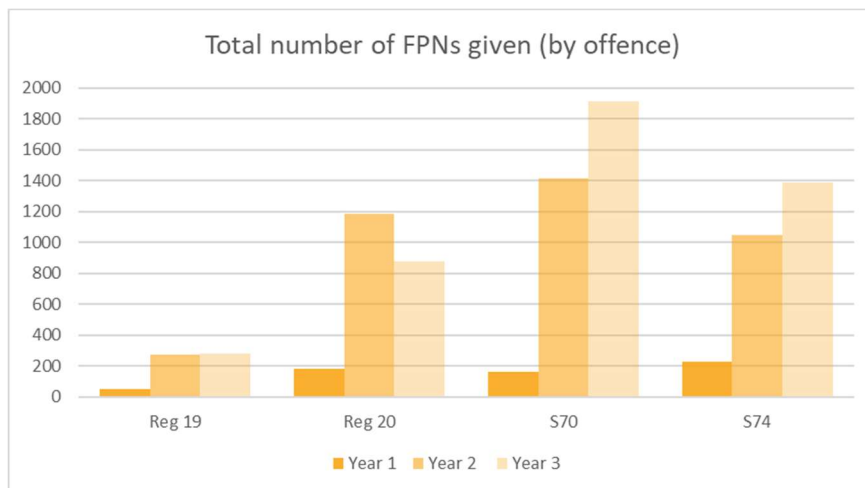


Chart 6.8e: Total number of Fixed Penalty Notices given over years 1 to 3 (by offence)



Shropshire Council is not included as there is no facility or legal requirement to monitor or penalise to highway authority works in the same way as statutory undertakers.

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 some general exploration of FPNs follows below.

Reg 19 (working with no valid permit)

Sites where works are found to be active (or have been in the past) where no 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 the permit authority has judged that there is no permit in place; or simply no permit application was ever sent.

- Very low numbers in year 1, large jump into years 2 and 3.
- A significant proportion are given for Immediate works where the application is submitted late²². This seems to be particular (systemic) problem with Severn Trent Water.

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

The majority were valid (late submissions), some relating to a works stop submitted while the site was not clear (normally some items of signing and guarding left on site). There is a question over how reasonable it is to give an FPN for a site that is not clear; the driver for clearing site is section 74 and there are charges applicable to sites that are classed as 'overrunning' in this way.

It is positive that some of the prevalent FPNs in the previous evaluation report are no longer a significant factor in this reporting period, specifically:

- Permits that had a 'revert works stop' requested because of an administrative error but were subsequently given an FPN; and
- FPN's given for a late start notice issued for works on a traffic sensitive road where the deadline is specified in WaSP as 10:00 but where HAUC guidance specify this as a guideline not a requirement of the permit legislation.

Section 70 (incorrect or late Registration details)

Registration details provide information on the size of the site, type of 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:

- The majority of FPNs are given for locations not matching the geolocation (National Grid Reference), for instance the site is shown as 'outside no.11' but it has been plotted on the map at a different location.
- Some FPNs are given for poor narrative description of the location.

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. While FPN contains a comment stating that the promoter should update their registration, there was no evidence that this is being done nor does Shropshire Council follow this up; it is a requirement that the street authority keeps an accurate copy of the Street Works Register²³.

Incorrect registrations ultimately lead to a higher maintenance bill for the local authority; future inspections cannot find the correct site position, reinstatements that fail later in their life cannot be matched against the works, therefore a defect cannot be issued and the responsibility for rectifying the failure lies with the local authority.

²² 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.

²³ NRSWA section 53 A street authority shall keep a register showing with respect to each street for which they are responsible such information as may be prescribed with respect to the street works, and such other descriptions of works as may be prescribed, executed or proposed to be executed in the street.

7 Conclusion & Recommendations

The management of road and street works is vital when delivering or repairing essential utility services and facilitating much needed maintenance and improvements to the road network itself, thus ensuring that the infrastructure remains in a fit and proper state. However, these works also cause significant delay and disruption to the road network and frustration to road users, businesses, and residents. In broad terms 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 and equitable manner.

The Network Management Duty²⁴ 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, proactive coordination should bring 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. 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 practice²⁵. 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.

The change to using the Street Manager system in July 2020 as the primary permit database has improved data quality and reliability in many areas since the previous evaluation report however the complexities of combining the old Electronic Transfer of Notice protocols with Street Manager communications still proves challenging to Mayrise when producing or developing reports to extract suitable datasets. Best efforts have been made in this report to provide better consistency in some of the data, but questions remain over the validity of some data.

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 to try to provide clarity and consistency between all authorities and promoters working under WaSP. As the lead-authority for WaSP, Shropshire Council might consider how this can be achieved going forward.

It is also recommended that the wider WaSP authorities may consider reviewing the permit scheme's Key Performance Indicators and Operational Measures with a view to ensuring they best reflect the needs of the authorities and promoters. Both sets of indicators were compiled during the development of the scheme and since then legislation has changed as has industry practices. 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. With the nation-wide use of Street Manager there is also an opportunity to ensure the robustness of the data.

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

²⁴ Statutory guidance issued in 2004 (and updated since) by the Secretary of State for Transport under Section 18 of the Traffic Management Act 2004.

²⁵ Code of practice for safety at street works and road works (2013).

8 Appendices

8.1 Appendix A – Streetworks Data

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

8.2 Appendix B - Permit scheme conditions

AS of October 2015 the DfT introduced nationwide standardised permit condition texts. The guidance was revised in July 2022, the conditions listed below related to the period covered in this report.

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

8.3 Appendix C – Permit Response Codes

WaSP scheme permit response codes. These are adapted from the HAUC (England) response codes as detailed in advice note 002-2016. The adaptations are additions (listed as a/b/c etc) to aid clarity when responding to a promoter and to assist with data gathering.

RC10	Missing Information	General instances of information missing from the permit (not covered elsewhere)
RC10a	Data Variation Approval	Agreement to amend the permit content
RC10b	Data Variation Refusal	No agreement to amend the permit content
RC11	Conditions missing/incorrect	Missing essential conditions required for the works to go ahead.
RC11a	Condition Variation Approval	Agreement to amend the permit conditions
RC11b	Condition Variation Refusal	No agreement to amend the permit conditions
RC12	Missing applications / documents	For instance traffic management plans, TTRO or TTS application etc
RC20	Incorrect information	Key information is incorrect (not covered elsewhere)
RC21	Incorrect primary recipient	The permit has been sent to the incorrect authority
RC22	Location / Coordinates	Location and geocoordinate do not match
RC23	Conflicting information	Information on the permit conflicts with each other
RC30	Coordination / road space issues	Where the activity clashes with some other activity like an event (not covered elsewhere)
RC31	Conflict (no collaboration)	An activity clashes with another activity and there is no opportunity for collaboration
RC32	Times/Dates not specified	Times and dates need to be clearly specified
RC33	Collaborative Works required?	Activity clashes with another activity and the promoter is asked to collaborate with the other party
RC40	No approval	General lack of approval not covered elsewhere
RC41	No TM plan/meeting approval	No traffic management / site approval given
RC42	Early Start refusal	No agreement given for an Early Start
RC42a	Early Start Approval	Agreement given for an Early Start
RC43	Section 58 not approved	Street is protected by a s.58 restriction and no approval is given to carry out works
RC44	Duration not acceptable	Duration is considered excessive/insufficient
RC44a	Revised Duration approval	New duration is agreed
RC44b	Revised Duration not approved	New duration is not agreed
RC44d	Response to DC Non Acceptance	Promoter has disputed the duration challenge
RC44e	Continuation of previous works	SC considers the activity is a continuation of a previous phase that was closed down to avoid section 74 charges
RC50	Any other refusal	Any other reason for refusal not covered elsewhere
RC60	Suspect incorrect use of Immediate Permit	SC considers the Immediate permit submitted to be a misuse of the Emergency/Urgent notification