

North Yorkshire County Council
Skipton and Ripon ACC – 11 March 2021
NYCC Permit Scheme and Co-ordination of Works.

1.0 Purpose of the report

- 1.1 To provide a general overview of the NYCC Permit Scheme and how it operates.
- 1.2 To address the concerns around the quality of work and the co-ordination of works specifically in relation to “emergency repairs” undertaken by Statutory Undertakers and the impact upon local businesses.

2.0 Background

- 2.1 The purpose of the report is to answer a number of specific questions put forward by Members of the Committee in relation to the NYCC Permit Scheme and its operation with specific reference to matters of co-ordination, reinstatement and the impact of COVID-19 lockdown restrictions. The questions themselves are set out in *italics* throughout the report.

How is the permit scheme for highways works managed and how is work sequenced?

- *Provide a general overview of the scheme, including how it operates, what its aims are and levels of compliance*

3.0 NYCC Permit Scheme

- 3.1 The North Yorkshire County Council permit scheme was established on 7 February 2018. Its purpose is to increase the efficient running of the highway network through proactive management of activities on the highway.
- 3.1.1 The scheme’s objectives are as follows:
- Improve the quality and timeliness of information received from all activity promoters
 - Encourage a proactive approach to planning and undertaking of works on the highway
 - Protect the structure of the street and the integrity of apparatus in it
 - Ensure the safety of those using the street and those working on activities that fall under the scheme, with particular emphasis on people with disabilities
 - Ensure parity of treatment for all activity promoters.
 - Reduce any unreasonable occupation of the Highway through efficient co-ordination and to minimise the impact of works on the travelling public.
- 3.2 The scheme is set up as a Red, Amber, Green (RAG) rated system, which works on a first come first serve basis in terms of booking road space. Once a permit is submitted via the electronic system, a response time is automatically calculated according to the response times as set in statute. The team then assess the permits according to the priority as determined by the response times.
- 3.3 Types of permits and response times. There are four main types of permits:

- “Major” for works that have a duration of 11+ days and require three months advanced notice. The response time for this is 1 month.
- “Standard” for works with a duration of 5- 10 days and requires 10 working days advanced notice. The response time for this is 5 days
- “Minor” for works with a duration of 1-3 days and requires 3 working days’ notice. The response time for this is 2 working days
- “Immediate/emergency” for works that are classed as urgent. The undertaker can submit these 2 hours after starting on site. The response time on these is 2 working days.

3.4 Statutory Undertakers are able to request to work earlier than the standard notice period as long as they have a valid reason and it benefits both the Authority and the Undertaker to bypass the notice period. For example, undertaking works before a major event or surface dressing.

Operation of the Permit Scheme

3.5 Street Works have a team of five co-ordinators who are responsible for assessing the positive traffic management such as traffic signals and road closures, with five Technical Assistants assessing the lower level traffic management across the County. The team check that the proposed works do not pose any co-ordination clashes, the traffic management is appropriate and safe for the location and ensures the proposal is not overly excessive in order to minimise the impact to the travelling public.

3.6 The team check the conditions of the permit are both safe and compliant in accordance with Chapter 8 of the New Roads and Street Works Act, which relates to the signing, lighting and guarding of a site.

3.7 The team take into account the location, any pedestrian provisions, ensuring that minimum widths are maintained where possible, as well timing of works. Where the Authority sees fit, they can impose restrictions, grant, refuse or request a modification. Once the undertaker responds to a refusal or modification request, via a permit variation, the system recalculates the response date as per the Statutory Guidance, which allows the team 2 working days respond to the changes.

- *There are concerns about the quality of the work undertaken, both visually and structurally*

4.0 Inspections

4.1 A team of 10 Street works inspectors monitor the works and undertake permit compliance inspections. They check that the undertaker is working with a valid permit and the agreed conditions are adhered to. If found to be non-compliant or working without a valid permit, the undertaker is issued with a Fixed Penalty Notice.

4.2 The inspectors carry out a further three types of inspection as set out in the Inspection Code of Practice, which are as follows:

1. Inspecting during the progress of the works.
2. Undertaken within the six months following interim or permanent reinstatement.
3. Undertaken within the three months preceding the end of the guarantee period.

4.3 In the case of the second and third inspection category, if a reinstatement is found to be non-compliant according to the Specification for the Reinstatement of Openings in the Highway (SROH), a defect can be issued which alerts the utility to a substandard reinstatement. This triggers the utility to repair the defect in the form of remedial works. The Street Works Inspector carries out two further defect

inspections, which take place whilst the repair is being undertaken, and then again, once the repair is complete.

4.4 Dangerous defects can also be issued for anything considered a safety risk to the public. These require the Undertaker to respond within two hours and fix any causes for concern.

4.5 It is worth noting that a reinstatement from a Statutory Undertaker can be a temporary reinstatement; however, they must make it permanent within six months of finishing the works. The undertaker must also register the site as interim for recording purposes. The Authority will always encourage the utility to undertake a first time permanent reinstatement to avoid any further disruption in the future; however in some instances it may be necessary to undertake a temporary reinstatement in order to clear traffic management from a particularly busy road. The team then encourage the undertaker to return at a more appropriate time such as out of hours to minimise the impact. This is especially the case concerning immediate/emergency works.

- *Work is often done at short notice on the basis of being an 'emergency repair', which can be very disruptive*

5.0 Immediate/Emergency works

5.1 Immediate/Emergency works is defined under the Traffic Management Act as the following:

- To prevent or put an end to an unplanned interruption of any supply or service provided by the promoter or works required to end.
- To prevent, circumstances, either existing or imminent, that might cause damage to people or property.

5.2 In this situation, a statutory undertaker is able to start on site at least two hours before notifying the Authority via a permit that works are taking place. Once the Authority receive the permit, the Statutory Guidance for Operating a Permit Scheme states that the Authority must grant the works in order that they do not force the undertaker to work illegally due to them already being on site. Once granted, the Authority are able to serve an "Authority Imposed Variation" and amend the conditions of the permit to challenge the duration or the traffic management if not appropriate.

5.3 As a result of this short notice, the Street Works team ask that the Undertakers contact them directly in cases where urgent works are taking place in potentially disruptive areas in order that we can notify the correct people or suggest alternatives such as making the repair safe and then returning to complete the reinstatement at a more appropriate time. This is especially important during the winter months where closures are required to undertake the works. In this situation, the need to divert gritters becomes a priority and communication is key.

5.4 Winter tends to be a problematic time as we often find that with the cold weather, gas leakage and water bursts tend to increase dramatically which has definitely been the case this year. Due to these incidents, the Street Works team have often had to co-ordinate works reactively, pushing back programmes of planned works further to accommodate these issues. This has had an impact overall and is the reason in some cases, works have had to take place at less than ideal times.

- *Work on the highways is not always co-ordinated and so the same area is often dug up multiple times.*

6.0 Co-ordination

- 6.1 Through the Permit Scheme, where appropriate, the Authority is able to apply certain restrictions on the Undertakers in the form of challenging the durations, dates, suitability of the traffic management as well as specifying times in which work can take place in an attempt to minimise the disruption. Where possible, the Authority will also encourage collaborative working.
- 6.2 Through the use of these restrictions, along with the ability to enforce against a Statutory Undertaker for various offences, the Authority found that the scheme was integral in driving improvement from the Statutory Undertakers.
- 6.3 Since implementing the scheme, the number of days where works overran or unreasonably occupied the highway dropped from an average of 546 days in 2017 under noticing to an average of 287 days for the same period in 2018 under permitting. This indicates that the Street Works team are undertaking efficient co-ordination of works and are actively imposing restrictions and challenging durations of Statutory Undertakers.
- 6.4 As per the Highways Authority and Utility Committee Guidance, the Street Works team sends out a quarterly co-ordination schedule to all Undertakers in order for them to populate any major works they have coming up in the next 6-12 months that may not yet be in the system. The basis of this is to provide a very early indication of any potential clashes that may take place either between other Statutory Undertakers, NYCC's own schemes or any public events in order that the team can be proactive in co-ordinating these effectively.
- 6.5 Whilst the Co-ordination schedule is a useful tool, it has limitations in that it does not account for short duration works. In instances where the Undertaker is carrying out standard or minor works, in line with the notice periods of the scheme, they are only required to serve a notice period of either 10 or 3 working days. It is in these scenarios where the issue of the same area being dug up multiple times tends to be most prevalent due to the short notice provided by the Undertaker.
- 6.6 Collaborative working is difficult to encourage in these situations, as the team often have no awareness that more than one Undertaker require the same road space. In an effort to combat this, the co-ordinators have regular meetings with the major utilities in order to discuss any upcoming works in an attempt to co-ordinate works more efficiently.

7.0 Fibre Schemes

- 7.1 It is worth noting that there has been a big increase in the amount of short duration works over the last year due to the amount of fibre schemes currently in North Yorkshire. Whilst the works for each street are often short durations, and little notice is required, the Street Works team insist that a programme of works is submitted in advance to provide an indication of the locations and the dates in order that the team can be proactive in avoiding any clashes.
- 7.2 With the focus shifting to people working from home, and the need for improved fibre infrastructure to accommodate this, especially under COVID-19, the Department for Culture, Media and Sport has had a huge push on updating the current infrastructure to accommodate this demand. They have offered many fibre companies grants to improve the network and supply fibre to the property, in often very short timescales, with very little advanced notice. This additional investment by the Government is very welcome but has resulted in a surge in fibre works for the Street Works team to assess and co-ordinate.

- 7.3 Currently there are four major fibre schemes taking place. Superfast North Yorkshire, NYnet, Cityfibre (formerly Talk Talk) and KCOM. These schemes are major works, which involve the installation of ducts, fibre cables and cabinets in the highway. The Street Works team have encouraged the use of existing ducts in the ground to minimise disruption, however in many cases the ducts were found to be already full of services and therefore the need to open cut and place new ones has become more prevalent.
- 7.4 Similarly, NYCC has encouraged the use of collaborative working where possible to reduce the need for one fibre company to dig up a street, followed by another, however, the different works methodologies have made this near impossible with some undertaking traditional digs and others undertaking narrow trenching, which are both approved methods according to the SROH.
- 7.5 COVID-19 has also meant that statutory undertakers are less likely to adopt collaborative working practices due to social distancing rules. In some cases, areas that have been previously worked on have unfortunately been worked on several times, as trench sharing has no longer become an option. Despite this, the Street Works team are still encouraging works to take place collaboratively where safely possible; however, Statutory Undertakers are under no obligation to comply with this.

In an effort to make this option more appealing, the NYCC permit Scheme does offer a financial incentive to Undertakers that work collaboratively in the form of a reduced permit fee to encourage this where possible.

- *Highways work has proved to be very disruptive to local businesses, particularly after the first lockdown when they were trying to re-establish themselves. This issue seemed to be particularly to Skipton.*

8.0 Impact of COVID-19

- 8.1 In terms of lockdown, where possible, the team has attempted to get works done especially outside businesses during lockdown. As a result, Street Works have managed to co-ordinate works during this time where previously there was no ideal time to undertake it. It is important to note however, that some utility companies were significantly impacted by COVID absences themselves and not able to carry out all works as planned.
- 8.2 During the first lockdown, which started in March 2020, many statutory undertakers postponed their planned replacement works and only undertook “essential works.” Many Authorities adopted this stance and chose to refuse many of the planned activities on the highway. Recognising the importance of these essential infrastructure improvements NYCC were quite radical in allowing works to continue as long as they complied with the government guidelines of social distancing which was quite out of the ordinary compared to other Authorities in the Yorkshire region. The only limitation to this was as per the guidance from the Department for Transport, where arterial routes to and from hospitals were kept clear to accommodate the emergency services.
- 8.3 Whilst many programmes of work were encouraged to go ahead, any works on these important routes had to be re-scheduled and were only allowed to take place once the relaxed, which coincided with the initial easing of restrictions, when businesses were allowed to re-open.
- 8.4 This meant that the Statutory Undertakers also had to be flexible in their approach, however in some cases, where major schemes have to be planned, resource allocated and traffic management organised, for some undertakers, being able to mobilise or demobilise at such short notice proved difficult, especially with regards to informing residents of changes.

- 8.5 Programmes were also amended due to extra provisions put in place for social distancing. For instance, major gas works planned in Skipton have been re-arranged several times to avoid the social distancing highway closures, which seriously limited the window of opportunity to get the works done.
- 8.6 Decisions to undertake works are often weighed against the Undertakers Statutory Right to work on their own apparatus, with the need to be sensitive to those businesses that were trying to reopen under the relaxing of the rules, as well as being considerate to the travelling public, which has proved to be a quite challenging task.
- 8.7 Looking ahead to the steps in the Government's Covid 19 Response Roadmap it is considered likely that as restrictions are relaxed once again in the upcoming months, there will be an influx of additional utility work to co-ordinate as Undertakers will want to catch up on their programmes and the Streetworks team are preparing for this and this is especially relevant to the effective delivery of our planned Highways annual surface dressing programme, which is due to commence in April.

9.0 Summary

- 9.1 The NYCC Permit scheme is a significant step forward compared to those works being undertaken previously under noticing. Under the scheme, the Undertaker is now required to submit a request for works and have it approved before works commence, or risk being financially penalised. Previously under noticing, the Undertaker was only required to notify us of their intention to work. As a result, the Permit Scheme allows NYCC greater control of the overall network as it facilitates effective co-ordination to take place. There will always unfortunately be disruption caused by roadworks and the challenge is to try to minimise this wherever possible.
- 9.2 Through the scheme, we have not only seen improvements in terms of overall co-ordination of works compared to that under noticing, but also in the amount of days the Undertakers are unreasonably occupying the Highway. This demonstrates that the scheme is encouraging better performance from the Statutory Undertakers, which will ultimately minimise disruption to the travelling public in line with the Network Management Duty.

10.0 Recommendation
10.1 It is recommended that Members note the content of the report.

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