

**North Yorkshire County Council**  
**Skipton and Ripon ACC – 2 September 2021**  
**NYCC Permit Scheme and Co-ordination of Works**

**1.0 Purpose of the report**

- 1.1 This report provides an update for Members following a comprehensive report that was provided to the March 2021 Area Constituency Committee meeting and a short update on the planned introduction of flexi permits by Department for Transport is also included.

**2.0 Background**

- 2.1 Officers presented a report to the ACC on 11 March 2021 regarding the NYCC permit scheme, with particular reference made to:
- An Overview of the Purpose of the NYCC Permit Scheme;
  - Operation of the Permit Scheme;
  - Inspections;
  - Immediate/Emergency Works;
  - Co-ordination;
  - Fibre Schemes; and the
  - Impact of COVID-19
- 2.2 At the meeting, Members expressed a particular interest in the following:
- Communication of Works;
  - Co-ordination of Works;
  - Damage to Other Services Caused by Works; and
  - Quality of Reinstatement.

**3.0 Communication of Works**

- 3.1 One of the objectives of the North Yorkshire County Council (NYCC) Permit Scheme is for statutory undertakers (utility companies) to manage proactively their activities on the highway. This includes giving advanced warning of their works and providing the Council's Street Works team with details of their proposed works, including traffic management and expected start and finish dates. This information is then uploaded onto a website called One Network, which is discussed later in this report.
- 3.2 Each permit request is checked by a member of the Street Works team and these are then either granted, refused or modifications requested. The utilities are then only able to commence works once they have obtained a granted permit from the authority.
- 3.3 The quarterly coordination schedule (considered further in Section 4) provides the Street Works team with forward visibility on proposed works, enabling the team to spot potential clashes and to highlight any major upcoming schemes, or works that have the potential to cause significant disruption to business and the local community.

- 3.4 Where potential for significant disruption on key routes exists, for works of more than ten days, we will request that advanced warning is provided on site and encourage, unfortunately we cannot stipulate, the utility companies to display signage on site prior to the works being undertaken. We may also ask for advertising these works in the media via radio, websites and newspapers and holding 'drop in sessions' where members of the public can discuss the works directly with the statutory undertaker. Utility companies may also be asked to contact the relevant parish and district and county councillors. As a minimum, statutory undertakers should ensure that all affected residents and businesses receive letters advising of the works.
- 3.5 For immediate/emergency works, it is not always possible to give advanced warning. As a result, we ask that utility companies contact us directly in cases where urgent works are taking place in potentially disruptive areas. This allows us to contact the relevant stakeholders so that this information can be circulated and disruption minimised.
- 3.6 All permits are submitted via electronic communication. This information is then displayed upon an open website called 'One Network'. This web page contains information about all current and proposed works, including details of the company undertaking the work, their contact details, the traffic management that is to be used and the proposed dates of the works. It also allows road users and members of the public to search for specific streets and dates. A recent addition to this website is the inclusion of information being sent to all major Sat Nav providers.

#### **4.0 Co-ordination of Works**

- 4.1 Through the Permit Scheme, where it is considered necessary, we are able to apply certain restrictions on utility companies by challenging works 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. In this way, we have a greater level of control than has previously been the case under the previous noticing regime, which has in turn, helped to minimise clashes of works and assist with coordination of the network.
- 4.2 In addition, we send out a quarterly co-ordination schedule to all statutory undertakers in order for them to populate any major works they have coming up in the next 3-6 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 we can be proactive in coordinating these effectively.
- 4.3 The coordination schedule will also highlight where works associated with development activity are due to take place. Where there is multiple demand for road space, we seek to encourage collaborative working. This mitigates the risk of the highway being dug up by different companies in a short time period. There is an incentive for utilities to work collaboratively, as a discount is applied upon their permit fee.
- 4.4 Whilst the coordination schedule is a useful tool, it has limitations in that it does not account for short duration works. In instances where the utility is carrying out standard or minor works (ten days or less), 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 instances where there is a greater risk of works clashing.
- 4.5 Collaborative working can be difficult to encourage in these situations, as we may have little awareness of the level of interest in the same road space. In an effort to address this, we hold regular meetings with the major utilities in order to discuss any upcoming works in an attempt to co-ordinate works more efficiently.

4.6 Further, we hold regular internal meetings to ensure that we are as joined up as we can be in relation to sharing information on known upcoming utility and highway works.

## **5.0 Damage to Other Services Caused by Works**

5.1 Any utility company working on the network has a statutory obligation to ensure that their works should not cause damage to other services. If damage or loss is suffered, they are required to compensate where apparatus has been damaged.

5.2 In certain circumstances, NYCC may become directly involved. Such instances though are not frequent, as we encourage proactive discussion between the relevant parties to reach an agreement. Nevertheless, if specific concerns are brought to our attention, these will be investigated.

## **6.0 Quality of Reinstatement**

6.1 For all statutory undertakers working in the highway, reinstatements must be compliant with the Specification for the Reinstatement of Openings in the Highway (SROH). This code of practice prescribes materials that may be used and the expected standards of workmanship and performance standards to be complied with at both interim and permanent reinstatement stages.

6.2 During the lifecycle of the works, inspections are undertaken at different frequencies, to ensure that works are compliant. This includes inspections after works are completed and the excavation has been backfilled and reinstated. Reinstatements that do not comply with the SROH are divided into two types, each of which requires a specific action. These are Reinstatement Defects Causing Danger and Non-Dangerous Reinstatement Defects.

6.3 For Reinstatement Defects Causing Danger, the utility will be made aware immediately and the site must be made safe within two hours, by either providing signing, lighting and guarding of the defective area, by carrying out an interim reinstatement or by commencing urgent works to undertake a permanent reinstatement.

6.4 For Non- Dangerous Reinstatement Defects, we follow the process highlighted in the New Roads and Street Works Act - Code of Practice for Inspections. The details of the non-compliant reinstatement are passed to the utility and a site meeting is arranged. At the meeting, once acceptance of the defect has been confirmed, the appropriate method for the works to be undertaken will be agreed. A permit to undertake the remedial works will then be submitted, which will be checked in line with the NYCC Permit Scheme. Once a granted permit is obtained, the utility can then undertake remedial works to rectify the failed reinstatement. A further inspection is undertaken once the works have been completed to ensure that the reinstatement is now compliant with SROH.

6.5 In certain circumstances, a utility might reinstate their site using a temporary interim reinstatement. Although this should be agreed in advance, it is not always possible. Examples of this are when it may be necessary to undertake a temporary reinstatement in order to clear traffic management due to an upcoming event or if there is an issue with sourcing correct reinstatement for reactive works. Legislation requires that interim sites should be made permanent within six months of the initial works being undertaken.

- 6.6 We do encourage the utility to complete works with a first time permanent reinstatement, thereby mitigating the need for them to return and cause more disruption. We may also request that interim reinstatements within high visibility areas, such as tourist destinations and prior to major events like the Tour de Yorkshire, are made permanent prior to the advised six months.
- 6.7 Part of the inspection regime that we undertake once reinstatement is completed is through a coring scheme. The purpose of the coring process is to check that undertakers' reinstatements comply with the SROH and to drive improvement in reinstatement compliance in a way that will meet the legislative requirements and to protect the integrity of the local highway network.
- 6.8 Here, a 100mm diameter core is removed from a reinstatement and a visual inspection is undertaken for air void failures. Core samples can also be sent to an independent laboratory for the bituminous material to be tested for compliance to current standards.
- 6.9 It should be noted that due to COVID regulations and other operational priorities, such as the roll out of various fibre schemes throughout the county, the coring programme has been on hold for a period of time. We are though looking to reinvigorate this programme within the near future.

## **7.0 Flexi Permits**

- 7.1 There has recently been a consultation document circulated from the Department for Transport (DfT) regarding the proposed introduction of "super permits" or "flexi permits". This new type of permit will mean that the statutory undertakers will no longer be required to submit a permit for every street they want to work on and instead allow them to blanket an area for a proposed duration of four weeks. This approach favours the utilities and risks weakening the Council's control gained through permitting, e.g. the efficient coordination of works, as the street authority will not know where the utility with the flexi permit will be on any particular day.
- 7.2 NYCC submitted a response to the DfT consultation on 23 July, expressing concern over the introduction of flexi permits. The outcome of this consultation is awaited.

8.0 Recommendation
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| 8.1 It is recommended that Members note the content of the report. |
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Author: Jennie Middleton  
Network Information and Compliance  
Business and Environmental Services  
North Yorkshire County Council  
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