

TRANSPORT FOR LONDON

SURFACE TRANSPORT PANEL

SUBJECT: LONDON PERMIT SCHEME FOR ROAD AND STREET WORKS

DATE: 24 FEBRUARY 2009

1 PURPOSE

- 1.1 This paper provides an update on TfL's application to operate a permit scheme for road and utility street works on the Transport for London Road Network (TLRN).

2 BACKGROUND

- 2.1 The Traffic Management Act 2004 introduced provision for highway authorities to operate a permit scheme, subject to Secretary of State endorsement of their detailed proposals. Permits would replace notices as the means by which works are notified to authorities. The advantages of permits are that they improve the quality of information provided by works promoters, enable the more effective coordination of works and allow authorities to apply meaningful conditions (such as timing and working methods) when permitting works.
- 2.2 The concept of permit introduction in London was endorsed by all boroughs in the London Councils' Transport and Environment Committee and a joint borough/TfL Permitting Working Group was formed to work up proposals for a "common" scheme across London. Under a common scheme, the same process would be individually implemented by each borough. An alternative was a single scheme applied to London as a whole but this was deemed too difficult to administer given the differences in networks and policies between boroughs, each being autonomous highway authorities for all public local roads within their boundaries.

3 CURRENT SITUATION

- 3.1 Following public consultation, TfL and 14 boroughs submitted applications to run permit schemes from January 2009. Applications were submitted between 4 July (the earliest date that this could have been achieved given the need for consultation) and 18 July. TfL's application was submitted on 11 July. The DfT undertook to provide an initial assessment within 2-3 weeks. On 22 September, some 10 weeks later, all 14 boroughs and TfL were advised that their applications had been rejected as they did not provide the Secretary of State with sufficient information to make a decision.

- 3.2 Clarification was sought from the DfT on the extent of additional information that would be required and four “lead” authorities (TfL, Camden, Hammersmith & Fulham and Westminster) set about revising the applications and supporting economic analysis. While DfT has to retain an objective view in the interests of impartial scrutiny, guidance has been provided by the Department as to the nature of the information required to assist the Secretary of State’s decision.
- 3.3 DfT has advised in particular that the revised application should include benefits to the public and road users in addition to those gained by authorities. In order to provide this assurance, key stakeholders, including relevant campaign groups, business interests, the GLA and, significantly, utility companies have been invited to contribute their views on permitting. Lessons that can be learned from a parallel submission by Kent County Council are also being assimilated and legal advice has been taken in the drafting process.
- 3.4 The utility companies at national level have consistently voiced opposition to permits, ostensibly because of the cost that they will incur. DfT also has to consider the costs of regulation within their departmental regulatory budget. The main companies operating in London have made provision in their business plans and are keen to work with authorities to reduce the costs. At a national level, the industry lobby group, National Joint Utilities Group (NJUG) continues to oppose permits. The lead authorities have arranged to meet NJUG to work through the proposed London scheme in an attempt to alleviate concerns ahead of consultation.

4 WAY AHEAD

- 4.1 The revised application is now reaching the point where it can be put to public consultation. Sight of the final version of Kent County Council’s application has given some confidence in the submission, but also highlighted areas for improvement. Allowing time for clarification following the meeting with NJUG, it is aimed to put the application to public consultation by March 2009. A twelve week consultation and time for re-work would see the application submitted to the DfT by September 2009. The Department has 12 weeks to consider the application and, again allowing time for any necessary re-work, once Secretary of State endorsement is received, this would lead to implementation of the scheme in early 2010.
- 4.2 Once the Secretary of State is content that the application satisfies all legislative requirements and is in the public interest, the DfT will issue a statutory instrument to allow each authority to run a permit scheme within the common London scheme.
- 4.3 The delay to this first wave of applications has caused a number of boroughs to re-consider their position as to their wish and ability to operate a permit scheme and there are now likely to be 17 boroughs in the first “tranche”. No boroughs have decided against permitting and the remaining boroughs will be submitting applications in two follow-on tranches.
- 4.4 Meanwhile, the Mayor has encouraged utility companies to support permitting and to commit to a trial with the aim of easing the transition to permits from notices. This work is being led by a GLA-chaired Permits Roll-Out Steering Group, supported by TfL’s Traffic Manager and a number of utility companies.

5 CONCLUSION

- 5.1 Permitting represents a significant change in the management of road and street works in that it will give authorities the powers to set conditions on the conduct and timing of works. Central to the minimising of the quantum of works and the disruption they might cause is effective planning and coordination, and subsequent careful execution. Permits enable this to be assured.
- 5.2 A further update will be provided when the public consultation has been completed and again once DfT has considered the applications from TfL and 17 London Boroughs committed to the “first tranche” implementation.

6 RECOMMENDATION

- 6.1 The Panel is asked to NOTE this report.

7 CONTACT

- 7.1 Contact: Nick Morris, Director of Road Network Performance, Surface Transport
Phone: 020 3054 0952