

Appendix Two - Buckinghamshire Permit Scheme Modification Proposals Consultation Report

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Introduction

The formal consultation regarding the proposed modification to the Buckinghamshire Permit Scheme ('BuPS') ran for a period of 6 weeks days beginning on the 10th January 2020. The deadline for receipt of responses was no later than 5pm on 20th February 2020.

It was stated in the consultation documents that 'all responses received by the 20th January 2020 will be taken into consideration and, if Buckinghamshire County Council consider it to be appropriate, amendments will be made to the proposals.

Documentation and an accompanying covering letter was issued to key stakeholder organisations, including local neighbouring Highway Authorities, Utilities, road user representative groups, current IT suppliers and non-government organisations. Some organisations had a number of consultees within them and if known those individuals were contacted directly.

A drop-in session was held on the 28th January 2020 for consultees to attend and discuss the proposals. This session was well received and 11 representatives attended.

29 comments on the proposals from 4 organisations were received by the deadline.

Any additional comments from consultants or legal representatives etc. have been added to the comment list so there is transparency regarding all changes to the scheme document.

A list of comments received, and responses or amendments are provided in this document.

List of Consultees who responded by the deadline

1. Openreach
2. SSE
3. Virgin Media
4. Thames Water

No responses were received after the deadline.

Surrounding Local Authorities	

Bus Operators	

Utility Companies	

Section 50s	

Comments from Consultees

Org	Section	Suggested amendment / clarification / comment / question	Response / reply / recommendation
General Comments			
SSE		Your cover letter states Robotic Process Automation but there is no explanation or guidance to how this will work.	This is an internal process that was referenced in the covering letter and will be reviewed and reported on at the end of the first year. The proposals included the introduction of Robotic Process Automation to some of the basic Permit administration checks. These automated processes are limited to data validation checks and have reduced the identified costs of operating the modified scheme.
Openreach		We support Buckinghamshire's decision to increase the fee's on 0,1 & 2 streets if this required to prevent deficit. However we do not support the decision to increase fees on non-traffic sensitive 3 & 4 streets and do not believe the documentation supports this proposal.	These proposals include detailed analysis of the societal benefits of introducing these fees and employing additional resources to better co-ordinate all works on all streets. The Permit scheme benefit at 5% is £1.332b with costs of £22.2m and a Net Present Value (NPV) of £1.309b giving a Benefit:Cost Ratio of 59.98:1. The benefits were also broken down by network user.
Openreach		Openreach's annual spend on permit costs is significant. Cash spent covering the administration cost of permit schemes is cash not available to support further infrastructure investment. As such, we need to ensure that any spend is proportionate and necessary.	Noted and we acknowledge this applies across all Highway Authority areas in England. However, permit schemes have been shown to be very beneficial to society and are now required by the DfT.
SSE		There is no proposed implementation date of the extended scheme.	Section 1.2 of the proposed scheme document states an implementation in April

			2020. All stakeholder will receive a formal 4 week notification of the specific start date.
SSE		Whilst we agree moving to all permits is required we are disappointed you are charging for permits on non- traffic sensitive streets especially as you state you are going to use an automated process. The reduction in fees is minimal.	We feel this is the most appropriate way to share the benefit. It is unfortunate that you do not feel the fee discount is valuable.
Cost Benefit Analysis			
Virgin Media		The cost benefit analysis states that to implement a permit scheme will have a £1,331,582,682 saving in various areas some such as greenhouse gasses would lessen the authority liability and hence save money, is this saving included in the permit fee calculation.	This is not included in the permit fee calculation as the fees align to operational costs. These calculations are included in the CBA and are a societal benefit.
Virgin Media		With regards to the CBA Could you please clarify and provide evidence that the cost of permit officers time when agreeing and co-ordinating permits for your own highways works are not being paid for by any utility.	Co-ordination of 'own' works are not paid for from Utility fees.
SSE		There is no justification in the CBA to prove permit increase costs are required and no data on scheme staffing and operating costs.	These proposals include detailed analysis of the societal benefits of introducing these fees and employing additional resources to better co-ordinate all works on all streets. The Permit scheme benefit at 5% is £1.332b with costs of £22.2m and a Net Present Value (NPV) of £1.309b giving a Benefit:Cost Ratio of 59.98:1.
SSE		There should be more than year 1 operating costs and annual delay for utility works as £1bn cannot be quantified in any shape or form.	A 25 year appraisal length is assumed in accordance with DfT guidance. Using a DfT approved and widely recognised methodology the annual delay cost for Utility works undertaken in Buckinghamshire was £1.065b including a 20% uplift in time reliability costs for urban roads.

SSE		The CBA is not based on actual scheme costs and should be based on real data from the 6 previous year's permit scheme reports. No reports have been attached to the consultation.	The CBA is based on anticipated costs and work volumes, which is standard practice for proposals and the required approach detailed in the methodology.
Thames Water		Within the cost benefit analysis summary, the costs sections indicates that Buckinghamshire's permit fee income will be over and above the costs by over £160k annually – this does not seem like a cost neutral scheme.	The scheme is designed to be balanced. Buckinghamshire County Council will incur the capital and operating expenditure with the capital cost for the first year only. Revenue is derived from the Permit fees charged to Utility companies. Please see the detailed CBA for confirmation of this.
Fees and Discounts			
Thames Water		Thames Water strongly objects to the introduction of a third level of charging for permits other than that included in the Statutory Guidance for Highway Authority Permit Schemes 2015 on the basis of S64 NRSWA, where works are only classified as traffic sensitive if they take place within the designated times. Therefore, if works take place wholly outside of traffic sensitive times, they are on a non traffic sensitive street and the fee for a non sensitive street applies.	There is not a third level of charging. There are two. There are 0, 1, 2, 3 and 4 roads Traffic Sensitive at all or some times or locations. These are discounted for working wholly within non traffic sensitive times / locations. 3 and 4 roads non traffic sensitive at any time or location.
Openreach		The DfT statutory guidance states 'Unless there is a very strong benefit case otherwise, it is strongly recommended that permit fees are only applied to the more strategically significant roads: Category 1, 2 roads and Traffic Sensitive Street roads. This will mean that although permits would still be required for works on non-strategic routes, it should be very unlikely that these works would attract a permit fee. These permit applications would receive only 'notice' equivalent treatment by the authority. The application for and the issuing of a permit provides for additional overall improved network management.'	There is a clear benefit for requiring permits of 3 and 4 roads and charging a fee to cover the costs of additional resources to co-ordinate these activities. The Permit scheme benefit at 5% is £1.332b with costs of £22.2m and a Net Present Value (NPV) of £1.309b giving a Benefit:Cost Ratio of 59.98:1.
Openreach		We would like Buckinghamshire to demonstrate the benefits for Cat 3 & 4	There is a clear benefit for requiring

		non traffic streets to justify a permit charge. What will new Permit co-ordinators be doing for Cat 3 & 4 non traffic sensitive streets to justify an over inflated increase on duty under NRSWA?	permits of 3 and 4 roads and charging a fee to cover the costs of additional resources to co-ordinate these activities. The Permit scheme benefit at 5% is £1.332b with costs of £22.2m and a Net Present Value (NPV) of £1.309b giving a Benefit:Cost Ratio of 59.98:1.
Openreach		An increase in fees may lead to Openreach choosing to build our fibre network in more cost effective areas.	Noted. It would be unfortunate if this is the case as the modified permit scheme will have additional resources to work with your team to help roll out your work programme.
SSE		Your fees do not appear to be in line with maximum fees allowed (see below). You're proposing to charge £168 for works wholly within a non-traffic sensitive times/ location. Surely the maximum fee should be £150 . The same applies for Major works 4-10 days . You are proposing £91 but the maximum below states the charge is £75 as for standard activity.	This is the discounted rate for a Traffic Sensitive Street.
SSE		The charges for non- traffic sensitive Immediate activity and Minor at £42 and £45.50 are above the allowed limit.	This is the discounted rate for a Traffic Sensitive Street.
SSE		We are disappointed you have increased all fees to the maximum for 0, 1 and 2 and traffic sensitive.	Noted.
SSE		Adding 50p to the permit fee is not agreeable as this can causes issues when paying invoices and is best to round up or down.	Fees will be rounded to nearest £1.
Scheme Document			
Virgin Media	2.4	2.4 still states that that:- Areas and Streets Not Covered by the Permit Scheme All activities in category 3 and 4 non-traffic sensitive streets are not subject to requiring a permit. These are subject to the current noticing regime under NRSWA 1991 and the TMA 2004.	Noted thank you. Section 2.4 will be deleted.

Virgin Media	3.2	3.2 Permit Authorities must demonstrate parity of treatment for all Activity Promoters, particularly between statutory undertakers and the Highway Authority's own work promoters, which will be measured through Key Performance Indicators. Will these be available for full vision, will there be any contractual penalties in line with parity to utilities.	Annual Evaluations will be prepared and published showing parity measures. The contractual arrangements with Buckinghamshire County Council contractors is commercially confidential.
Virgin Media	3.1	3.1 All activities that involve the breaking up or resurfacing of the street please clarify if you intend to include surface dressing as a registerable activity, that may not require a permit if completed in ways that wouldn't normally require a permit.	Section 3.1 is clear on activities requiring a permit. Please raise this for discussion at the Local HAUC meeting.
Thames Water	6.2	Section 6.2 still includes reference to 'Have been identified in an Activity Promoters' annual operating programme or are normally planned or known about at least six months in advance of the proposed start date for the activity' which has changed as per SI 2020 number 122 (The Street and Road Works (Amendments Relating to Electronic Communications) (England) Regulations 2020).	Noted, thank you. An edit will be made.
Thames Water	9.9	In section 9.9 the application response table includes details regarding response times, as these may change with the implementation of Street Manager, a sentence at the bottom of the table to futureproof the table similar to that in 8.7 would be prudent.	Noted, thank you. An edit will be made.
Thames Water	9.11	Section 9.11 does not meet the requirements in regulation 9 of SI 2015 No. 958 (The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015)	Noted, thank you. An edit will be made Where an application for a permit meets the relevant requirements of the permit scheme, the Permit Authority shall grant the permit.
Thames Water		There are some references to information fields which are in EToN but not necessarily in the next electronic application. For instance, in section 4.9 there is a mention of a 'no excavation status on the section 74 works stop notice'. Please clarify that after the new system is implemented that Buckinghamshire will not penalise promoters for not being able to meet these requirements.	Please raise this for discussion at the Local HAUC meeting.
SSE		The scheme document is still rather long compared to some and feel some	Noted and agreed. The DfT have been

		of the glossary is not relevant to the scheme document.	suggesting this as well and at an appropriate time in the future we will look to adopt a new simplified and focused scheme document.
Thames Water		There are several mentions of a technical specification of the electronic application. There will not be a technical specification for Street Manager per se due to it's design and proposed regular iterative amendments. We would suggest that it may well be prudent to remove the references to technical specification and just refer to the electronic system instead.	There have been various suggested terms to use across the industry regarding electronic systems and Street Manager. The final document will have the best approach at the time incorporated. Edits will be made.
SSE		There is no mention of Street Manager or the recent Statutory Instrument changes which will come into play on the 1 st April 2020	There have been various suggested terms to use across the industry regarding electronic systems and Street Manager. The final document will have the best approach at the time incorporated. Edits will be made.

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