
By: Network Performance Manager
To: Highways Advisory Board – 3 March 2009
Subject: Kent Permit Scheme Update
Classification: Unrestricted

Summary: This report is for information only and details the current status of the Kent Highways introduction of a Permit Scheme. Members are asked to note the report.

1. Introduction

- 1.1. The purpose of this report is to inform the Highways Advisory Board of the progress with the development and introduction of a Permit Scheme into Kent.
- 1.2. There are no decisions required at this stage in relation to this implementation and the purpose of this report is to provide information only.

2. Background

- 2.1. Through the introduction of a Permit Scheme, Kent County Council intends to increase its powers of coordination and management of activities by works promoters competing for space or time in the street. The Traffic Management Act (TMA), under which a Permit Scheme can be applied and introduced, broadens the coordination and co-operation duties under the New Roads and Street Works Act 1991 (NRSWA). Therefore the Kent Permit Scheme is intended to make coordination and management more effective and deliver the following specific objectives:
 - to improve safety – for those using, living or working on the street, including those engaged in activities controlled by the Scheme;
 - to minimise the inconvenience and disruption caused by roadworks activities on people using the streets;
 - to protect the structure of the street and the integrity of apparatus in it.
- 2.2. In a wider policy context, the County Council is committed to fighting the effects of traffic congestion and this is a priority in its Towards 2010 programme. A successful permit scheme will contribute significantly to aiding the “expeditious” movement of traffic on the highway which is a requirement under the TMA.

3. Progress to Date

- 3.1. Further to guidance from Department for Transport, the Kent Permit Scheme underwent further design and development during the last three months of 2008. The key areas of change included the production of a cost-benefit assessment, specifically for operational permitting aligned to the stated objectives. In addition, the proposed method of operation had to be adapted to meet with the national interface for electronic transfer of information between works promoters and the highways authority.
- 3.2. As a result of this Scheme development a decision was made to enter into a third mini-consultation with the public stakeholders, including the works promoters. This consultation concluded on 12th December 2008 with an overall positive and supportive response from the stakeholders.
- 3.3. On the 14th January 2009, Kent County Council submitted an application to operate a Permit Scheme within Kent to the Secretary of State for Transport. A copy of the Kent Permit Scheme and application was also sent to the Department for Transport (DfT). The DfT undertake a review and assessment of the Scheme and make the ultimate recommendation to the Secretary of State.
- 3.4. The application letter requested an early meeting with the DfT to discuss the Scheme and the development of the full cost-benefit assessment. This request was met with a positive response and a meeting was held on 12 February 2009 with the Head of the Traffic Management Division.
- 3.5. Early feedback from the DfT in relation to the Kent Permit Scheme content is very positive. The project team will continue working closely with the DfT to support their review and subsequent recommendation for the legal order.
- 3.6. A copy of the provisional Kent Permit Scheme has been published to a public facing website (kent.gov.uk) and a generic email address has been created to receive comments and requests for information (kent.permitscheme@kent.gov.uk). The application document and associated appendix items have not been published; however members of the public, including works promoters can request these documents in writing to Kent Country Council (KCC). Any documents issued will be covered by a legal disclaimer developed through KCC Legal Services.
- 3.7. The project to implement the Kent Permit Scheme has now moved from a design phase and is in the build and test phases (*further details in the next section*).

4. Implementation of the Kent Permit Scheme

- 4.1. The DfT have indicated that the review process for a Permit Scheme should be four months, however to date no other Permit Scheme has been submitted and approved, so this timescale is subject to change as a result of any associated delay through clarification or development.
- 4.2. In consideration to the above timescale, the current planned date to introduce a Permit Scheme into Kent is July 2009. Once Kent County Council has received the legal commencement order from the Secretary of State they will have to provide the works promoters with at least 4 weeks notice before introducing the Scheme. The project will complete readiness checks with the works promoters in preparation for this to ensure the implementation of the Scheme is successful.

- 4.3. The relationship between KHS and the works promoters within Kent remains very positive and although works promoters will be affected by the introduction of a permit scheme, they remain supportive of KCC's approach and openness with the development and introduction.
- 4.4. The National Joint Utilities Group (*NJUG*) will remain an active member of the Kent Permit Scheme Project Board and from March 2009 Kent Highway Services will conduct monthly sessions focused on the Permit Scheme with a Stakeholder Group from the Kent HAUC (*Highway Authority and Utilities Committee*) to maintain the positive working relationships.
- 4.5. The introduction of a Permit Scheme to Kent Highway Services is not constrained by the legal commencement order from the Secretary of State. No fees or fixed penalty notice payments will be made between the Alliance partners and Kent County Council so operational permits are viewed as an internal business process. The monitoring of permit applications, variances and any fixed penalty notices will still be reviewed and assessed. KHS intend to implement an operational Permit Scheme into the Alliance at the earliest opportunity and based on the current project timescale this should come into affect by May 2009.
- 4.6. The project is now delivering the building and testing of IT systems, focusing upon recruitment of the new organisation and production of training and support material. The majority of business processes have been developed and accepted.
- 4.7. The primary risk to the introduction of the Kent Permit Scheme is the DfT review and recommendation to the Secretary of State. The project team will mitigate this risk by maintaining a close working relationship with the DfT and works promoters to ensure the introduction of a Permit Scheme into Kent is managed and successful.
- 4.8. Following the DfT's advice, the final approval will be granted by the Secretary of State.

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Background Documents: None