**APPENDIX D**

**Proforma for Response**

**PART 1 - Information about you**

| | |
|---|---|
| Name | Salma Islam |
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| Company Name or Organisation (if applicable) | The National Joint Utilities Group (NJUG) |

Please tick one box from the list below that best describes you /your company or organisation.

| | |
|---|---|
| ☐ | Statutory Undertaker |
| ☐ | Small to Medium Enterprise (up to 50 employees) |
| ☐ | Large Enterprise |
| ☐ | Representative organisation (e.g. disability charity) |
| ☐ | Trade Union |
| X | Interest group |
| ☐ | Local Government |
| ☐ | Central Government |
| ☐ | Emergency Services |
| ☐ | Member of the public |
| ☐ | Other (please describe): |

If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:

37 utilities and 12 utility contractors

Views were collected through consultation with member representatives

If you would like your response or personal details to be treated **confidentially** please explain why:

**Part 2 - Your Comments**

**Q1:** Do you consider that a Common Permit Scheme, including all applicant Boroughs and Transport for London, is the most appropriate type of permit scheme for London? If not, please explain why not.

Yes ☐ No ☒

1) We believe that a Joint Scheme is the best approach for London.
2) The documentation of the scheme allows for each borough to change and manage their own version of a common scheme i.e. separate schemes by each authority.
3) 18.1 Allows for individual Permit Authorities to amend some parts of the scheme, which does not follow principles of a Common Scheme and therefore each scheme would in essence be individual
4) 18.5 If this is a common scheme, then all amendments should be agreed by all local authorities involved in the scheme and follow the DfT definition for changes to a scheme
5) 17.23.1 The proposal does not stipulate why this 'Common' scheme does not bring all 'special or local agreements' under one 'common' permit framework
6) 13.7.3.1 There is no criteria surrounding the 'significant additional cost'.

**Q2:** Do you think the London Permit Scheme accurately reflects the requirements of the draft Statutory Guidance for Permits as found at http://www.dft.gov.uk/pgr/roads/tpm/tmaportal/tmafeatures/tmapart3/?

Yes ☐ No ☒

The scheme makes no mention of how it will manage and report on the parity between HA and other promoters.

1) 17.24.1 Construction method is only possible on interim reinstatement as per the Technical Specification for EToN and is not supported by EToN 5. Clarification is needed on what is required under description.
2) Suggested change: The notice **MUST** also include the actual number inspection units and an illustration e.g. plan, sketch, or digital photograph **MAY** be provided showing the extent and location of the reinstatement.

**Q3:** Do you think the London Permit Scheme accurately reflects the requirements of the draft Code of Practice for Permits as found at http://www.dft.gov.uk/pgr/roads/tpm/tmaportal/tmafeatures/tmapart3/? If you have answered "No" please explain in what areas the London Permit Scheme does not reflect the requirements of draft Code of Practice for Permits?

Yes ☐ No ☒

The London Permit Scheme reiterates narrative from the Code of Practice but not how the Local Authority will actually administer and manage the elements of the scheme as required by the Code of Practice.

**Q4:** Do you think the London Permit Scheme accurately reflects the requirements of The Traffic Management Permit Scheme (England) Regulations 2007? Yes ☐ No ☒

Key elements of the scheme do not adhere to regulations, the codes of practice or the technical specification. For example:

1) This statement references 'Specified works' as if these are defined in Regulation 6, which they are not.
2) 7.5 Regulation 39 refers to email as electronic forms of communication and not paper
3) 10.7.1 (most if not all Utilities are governed in this area by individual Regulators) This section suggests that a Permit would be required to cover the publicity period before works impact the public. Clarification is needed as to how the publicity phase of any works impacts traffic, or how incorporating this into a Permit Period promotes the NMD or objectives of a Permit Scheme (CoP 11.4 Pg76 states "It is expected that authorities will also wish to publicise the existence, timing, duration, location and extent of activities that may affect the use of the highway...")
4) 10.7.2 A publicity period being incorporated into a 'permit period' impacts promoter payment, for example minor works (3 days) would now require a permit for a period normally associated with either standard or major works due to a publicity period of say 10 days.
5) 10.7.3 This would mean every job would be classed as major works due to lead times.
6) 22.8.1 This is not the correct definition for compulsory highway works
7) 22.8.2 This statement references 'Specified works' as if these are defined in Regulation 6, which they are not - Reg 6 simply states that the Permit Scheme 'shall specify' what works are 'Specified Works' and that they 'shall comprise both street works and works for road purposes' and exclude sect 50 works. The implication from the text is that these are also set out in the previous section 22.8.1, which they are not. The above section is simply too 'Vague' and open to misinterpretation. A clear statement is required of the 'Specified Works' and that the terms 'parity', 'equality' and 'non-discrimination' are primarily intended to refer to the way a Permit Authority treats Statutory Works Promoters compared to Authority Works Promoters

**Q5:** Are the matrices provided in support of the scheme clear? Yes ☐ No ☒

The matrices are not clear and only seem to justify the maximum fees not the actual FTE head count required to manage the scheme. For example

1) Actual FTE requirements are less than matrix cost of employees
2) No mention of Operational time is included just Back Office
3) There are no matrices available for each fee for participating permit authorities.

**Q6:** Do you understand when Promoters have to make an application for a Provisional Advance Authorisation and/or a Permit? Yes ☒ No ☐

The COP defines this in great detail although the LoPS refers to this being the first communication on any major works and takes no account of any pre-planning and consultation that promoters would want to achieve before submitting the Provisional Advance Authorisation in order to get it right first time.

**Q7:** Are variations to Permits described sufficiently clearly? Yes ☐ No ☒

There is no clear definition, resulting in different interpretations, which goes against the framework required for a Common Scheme.

1) 9.3 Guidelines are required on what is considered a modification [to the PA] and where this would be classed as a variation

**Q8:** Do you understand when fees will be charged? Yes ☐ No ☒

There is no clear definition therefore allowing for different interpretations, which is against the framework required for a Common Scheme.

1) Fees have been linked to the ‘greater work involved in handling larger activities and busier roads’, where the Code of Practice only allows fees to be linked to the cost of running the scheme.
2) 4.6.2 Since phased works 'must' be notified at the outset, and the Regulation 31 (4) & (5) require a minimum of 30% discount for such activities, it in not clear what discount the LoPS deems to be applicable when these applications are made simultaneously or within 3 days of each other
3) 4.6.2 The LoPS fails to confirm that for non-sporting events where London Authorities require utilities to close works down, these works would not incur a permit fee
4) 13.2 The regulation states that you do not pay for the PAA until you apply for the Permit.
5) 13.6 Appendix E is missing.
6) 13.6.3 Fees should only be linked to the business case and not to the greater work involved in handling larger activities and busier roads
7) 13.7 The scheme needs to specify the criteria surrounding the 'significant additional cost' and whether a consistent and common approach will be managed by all participating local authorities
8) 17.29.4 Where permanent reinstatement cannot be achieved first time due to local authority specifications we do not agree with any charge following Immediate Works. For example, if the materials are not kept in stock by the Highway Authority the charge should be waived..

**Q9:** Do you agree that the measures to evaluate parity are sufficient (sufficiently robust) Yes ☐ No ☒

The document does not reflect sufficient measures to manage and evaluate parity

1) There is an exemption for road marking for the Local Authorities for criteria not being applied to statutory undertakers
2) Only highway works as defined in s83, of NRSWA i.e. this exempts the majority of works undertaken by local authorities
3) Specified works for Local Authorities is not defined (No Parity)
4) Shadow charging and penalties are not being applied to the Local Authority, which will make it very difficult to identify discriminatory behaviour
5) 2.3 'Treat all activities covered by the scheme and works promoters on an equal basis'. There is no demonstration of how this objective will be measured and shared with all stakeholders
6) 10.10.1 If not removed, then the text should be changed to: "….the Permit Authority will impose conditions upon a Permit in respect of works carried out by or on behalf of a highway authority in the same form and for the same reasons referred to above" and the words "and where relevant" should be removed. Confirmation is required that the conditions applied to Permits of Local Authority works will be on display in the Local Authority Register for anyone who wants to compare them
7) 10.10.2 If not removed, this statement should simply reiterate the same levels of coordination and consultation expected of other (Non-Authority) applications. Confirmation is required that supporting consultation information provided with Permits of Local Authority works will be on display in the Local Authority Register for anyone who wants to compare them
8) 13.5.2 An explanation is required as to why there will not be shadow charging (and as a result no demonstration of parity charging)
9) 15.3.2 If shadow charging and penalties are not being applied to the Highway Authority, the LoPS fails to demonstrate non discriminative behavior
10) 17.9.2 It is unclear whether the Street Authority will require a Permit for this kind of work
11) 17.9.8 This is covered by NRSWA and should be removed from the scheme

**Q10:** Do you understand what conditions may be applied in granting a permit. Yes ☒ No ☐

A number of conditions within the scheme appear to be outside the remit of the Permit Regulations

1) It is the responsibility of the Local Authority to administer and manage the scheme. However promoters are required to coordinate with local

authority departments before submitting a permit application which could subsequently be refused
2) Publicity prior to the PA being sent
3) We believe this contradicts the co-ordination role of the Permitting Authority.

**Q11:** Are the penalties for not correctly applying for a permit clearly identified? Yes ☒ No ☐

1) 9.1 Wider public requirements exist and must be taken into account especially around safe maintenance of supply and must be incorporated in this section
2) 10.4.1 The prescriptiveness of times does not take into account 'real world times' e.g. the continuity of supply to customers may be impacted by working times.
3) There is also an inference that there is a physical permit. EToN does not support this.

**Q12:** Are the penalties for not abiding by permit conditions clearly identified. Yes ☒ No ☐

Continuity of supply and health and safety is at risk by rigid application of permit conditions. For example if work should stop at 4:30 but the customer is not available until 4:29.

1) 4.9 Where the NSG is not correctly maintained, as per BS7666 and the Technical Specification of the National Street Gazetteer, any associated penalties must be waived
2) 4.13 Where the NSG is not correctly maintained, as per BS7666 and the Technical Specification of the National Street Gazetteer, any associated penalties must be waived
3) Visibility required for condition failures associated with Highway Authority works.

**Q13:** Do you think that the monitoring proposed for the scheme is adequate? Yes ☐ No ☒

The methodology and specifics of what will be monitored and subsequently reported on is not sufficiently defined for example only producing reports annually

1) 22 There is no post TMA baseline for evaluation of objectives showing future performance of the Common Scheme
2) 22.5 This 'requirement' must be in place prior to the scheme commencing

and once the baseline has been put into place.

3) 22.8.6 The Key Performance Indicators must be published in the scheme paper prior to the Permit scheme commencing

**Q14:** Do you think that the costs benefits shown for the scheme are clearly described? Yes ☐ No ☒

1) The introduction of the TMA was designed to enable a 10% reduction in congestion caused by street works but the LoPS claims all of this on 2003 traffic data and takes no account of the effects TMA has already delivered
2) The annual running costs only include back office FTE's not operational requirements to conform to the scheme, potentially far greater within local authorities
3) 2.1 This is achievable under TMA. The scheme does not demonstrate that this will be improved outside of the current TMA legislation
4) 10.5.1.2 The following sections require action to be taken by the promoter that would result in higher costs, higher carbon emissions and higher traffic flows which are not covered in the business case. There is no commitment within the scheme to revisit the business case and amend the costs of all promoters accordingly
5) 10.6 The following sections require action to be taken by the promoter that would result in higher costs, higher carbon emissions and higher traffic flows that are not covered in the business case. There is no commitment within the scheme to revisit the business case and amend the costs of all promoters accordingly
6) 17.19.1 What value does this add to the Permit Scheme? Works will have to continue regardless.

**Q15:** Is there any aspect of the London Permit Scheme which requires further clarification? Yes ☒ No ☐

77 aspects have been identified for further clarification:

1) The scope of a Permits scheme should be expressly defined within the LoPS document and not within the CoP and Statutory Guidance
2) Various sections of the document contradict each other
3) 3.2 Document refers to methods that conflict with this statement e.g. information fields which do not exist within the Eton Tech Spec and using telephone calls and fax's instead of using Eton as the primary method of communication.
4) 4.8.1 Clarification is needed regarding phased back fill, e.g. interim, anti skid.
5) 4.8.1 Clarification is needed regarding what a 'pass' is.
6) 4.13.3 Associated Street Data is already provided for each road in any HA area. An amendment is required to the owner of the street on each ASD record. Owner must be a permit Authority for permit applications to be issued.

7) 6.3 Clarification regarding planning is required. Highway Authorities should utilise the same process across the board.
8) 6.6 Clarity that the Highway Authority would consider granting permits in exceptional circumstances without a PAA is required, e.g. restoration of supply.
9) 6.7.1 Clarification on what constitutes "…advanced notice to nearby householders or business, or to traffic or pedestrians using the road" is required to avoid any confusion with promoters and local authorities and thus fulfilling the requirement of a common scheme
10) 6.7.1 No field available in EToN for this information request.
11) 6.7.2 Clarification is required as to what evidence would be deemed acceptable - presently discussing the works with the inspector prior to works taking place is not always deemed acceptable by the HA back office. Clarification is needed in order to avoid any confusion with promoters and local authorities and thus fulfilling the requirement of a common scheme
12) 6.8.3 The list shows quite a lot of detail which is required for the PAA (especially 'iv' and 'vi') but section 6.6.1 states such details may not be known. It is therefore unclear how utilities are expected to define the detail which may 'not be known' under 6.6.1 when this section suggests we supply all information we would need on the PA. Clarification is required.
13) 6.8.3 No fields available in EToN to provide the requested information highlighted in bold.
14) 6.9.1 EToN can only provide a Grant or Refusal response to a PAA
15) 6.9.2 Section 6.9.2 breaches Regulation 16, i.e. the Highway Authority requesting further information from the Promoter.
16) 6.9.2 EToN spec deems granted applications (including PAA's) if no Grant Refusal is received within the response times.
17) 6.9.3 There is no section 6.4.1 within the scheme
18) 6.10.1 Clarification required if PAA's attract a fee in all circumstances.
19) 6.11.2 Does not comply with validity periods e.g. if duration is not changing the start and end dates can move in accordance with validity. (Contradicts 10.1.3)
20) 6.12 This statement is incorrect, and is at odds with 8.3.1 & 8.3.2. Clarification is required as to which is the correct interpretation
21) 6.12.1 Contradicts 10.1.3 The start date of the full permit must not be more than 15 days after the start date of the PAA and must be issued 10 days before the start date on the full permit
22) 7.6.3 This contradicts section 7.5 in the use of Fax
23) 7.8.2.2 Clarification is needed with regard to what purpose this serves
24) 7.8.2.1 The EToN Technical Specification does not enable this information to be passed electronically at PAA or PA stage. Clarification is required as to how this would be recorded
25) 7.8.2.1 Nothing in the Technical Spec allowing for grid references for both proposed trenches and dimensions of space taken up by the activity
26) 7.9.1 Not supported by EToN.
27) 7.10 There is no definition of what is an illustration
28) 7.10 Clarification is requested as to the merits of section 7.10
29) 7.10.1 Permits COP states that works promoters MAY need to provide an illustration not must
30) 7.10. 3 Clarification is required in order to avoid any confusion with promoters

and local authorities and thus fulfilling the requirement of a common scheme

31) 7.10.3 EToN only allows for a URL to be sent, actual attachments will not be sent via EToN. Not a mandatory field.
32) 7.11.1 This is not supported by EToN Tech Spec
33) 7.12.1 No EToN field available to provide the information
34) 7.13.1 No EToN field available to provide the information
35) 7.14.4 Permits COP states Works Promoters SHOULD familiarize themselves, not must.
36) 7.14.6 No EToN field available to provide the information
37) 7.16.1 No EToN field available to provide the information
38) 7.18 Clarification is needed on how the Highway Authority requires this information to be provided.
39) 7.21.1 Contradicts 8.2
40) Type 23 indicates that the designation is number 23. Confirmation required that it will be recorded in record 23 in the ASD.
41) 8.2 CoP 10.5 'With electronic transfer …it is assumed an application has been received at the time it was given…' This implies that evidence of sending appropriately should be valid and that receipt cannot be the only factor in deciding a timeframe. NJUG believes this section should be rephrased to acknowledge the CoP statement
42) 8.3.1 Although this statement appears correct, it is at odds with 6.12.1. Clarification is required as to which is the correct interpretation
43) 8.3.2 Although this statement appears correct, it is at odds with 6.12.1. Clarification is required as to which is the correct interpretation
44) 8.3.4 Type 23 ASD designation is invalid. As of April 2009 a new standard was introduced to which all Highway Authorities must apply
45) 8.3.4 Clarification of how this will work prior to a Permit being agreed is required.
46) 8.3.4 Confirmation is necessary demonstrating that where the Highway Authority does not have a 24 hour manned telephone service, this would not be a requirement
47) 8.3.4 There is an unclear reference to a 'bar hole permit' - If this section intends to reiterate that immediate works application time is within 2 hours of starting work, it should say that. If it means something else, it needs rewriting and potentially putting in another section that isn't titled Minimum Application Times.
48) 8.4.2 This statement appears at odds with the Stat' Guidance for Permits 58, which refers to responses to applications and variations, and explicitly states 'A response for these purposes means a decision to Grant or Refuse a permit'. The section goes on to explain that a request for further information is a form of Refusal. Any deviation from this with liberal interpretation of the term 'response' is likely to make critical EToN features redundant and lead to a proliferation of tandem processes, where the status of a permit is needlessly confused – clarification is needed
49) 8.4.2 Not supported by EToN should be Grant or refuse.
50) 8.4.2 The maximum response time for minor works should be 2 days and not the 5 stated. This is shown on the table on the next page
51) 8.4.7 CoP 10.5 'With electronic transfer …it is assumed an application has been received at the time it was given…' This implies that evidence of sending appropriately should be valid and that receipt cannot be the only

factor in deciding a timeframe. NJUG believes this section should be rephrased to acknowledge the CoP statement

52) 9.2.1&2 Not supported by EToN there is no physical Permit issued as implied by this section
53) 9.2.2 Clarification is required on how this will be achieved.
54) 10.1.6 Not supported by EToN there is no physical Permit issued as implied by this section
55) 10.1.7 Clarification is required regarding how the Highway Authority will mark permits with cross references and to linked permits and any separate approvals such as TROs
56) 10.1.8, 10.4.2 There is no physical Permit, therefore it has no 'face' - the Permit is an electronic document.
57) 10.2.3, 10.2.4 It is unclear what evidence will be provided by the Highway Authority that communication has taken place between the Utility and the Highway Authority and vice versa.
58) 10.3.2.1 It is unclear whether this is just the unique permit reference or whether it has to include the version number element
59) 10.4 Not supported by EToN there is no physical Permit issued as implied by this section
60) 10.4.3 It is unclear how the reasonable period for section 74 purposes will be established
61) 10.5.1 It is unclear how this is different compared to current process
62) 10.5.2.5 Not supported by the COP for Permits
63) 10.6.1 Not supported by the EToN spec
64) 11.9.5 It is unclear how the Highway Authority would issue a 'new' Permit reference when this is currently generated from the Promoters reference number
65) 11.9.5 Not supported by the EToN spec. The works promoter would need to re-apply
66) 12.2 Clarity is required regarding this section, element 15, i.e. 12.2 The provision replacing section 66 of NRSWA to clear the street under Regulation 18 referred to in Section 15 should be more clearly stated in this section to avoid any cross reference confusion
67) 13.6.1 No appendix E
68) 15.4.4 The scope of a Permits scheme should be expressly defined within the LoPS document and not within the CoP and Statutory Guidance
69) 15.6.4 The LoPS scheme must state 'how it will be possible to follow the audit trail to check income and expenditure for the scheme'
70) 17.7 It is unclear whether this requires a Permit. If not, it should not be in the scheme
71) 17.12.2 NJUG does not believe that this should be part of the Permit Scheme
72) 17.24 The definition of a notice of completion should be provided here
73) 20.4.1 This is not mandatory
74) 21.8 It is not explained what the mechanism for identifying restricted information is
75) 22.8.4 It is not clear how performance will be demonstrated and shared with all stakeholders
76) 22.8.5 It is not clear whether the competencies of these persons will be publicised prior to the scheme starting
77) 22.8.9 It is not clear when these KPI templates will be available for

stakeholder review

**Q16:** Do you have any suggestions for improving the London Permit Scheme? Yes ☒ No ☐

Much of the scheme produces statements that simply imply something will be developed, incorporated or done, at a high level. The detail behind this needs to be included in the scheme documentation

1) Immediate Works, by their nature, are performed to create a safe and secure environment and areas of the scheme could create a delay to these activities. It has been suggested that the identified sections state "except Immediate Works"(8 in total - 7.9, 7.10, 7.14, 7.15, 7.17, 10.1.1, 10.5.2, 10.9.3
2) Requests for formal processes have been requested for several sections (10 in total)
3) The following sections are difficult to understand and it is requested that the LoPS include a formal process and associated flow diagram to avoid any confusion with promoters and local authorities and thus fulfilling the requirement of a common scheme -15.4.16, 16.1, 16.4, 16.5, 7.8.2, 11.6, 11.9, 17.26, 17.31.2, 9.4.
4) 9.4 Process flow diagrams and process details are required for the process [reasons for refusal] within this section
5) As most benefit to congestion can be gained on major routes, NJUG suggests category 0, 1 and 2 streets, plus traffic sensitive cat 3 and 4 should be the only streets within the scope of the scheme.

**Q17:** Do you have any other comments on the London Permit Scheme? Yes ☒ No ☐

**Measuring Disruption**

Section 2 mentions the Network Management Duty (NMD) and the ***'overriding objective'*** of securing the "*expeditious movement of traffic on the authority's road network".* Section 22 of the LoPS commences with *"In accordance with the Regulations, the Permit Authorities operating the LoPS will seek to evaluate the permit scheme so as to measure whether the objectives are being met"*. This phrase if lifted from Permit Regulation 4(d). It also relates to the TMA Section 16 (6) which compels an authority to *"keep under review the effectiveness of the arrangements"* (for the NMD).

Section 22 continues with a series of measures relating to the secondary objectives listed in section 2. Unfortunately, it fails to mention the ***'overriding objective'*** [expeditious movement of traffic], and more importantly it similarly fails to provide any measures for this objective. Moreover none of the secondary objectives could reasonably be argued as appropriate subsets of the overriding objective. NJUG's view therefore is that the scheme does not comply with either the TMA or the Permit Regulations.

Since the draft trials are only for systems testing, NJUG would also recommend a 6 month lead in period as opposed to the current 1 month.

**Traffic Regulation Orders/Notices**

A separate application for a TRO has always appeared to works promoters to be unnecessary duplication of work when the duty to decide if a TRO should be made rests with the HA and this information could have been given in the NRSWA notice. The draft scheme makes reference to a HA having statutory authority to recover reasonable costs incurred in making the TRO or TRN through Sec 76 of NRSWA which is outside the scope of the scheme.

NJUG welcomes a change in the process, and finds it is difficult to understand why costs and times vary widely from HA to HA (between £600 - £2050 and anything from 6 to 16 weeks)

**Parking Bay Suspensions/ Environmental**

The aim of the scheme is for works to be completed in a timely manner and to reduce disruption and congestion. In order for works to be successfully co-ordinated and administered it makes sense for the permitting authority to deal with the permit and parking bay suspensions together rather than the works promoter having to deal separately with the relevant departments within the same HA.

**Traffic Management**

There has not been a reasonable explanation as to why traffic lights at junctions take a minimum of 7 days to administer. Under Regulation 16, if the works promoter provides the prescribed information in the application, the Permit authority cannot refuse the permit solely on the basis that it is unable to turn it around in time.

**Government Security Zone**

It will not be possible for the works promoter to give notice to the police that they will be working in the GSZ before it is granted a permit, deemed or otherwise. As the Permit Authority is responsible for issuing permits it makes more sense for the Permitting Authority to provide this informant, not the Works Promoter.

**Application Support Document – Calculating the Level of Disruption**

P.35

A figure of 10.2% is used to estimate the ‘proportion of total [congestion] that can be mitigated’. This figure is derived from an ‘average impact of mitigation‘ of 20%. There is no scientific basis for either assumption, it is said they are merely ‘expected’ How and why is not, but should be, stated.

P. 33-34 Paragraphs 86-90, P.40

Two methods of calculating congestion are described. The 'bottom up' method generates a figure that is four times larger than a 'top down' calculation. This is a cause for concern since it betokens an unknown number of errors and misassumptions that cannot be left unchallenged. Moreover the uncertainty is compounded by declaring an unsupported opinion that the truth lies 'somewhere in between these two estimates'. There is no proper means of calculating where (if at all) between these extremes the truth lies, therefore risking the adoption of an unsubstantiated decision for an average.

In this section the authors quote extensively from Professor Phil Goodwin, an acknowledged expert in this field. Unfortunately, the document stops short of quoting Professor Goodwin's important conclusions – which are, quoting from the same report:

**1**. *"In principle, if the data and methods of calculation are robust, these two different methods should come to about the same result, and indeed this would be one way of increasing confidence in the numbers. 'About the same', in this context, would mean that the figures should be within about 20% of each other, and ideally within about 10% - closer than this is not a realistic expectation. However, in practice, calculations carried out so far have not remotely been within 10% or 20% of each other: they have differed by a factor of between 4 and 5."*

**2.** *"**WHICH FIGURE IS CORRECT?***
*The two methods cited give something less than £1 billion a year, and over £4 billion a year, as the estimated cost of the congestion attributed to street works. These figures are too far apart simply to say 'well, the true figure must be somewhere in the range £1b to £4b'. To explain such a big discrepancy, there must be some important methodological problem involved, and prima facie it is reasonable to assume that at least one of the methods must include some error. As argued below, it is my judgement that there are errors involved in both methods, leading both to produce overestimates of the useful reductions in congestion to be made by reducing street works, though more seriously so for the 'bottom-up' method.*

*Five problems of method and principle will now be discussed, namely*

> *The problem of aggregating very small time savings and losses;*
> *The implications of defining congestion cost by comparison with free flow conditions;*
> *The implications of ignoring adaptation of driver behaviour;*
> *The effect of general congestion on specific congestion;*
> *The reliability of the data base."*

In short, the point being made by Professor Goodwin is that the disparity between the top-down and bottom up figures demonstrates that they are both wrong and does not permit a conclusion that the truth lies somewhere between the two. His second point is that both methods give rise to overestimates for the five reasons he cites above.

P.33 Para 84, states that Phil Goodwin advocates the use of, "top-down" and "bottom-up" methods of calculating congestion costs. This conclusion cannot be drawn from a full reading of the report, as the above quotes demonstrate.

P.41 Para 104
It should be noted that the authors of the cost benefit analysis provide a good reason why the costs of street works on congestion have been over-estimated in this report.

P.42

In calculating the potential for delays to pedestrians on type 3&4 streets a figure of 30 secs per double crossing is used. However an alternative experiment shows that it take no more than around 12 seconds to cross over and back a typical 5m residential street at a sedate pace. Similarly, in many cases such a cross over will not be necessary (as indicated in the text by use of the word 'generalisation').

Calculations make reference to 'sample data' although no source of such data is quoted.

The benefit range, described is a risible £690K - £112M, appears to be unrealistic.

P. 44

Benefit is claimed over a potential reduction in collisions and of course related safety as a result of permit schemes. This is incorrect. The overall number of site inspections will remain at 30 % (as current) even with the inclusion of permit inspections. This means that site visits and consequential opportunities to discover safety issues remains unchanged.

Two additional points:

1. There is no 'control' information provided i.e. how many accidents would have occurred in the complete absence of street/road works?

2. The assumptions on the reduction of accidents are just that, assumptions with no supporting evidence to justify them.

P. 45

The corresponding saving in compensation claims as a result of the previous benefit claim is similarly incorrect for the same reason.

P. 54

The examples cited to demonstrate putative savings from permit schemes are entirely untypical in that they are located outside a London station and a school. Moreover, two examples of whatever nature are statistically insignificant in comparison with the volume of work carried out in London.

**Traffic Manager Time**

Using only the figures supplied within the scheme, NJUG has carried out a

calculation on three London authorities – TfL , City of London and Bromley.

Traffic Manager time has been calculated using established annual working hours (1707)*, set against the time allocated to permit scrutiny. It has been assumed that Traffic Managers will need at least 30% extra time for HR, management issues etc.

Results:

TfL – 8 traffic managers
City – 1 traffic manager
Bromley – 2.5 traffic managers

If the scheme were to go ahead in its current form, by NJUG's calculations, these three boroughs would need to employ the above number of traffic managers. Due to the unlikely possibility of, for example, TfL employing eight traffic managers, NJUG feels the figures supplied need to be reviewed and the calculations repeated by the other LPS member authorities as a sanity check on the reality of time allocated in the permit matrices.

* Source - Organisation for Economic Cooperation & Development

NJUG also feels further clarity / information is required on the following areas:

1) It is the responsibility of the Local Authority to administer and manage the scheme. Promoters have been requested to coordinate with local authority departments before submitting a permit application. E.g. parking suspension - 7.10, 7.12, 7.14, 10.5.4, 10.5.5, 10.8.1, 10.8.4, 10.8.5, 17.15.2, 17.18.1, 17.20, 17.22.
2) The NSG is the responsibility of the local authority and mal-administration will not allow promoters to conform to the following sections. We would seek release from any fees or penalties where the local authority has not maintained its responsibility. - 20.2.3 (I), 7.2, 7.3, 7.4, 7.6, 20.3, 7.8, 7.10, 9.4, 10.9.2, 20.1.1.
3) 1.6 Please confirm that contact details will be kept up to date within the batch files within EToN and in line with the web based details.
4) Appendix E is Missing.
5) 7.14 This is factually incorrect as immediate works may also require TROs and are not major works
6) 17.16.1 Given the Field restrictions of EToN (including permitted character volumes) it is difficult to see where this will be entered. NJUG believes that the presumption should be that a 'clean and tidy condition' is the normal expectation and the need for inputting this on every application is unnecessary bureaucracy
7) Appendix D – NJUG understands this is for the form but site signage must comply with regulations for traffic signs. Display details: it is not clear whether these have been approved by DfT for size etc.

Please send this completed form to:

Helena Kakouratos
Engineering Service
London Borough of Camden
Camden Town Hall
Argyle Street
London
WC1H 8EQ

Email: permitscheme@lbhf.gov.uk

The deadline for responses is: **5pm on Friday 5 June**