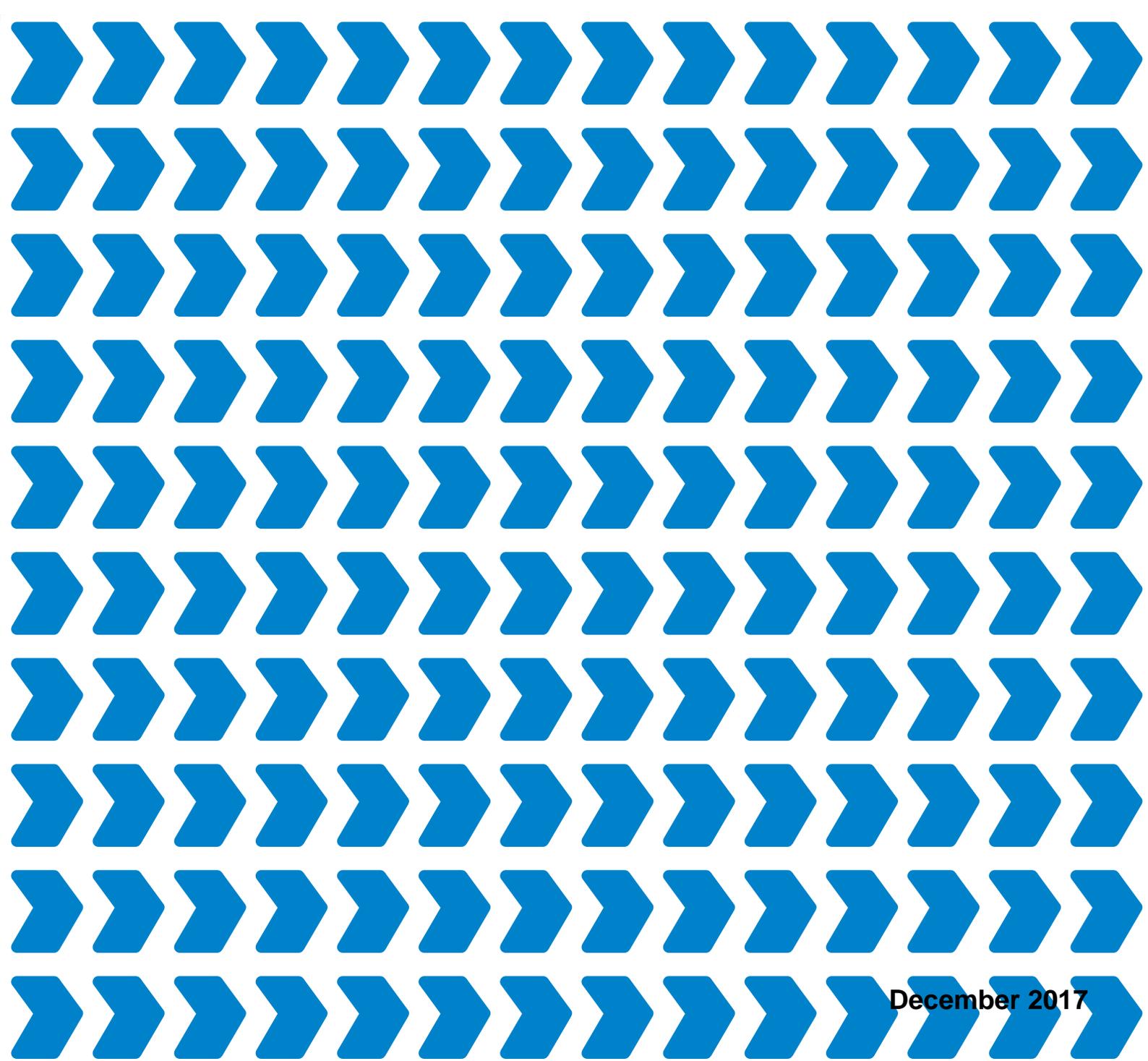




Department
for Transport

Summary of responses to consultation on an interim solution for lane rental

Moving Britain Ahead



December 2017

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Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General enquiries: <https://forms.dft.gov.uk>



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Introduction

- 1 Lane rental involves charging the promoters who carry out road and street works for the time their works occupy the highway. Charges are focused on the busiest streets at the busiest times.
- 2 Transport for London (TfL) and Kent County Council have been successfully operating lane rental on parts of TfL's and Kent County Council's road network since 2012 and 2013. The aim of these pioneer schemes was to test the effectiveness of lane rental as a way of reducing the congestion caused by street and road works. Lane rental allows the local highway authority to impose a charge of up to £2,500 for each day the highway is occupied by the works. The charge was set at a level that reflected the costs of congestion caused by the works and that would encourage works promoters to:
 - Reduce the length of time taken to carry out the works
 - Improve planning, coordination and working methods
 - Carry out more works outside of peak times, for example, making greater use of weekend and evening working where the local environmental impact was acceptable
 - Complete works to the required standard first time and with a permanent reinstatement, reducing the need for the works promoter to return to the site to carry out remedial work
- 3 The schemes were enabled by section 74A of the New Roads and Street Works Act 1991 and the Street Works (charges for occupation of the highway) (England) Regulations 2012 (the 2012 regulations). The 2012 regulations include a 'sunset' clause which means the London and Kent schemes will end in March 2019 unless the regulations are amended.
- 4 The Government published two consultations on 2nd September 2017. The main consultation on the future of lane rental schemes presented four options for the long term future of this policy. The second consultation asked for views, as an interim solution, on a proposal to remove the sunset clause as soon as arrangements can be made. This consultation closed on 16th September 2017.
- 5 This document summarises the responses to the consultation on the interim solution and the Government response. The Government's decision on the long term future of lane rental will be announced shortly.
- 6 There was only one question included in the consultation:

Question

- Do you agree that the DfT should remove the existing sunset clause in the *Street Works (charges for occupation of the highway) (England) Regulations 2012*?

- Yes?
- No?
- Why?

Summary of responses

- 7 In total, 75 responses were received
- 24 from local highway authorities
 - 18 from members of the public
 - 22 from utility companies
 - 2 contractors
 - 5 public sector organisations
 - 4 responding on behalf of another organisation or stakeholder

The response was as follows

Yes		No	
24	Local highway authorities	22	Utility companies
17	Members of the public	1	Member of the public
4	Public sector organisations	1	Public sector organisation
1	On behalf of another organisation or stakeholder	3	On behalf of another organisation or stakeholder
		2	Contractor*
46	Total	29	Total

*1 x contractor responded 'yes' but their comments make it clear that they do not support the proposal. 1 x local authority responded 'no' but their comments supported the removal of the sunset clause. Their responses have been allocated to the yes/no columns based on their comments.

Positive responses

- 8 All the local highway authorities who responded supported the removal of the sunset clause and gave the following reasons
- The current schemes in London and in Kent are demonstrating that lane rental is an effective way of reducing congestion caused by street and road works on heavily congested parts of the road network. Schemes are also driving better performance and collaborative working.
 - Lane rental has been a success in reducing congestion on key strategic routes whilst providing funding for innovative congestion reducing measures.
 - Neighbouring authorities felt the schemes had been beneficial for all stakeholders.

- There was general agreement that schemes should not be wound down unnecessarily and in advance of a decision about the long term future for lane rental.
- Many felt that removing the sunset clause would provide additional time to develop new initiatives such as street manager, and to enable effective longer term solutions to be developed and put in place.
- Removing the sunset clause would allow a more detailed assessment of the trials and more data to be collected to assess whether lane rental should be expanded.
- There was agreement that the proposal to remove the sunset clause was a sensible interim solution, and would avoid causing costly administration burdens.
- Three authorities hoped the interim solution would not lead to a delay in a decision about whether or not to allow other authorities to have lane rental.

9 Members of the public made the following comments in support of the proposal to remove the sunset clause

- It is sensible to have such rental charges and to have them for all road works.
- Lane rental has helped to mitigate the impact of works on pedestrians and cyclists.
- Lane rental is a good idea and it should be extended. Consideration should be given to using the income generated to improve public transport and cycling schemes.
- Anything to encourage street and road works to be completed sooner should be supported, and lane rental can improve the safety of pedestrians and cyclists.
- Better and faster street and road works lead to less congestion and pollution.
- One member of the public wanted all stakeholders to be invited to decide where lane rental should be applied and for information at planning stage to be made easily available to local residents.
- Several members of the public wanted lane rental to be implemented in other local authority areas.

10 The public sector organisations and the one that responded on behalf of another organisation or stakeholder made the following comments in support of lane rental

- There is significant evidence to support the success of the schemes to date, both in terms of the delay and disruption avoided through the change in behaviour of works promoters, but also by the worthwhile schemes and initiatives funded through the funds that have been raised.
- One organisation representing all local highway authorities believes that lane rental has been an effective way of driving better behaviour and has made a positive contribution to improving working practices. They also noted that removing the sunset clause would allow more time to consider and implement longer term or alternative solutions, for example, street manager and/or using permit schemes.

- A public sector organisation noted that lane rental has enhanced the need for good and high quality data in the National Street Gazetteer. They also believe that lane rental should not be removed without an alternative plan in place.

Negative responses

- 11 All the utility companies and contractors who responded did not support the removal of the sunset clause. They gave the following reasons
 - The two pioneer schemes have been running for a suitable length of time to allow the Government to make an assessment of how they have performed.
 - They should be phased out at the end of the trial period.
 - Utilities have budgeted for the lane rental schemes to end in 2019 and price reviews have been projected based on this date.
 - Many were concerned that removing the sunset clause would allow the schemes to continue indefinitely.
 - Insufficient evidence has been provided to support the proposal.
 - The sunset clause should remain as a principle, so if any future legislation for innovative working practices is introduced with a sunset clause we have confidence in the integrity of that proposal.
 - One company disagreed that winding down operations would incur an administration cost, as business plans and contracts should have been based on the end date included in the sunset clause.
- 12 The responses from organisations representing other groups and stakeholders and one public sector organisation made similar comments to utility companies
 - One organisation said that we should work to produce a common national system that has lower cost and is more widely available. Such a system would be likely to consist of an improved permitting system operated in a spirit of collaborative working between the network operator and the organisations who need to work on the network.
 - Another organisation believed that permit schemes provided adequate and sufficient powers to manage the road network. They did, however, recognise the many successful bids to the lane rental innovation that has been a benefit to the industry.

Government response

- 13 As the majority of responses to the consultation was positive, the Government has decided to proceed with removing the sunset clause as an interim solution.
- 14 This decision will mean that the schemes in London and Kent can continue until a longer term solution is agreed and implemented. This is beneficial both operationally and practically, it will remove any uncertainty, and it will avoid any need for TfL and Kent County Council to wind down operations unnecessarily. Operational changes will involve costs to those authorities and to the utility companies working in those areas.
- 15 The Government will announce and put in place the longer term solution to lane rental as soon as possible.