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**Home Transport Road infrastructure Road works and street works Planned roadworks Street works: fines and lane rental surplus funds**

**Department for Transport**

**Open consultation**

**Street works: fines and lane**

**rental surplus funds**

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**Applies to England**

**OGL**

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**Executive summary**

**Introduction**

**On 2 October 2023, government announced its Plan for drivers (**[**https://www**](https://www.gov.uk/government/publications/plan-for-drivers))**.g**ov.u**k/government/publications/plan-for-drivers). In support of smoother journeys for drivers, measures were included to help fix roads faster and encourage efficient street works.**

**There were 2.2 million street and road works carried out in England in 2022 to 2023. These can cause significant disruption to people's journeys and congestion, which we estimate costs the economy around £4 billion. Street works are carried out by utility companies (for example, water, gas, electricity and telecommunications, which are also known as statutory undertakers) to install, repair or maintain the vital services on which we all rely. Road works are carried out by highway authorities to maintain the roads or, for example, to install cycle or bus lanes.**

**The government has been working across the sector in recent years on a range of measures to help ensure that works are planned, managed and coordinated as effectively as they can be to improve consistency and communication across the sector and to make accurate and up-to-date information available to road users.**

**Our work is focused on ensuring that the most modern and effective methods possible are being used by highway authorities, utility companies and their contractors to plan and manage works. This is not just to minimise the impact that works have on congestion, but to ensure that our systems:**

* **are fit for the challenges of the future, including the digital transport agenda**

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questions**

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* **support innovation**
* **are able to deal with the rising demands for transport services and for utility infrastructure**

**Recent government initiatives have included: Introduction of Street Manager**

**Since July 2020, the transformational Street Manager digital service (**[**https://wvvw.gov.uk/guidance/plan-and-manage-roadworks)**](https://wvvw.gov.uk/guidance/plan-and-manage-roadworks)) **has been used by every utility company, highway authority and their contractors in England to plan and manage road works. Real-time**

**data on live and planned works (**[**https://www.gov.uk/guidance/find­**](https://www.gov.uk/guidance/find-and-use-roadworks-data))**and-use-roadworks-data) is also now being streamed.**

**Freedom of information**

**Confidentiality and data protection**

**Consultation principles**

**Highway authorities operating permit schemes**

**Almost every highway authority now operates a permit**

**scheme. These allow for the proactive planning and management of works and have been proven to reduce the impacts of works on congestion. There should now be one set of rules, consistently applied across the country, through Street Manager.**

**New lane rental schemes**

**Approving new lane rental schemes, which allow a highway authority to charge up to £2,500 per day for works on the busiest roads at the busiest times, reduces the impact of works on congestion. Schemes are in operation on the Transport for London (TfL) network in London and in Kent, Surrey and West Sussex. Other schemes are in development.**

**Performance-based inspections**

**The introduction in April 2023 of performance-based inspections means those responsible for defective reinstatements or poor safety compliance are inspected more than those who do comply and have to pay for these additional inspections. It also means reinstatements that fail standards are identified earlier and repaired. This should lead to fewer potholes caused by utility street works.**

**Timely notices for stopping and starting works**

**In 2020, we required notices to be sent within 2 hours of works starting or stopping on weekdays and, in April 2023, we introduced the same requirement for notices at weekends and from highway authorities for their works.**

**This means that up-to-date and timely information on when works are in place or when they have ended is included for each day of the week in the open data on live and planned works that is streamed via Street Manager.**

**This consultation presents a series of additional reforms to regulations that include:**

* **requiring at least 50% of any surplus lane rental funds to be spent on repairing potholes**
* **raising the level of fixed penalty notices (FPNs) that can be issued for 5 street works offences**
* **allowing overrun charges to apply at weekends and bank holidays**

**These proposals would involve amending the following secondary legislation:**

* **the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 — the 2012 lane rental regulations (**[**https://www.legislation.gov.uk/uksi/2012/425/contents/made)**](https://www.legislation.gov.uk/uksi/2012/425/contents/made))
* **the Street Works (Fixed Penalty) (England) Regulations 2007 —the 2007 FPN regulations (**[**https://www.legislation.gov.uk/uksi/2007/1952/contents/made)**](https://www.legislation.gov.uk/uksi/2007/1952/contents/made))
* **The Traffic Management Permit Scheme (England) Regulations 2007 as amended — the 2007 permit regulations** (<https://www.legislation.gov.uk/uksi/2007/3372/contents/made)>
* **the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009 — the 2009 charges regulations (**[**https://www.legislation.gov.uk/uksi/2009/303/contents/made)**](https://www.legislation.gov.uk/uksi/2009/303/contents/made))

**Lane rental surplus funds**

**The current situation**

**A lane rental scheme allows a highway authority to charge up to £2,500 per day for works on the busiest roads at the busiest times. The relevant legislation is section 74A of the New Roads and Street Works Act 1991 and the 2012 lane rental**

**regulations. Schemes need to be approved by the Secretary of State for Transport. The Department for Transport (DfT) publishes guidance for authorities on setting .ip and** g ai**ning approval for lane rental schemes**

**(**[**https://www.gov.uk/governmentipublications/street-works-lane-rental).**](https://www.gov.uk/governmentipublications/street-works-lane-rental).)

**There are 4 schemes currently in operation. One covers 69% of the TfL London network, which makes up around 5% of the network in London overall. The 3 remaining schemes cover between 5% and 7% of the networks in Kent, Surrey and West Sussex.**

**Other authorities are developing similar schemes, as the current ones have proven effective at reducing the impact of works on the busiest roads. DfT is keen to see more schemes in operation.**

**Charges apply to works promoted by both utility companies and highway authorities. They incentivise those works promoters to, for example, move the works, carry them out at less busy times and carry out joint works with other promoters.**