

Lane Rental Schemes in England

A Guidance Document



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Lane Rental Schemes in England: A Framework Guidance Document

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Document prepared by: JE, SB

Approved by Peter Loft and David Latham (Joint Chairs HAUC England)

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Lane Rental Schemes in England: A Framework Guidance Document

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Purpose of this Document

Between September and October 2017 [the Department for Transport consulted on the future for Lane Rental Schemes](#) and announced its plans in February 2018 to allow highway authorities (Authorities) to bid for and to set up schemes.

The '[Lane Rental Schemes Guidance](#)' for English Highway Authorities who wish to develop proposals to operate lane rental schemes was released by the Department for Transport in September 2018 and July 2021.

Lane rental involves charging 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.

The Government has said that it expects new lane rental schemes to cover no more than 5% of the individual highway authority's network. Schemes can also cover less than 5%. For example, smaller or more rural authorities may decide that lane rental might only be of benefit on a small number of strategic roads within its area that are critical to traffic flow, especially at peak times. An authority will need show the coverage of a proposed lane rental scheme and to demonstrate that it is no more than 5% of its network. If an authority wants to apply lane rental to more than 5% of its network, it should provide clear evidence and justification for why this is the case.

A lane rental scheme would involve an Authority charging any Promoter carrying out any applicable works in the street for the time those works occupy the highway. Charges can apply to works promoted by both Utility companies and Highway Authorities on the road network.

To provide the Street Works community with current and helpful advice HAUC England commissioned this guidance document.

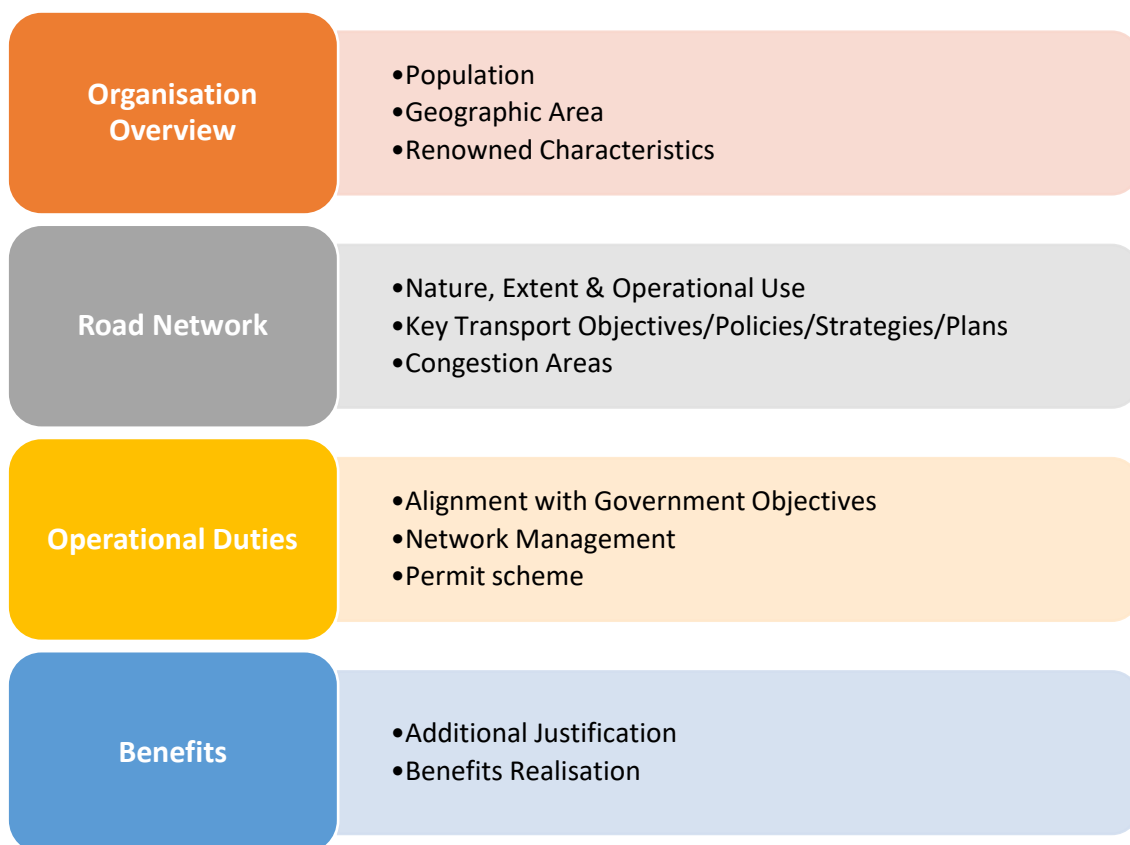
The best outcomes for Highway Users can be achieved where Promoters and Authorities work together to achieve the common objective of planning and implementing work effectively so that it has the least possible impact. A Lane Rental Scheme can provide a powerful tool to help achieve this when it is applied consistently and in accordance with the regulations.

1. Introduction

The introduction to a Lane Rental Scheme (LRS) document should provide a strategic overview justifying why the operation of a LRS is necessary. To help achieve this set out below is a suggested structure for this chapter together with some recommended areas of content.

- 1.1 The introduction to a LRS ought to start by providing a brief overview about the Authority, including its population, geographical area of responsibility and any unique characteristics.
- 1.2 The nature, extent and operational use of the road network would begin to strengthen the context of an LRS, along with highlighting the Authority's key transport objectives/policies/strategies/plans and identifying any specific congestion areas or hotspots.
- 1.3 Describe how the scheme aligns with the Governments objectives set out in their bidding guidance for applications to operate a lane rental scheme, to reduce disruption from street and road works, together with other statutory duties relating to road network management. Operating a well-run permit scheme is a prerequisite for implementing a Lane Rental scheme and it is therefore worth stating how long a permit scheme has been in operation and summarising its effectiveness. The DfT's bidding guidance asks that a permit scheme has been in operation for at least 12 months. This will include on any roads that the Authority wants to be part of the LRS.
- 1.4 Conclude with providing any further justification to support the introduction of a LRS together with the benefits different road users are expected to accrue.

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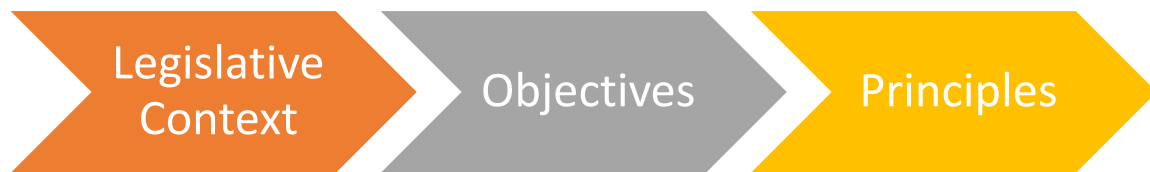
2 Objectives & Principles

This section should be designed to articulate the legislative framework that entitles an Authority to operate a LRS, and identify the key objectives and principles that Lane Rental schemes should deliver.

- 2.1 It is suggested this section is introduced by referencing the legal mechanism that empowers highway authorities to operate a LRS and allows them to levy charges on Promoters for the time their works occupy a street. This provision exists under s74A of the primary legislation (the New Roads and Street Works Act). Citing the relevant regulation made under this law may also be helpful ([the Street Works \(Charges for Occupation of the Highway\) \(England\) Regulations 2012](#), (hereinafter referred to as 'the regulations')).
- 2.2 Highlight the governments objectives stated in their guidance on the role for Lane Rental and how a well-designed and well-targeted LRS should encourage all Promoters to undertake their work in a less disruptive manner.
- 2.3 Notwithstanding obligations to protect public safety, consider listing the financial incentives that might motivate a Promoter to work differently where Lane Rental applies. These may include:
 - Reducing the overall duration of works by minimising the time sites are left unoccupied; and optimising the number of operatives working on site
 - Re-evaluate conventional planning, coordination and working practices to maximise efficiencies
 - Engineering programmes that require works to be undertaken outside of peak periods and allow road space to be returned to road users at the busiest times; and/or increasing work stages at evenings and weekends, but only where the environmental impact is acceptable
 - Completing works with a first-time permanent reinstatement to the required standard to mitigate further disruption caused by return visits to complete a permanent reinstatement, or rectify defects
- 2.4 Describe the key principles that apply when operating a LRS, these ought to include the following:
 - Maintaining a level playing field for all Promoters and demonstrating parity treatment, which also aligns with an authorities Network Management Duty prescribed under the Traffic Management Act
 - Working with all stakeholders operating within the scheme to ensure there is an open approach to meeting the scheme objectives outlined above
 - Providing reasonable periods of opportunity to work without incurring a charge to demonstrate that charges are genuinely avoidable in most circumstances

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- Driving performance improvements and leading the industry to new ideas, innovations and good practices
- Taking a practical and reasonable approach to decision making and any disputes that may arise
- Support the delivery of National Infrastructure projects
- Providing transparency to the success and governance of the scheme through the publication of regular evaluation reports



3 Scope of the Scheme

The scope of a Lane Rental Scheme (LRS) must be designed to meet the objectives and principles of the LRS in accordance with the regulations. A LRS will therefore apply a charge when a Promoter occupies the highway at traffic sensitive times on those streets which the LRS applies; whilst also providing incentives through charge exemptions and discounts, to encourage the planning and subsequent carrying-out of works to have a less disruptive impact to the highway. The scheme would not normally apply to more than 5% of the network unless justified.

3.1 Promoters

3.1.1 The scope of a LRS and the associated charging regime applies to all Promoters - a person or organisation who commissions or promotes works on the highway.

3.2 Specified Works

3.2.1 A LRS can apply to all registerable works that require a permit, as set out in the 'Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters' and the Authorities Permit Scheme. These include:

- street works – work on plant and apparatus in the street by undertakers;
- works for road purposes – maintenance and improvement works to the road itself carried out by, or on behalf of, the Authority (; and
- major highways works.

3.2.2 In addition, unless covered by an exemption, any street works would be liable to lane rental charges, whether carried out by an undertaker by virtue of a specific statutory right or under a Section 50 Licence.

3.2.3 Works for road purposes could include Highways Act s38 and /or s278 agreements.

3.3 Specified Location

3.3.1 A LRS will only apply charges at specified locations – at times specified – as detailed within the Lane Rental Scheme's Schedule.

3.3.2 The application of a LRS charge to specified locations is to the most critical section of Authorities highways network, and where evidence shows that works in the highway cause the highest levels of disruption and includes streets where any intervention is proven to cause significant disruption and congestion. This can be evidenced in the scheme submission and will likely take reference from a authority's traffic sensitive streets network in its development.

3.3.3 A street must be designated as traffic sensitive or protected before LRS can be applied. However, the fact that a particular street is designated as traffic-sensitive or protected is not, of itself, a sufficient reason to justify its inclusion within the scope of a scheme.

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3.3.4 The locations subject to lane rental charges (specified locations) may be the whole or part of the street and subject to specified days and times.

3.3.5 The streets covered within a LRS as a specified location will be identified on the NSG and additional street data.

3.3.6 A LRS does not apply charges to works that are carried out;

(a) in a verge;

(b) in a traffic-sensitive street, other than at a traffic-sensitive time;

(c) in the footway of a traffic-sensitive street, at a traffic sensitive time, so long as the street works do not involve breaking up the street or tunnelling or boring under it.

- *However, the Regulations leave open the possibility of charging for works that do not take place within the carriageway, but to secure the Secretary of State's approval, a scheme would need to demonstrate a strong cost-benefit case in specified locations.*

3.4 Specified Days and Times


3.4.1 Subject to a street being a Specified Location, lane rental charges can apply:

- whenever a street is designated as traffic sensitive, including weekends and Bank Holidays – except for Christmas Day and Boxing Day. The Traffic Sensitive times on a Bank Holiday will be the same as those for a Sunday at that location; and
- during specified days of the year, for example during school term time, seasonally affected streets.

The specified days and times for the specified locations will be identified on the NSG and additional street data. Related information, such as term-time dates, seasonally affected streets should also be published on the Authorities website.

4. Permit Scheme

- 4.1. An Authority's LRS should complement their permit scheme. The information provided in a permit application subject to any agreed change, will be used to determine lane rental charges.
- 4.2. The content of the permit application provided by the Promoter must include accurate details for location and duration, including times.
- 4.3. Where the Promoter intends to work under an exemption within the lane rental scheme, they must include relevant text in their permit application to inform the Authority.
- 4.4. If a change to a permit application results in any change to a lane rental charge, then this should be clearly indicated on the permit change request.
- 4.5. Where the Authority needs to make a change to a granted permit (where the change is at no fault to the promoter) and does so by sending the promoter an Authority Imposed Change, no additional lane rental charges should apply.
- 4.6. Where lane rental charges apply to a permit application no permit fee will be applied.
- 4.7. Where the works are planned and can be collaborative with other Promoters, these should be notified in advance as part of the normal permit application process. Where a collaborative opportunity arises as a result of immediate or reactive works, then the Authority should be notified at the earliest point possible.

| | | |
|---|---|--|
|  | <p>Apply for works</p> <p>Review application details</p> <p><input checked="" type="radio"/> Lane rental charges may apply for these works</p> <p>Works location</p> | <p>Is lane rental applicable?</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Attach additional files</p> <p>Such as a traffic management plan</p> |
|---|---|--|

5 Lane Rental Charges

5.1 Calculation of Charges

- 5.1.1 Given that the regulations only set out the principles of a daily rate of charge, careful consideration will be needed, in line with DfT Guidance, with regards to what charging regime an Authority seeks to adopt to achieve the objectives of their scheme.
- 5.1.2 Simply charging a daily flat rate for any occupation of the highway may not provide adequate incentive to any Promoters to seek to avoid/mitigate charges. It is strongly recommended that consideration is given to what times of day charges may apply and to consider when charges are applied. For example, an Authority may wish to consider only applying LR charges when normal traffic flows are disrupted as this approach may allow well planned and executed works to proceed without triggering charges.
- 5.1.3 It will be essential that any developed scheme clearly sets out the timings of scheme operation and the rationale as to when charges are applied, clearly setting out how works might be able to proceed whilst avoiding charges.
- 5.1.4 Consideration will need to be given to immediate works and whether they are granted an initial period of time without any charge, as suggested in the DfT guidance.
- 5.1.5 Consideration should also be given to setting out meaningful discounts to any fees applied, for works demonstrating innovation and collaboration.
- 5.1.6 Authorities may want to provide alternate charging arrangements for large scale replacement/upgrade projects in order that such works are not discouraged. See 5.11.
- 5.1.7 For the calculation of a lane rental charge, either the Authority or the Promoter may provide additional information to prove a variation to the information contained in the submitted works notices. In all circumstances a lane rental charge will be applied according to the actual work undertaken and duration.
- 5.1.8 Whilst information exchanged through Street Manager should always be accurate and timely, and the initial source by which to calculate any charges due, provision should be given within the scheme for information outside of this system from all concerned parties to be considered when charges are levied/agreed, such as site photographs.

5.2 Charge Categories

The regulations allow for a prescribed charge, which may be reduced or waived in particular cases (applied as a lane rental charge discount (LRCD)).

- 5.2.1 Authorities will need to consider what charge categories are appropriate in order to facilitate the desired objectives of the scheme. Charges will need to be sufficient to encourage the changes/culture desired. Charges set too low may simply be considered an additional 'fee' for highway occupation which may result in no cultural change to the planning and delivery of works. Charges will need to be a sufficient deterrent, in order for Promoters to consider alternate approach/methodology. Realistically such charges will need to be a greater sum

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than the costs of avoiding them in order to drive the required behavioural and operational changes.

Authorities may wish to divide charge categories by either location or Traffic Management impact, or both, or by other means. It must be clear what charges apply if traffic management were to change from one day to the next, in any scheme which uses the Traffic Management type to determine LR liabilities.

The daily rate of charge should be reduced according to a LRCD, applicable to the band of street and the reduction of lanes available.

If a single works footprint spans more than one band of charging for the entire duration of the activity, then the higher daily rate of charge should apply.

- 5.2.2 In instances where the works have fully moved to a lower charge band, the lower charging band should be applied.
- 5.2.3 Whilst a matrix of charges may be seen to be appropriate Authorities should also ensure that there is no ambiguity in such charging regimes in order to avoid confusion and subsequent disputes between the Authority and the Promoter. The table below provides an example of a charge category arrangement:

| Example Charge | Traffic Control | |
|----------------|-----------------|--------------|
| | Road Closure | Lane Closure |
| All | £2,500 | £1,500 |

5.3 Lane Closure

- 5.3.1 Where a scheme uses the Traffic Management type to determine LR liabilities, it will be important that the nature of the TM type is clearly defined. In the instance of a 'lane closure' it may be pertinent to define/list what constitutes a 'Lane Closure'

5.4 Lane Widths

- 5.4.1 Where a scheme uses the Traffic Management type to determine LR liabilities, or where no charges are levied if normal traffic flows are not disrupted, it may be necessary to clearly define 'Lane widths' in order to avoid later disputes. The minimum unobstructed lane widths for 'normal traffic including buses and HGVs' are defined in [Safety at Street Works and Road Works a Code of Practice](#).

5.5 Variations to Lanes available within an Activity.

- 5.5.1 A Scheme should set out what impact a change to the number of available lanes would have on charges. Any scheme will need to reiterate the need for the timely submission of permit variations, potentially day-by-day, in order that any charges liable are calculated correctly in the first instance.

5.6 Highway Occupation

- 5.6.1 Works will be defined as complete when the Promoter has completed any required reinstatement and:

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- removed all signing, lighting and guarding in respect of the works; and
- removed all remaining spoil, unused materials and other plant in respect of works; and
- returned the highway fully to public use (normal traffic capacity).

5.7 Mitigated Charges (SL&G)

5.7.1 Where works are completed before the end of the reasonable period, but signing, lighting and guarding as defined under mitigated charges in Section 74 regulations remains on the highway, the Authority should:

- (i) inform the Promoter of the identity and location of the signing, lighting and guarding; and
- (ii) request the Promoter to remove the signing, lighting and guarding.

Within the reasonable period:

If the Promoter has complied with the request no later than the end of the next working day, following the day on which the request was received the relevant daily rate of charge will not apply. In these instances, the Promoter will have to pay the mitigated charge, as defined within the Section 74 Regulations.

Where a Promoter fails to comply with the request, the relevant LR charge for the occupation of the highway will apply for the relevant period.

At the end of the reasonable period:

Section 74 Regulations come into effect; the Authority would consider that they have complied with the requirement set-out within the Regulations to contact the Promoter regarding the signing, lighting and guarding therefore the daily rate rather than the mitigated charge may be applicable.

5.8 Remedial Works

5.8.1 Authorities may consider that remedial works should be subject to alternate/increased charges to those for the location/timing of the works, given the avoidable nature of such works, if the reinstatement was completed correctly in the first instance.

5.9 Reduced Charges

5.9.1 In accordance with the Lane Rental Regulations, Authorities may reduce Lane Rental charges as they deem appropriate.

5.9.2 Authorities should set out and define all possible reductions in lane rental charges, clearly setting out the criteria and discount levels. Where this is not possible, authorities should make it clear that other discounts may be available and set out how a promoter may engage these.

5.9.3 An application to reduce charges must be made and agreed in advance of the works commencing,

5.10 Collaborative Works

5.10.1 All Schemes should endeavour to encourage collaboration at every opportunity given the obvious benefits delivered. Schemes will need to consider what discounts will encourage such behaviour without undermining the incentives provided by the charges in the first instance. It may be appropriate for all Promoters to receive a percentage discount on charges, or simply not charge any secondary Promoters and allow the respective Promoters themselves to agree how they will divide up the costs borne by the primary Promoter.

5.11 Major Infrastructure Improvements

Major infrastructure improvement schemes can be sponsored by a variety of works promoters but in considering their applicability for LR funding an output must be the aspiration to reduce disruption.

Information data and analysis of historic records for example may illustrate that the commissioning of a major infrastructure improvement scheme, resulting in the replacement, re design or refurbishment of a time expired asset could lead to a significant reduction in disruption. A positive consequence of the investment in new infrastructure may be a significant reduction in the number of ad hoc, disruptive, unplanned, immediate and intrusive incidents that had routinely occurred in the past. These unplanned reactive works are the most troublesome for highway users.

Given the scope and scale of these types of projects it is important that the LR governance arrangements are robust and that all participants that review and approve these schemes are fully satisfied that the merits and advantages for the wider travelling public and the wider economy are demonstrated.

6 Transitional Arrangements

The Authority will provide the Promoter with no less than 12 weeks formal notice for the coming into effect of their Lane Rental Scheme (LRS).

The basic rules of transition will apply to all works which could be covered by the scope of their scheme:

- I. The LRS will apply to all works first notified to the authorities permit scheme, or in respect of which an application for a permit or provisional advanced authorisation (PAA) is made;
- II. Major works with a permit prior to the LRS coming into effect that actually start within the three months of the LRS come-into-effect date should not be subject to charge
- III. Standard, Minor Planned and immediate, emergency works with a permit prior to the LRS coming into effect that actually start within one month of the LRS come-into-effect date will not be subject to charge; and
- IV. If any works covered by (ii) and (iii) are varied by duration or methodology once the LRS is in effect, they will become subject to charge.

In advance of the LRS coming into effect and during the period of notice, it is recommended the Authority operate a shadow-running of the LRS for a period of at least 4 weeks. The intention to shadow-run the LRS should be communicated clearly as part of the consultation, and included in the scheme documentation that is submitted to the Secretary of State (DfT) for approval. The proposed start date of both the chargeable scheme and the shadow running should be confirmed in the notice given to Promoters at the start of the minimum 12 week notice period following Secretary of State approval.

This period will provide opportunity for the Promoter and Authority to embed new ways of working, including operating processes and IT system usage.

If during this period and prior to a LRS coming into effect any Promoter considers that they have a planned activity that may affect their compliance to the LRS, they must contact the Authority at the earliest opportunity to discuss any practical resolve.

During the transition and formal notice period, prior to a LRS coming into effect, no LRS charges should apply.

There are no dis-applied or modified sections from NRSWA as a result of the LRS coming into effect.

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| TIMELINE OVERVIEW | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 |
|------------------------------|---------|---------|---------|---------|---------|---------|
| SoS Approval | | | | | | |
| Statutory Instrument Process | | | | | | |
| Notice given to Promoters | | | | | | |
| Shadow Running (4 weeks) | | | | | | |
| LRS commences with charges | | | | | | |

The above table is an example process that shows the likely timeline following approval of the Secretary of State and does not include any timeline for the evaluation process before that point.

7 Dispute Resolution

- 7.1.1 It's strongly recommended for disputes to be managed and resolved by the less formal mechanisms wherever possible.
- 7.1.2 The first point of contact in a dispute is with the LHA, and before making an official representation, the Promoter is strongly advised to informally contact that team to discuss the issue.
- 7.1.3 To enable an early resolution, it is strongly recommended that a representation in respect of any dispute arising from the issuing of an LR charge is made as soon as is reasonably practicable.
- 7.1.4 Authorities should consider whether it would be helpful, for example, to designate an appeals officer at arm's length from the day-to-day running of the LRS, who would consider disputes that cannot be resolved between the Promoter and its day-to-day contacts at the Authority.

7.2 Dispute Review and Arbitration

Refer to the Code of Practice for Co-ordination of Street Works and Road Works and Related Matters, HAUC (England) Edition, *Chapter 13 Dispute Resolution*.

It is permissible for disputes under section 74A to go to independent Arbitration, as provided for in section 99 of NRSWA.

8 Sanctions

8.1 Offences

- 8.1.1 Regulations 21 to 28 of The Traffic Management Permit Scheme (England) Regulations 2007 (and Schedules 1 and 2) authorise Permit Authorities to issue Fixed Penalty Notices (FPNs) in respect of the criminal offences. Fixed Penalty Notices offer the offender an opportunity to discharge liability for an offence by paying a penalty amount and issued by Street Manager.
- 8.1.2 These powers and any subsequently amended powers will continue to apply to all roads on the Network.
- 8.1.3 Where a Fixed Penalty Notice has been issued for an offence, but the Authority forms the view that it would be more appropriate to prosecute the offender, the Authority must withdraw the Notice under regulation 27 before bringing the proceedings. Once the Fixed Penalty Notice has been paid, however, no prosecution in relation to the offence can be brought.
- 8.1.4 Furthermore, Authorities should be mindful that the purpose of regulations 19 and 20 is to drive improved behaviour and ensure the occupation of the highway is as short as possible and causes the least disruption.

8.2 Section 74

Section 74 of NRSWA enables Authorities to charge Promoters if their works in the highway take longer than the agreed reasonable period. These powers will also continue to apply as per the relevant Regulations and the Code of Practice for Co-ordination of Street Works and Works for Road Purposes and Related Matters (Chapter 10). The Regulations allow lane rental charges to be applied on a daily basis while the works are occupying the highway for the duration of works up to the end of the agreed "reasonable period", but also during days of unreasonably prolonged occupation ("overruns"). Lane rental charges may be applied in addition to charges under section 74 of NRSWA for the duration of the overrun.

See 5.7 for circumstances where Mitigated Charges (as defined in s74 Regulations) apply.

9 IT Systems & Street Gazetteer

IT Systems

As defined within the Authorities Permit Scheme and Statutory Guidance, all permit applications must comply with the definitive format and content of electronic permit applications in use at that time and must be submitted to Street Manager, either directly through the website or via an API with another system.

National Street Gazetteer

The National Street Gazetteer (NSG) and associated additional street data is an essential tool within lane rental schemes. First and foremost, it will contain the related information for the Lane Rental Scheme specified locations, but additionally the NSG can carry further information that a utility needs to know about when planning works.

Lane Rental data must be kept up to date by the Authority, and neither the Lane Rental Scheme or variations to the Scheme will come into effect without the relevant updates to the NSG and/or ASD, as required. To note Street Manager will not include the updated gazetteer information until the next NSG update which can be up to one month later.

Prior to implementing a lane rental scheme, each authority needs to ensure the quality and accuracy of their ASD. Authorities should contact the NSG concessionaire before going live with a lane rental scheme to ensure that the data is submitted, published and communicated in a timely manner. The National Street Gazetteer (NSG) and associated additional street data (ASD) will contain the related information for the Lane Rental Scheme specified locations.

This data will be kept up to date by the Authority, as NSG Custodian, and no variations to the Lane Rental Scheme will come into effect without the relevant updates to the NSG and/or ASD, as required.

Further information on preparing NSG data for a Lane Rental Scheme can be found in Appendix A of this document.

10 Scheme Variations

- 10.1 During the life of a scheme circumstances will change, and this may involve minor variations to schemes during their lifetime, for example, the addition or removal of some streets to reflect changing traffic flows.
- 10.2 Where authorities require such flexibility, arrangements for implementing minor variations to the scheme will need to be tightly constrained and clearly set out within the scheme to be approved by the Secretary of State. See example text in italics below.

In circumstances where the Authority wants to effect a change to the LRS, subject to Regulation, any such changes will be formally consulted on via local HAUC. Where applicable, for example in the amendment to locations or charge bands, associated evidence will be provided to justify the changes requested. Any changes will not vary the total road length or alter the overall ratio of charge bands covered by the LRS from the current Scheme by more than +/- 3% (three per cent).

- 10.3 For more substantial changes such as scope and structure of a scheme, these cannot be made without the consent of the Secretary of State, in which case a new application and legal Order may be required, and schemes will need to set out these constraints and how stakeholders will be consulted on any such changes.

11 Evaluation & Governance

- 11.1 The relevant legislation which governs all Lane Rental Schemes (LRS) in England are the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 ("the 2012 Regulations"), which were made in accordance with the provisions under Section 74A of the New Roads and Street Works Act 1991 (NRSWA). Regulation 7 provides clear parameters of how charges for occupation of the highway should be applied and accounted for.
- 11.2 Consideration of the application of use of surplus funding, having regard to the relevant regulations and guidance, may identify projects that will provide benefits to the wider public. These should be considered by the individual LR Scheme governance group based on the merits of the proposal.
- 11.3 There is also guidance issued by the Department for Transport (see publication issued July 2019) which sets out how the net proceeds from LRS charges can and cannot be used.

Surplus funds can be used for either capital or revenue projects.

Costs incurred by the Authority in operating and evaluating (but not developing) a lane rental scheme may be met by the Authority from the charge revenues they receive.

The Regulations require that the surplus revenues, after deduction of running costs and costs of carrying out scheme evaluation, are applied by the Authority for purposes intended to reduce the disruption or other adverse effects arising as a result of street works. This could include, for example:

- investment in innovation and developing new products or disruption-saving techniques;
- trials of new techniques and products;
- installing "pipe subways" or ducting that enable apparatus to be accessed more easily and without causing disruption to traffic;
- measures to improve the quality or accessibility of records about the location of underground pipes, wires and other apparatus;
- measures to help abate noise, pollution or safety hazards arising as a result of works;
- repairing potholes caused by utility street works; and / or
- implementing extraordinary measures to mitigate congestion caused by works, especially major works projects.

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- 11.4 Surplus revenue should not be used to provide for training of the Authority staff as this will already be provided for by a permit scheme and also be required to deliver an Authority's network management duty.

It should not be used for repairing potholes caused by general wear and tear or, for example, bad weather. It can, however, be used for trialling new techniques that may take less time and which, in turn, reduce the disruption caused by highway works.

- 11.5 As part of their LRS, Authorities need to summarise the arrangements for determining how revenues will be applied and establish joint working arrangements under which all works promoters participate and are actively involved in deciding how net revenues are utilised. It is essential for transparency that there are proper governance arrangements in place and to ensure compliance with the legislative requirements.

For example, a Board or Committee, comprised of Authority and utility representatives covering each sector of the industry may be established to oversee the administration of surplus revenues and monitor that funds are used appropriately.

- 11.6 Aside from the legal requirement that authorities keep and publish accounts of the revenues generated and how they have been spent, it is good practice that reviews and evaluations are subject to independent and impartial scrutiny and that given the significant sums that could accumulate (the aim is to minimise the revenue by better working practices leading to fewer and lower charges) in a LRS, qualified financial and accounting advice should also form part of any such annual return (e.g. Authority Finance Dept. and/or CIPFA).

12 Glossary

| Term | Explanation |
|--------------------------------|--|
| Additional Street Data ("ASD") | Additional Street Data ("ASD") refers to other information about streets held on the National Street Gazetteer (NSG) hub alongside the NSG adjudication. |
| Apparatus | As defined in Section 105 (1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus". |
| Appeal | Where there is an unresolved disagreement between the works promoter and the Permit Authority about a Permit Authority's decision or actions the promoter may appeal against the Permit Authority's decision to either their regional HAUC or HAUC England. |
| Arbitration | As defined in Section 99 of NRSWA, "any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers". |
| Authority | This generally covers street authority, transport authority, highway authority, permit authority, notice authority, bridge authority, but for the purposes of this document refers to a Permit Authority that operates, or is applying to operate a Lane Rental Scheme. |
| Bank Holiday | As defined in Section 98(3) of NRSWA, "Bank Holiday means a day which is a Bank Holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated". |
| Carriageway | As defined in Section 329 of the HA 1980 "means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles |
| Cycle track | As defined in Section 329 of the HA 1980, "means a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot". |
| Day | In the context of the duration of works, a day refers to all days including Saturdays, Sundays and Bank Holidays, unless explicitly stated otherwise. |
| DfT | Department for Transport. |

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| Emergency works | As defined in Section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property". |
| Fixed Penalty Notice | As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty". |
| Footway | As defined in Section 329 of the HA 1980, means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only |
| HAUC(England) | The Highway Authorities and Utilities Committee for England. |
| Highway | As defined in Section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway". |
| Highway works | "works for road purposes" or "major highway works". |
| Lane Rental Regulations | The Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 (as amended) |
| Major Infrastructure | <p>Deliver significant infrastructure improvements or upgrades that substantially extend the longevity of, improve, or renew an asset.</p> <p>Are recognised to be nationally significant infrastructure projects; or</p> <p>Install infrastructure specifically to minimise detrimental impact of future works</p> |
| Promoter | Any organisation carrying out works in the highway regardless of whether they are working directly for, or on behalf of an authority or an undertaker. See also "Undertaker" or "Works Promoter". |
| Roadworks | Works for road purposes. |
| Section 74 Regulations | The Regulations made under Section 74 current at the time of issue of the Scheme, namely the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009 |

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| Specified Locations | Are the locations designated in a Lane Rental record within the current version of TfL's Additional Street Data (ASD) file, which is published on the National Street Gazetteer hub |
| Specified Times | Are the operational times designated in a Lane Rental record within the current version of TfL's Additional Street Data (ASD) file, which is published on the National Street Gazetteer hub |
| Street | As defined in Section 48 (1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare a) any highway, road, lane, footway, alley or passage; b) any square or court; c) any land laid out as a way whether it is for the time being formed as a way or not". |
| Street works | As defined in Section 48 (3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: a) placing apparatus; or b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street". |
| Street works licence | As stated in Section 50 (1) of NRSWA, "the street authority may grant a licence (a "street works licence") permitting a person a) to place, or to retain, apparatus in the street; and 13 thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street) |
| Traffic | Includes pedestrians and animals |
| TMA | The Traffic Management Act 2004 |

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| Undertaker | As defined in Section 48 (4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be". |
| Works | <p>"Specified works" as defined in The Traffic Management Permit Scheme (England) Regulations 2007;</p> <p>Works executed under Section 50 of NRSWA; and</p> <p>Works executed pursuant to an agreement under section 278 of the Highways Act 1980</p> |
| Works Promoter | Means a person entitled by virtue of a statutory right to carry out street works or works for road purposes. |
| Works for road purposes | <p>As defined in Section 86 (2) of NRSWA, "works for road purposes means works of any of the following descriptions executed in relation to a highway:</p> <ul style="list-style-type: none"> a) works for the maintenance of the highway; b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles" |

APPENDIX A – Lane Rental Scheme Data Preparation

Lane Rental Scheme data preparation

Definition & Background

Within the New Roads and Street Works Act 1991 Lane Rental Schemes: Guidance to English Local Highway Authorities it identifies Section 74A of NRSWA enables highway authorities, with the approval of the Secretary of State, to charge street works undertakers a daily charge for each day during which their works occupy the highway – commonly referred to as “lane rental” schemes.

In addition, it identifies that the intended implementation of lane rental schemes would

- reduce the length of time that sites are unoccupied, hence reducing total works durations
- improve planning, coordination and working methods to maximise efficiency
- carry out more works outside of peak periods, reopening the highway to traffic at the busiest times (e.g. by plating over their excavations) and/or making greater use of evening or weekend working where the local environmental impact is acceptable
- complete works to the required standard first time, and with permanent reinstatement, reducing the need to return to the site to carry out remedial works

Key to meeting those outcomes is data provided by the local authority alongside the provision of specific streets that will fall under a lane rental scheme to ensure that information is available for efficient implementation

Why update the local street gazetteer

The local street gazetteer (LSG) is the vehicle for sharing information on streets for the purposes of street works coordination. It is the network used within DfT Street Manager with information shared to network coordinators and works promoters when works are being planned and managed. Therefore, the National Street Gazetteer (NSG) and associated additional street data is an essential tool for lane rental schemes.

The National Street Gazetteer (NSG) and associated additional street data (ASD) will contain the relevant data for all Lane Rental Scheme specified locations.

This data will be kept up to date by the permit authority, as NSG Custodian, and no variations to the Lane Rental Scheme will come into effect without the relevant updates to the NSG and/or ASD, as required.

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What data should be reviewed or created

Prior to implementing a Lane Rental Scheme, each authority needs to ensure the quality and accuracy of their ASD. Authorities should contact the NSG concessionaire before going live with a lane rental scheme to ensure that the data is submitted, published and communicated in a timely manner.

ASD Type 61 – Interest

Reviewing your road status information is vital to ensure all lane rental streets are correctly recorded as publicly maintainable within your local authority.

ASD Type 62 – Reinstatement

A review of the reinstatement data is vital in ensuring that your lane rental scheme streets have the correct reinstatement categories as they are also the driver for asset management and regulatory management surrounding works.

ASD Type 63 – Special Designations

Traffic Sensitivity – Special Designation Code – 2

Currently Lane rental can only be applied to streets that are already traffic sensitive, therefore it is recommended that each organisation reviews traffic sensitivity prior to identifying and recording streets subject to lane rental.

Lane Rental – Special Designation Code – 16

For a street to be recorded as subject to lane rental this is undertaken using the special designation code 16 within a relevant Gazetteer Management System (GMS).

Lane rental scheme record core requirements

The table below identifies the core information conventions for a lane rental record regardless of whether it is applicable to a whole or part of the road

Table 1: Core lane rental designation information

| Designation Code | Special Designation description | Special Designation Start & End Times | Special Designation Start & End Dates | Special Designation Periodicity |
|------------------|---------------------------------|---------------------------------------|---------------------------------------|---------------------------------|
|------------------|---------------------------------|---------------------------------------|---------------------------------------|---------------------------------|

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| | | | | |
|------------------|---|--|---|---|
| 16 - Lane Rental | <p>Must describe: 'Subject to Lane Rental'</p> <p>Should describe: Designated Category</p> <p>Example: "Subject to Lane Rental - Category A"</p> | Start and End Time. Record for each periodicity and timeframe. | Dates supplied year on year if applicable | <p>One of the following selected relevant to the street</p> <p>Every day Working Day/s only Weekends Monday only Tuesday only Wednesday only Thursday only Friday only Saturday only Sunday only Public and Bank Holidays</p> |
|------------------|---|--|---|---|

Whole of the street is subject Lane Rental

Where Lane rental applies to the whole of the street the record created should identify as applicable to the whole road/street. No further information is required over the core information identified in table 1.

Part of the street is subject Lane Rental

Where lane rental applies to the part of the street the record will need to provide suitable reference to the specific location of the street that it applies to giving a "real World" description. This can be provided by one of the two ways:

1. ASD Coordinate Record (type 67) - Recommended

The purpose of the ASD Coordinate Record is to allow users to define a more detailed location for each attribute using Lines or Polygons, over the provision of coordinates and location text.

It is recommended for streets subject to lane rental that an additional line is created unless the location is of an irregular shape or cannot be unambiguously represented by a Line which will not be expected.

When creating a linear representation, the following rules apply:

- a Line following the centreline of a carriageway indicates it covers the width of that carriageway.
- a Line following the centreline of a Lane indicates it represents the width of that Lane

An accurate line should be created and reflect the start and end of the lane rental scheme to ensure when seen by users the defined location is clear

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2. Special Designation Record location text and coordinates

When creating a special designation and identifying it as subject to part of the street, basic functionality should become accessible to record Start and end coordinates and location text, the following is recommended for their input:

Location Text

When entering location text, it must avoid the use of jargon and ambiguous abbreviations and the content must be set out in a structured way with the following best practice and examples:

3. From a visible landmark to a visible landmark, for example:
 - "Between High Street and Low Street."
4. From a landmark a measured distance in a particular direction.
 - "From the junction with High Street south for 100 metres."
 - "From Queen Victoria Monument southeast for 50 metres."
- If there are no landmarks except the asset being designated the location can be described in relation to the asset, for example:
 - "From 20 metres west of railway bridge over road to 10 metres east of the same bridge."
- If administrative boundaries run longitudinal down a Street, for example:
 - "Eastern side of carriageway and eastern footway only."

Coordinate records

Accurate coordinates relating to the start and end of the lane rental scheme should be supplied to ensure when plotted that along with the location text the defined location is clear.

Supplementary Lane Rental information

If GIS files and plans are available these can also be provided to the NSG concessionaire within a zipped-up file and these will be published on the download matrix.

Submission and Publication of data

Data Submission (Lane Rental data included) Month before Publication

Under the current process an organisation will need to submit information relevant to lane rental in the calendar month before go live. The data is validated and held before publication the following month. Therefore, this is the time when you must include all reviewed and updated data including the additional lane rental records created within the special designations.

Data Publication

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The NSG data that sets up the authority for the Lane Rental go live will be published the month following the month the data is validated. NSG data is always published on the 2nd working day of the month. It is advised that a Go Live Date should coincide with the NSG publication to minimise disruption to all users.

Utilities and local authority Streetworks departments will need to take this data from the hub and load it into their systems. This will switch certain streets to subject to Lane Rental.

As best practice it is advised that LSG custodian download their own data from the national hub and the mapping available on the ftp site to ensure what has been published is as expected.

Validated data can be made available on request for testing purposes as soon as an organisation has finished the upload process.

Go Live Communication

Communication will be sent out in both months to inform all relevant NSG downloaders.

If there is additional communication to be circulated detailing the Lane Rental Scheme, then please send it through to GeoPlace for inclusion.

A Final Note

All Highway Authorities will have different processes for managing LSG data so if there are any queries then please contact GeoPlace at your earliest convenience. You may also be able to get valuable information from the community who have already implemented permit schemes using the Khub.

It is essential that the LSG Custodian and/or the person responsible for creating, maintaining and submitting your authority street gazetteer is kept closely informed as they are key to this process.

Getting the data correct is of paramount importance to the successful implementation of a Lane Rental Scheme.