

# Summary Consultation Report

**Title:** Proposed West Sussex Lane Rental Scheme Formal Consultation Report

**Project:** WSCC Lane Rental Scheme Development

**Date:** 20<sup>th</sup> April 2021

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## Introduction

DfT Guidance requires that any Highway Authority making an application to the Secretary of State to run a lane rental scheme must have carried out a full consultation on the proposed scheme.

The formal consultation with stakeholders regarding the proposed West Sussex Lane Rental Scheme ('WSCC LR') ran for a period of 13 weeks beginning on the 18<sup>th</sup> December 2020. The deadline for receipt of representations was no later than 5pm on 19<sup>th</sup> March 2021.

It was stated in the consultation documents that 'all responses received by the 19<sup>th</sup> March 2021 will be taken into consideration and, if West Sussex County Council consider it to be appropriate, amendments will be made to the proposals.

## Summary of Responses Received

There were a great deal of comments and these are all detailed in the full report 'West Sussex Lane Rental Scheme Consultation Report V2'.

Utility companies fundamentally disagree with the whole concept of Lane Rental as it introduces increased charges on their works if they are carried out at the busies times on the busiest streets. These comments essentially challenged the need for Lane Rental, suggesting that existing legislative powers should be used instead, and that Lane Rental scheme would not actually result in the expected benefits.

West Sussex County Council fully utilises existing regulatory powers. However, they do not drive the required culture and behaviour changes expected from a Lane Rental Scheme.

Current powers do not provide a financial incentive when planning of works to achieve an optimum work delivery schedule. A reasonable duration can be agreed with the Promoter, and apply conditions to the work, however they cannot directly influence the planning and execution of the works to ensure any disruption is kept to an absolute minimum.

Penalties and sanctions applied to Promoters for failing to meet statutory requirements and agreed conditions are consistently applied but this has not resulted in significant behaviour changes. These are also applied after the works are complete and the societal impact has already occurred. It often appears to be more cost-effective for the Promoter to risk the financial penalties instead of changing or improving ways of working.

The two trial Lane Rental Schemes run by Transport for London and Kent County Council and commissioned by the DfT in 2015 determined that *“the two pioneer schemes appear to have been successfully implemented and effectively function as an extension of existing permit schemes, and although there is currently no proof of causality, monitoring data from both KCC and TfL appears to show that the schemes have been successful in reducing disruption in the scheme areas, and the associated costs of congestion.”*

Based on this assessment the Government provided *the power for local highway authorities to implement and operate a lane rental scheme in England subject to the approval of the Secretary of State.*

The subsequent DfT Guidance document states *“the Government considers that well- designed and well-targeted lane rental schemes, which need to be focused on the most critical parts of the highway network and with charges applying only at the busiest times, should encourage those undertaking works (including highway works) to carry out their works in a less disruptive manner.”*

West Sussex County Council was the first to begin developing a Lane Rental Scheme (although Surrey has since overtaken and completed their development) and has considered all the challenges. The consultation process has been used as an opportunity to revisit the justification for the introduction of scheme and learn from the first scheme to be given approval by the Secretary of State, which is for Surrey County Council.

It must be noted that the Secretary of State decides the validity of any proposed Lane Rental Scheme and how it is operated.

There were comments on the proposed scheme document and minor changes to the consultation version of the scheme document will made.

In summary, the majority of key representations received were in a number of distinct areas.

1. Concerns over out of hours working in the street (overnight) causing disturbance to residents.
2. Requests that Environmental Health Offices (EHOs) are involved in development of the scheme and particularly its policies relating to out of hours working.
3. Disagreement that works in the footway should incur Lane Rental charges.
4. Disagreement that there is more than 5% (DfT base number assumption) of the total streets proposed. These are called ‘Special Measures Streets’.
5. Questions over why the maximum daily charge is being proposed.
6. Concerns over half day charges.
7. Clarification over joint working discounts.
8. Disagreement that works durations will be reduced as a key impact.
9. Technical questions regarding the Cost Benefit Analysis and congestion calculation methodology.
10. Technical questions regarding new IT systems and their functionality.
11. Questions regarding business processes and communication processes.
12. Questions regarding discounts and charge caps.
13. Questions regarding charging for major works that deliver significant highway infrastructure improvements.
14. Question over why Saturdays are included in the chargeable days.

15. Requests for consistence with other schemes (2 trials and one approved scheme) such as with charging bands.
16. Requests for further information on the Governance Group set-up and members.
17. Requests that the 2 day free of charge period for emergence works be in addition to any weekend or holiday periods.
18. Issues over the street referencing on the proposed list of streets spreadsheets.

## **Response Statements to Key Representations**

### **Concerns over out of hours working in the street (overnight) causing disturbance to residents.**

The impact on the community in the vicinity of out of hours works has been considered throughout the development of the scheme.

The scheme provides periods during the day to undertake works without charge.

Surplus funds can be used to find more innovative ways to undertake works, which could include methods for night works to minimise the impact of noise, such as acoustic boards.

Noise management plans will use best practice techniques and equipment and sufficient staff will be employed monitor and communicate as necessary.

### **Requests that Environmental Health Offices (EHOs) are involved in development of the scheme and particularly its policies relating to out of hours working.**

Environmental Health Officers have been engaged as part of the development process and ongoing work is underway to ensure noise pollution from works is considered and controlled.

Out of hours works will be designed so that they cause minimal or no noise impacts and will be closely monitored whilst ongoing to ensure they meet any pre-agreed conditions.

A new innovative approach to road noise pollution classifications has been developed which will define the maximum levels of noise pollution acceptable to individual lane rental streets and this will be further developed prior to implementation of the scheme.

### **Disagreement that works in the footway should incur Lane Rental charges.**

Having considered the feedback from the consultation the scheme will not apply to footway works unless those works impact traffic flow on the carriageway.

### **Disagreement that there is more than 5% (DfT base number assumption) of the total streets proposed. These are called 'Special Measures Streets'.**

DfT Guidance states “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”. This evidence will be provided to the DfT should an application be made.

Special Measures Streets (SM Streets) is the term used by West Sussex to identify streets additional to the core 5% and are individually identified and justified.

The justification for the SM Streets is included with the TSS designation criteria.

Many streets are critical to the operation of the highway network such as key seasonal tourist routes but do not have the annual level of congestion required to put them in the top 5% of congested streets. They have been proposed as additions to reflect their importance to the network, community and travelers.

The additional streets are a proposal at this time and will be submitted to the DfT for consideration.

### **Questions over why the maximum daily charge is being proposed**

The proposed scheme includes many opportunities to avoid charges or receive a discounted or waived charge, whilst allowing works to be undertaken during recognised working hours.

Comparing the potential costs of Lane Rental charges with the societal impact of reduced works durations during busy periods, the Cost Benefit Analysis demonstrates a robust financial benefit society.

Maximum charges as designed to drive maximum behavioral change.

### **Concerns over half day charges**

Having considered the feedback from the consultation the scheme will not apply half day charges as originally proposed and is now in line with other schemes in operation.

### **Clarification over joint working discounts**

For joint working the daily charge rate will be split between the associated Promoters following confirmation and acceptance in writing by all parties.

This is a minimum 50% reduction for each party and can be further reduced.

### **Disagreement that works durations will be reduced as a key impact**

The experience gained from lane rental schemes already in operation is that there are positive changes in working behaviour, with clear differences in the volume of works undertaken outside of peak times when compared to historic works (before the introduction of a Lane Rental Scheme).

The durations (amount of time) of works taking place during the busiest times on the busiest parts of the network is expected to reduce in line with the experience seen in the two trial schemes.

Increased durations of work during off peak times is an accepted disbenefit of the scheme. However, as demonstrated by trial schemes in London and Kent, Promoters are expected to improve working practices to reduce work durations when they cannot avoid working at peak times.

The impacts will be monitored and reported on annually.

### **Technical questions regarding the Cost Benefit Analysis and congestion calculation methodology**

Average speed is one of the measures used along with traffic and journey times as presented and discussed with the development group. Congestion is defined by the DfT as: the total average delay per link/road segment comparing average journey times with a free flow time counterfactual.

### **Technical questions regarding new IT systems and their functionality.**

This is an evolving area within Street Manager and discussions will be held on how the business process will operate.

The Council has committed to work with Promoter representatives to develop and introduce an operational guidance document before the scheme comes into operation.

### **Questions regarding business processes and communication processes.**

The Council has committed to work with Promoter representatives to develop and introduce an operational guidance document before the scheme comes into operation.

### **Questions regarding charging for major works that deliver significant highway infrastructure improvements**

There is no evidence from either the Kent Lane Rental Scheme or TFL Lane Rental Scheme to suggest that government funded infrastructure projects have been impacted from the introduction of a lane rental scheme.

Consideration will be given to reducing charges for major works that deliver significant highway infrastructure improvements, substantially extend/renew the longevity of an asset, or future proof a highway to protect it from being excavated again.

### **Question over why Saturdays are included in the chargeable days**

The DfT states, 'The Regulations enable charges to be applied at weekends, as there will be some cases where works at weekends are actually as disruptive, or even more disruptive (e.g. streets with heavy tourist traffic)'.

The lane rental timings have been applied predominately to peak times during the weekdays. Lane rental will be applied on Saturdays in a few areas where the congestion levels are high, typically in a town centre.

### **Requests for consistence with other schemes (2 trials and one approved scheme) such as with charging bands**

This is the intention of West Sussex County Council and a number of changes detailed in this document have been implemented to provide the consistency requested.

### **Requests for further information on the Governance Group set-up and members**

Setting up the Governance Group during the consultation stage was seen as premature and unnecessary.

Should West Sussex County Council receive approval for their application from the Secretary of State, a Governance Group will be established and stakeholder will be informed and engaged as appropriate prior to implementation.

### **Requests that the 2 day free of charge period for emergence works be in addition to any weekend or holiday periods**

For immediate (emergency and urgent) works, it is accepted that by their nature these works are unplanned. The proposed scheme provides a two-day period without charge to allow for initial fault finding and fixes. Charges then apply so there is a financial incentive to complete and clear works as soon as possible following this free of charge period.

### **Issues over the street referencing on the proposed list of streets spreadsheets**

Some of the USRN designations were incorrect and will be corrected and distributed prior to any implementation of a scheme.

The list of streets will be reviewed and consulted on, initially annually, and then up to every 3 years to ensure there is stakeholder engagement, transparency and understanding.

West Sussex County Council will ensure that the National Street Gazetteer (NSG) is updated with the correct information at the appropriate time.

Whilst not responsible for content of other third-party systems, such as one.network the Lane Rental Team will endeavour to work with such parties so that Lane Rental information is readily available on relevant platforms.

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