

## **Written evidence submitted by the Local Government Association (MIS0016)**

### **1. About the Local Government Association (LGA)**

- 1.1. The Local Government Association (LGA) is the national voice of local government. We are a politically led, cross-party membership organisation, representing councils from England and Wales.
- 1.2. Our role is to support, promote and improve local government, and raise national awareness of the work of councils. Our ultimate ambition is to support councils to deliver local solutions to national problems.

### **2. Summary**

- 2.1. Our local highways are the highest valued publicly owned asset estimated at £400bn. Almost every journey, on whatever mode, starts and ends on it. Without a well-functioning local highway network, the national economy would fail. Well-maintained roads are part of the foundations for a strong economy and a well-connected future. Our local roads are already in a state of long-term decline owing to past underinvestment, and face ever-increasing demands on them.<sup>1</sup>
- 2.2. Highway authorities have a general duty to co-ordinate all street and road works on their networks and a Network Management Duty to manage roads effectively to keep traffic moving.
- 2.3. Road openings can substantially reduce the structural lifespan of our highways' infrastructure. They increase the likelihood of road failure which adds to local authority costs.
- 2.4. Poor reinstatement work by statutory undertakers results in street scarring – the visible damage and disfigurement on pavements and roads - which has a significant impact on the attractiveness, quality and liveability of an area, with the most serious implications for the attractiveness and success of our High Streets.
- 2.5. The new Government's decision to act on the previous government's proposals to double fine levels and to bring into scope over-running streetworks at the weekend is welcome.
- 2.6. However, the Government could go much further, through measures such as increasing the warranty period for works, reducing the temporary reinstatement period, narrowing the definition of 'immediate' works, dealing with defective apparatus, introducing an optimum period for works and stronger requirements on communication with road users.
- 2.7. We believe Lane Rentals are an effective tool alongside permitting. More

centralised support together with giving delegated rights to approve lane rental applications to each highway authority.

- 2.8. We would like to see better collaboration between government departments and DfT. The recent letter from the Department for Science, Innovation and Technology (DSIT) minister calling for greater flexibility in support of broadband fibre rollout does not consider the existing demands on our highways and performance of statutory undertakers.
- 2.9. The LGA stands ready to work with DfT and industry experts, e.g. through the Joint Authority Group (JAG UK) to incentivise better compliance with current regulations, improve current regulations where necessary and promote good practice across the sector.

### 3. Response to questions

#### **1. The effect of utility works on road and pavement surface quality and on maintenance needs and costs, and how local authorities can manage this.**

- 1.1. Opening a road to create a trench can reduce its structural life by an average of 17% (source: TRL) and the continuing high level of utility openings in England and Wales – again reported as 2.4 million, the same number reported in 2022/23 – can reasonably be assumed to be having an overall detrimental effect.
- 1.2. The majority of reinstatements (82% based on responses received) are completed in accordance with legislation, but local authorities still reported spending an average of 3.9% of their carriageway maintenance budget addressing premature maintenance arising from utilities openings. This totals £91.7 million in England and Wales – more than £542,000 per authority.<sup>2</sup>
- 1.3. The presence of “street scars” not only detracts from the visual appeal of urban areas but can also pose risks to pedestrians, particularly those with disabilities. A report for Create Streets graphically illustrates the nature of street scarring and sets a compelling argument for why such incidences are increasing.<sup>3</sup>
- 1.4. The review underscored the particular dangers posed to vulnerable pedestrians, including those with visual impairments and mobility aids, and highlighted the financial strain on local authorities due to repairs necessitated by pavement damage.<sup>4</sup>
- 1.5. Bus service reliability can also be severely impacted - bus networks and timetables are highly sensitive to disruption. They can rarely change

routes to avoid the impact of roadworks and the increase in works exacerbates the problem.

- 1.6. Timeliness is the most important driver of overall bus journey satisfaction and accounts for over half (51per cent) of what differentiates between a good and a great journey. This is important as bus punctuality is decreasing at a time when councils and the Government are trying protect bus services and increase ridership back towards pre-pandemic levels.<sup>5</sup>

## **2. Whether local authorities have sufficient powers and resources to manage the effect of street works on congestion, travel disruption, pavement access and accessibility.**

- 2.1. This service area has come under intense pressures in recent years. Its sustainability is threatened by the sheer volume of roadworks required. Industry is racing to invest in and upgrade infrastructure that is driving a surge in utilities works, where organisations must complete a high number of works amid demand for the likes of fibre rollout, electric vehicle charging, and water infrastructure improvements:
  - From 2018 to 2023, road and street works combined have gone up by 41.5% across the UK, with 203,704 line-miles of works in 2023 alone.
  - a 126% increase in roadworks volume from telecoms streetworks alone since 2018
  - low impact works, such as microtrenching for fibre optic cables, rose to two million in 2023 – an increase of over 300,000 since 2018.<sup>6</sup>
  - the number of public charge points in the UK has grown from 20,964 at the end of 2020 to 53,865 at the end of 2023 and more than 70,000 by November 2024.<sup>7</sup>
- 2.2. The impact of this increase in demand, especially for a lot of smaller jobs, is leading to poorer collaboration and a lack of adherence to the regulations by utility companies. The motivation of utility firms to ensure work adheres to regulation is weak compared to the pressures on them to meet commercial targets. It is ultimately local authorities' reputation and resources, not that of utility firms, that are on the line as they are the custodians of the public realm and transport support for public services and, increasingly bus services.
- 2.3. Councils run over 800 services - large increases in demand for statutory services such as children's social care, home to school transport, adult social care and tackling homelessness mean less resources for other services, such as highways services and the proactive and effective

management of streetworks to hold undertakers to account.

- 2.4. Prior to the December 2024 announcement on the provisional Local Government Finance Settlement, the LGA said<sup>8</sup> that inflation, wage pressures and the growing demand and complexity of need had meant that councils faced a funding gap of £6.2 billion over the next two years.
- 2.5. We await the final settlement early next year, but we have highlighted that the additional increase in the provisional settlement will not meet all cost pressures, and not fully meet the additional direct and indirect costs of the Budget's increase in National Insurance Contributions.<sup>9</sup>
- 2.6. We believe what is needed is a strengthening of existing regulation, not new regulation, so that streetworks comply with the original principles set out in New Roadworks and Streetworks Act 1991. We need to get better compliance from utility companies and those they contract to undertake work on their behalf.
- 2.7. The current fines of £120 for breaching permit conditions (which is reduced to £80 for swift payment) do not incentivise utility companies to actually meet those conditions; for example, the cost of an operative to carry out manual control of traffic lights costs them far more than the fine level for failing to do so. In addition to increased FPNs, consideration should be given to an escalation of fines for repeated breaches of permit conditions.
- 2.8. We therefore welcome the Government's recent decision to proceed with the previous government's proposals to double the level of fixed penalty notices that can be issued for 5 street works offences (as set out in the NRSWA and 2007 permit regulations).
- 2.9. We also welcome the Government's intentions to close the loophole meaning that over-running streetworks at weekends do not attract fines. With 7 million more vehicles<sup>10</sup> (a growth of 26%) and 28.8 billion more miles (10%)<sup>11</sup> than 20 years ago, we believe our increasingly traffic sensitive networks should be subject to continual seven day working as default under legislation, with the utilities being subject to advising the local highways authority of any exception to this principle when a given site is not being worked upon.
- 2.10. We believe the Government should go further:
  - 2.10.1. It is important that the impact of new fine levels are reviewed by a joint forum of DfT and local government experts in 3 years' time with a view to increasing the fine levels if they still do not prove enough of a deterrence to poor

practice and non-compliance.

- 2.10.2. We propose that the fine for leaving signs on site, which is currently £100 for leaving up to 5 pieces of equipment, should be increased and a requirement should be included to provide identifying information for the utility on all the signs used.
- 2.10.3. Communications related to streetworks need to be improved and match the levels provided under local authorities' own roadworks. On-site signage should be mandatory to explain periods of time where no workforce is present, and the name of the promotor carrying out the work should also be mandatory on signage. With the recent advent of 'smart' permit boards, we would suggest that remote programmable mini-VMS (variable message signs) permit boards be a site requirement for all live sites which could be programmed to explain workforce absence reasons.
- 2.10.4. The guarantee period for utility companies' reinstatement works is currently too short and does not provide an incentive for companies to provide a long-lasting reinstatement. As proposed by the DfT in 2019, but not implemented, the warranty period should be extended from 2 years to 5 years, or until the Highway Authority next resurface so it is protected for the lifetime of the surface. At the time the DfT said these changes were estimated to be worth around £100m over 10 years as a result of reduced reinstatement times and reduced remedial work, leading to a reduction in congestion and in turn improved journey times, reliability and reduced fuel costs.<sup>12</sup> Given the increase in works, traffic levels and inflation, the benefits to road users and tax-payers would now be significantly greater.
- 2.10.5. We would suggest that the temporary reinstatement period for utility companies should be reduced from six months to three months, or indeed lower. The reduction of this period would encourage more right first-time reinstatements.
- 2.10.6. We believe that timescales should be introduced for utilities to repair defective apparatus once they are reported to them, with appropriate penalties for non-compliance. This would provide consistency and remove ambiguity. This area

garners significant levels of complaints regarding utility covers that are failing and causing disturbance, but utility firms often downgrade the priority of repairs, leaving them in limbo. As the highways authority can only take action in an “emergency” there are many covers that are deteriorating, causing a noise nuisance and being left for far too long.

2.10.7. The current requirement for a ‘reasonable’ period to be agreed for works does not incentivise works promoters in any way to achieve the optimum period of highway occupation. Rather than a ‘reasonable’ period, the optimum (i.e. shortest) period of occupation should be the default, whilst there still being a process to extend the period should circumstances beyond the control of works promoters dictate that more time is required to complete works. This is something that DfT could work with the industry body, HAUC UK<sup>13</sup>, to create an agreed framework for the optimum duration of the most commonly undertaken activities. Current legislation favours statutory undertakers over highways authorities trying to deliver their Network Management Duty as while there is a mechanism to extend durations beyond the current ‘reasonable’ period, there is no counter mechanism to shorten the ‘reasonable’ period if early in the works it is clear that they can be completed more swiftly, or where ‘contingency time’ has been allowed for in the agreed ‘reasonable’ period but is then not actually required. As a consequence, many works’ promoters simply work to clear by the end of their permitted period, and not necessarily at the earlier (i.e. optimum) date. This may save the works promoters costs, but this is at the expense of unnecessary network occupation and disruption, at the cost of the UK economy.

2.10.8. With all stakeholders now obliged to use the DfT’s StreetManager system to notify and close activities, we would like to see as a requirement for all works, that photos are uploaded to StreetManager, showing the Signing, Lighting and Guarding, and Traffic Measures deployed whilst works are in progress, along with photos of any completed reinstatement. Many of these pictures are already captured by works promoters within their own systems, but it would be extremely beneficial for Highways Authorities to have access

to these to respond to an increasing number of enquiries about works on our networks and reduce the need to send officers to site to determine what has taken place at the cost of local taxpayers. Implementing this recommendation could be a quick win and improvement for both statutory undertakers and highways authorities as it would reduce both the level of negotiation that takes place currently and the number of site visits needed.

- 2.11. We would like to see better collaboration between government departments and DfT. The recent letter from the Department for Science, Innovation and Technology (DSIT) minister, dated 29<sup>th</sup> November 2024, calling for greater flexibility in support of broadband fibre rollout does not consider the existing demands on our highways and performance of statutory undertakers. Councils understand and promote the economic and social benefits of faster and more widespread digital connectivity but it is important that this does not come at the cost of more disruption on our roads which also has an impact on economic growth.

**3. The effectiveness of processes for notification of works and obtaining permits, including the classification of emergency works and opportunities for coordinated works, and what makes for a good working relationship between utility companies and highway authorities.**

- 3.1. We feel that this is an area that utility companies overuse to the disadvantage of highways authorities. A significant proportion of the utilities works that take place on our road network are categorised as 'immediate' activities, taking place without prior notification and making it extremely difficult for local authorities to coordinate their own works. Therefore, a clear and narrow definition of what constitutes justification for 'immediate' works should be implemented.
- 3.2. In addition, the Specification of the Reinstatement of Openings in Highways should include for enhanced works to be undertaken where emergency works take place on newly laid surfaces under Section 58 protection. For instance, utilities should be required to do a full width reinstatement or to the seam/join of any surface.
- 3.3. The industry should be incentivised to use more innovative methods that consider the whole asset life value and the use of non-invasive techniques. The LGA has recently commissioned research to explore better use of new and emerging tech that supports more effective planning and coordination, and reduction of disruption; including looking at potential provided by AI (artificial intelligence) and digital technologies,

as well as ideas and good practice from international sources.

- 3.4. It will also explore approaches to works that maintain access for all, i.e. take into account the needs of less able people, identifying good practice in collaboration and voluntary agreements that achieve better outcomes. We anticipate findings to be available from April 2025.

**4. Whether fines are a sufficient deterrent to poor practice, whether other enforcement mechanisms would work better, and whether the inspections regime introduced in 2023 has improved the quality of reinstatement works.**

- 4.1. We have addressed this point under paragraph 5 above.

**5. Whether lane rental is a successful model, the potential merits of making it available in more areas, and what other tools or best practices could be more widely adopted.**

- 5.1. The LGA supports Lane Rental schemes and would like to work with Government to promote their use across the country. Alongside permitting schemes, Lane Rental schemes have a role to play in reducing disruption and occupation of our busiest local roads at the busiest times.

- 5.2. There are currently four lane rental schemes in operation: Transport for London, Kent, Surrey and West Sussex, with more in development.

- 5.3. The latest scheme, West Sussex, has been operational since December 1, 2022 and applies to 7% of WSCC roads, focusing on A-roads and high-traffic B-roads. Daily charges range from £1,500 to £2,500, based on road type and occupation level. Since its inception, the West Sussex scheme has demonstrated significant benefits<sup>14</sup>:

- 5.3.1. Saved an estimated 8.4 years of highway occupation and £53 million in societal costs.

- 5.3.2. Enabled more collaborative works, reducing overall project costs for promoters.

- 5.3.3. Encouraged 92% of works to be forward planned, avoiding penalties.

- 5.4. Despite the benefits of Lane Rental schemes, many councils are challenged in being able to develop their own schemes. As highlighted earlier, local government continues to face significant spending and budgetary pressures, mainly as a result of demand pressures on statutory services. This has squeezed capacity and capability in highways teams' ability to enhance their role in



managing streetworks and developing local Lane Rental schemes.

- 5.5. The incentive to implement Lane Rental schemes is further obstructed by the need for Secretary of State approval for local schemes. We believe that all traffic measures that affect the performance of local roads should be a matter for local decision-making. Local authorities have the:
  - 5.5.1. Local knowledge - councils have the best understanding of their local areas and can make decisions that respond to local circumstances.
  - 5.5.2. Local priorities – councils can tailor their strategies to the specific needs and priorities of their communities.
  - 5.5.3. Local management – councils are responsible for maintaining a reliable, efficient, and sustainable local transport network. This includes managing highways, facilitating travel, and promoting walking and wheeling.
- 5.6. For these reasons, the LGA calls on the Government to delegate authority to approve lane rental applications to each highway authority. We intend to respond accordingly to the Government's current consultation on this requirement<sup>15</sup>. It should also conduct a joint review with local authority experts on how lane rental schemes could be improved to meet local priorities and community needs.
- 5.7. DfT could further assist councils by developing a central resource for councils on streetworks good practice, including templates, case studies and critical success factors to support development of more lane rental schemes.
- 5.8. As mentioned earlier, the LGA has commissioned further work to explore what other good practice could be promoted more widely to reduce disruption, road occupation and incentivise better outcomes. We would be happy to share the findings with the Committee when they become available.

January 2025

## Endnotes

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<sup>1</sup> [https://ukrlg.ciht.org.uk/media/15247/the-case-for-investing-in-highway-maintenance\\_final.pdf](https://ukrlg.ciht.org.uk/media/15247/the-case-for-investing-in-highway-maintenance_final.pdf)

<sup>2</sup> [https://www.asphaltuk.org/wp-content/uploads/ALARM\\_Survey\\_2024.pdf](https://www.asphaltuk.org/wp-content/uploads/ALARM_Survey_2024.pdf)

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<sup>3</sup> [Join the Street Scar campaign - Create Streets](#)

<sup>4</sup> <https://ccemagazine.com/news/call-for-uk-utility-firms-to-face-penalties-for-street-scars/#:~:text=The%20term%20%E2%80%9Cstreet%20scars%E2%80%9D%20refers,by%20utility%20companies%20during%20roadworks>

<sup>5</sup> [Making great bus journeys - Transport Focus](#)

<sup>6</sup> <https://campaign.causeway.com/downloads/one.network/road-ahead-report>

<sup>7</sup> <https://www.zap-map.com/ev-stats/how-many-charging-points#:~:text=The%20number%20of%20public%20charge,charge%20devices%20since%20November%202023>

<sup>8</sup> <https://www.local.gov.uk/about/news/further-funding-cuts-councils-would-be-disastrous-urgent-funding-and-reform-needed#:~:text=LGA%20analysis%20shows%20that%20due,shortfall%20across%20the%20two%20years.>

<sup>9</sup> <https://www.local.gov.uk/about/news/lga-statement-provisional-local-government-finance-settlement-0>

<sup>10</sup> <https://www.gov.uk/government/statistical-data-sets/vehicle-licensing-statistics-data-tables>

<sup>11</sup> <https://www.gov.uk/government/statistics/road-traffic-estimates-in-great-britain-2023>

<sup>12</sup> <https://www.highwaysmagazine.co.uk/DfT-proposes-five-year-guarantee-on-street-works/4746>

<sup>13</sup> <https://www.hauc-uk.org.uk/>

<sup>14</sup> <https://www.causeway.com/blog/lane-rental-what-is-a-lane-rental-scheme-how-can-local-authorities-prepare>

<sup>15</sup> <https://static.hauc-uk.org.uk/downloads/lane-rental-consultation-Dec-24.pdf>