

Written evidence submitted by the Chartered Institution of Highways and Transportation to the Transport Committee's inquiry into managing the impacts of street works

January 2025

The Chartered Institution of Highways and Transportation (CIHT) is a membership organisation representing over 10,000 people who work in the highways and transportation sector. CIHT members plan, design, build, operate and maintain best-in-class transport systems and infrastructure.

CIHT welcomes the opportunity to respond to the Transport Committee's inquiry into managing the impacts of street works.

Local roads are vital to the movement of goods and people around villages, towns and cities. Generally, the local highway network is not in a healthy state and requires funding and attention to ensure that it can meet the demands of the changing climate and service user needs. Despite efforts by central and local governments to maintain the local highways network, funding and resources have been limited. Organisations outside local authorities, such as utility companies, require access to maintain, repair and install apparatus under roads. Completing these works efficiently ensures that disruption to road users is minimal. Once works are completed, it is important that roads are reinstated to a high quality so as not to shorten the life of the road or create safety issues.

There are several mechanisms local authorities can use to help ensure that utility companies are compliant with standards and regulations when undertaking street works, such as permit and lane rental schemes, however there are limits to their effectiveness. Collaboration between utility companies and local authorities is one of the most effective ways of managing street works, but current measures do not provide enough incentive for utility companies to work with local authorities.

In its call for evidence, the Transport Committee said it would particularly welcome views on the following:

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

As noted in CIHT's report *Improving Local Highways*,
*'Over 200 bodies, including numerous uncoordinated utility companies, have rights to dig up roads to access water, power, and telecoms infrastructure. The quality of reinstatement is inconsistent, while even good repairs considerably reduce the lifespan of a surface.'*¹

This can be detrimental not just to road and pavement surface quality, but also undermines overall asset management regimes.

¹ CIHT (2020), [Improving Local Highways: The route to a better future](#), The Chartered Institution of Highways and Transportation

Trenching from utility company operations can have a detrimental effect on both the surface condition and the underlying structure of the highway. This damage effectively shortens the service life of the highway and leads to increased highway maintenance costs for the highway authority. A Transport Research Laboratory (TRL) report in the past has shown in the UK the service life of carriageways is reduced by 17% and footways 10% because of utility trenches. The total additional maintenance costs were estimated at £70.1m (£110m when adjusted for inflation) which represented 7.7% of the capital expenditure by English highway authorities in 2007/8.²

According to a 2024 report by the National Audit Office, it was reported by local authorities that 4% of their maintenance budget was being spent on addressing premature maintenance issues arising from utility openings.³ Other costs may also be incurred, such as claims from users for injury caused by poor reinstatement. Maintenance funding and resources are already stretched in local authorities. As funding for maintenance is not ringfenced, money can often be diverted to support other areas, such as pressing social needs.⁴

Poor quality reinstatement can cause street scarring, can create safety risks, can be unsightly, and deteriorate the overall road condition, to name a few issues. This can increase the likelihood of further damage to roads and incur greater costs to local authorities, where resources are already stretched.

Inconsistency in footway surfaces following street works can create unpredictability in navigating a streetscape and cause discomfort. Wheelchair users may experience significant physical pain caused by bumpy and uneven surfaces. This can also create trip hazards for visually impaired people. It is essential that reinstatement works take accessibility fully into account, with final reinstatement fully restoring the correct surface as quickly as possible.⁵

The overall burden on authorities to upgrade the local highway network is high. There is a welcome focus on network maintenance from the Government alongside modifying road space for different uses, such as active travel. At the same time, there is also investment required to upgrade utility infrastructure, which will create pressure on managing street works.⁶ For example, in between September 2023 and July 2024, access to fibre networks in England grew by 13%.⁷ Achieving such a rapid growth in fibre networks has required access to the street by promoters to carry out fibre upgrades, placing greater demand on local authorities to manage street works but with only limited changes to the regulatory framework that empowers them to do this.

² TRL (2009) [A charge structure for trenching in the highway](#), the Transport Research Laboratory report for Transport for London (TfL), and County Surveyors' Society (CSS)

³ NAO (2024), [The condition and maintenance of local roads in England](#), National Audit Office

⁴ CIHT (2019), [Improving Local Highways: The route to a better future](#), The Chartered Institution of Highways and Transportation

⁵ CIHT (2024), [Creating a public realm for all](#), the Chartered Institution of highways and Transportation

⁶ UKRLG (2024) [Lane Change Required](#), The UK Roads Leadership Group (UKRLG) published 16 September 2024

⁷ <https://www.ofcom.org.uk/phones-and-broadband/coverage-and-speeds/connected-nations-2024/nation-reports-2024/>

There are means of monitoring the quality of reinstatement. In April 2023, DfT introduced new regulations for performance-based inspections of street works, with local authorities enabled to issue fines for defects and follow up inspections.⁸ Coring programmes also allow authorities to investigate reinstatements. Coring involves the removal of a 100mm diameter core from the reinstatement and tested for compliance with current standards.⁹ Coring can develop a better understanding of overall compliance, promote best practice and help to drive continuous improvement.¹⁰ Throughout Scotland, National Coring Programmes are carried out periodically, with success rates for reinstatement reaching 90%.¹¹

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

Local authorities do not have sufficient powers and resources to manage the effect of street works on congestion and pavement access. Permit schemes allow local authorities to agree the time frame for street works and penalise overrunning works with fines. While this may incentivise works finishing on time, permit schemes do not create sufficient incentives for street works promoters to minimise disruption within the agreed permit. For example, there is limited incentive for utility companies to complete work before the end of the agreed permit.

Some local authorities¹²¹³ have tried to incentivise utilities to minimise the time spent on roadworks through the parking suspensions regime, if parking suspensions are requested for traffic flow purposes, i.e. where parking opposite where a road is opened is suspended to allow traffic to flow past and the suspension is charged for every day the bays are suspended - suspensions for the work itself can only be charged for the first day and not every day that the road is opened. However, whilst this has proven to be an effective way of reducing the length of time of roadworks, its application is only limited to areas which operate a suspension regime and for works which require bays on the opposite side of the road to be suspended.

CIHT is pleased to note that in December 2024, DfT announced their intention to allow overrun charges to apply on weekends and bank holidays. CIHT recommend that the definition of the working day across all elements of New Roads and Street Works Act (1991) be updated to include weekends and bank holidays as well as weekdays so that there is an incentive to complete work at the weekends rather

⁸ DfT (2023), [Code of Practice for street works inspections](#), Department for Transport

⁹ DfT (2023), [Code of Practice for street works inspections](#), Department for Transport

¹⁰ HAUC (UK) (2012), [HAUC\(UK\) Good Practice Guide to Implementing a Structured Coring System](#), Highways Authorities and Utilities Committee

¹¹ UKRLG (2024) [Lane Change Required](#), The UK Roads Leadership Group (UKRLG) published 16 September 2024

¹² London Borough of Hammersmith and Fulham (2012), [Proposal for graduated parking Suspension charges 2012](#)

¹³ Westminster City Council (2015), [Kerbside parking permissions fees and policies review](#)

than leave the site unattended, thereby reducing the amount of days taken to complete a job when it straddles a weekend.

Local authorities lack sufficient power to address unattended works. For example, street works sites may be unattended for a period of time, meaning disruption may occur for longer durations than necessary. Disruption can be exacerbated by issues with street works practices. Disruption may be created by excessive carriageway occupation, whereby contractors may seek to maximise the length of road used to ease operations and reduce costs. Utility companies may use different contractors for different functions, such as traffic management and upgrading infrastructure, which can result in impacted traffic management during periods when the work is not actively in progress. Modelling to illustrate the impact of a proposed signal arrangement to optimise the layout and timings of signals may be able to support better planning in this area.

Street works can impact accessibility. Safe and accessible alternative walking and wheeling routes are needed and temporary access routes should follow the same accessibility standards as permanent routes to minimise the impact on user mobility. CIHT's report, *Creating a public realm for all*, states that the UK government should fund disability equality awareness training for all local authority personnel who are designing and changing the public realm. It is equally important that utility companies and contractors conducting street works are given disability equality awareness training.¹⁴ CIHT Learn, CIHT's professional development platform, offers a growing suite of courses in this area, including Designing for Highways and Transportation for people with Dementia. A CIHT Learn course based on the *Creating a public realm for all* report will be available later this year.

The level of permit fees also needs to be addressed as these are not increasing in line with inflation, whereas the cost to local authorities of hiring staff to administer permits is increasing at least in line with inflation. CIHT recommends that permit fees are increased at a minimum in line with inflation every year.

c. 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.

Local authorities have a duty to coordinate street works. In 2024, statutory guidance was updated to support local authorities in coordinating street works.¹⁵ The guidance emphasises the needs for collaboration and cooperation between local authorities and street works promoters to ensure the most effective management of street works. However, local authorities often report finding it difficult to incentivise utility companies to cooperate and communicate.

¹⁴ CIHT (2024), [Creating a public realm for all](#), the Chartered Institution of highways and Transportation

¹⁵ DfT (2023), [Code of practice for the coordination of street and road works](#), Department for Transport

The stated objectives of coordinating street works is to: *'ensure safety, minimise inconvenience to people using the street, having regard, in particular to the needs of people with a disability; to protect the structure of the street and the apparatus in it.'*¹⁶ Without effective coordination, there is an adverse impact on network users.

Emergency works are defined as immediate action to prevent danger to people or property. According to Government guidance, assessment of danger is made by those responsible for the works.¹⁷ Local Authorities have cited issues of misuse of emergency powers to CIHT, including using 'emergency works' to circumvent permit processes. Other issues reported were the use of emergency powers to create a road excavation only to subsequently leave the site unattended thereafter, causing disruption once the emergency has passed. CIHT will be conducting further work in this area later this year to develop an understanding of how these issues could be resolved or mitigated.

d. 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.

Local authorities can send fixed penalty notices to promoters for offences including failing to send work start-stop notices on time, failing to send notice of reinstatement being completed on time, working without a permit and breaching permit conditions.¹⁸ These are serious offences which require a fining regime significant enough to deter offences. Fixed penalty notices are also limited in that they are reactive to offences being committed, rather than necessarily proactively deterring offences, and can only be applied to certain offences. Powers to incentivise good practice while street works are ongoing is generally limited.

At current levels, fines are not sufficient. Until recently, the fines regime relating to street works offences had not been amended since 2007, and therefore remained rooted in 2007 prices. In December 2024, the government announced it would double the current level of fixed penalty notices for street works offences.¹⁹ Generally, fine levels have been low and have not provided enough of an incentive for utility companies to get things right. Fines need to increase in line with inflation each year to remain effective.

Whilst local authorities can prosecute utility companies who fail to comply with the relevant legislation, it is expensive and time consuming and not an effective use of public money/ resource (both for local authorities and in court time). CIHT recommend that an independent roadworks commissioner, similar to the

¹⁶ DfT (2023), [Code of practice for the coordination of street and road works](#), Department for Transport

¹⁷ DfT (2023), [Code of practice for the coordination of street and road works](#), Department for Transport

¹⁸ CIHT (2024), [CIHT response to Street works: fines and lane rental surplus funds consultation](#), Chartered Institution of Highways and Transportation

¹⁹ DfT (2024), [Street works: fines and lane rental surplus funds – outcome](#), Department for Transport

commissioner in Scotland²⁰, be instigated for England so that organisations who fail to meet acceptable standards can be subject to financial penalties.

e. 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.

Lane rental allows for charges of up to £2,500 per day to be made to those conducting works. These charges are applied to both utility companies and local authorities conducting works. The main aim of lane rental is to reduce the impact of works on the busiest roads at the busiest time on road users. Lane rental is not an alternative to permit schemes as it is intended primarily for use on the busiest roads.

Lane rental schemes may encourage promoters to carry out street works at different times, different locations and jointly with other works in order to avoid lane rental charges. Where promoters choose to undertake works where schemes are in place, lane rental offers an incentive for utility companies to complete work expediently to minimise charges.

While lane rental can resolve some of the issues that permit schemes cannot, there are currently few schemes in place. Schemes need to be approved by the Secretary of State and local authority resources are limited, so the process of developing and submitting an application to the Secretary of State may be too time consuming for many local authorities. Where schemes are in place, lane rental charges need to be applied to local authorities' own works, which may also discourage applications.

In December 2024, the Government published a Devolution White Paper¹⁸ which promised that the Government will consult on proposals to devolve approval of local Lane Rental schemes to Mayoral Strategic Authorities. Outside of Mayoral Strategic Authorities, the Government has proposed that approval will remain with the Secretary of State.²¹ While devolving approval to Mayoral authorities may increase capacity for applications to be approved, this benefit will not be extended to areas not covered by Mayoral Strategic Authorities. In CIHT's view, local highways authorities should be able to introduce lane rental schemes without further approval, as is the case with the permit regime.

In December 2024, the Government moved forward with proposals to require 50% of lane rental surplus funds to be spent on highways maintenance.²² This less restrictive approach is welcome, as previously surplus funds were required to be spent on innovation projects, which could lead to a build-up of surplus funds if there were no clear projects to fund. However, as we stated in our response when

²⁰ Scottish Road Works Commissioner website – available at <https://roadworks.scot/>

²¹ Department of Housing, Communities & Local Government (2024), [English Devolution White Paper](#), Department of Housing, Communities & Local Government

²² DfT (2024), [Street works: fines and lane rental surplus funds – outcome](#), Department for Transport

these changes were consulted on, we are cautious about the 50% limit, as we believe that flexibility should be encouraged.²³

CIHT's report "Creating a Public Realm for All"²⁴ demonstrates the importance of the footway being accessible. CIHT recommend that the lane rental guidance²⁵ be updated to allow lane rental charges to apply on footways which are used by a large number of pedestrians.

Summary

While there are mechanisms that local authorities can use to coordinate street works and encourage promoter compliance, there are limitations to these mechanisms. The key issues include:

- Poor quality reinstatement of roads, which can create accessibility and safety issues and reduce the lifespan of roads.
- Addressing premature maintenance issues created by reinstatement is costly for local authorities.
- While street works are ongoing, there is limited incentive for promoters to minimise disruption.
- Greater understanding is needed of accessibility requirements, particularly regarding people with disabilities, throughout the sector.
- Permit schemes may encourage promoters to finish work by the end of the agreed permit, but grant local authorities little power to encourage minimal disruption during permit period.
- Lane rental schemes do provide a greater degree of incentive for expedient works but so far have been limited in their introduction and only apply to the busiest roads.

Ends

²³ CIHT (2024), [CIHT response to Street works: fines and lane rental surplus funds consultation](#), Chartered Institution of Highways and Transportation

²⁴ CIHT (2024), [Creating a public realm for all](#), Chartered Institution of Highways and Transportation

²⁵ DfT (2024), Guidance - [Lane rental schemes: guidance for English highway authorities](#), Department for Transport, Updated 17 March 2024