



Lane Rental Scheme

Delivering roadworks that optimise road network performance

1 May 2021

MAYOR OF LONDON



**TRANSPORT
FOR LONDON**
EVERY JOURNEY MATTERS

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About Transport for London (TfL)

Part of the Greater London Authority family, we are the integrated transport authority responsible for delivering the Mayor's aims for transport.

The Mayor's Transport Strategy sets a target for 80 per cent of all journeys to be made on foot, by cycle or using public transport by 2041. To make this a reality, we prioritise health and the quality of people's experience in everything we do.

We manage the city's red route strategic roads and, through collaboration with the London boroughs, can help shape the character of all London's streets. These are the places where Londoners travel, work, shop and socialise. Making them places for people to walk, cycle and spend time will reduce car dependency and improve air quality.

London's Road Network

The London road network is shared between TfL, Highways England, 32 London boroughs and the City of London. TfL manages the Transport for London Road Network (TLRN), legally known as GLA Roads, and more widely recognised as the "red routes", and is responsible for the maintenance, management and operation of London's 6,000+ sets of traffic signals. The TLRN consists of 580km of road network, which represents just five per cent of London's roads, but it carries around a third of all London's traffic.

The Strategic Road Network (SRN) is made up of roads of significant importance, for which the London boroughs have highway responsibility, but TfL has oversight responsibility in terms of planned schemes and works that are likely to have a detrimental impact on highway performance.

TfL's Network Management Control Centre works 24 hours a day, 365 days a year managing the TLRN to make sure journeys are safe and reliable for all road users. We have access to over 5,000 CCTV cameras that help monitor road network conditions for all road users and we can manage road network disruption by adjusting traffic signal timings, providing alerts to road users through our network of Variable Message Signs and social media channels and using our network of enforcement officers, road works inspectors, bus network controllers and highways contractors to respond on the ground.

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1. Introduction

Transport for London has been operating a successful Lane Rental scheme on its road network since 11 June 2012, with the benefits delivered by the scheme over the subsequent seven years highlighted in annual monitoring reports published on TfL's Lane Rental scheme webpage.¹

Since TfL's Lane Rental Scheme (“**TLRS**”) was first introduced the Mayor has published a new Transport Strategy² that focusses on a Healthy Streets approach, which includes promoting active travel by encouraging more people to walk and cycle, and also to use other sustainable transport modes such as buses. Also at the heart of the strategy is making our roads safer, with the Mayor's Vision Zero action plan³ aiming to eradicate all deaths and serious injuries from our streets by 2041. To help achieve this target a new scheme (“**the Scheme**”) has been produced that will provide discounts on Lane Rental charges to those with an excellent safety record at roadworks.

To facilitate the delivery of these Mayoral objectives the road network has been transformed considerably to make it safer and cope with the increasing demand on the road network from more people walking and cycling. The TLRS has been modified to reflect the changes made to the road network infrastructure.

The TLRS is also updated to:

- Take account of the Department for Transport's new guidance to authorities proposing to operate lane rental schemes dated July 2019⁴
- Introduce increased opportunities for work promoters to access the road network without incurring Lane Rental charges through reducing the timeframes when charges apply, or by providing more capacity to work in tidal situations
- Extend the ability for work promoters to reduce their level of charges incurred where they have demonstrated high performance, or where they are executing substantial works that improve the overall longevity of the highway infrastructure.

Transitional provisions will apply – see Section 9 of this document.

¹ <https://tfl.gov.uk/info-for/urban-planning-and-construction/our-land-and-infrastructure/lane-rental-scheme>

² <https://www.london.gov.uk/what-we-do/transport/our-vision-transport/mayors-transport-strategy-2018>

³ <http://content.tfl.gov.uk/vision-zero-action-plan.pdf>

⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819199/lane-rental-bidding-guidance.pdf

2. Objectives

The Scheme seeks to limit the amount of disruption to TfL's roads by encouraging the undertaking of works at the least disruptive time for road users, and the early completion of works.

The Scheme is designed to limit the carrying out of works at specified locations by applying a daily charge for any part(s) of the day that the street is occupied by the works during chargeable hours. The daily charge will not apply if the works take place outside of the specified times. The Scheme therefore provides a mechanism for providing all works promoters with an incentive to change behaviour and minimise their occupation of the street at the most sensitive times at the most sensitive parts of TfL's road network. It also applies the following guiding principles:

- a) Safety must be ensured;
- b) Inconvenience to all people using a street must be minimised, but particularly to people with particular accessibility requirements, and also other vulnerable road users such as people walking or cycling.

It is the objective of the Scheme to:

- a) Apply the scheme to all work promoters on a consistent basis;
- b) Promote behaviour change to minimise the duration of occupation of the street at the busiest locations at the most sensitive times on the network;
- c) Minimise the number of works taking place during the most sensitive times;
and
- d) Contribute to reducing disruption to all road users

TfL will measure these objectives so as to evaluate whether they are being met. The means by which that will be achieved are set out in section 14, Scheme Evaluation.

3. Regulatory Compliance

The original Transport for London Lane Rental Scheme (TLRS) was approved by the Department for Transport by virtue of The Street Works (Charges for Occupation of the Highway) (Transport for London) Order 2012, which was made on 18 May 2012 and came into force on 11 June 2012.

The Scheme is largely based on the TLRS, which was prepared in accordance with the legislative, statutory and associated guidance set out below:

The New Roads and Street Works Act 1991 (NRSWA) contains provision for two forms of charge for works:

- Section 74 – Charge for occupation of the highway where works unreasonably prolonged; and
- Section 74A – Charge determined by reference to duration of works.

The Scheme applies charges determined by reference to the duration of works, is based on the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 (the “**Lane Rental Regulations**”) made under Section 74A of NRSWA, and the London Permit Scheme for Road Works and Street Works⁵ (“**LoPS**”), subject to certain exemptions on charges and fees contained within the Scheme.

TfL has operated the LoPS on the majority of its streets since January 2010 and all provisions of that scheme and those set out under Section 50 of NRSWA apply to the scheme. The only exceptions are the streets that are managed by a third party under the A13 Design, Build, Finance and Operate (DBFO) contract, until such time as those streets form part of TfL’s Permit scheme.

Section 59 of NRSWA places a duty on highway authorities to co-ordinate works of all kinds on the highway. Equally important is the parallel duty on works promoters to co-operate in this process under Section 60 of NRSWA.

As well as the duty to co-ordinate under Section 59 of NRSWA, TfL has a duty under section 16 of the TMA to manage its road network (the Network Management Duty) with a view to achieving, so far as may be reasonably practicable, having regard to its other obligations, policies and objectives, the following overriding objectives:

1. Securing the expeditious movement of traffic on TfL’s road network; and
2. Facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority

In preparing the Scheme TfL has had regard to the requirements of the Public Sector Equality Duty under section 149 of the Equality Act 2010.

⁵ <http://content.tfl.gov.uk/london-permit-scheme-document.pdf>

4. Scope of the Scheme

The Scheme has been designed to ensure that charges are only applied when works promoters occupy the highway at traffic sensitive times and to allow exemptions or reduced charges at other times to encourage promoters to adopt less disruptive working practices.

4.1. Specified Works

The Scheme applies to all works, as defined in the Glossary, that require a permit under section 4 of LoPS, are executed under a NRSWA Section 50 licence, or are executed under an agreement pursuant to section 278 of the Highways Act 1980.

In addition, unless covered by an exemption, any works would be liable to lane rental charges. Exemptions are shown in Section 6 below.

The Scheme applies to works in a carriageway, a cycle track, and/or a footway; or where works in a verge encroach on a carriageway, a cycle track or footway.

The Scheme does not apply to works that are carried out in a verge of a lane rental chargeable street that does not involve any occupation of a carriageway, a cycle track, or a footway (such occupation includes use by any associated plant, vehicles, or materials, or for any temporary arrangements for providing a walkway for pedestrians, as a result of or as part of the works).

4.2. Specified Locations

Under the DfT's Lane Rental Guidance Document, Lane Rental charges are to be targeted at the most critical parts of an authority's street network, which are streets where evidence shows that works in the highway cause the highest levels of disruption and thus require the greatest efforts to manage the impact the works may have on pedestrians, cyclists, buses, freight or other general motor vehicles. The streets selected on the TfL network are those where the Lane Rental charge will, by encouraging behaviour change, have the most effect in reducing disruption. All of these streets meet at least two of the criteria of a traffic sensitive street or a strategically significant street.

The new Lane Rental network will cover approximately 69 per cent of TfL's Road Network, which may subsequently fluctuate in line with the minor variation tolerances permitted in Section 13.

The Scheme will apply at the specified locations that are designated as a Lane Rental record within the current version of TfL's Additional Street Data (ASD) file. This is published on the National Street Gazetteer hub (as defined in the Glossary).

The Lane Rental designation record will identify:

- a) If it applies to the whole street or part street, and in the case of the latter will define the applicable extents with text descriptor
- b) If it applies to the carriageway, cycle track and/or footway
- c) If it is a tidal record it will identify the direction affected and the Lane Rental operational times, for example eastbound from 06:30 to 09:30.

- d) The days and times when Lane Rental will apply
- e) The applicable charge

TfL will also publish a standard geographical data set based on the ASD file that spatially displays the specified locations, which can be uploaded into industry or corporate geographical information systems.

The Scheme will not apply to the streets that are managed under the A13 Design, Build, Finance and Operate (DBFO) contract, until such time as those streets form part of TfL's Permit Scheme. Upon demonstrating that a well-run permitting regime is operating on these streets it is planned that these streets will be brought into the Scheme. This would translate as a 3 per cent increase to the Scheme extent and would be independent of any minor variations applied under Section 13.

4.3. Specified days and times

Lane Rental charges under the scheme will apply to specified locations at specified days and times, including on Saturdays, Sundays and Bank Holidays. The Lane Rental operational times on a bank or public holiday will be the same as those for a Sunday at that location. No charges will apply on public holidays, including Good Friday, Easter Sunday, Easter Monday, Christmas Day and Boxing Day. TfL will confirm future charging arrangements for any ad-hoc or new public holidays designated over the life of the Scheme.

Charges will apply at times that align with the traffic sensitive times for the specified location, which may subsequently fluctuate in line with the minor variation tolerances permitted in Section 13.

. At the very widest extent charges can apply from 06:30 to 20:00 in some locations, with reduced charging hours in other locations, which encourage companies to undertake their works at quieter times.

4.4. Works by TfL or Third Party Developers

Works carried out by or on behalf of TfL, including those by third party developers pursuant to an agreement under section 278 of the Highways Act 1980, fall outside of the scope of 74A of NRSWA. However, since it is TfL's intention to minimise all disruptive occupation of the critical parts of the TfL network, as part of the Scheme, TfL will apply the same Lane Rental charge to its own works, and works carried out under a section 278 Highways Act agreement, as it does to statutory undertaker works

5. Lane Rental Charges

For the purposes of the Scheme, the chargeable period of the works, other than for Immediate Works, is the period commencing on the date that works begin as stated on the Section 74 start notice and ending on the date stated on the relevant Section 74 works clear or works closed notice. Charges will be applied for each day that constitutes the chargeable period, including Saturdays, Sundays and public holidays.

For Immediate Works the chargeable period is the period commencing on the date that works begin as stated in the relevant permit application and ending on the date stated on the relevant Section 74 works clear or works closed notice. For Immediate Emergency Works, charges for the first 24 hours of the emergency will be waived, see Section 6 below.

Therefore, Lane Rental charges will be applied to works which obstruct the specified locations (see 4.2 above), during the Lane Rental operational times, and will be based upon the information set out above, unless TfL or the promoter provide suitable evidence to demonstrate that this information is (for whatever reason) erroneous. In these circumstances charges will be applied according to the actual daily occupation, unless one of exemptions set out in section 6 is relevant.

For clarity, where Lane Rental charges apply, works will be considered as no longer subject to Lane Rental charges when the works promoter has:

- a) endeavoured to remove all signing, lighting and guarding in respect of the works (see 7.7 below for the limited charge applicable where this endeavour has not completely succeeded); and
- b) removed all remaining spoil, unused materials and other plant in respect of the works; and
- c) returned the highway fully to public use (including through the use of technology such as road plates).

No permit or permit variation fee will be charged where a Lane Rental charge applies for any part of the works governed by the permit, however if no Lane Rental charge applies, then the permit fee will apply as per the fees set out in Section 13 of LoPS.

5.1. Calculation of charges

The Lane Rental charges will be calculated using the information provided in the relevant notices and permit applications and as set out in the Lane Rental Regulations subject to correction where information is misleading, mistaken or overtaken by events.

The Lane Rental charges will apply to individual works and will vary according to the location of the works. The Scheme contains the following four different charges, which are also specified within the Lane Rental designation records (see Section 4.2):

Area of Occupation	Daily Charge			
	Single	Low	Medium	High
Footway⁶	£350	-	-	-
Cycle Track or Carriageway	-	£1000	£1500	£2500

If the works occupy the footway and the cycle track and/or the carriageway, charges will be payable for impacting all areas of occupation, although the total charge cannot exceed the maximum charge specified by the regulations. For example, works that impact the footway and a low charge cycle track and/or carriageway would pay a charge of £1350 per day. The same scenario, but for a high charge band, would be capped at £2500.

For works in the cycle track and/or the carriageway that span more than one band of charging for the whole duration of the works, the higher rate will apply for the whole of the duration of the works.

However, where the individual works move along a street and between different cycle track and carriageway charging bands, then the promoter should make TfL aware of these changes through the permit variation process. In these circumstances the respective charge level will apply whenever the works are solely undertaken within that charge band, but again the higher level will apply where the works footprint spans two charging bands.

On streets where tidal charges apply, work promoters will be required to ensure that there are no impacts to the directions when charges do apply. If this is not possible the appropriate charges will be incurred.

TfL may challenge the dates and duration using the application and response processes described in the appropriate sections of LoPS and the Section 74 Regulations.

Section 74 overrun charges will apply in accordance with the Section 74 Regulations following the end of the reasonable period, in addition to Lane Rental charges levied under Section 74A

5.2. Information required on permit applications

As the Scheme allows for works in specified locations to avoid incurring a charge if undertaken outside of the specified times, it is imperative that works promoters inform TfL of the dates and times during which works will take place.

⁶ Footway charges on traffic sensitive streets shall only be applied to footways if works involve breaking up the street, or tunnelling or boring under it.

National Condition NCT02a in the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions⁷, will therefore be mandatory on all permit applications and Lane Rental charging will apply based on the times provided within NCT02a unless these are shown to be incorrect as set out in Section 8 below.

It will also be mandatory on all permit and provisional advance authorisation applications that works promoters state where, on the footway, cycle track, carriageway and/or verge, works and associated plant and materials will be located, recognising that the works may occupy more than one chargeable area at any given time.

Equally relevant, for streets that operate a tidal charging system, will be a statement of the direction of traffic the work will impact, e.g. inbound or outbound.

Works that are undertaken during the specified times for only part of the works duration must be clearly identified on the permit application, as must works that occupy lane rental chargeable areas for only part of the works duration. In such cases the works promoter should apply for separate permits and unify all permits that relate to the same works under a single project reference.

5.3. Variations to works

Unforeseen circumstances can delay the completion of activities. A works promoter must apply for and obtain a variation of its permit if the work is likely to extend beyond the reasonable period. Such an application must provide full justification for the extension. LoPS describes the process for obtaining variations to permits and the timing of applications.

The charging rules outlined in section 5.1 will apply to permits that are varied.

In order to avoid paying an incorrect Lane Rental charge once works are complete in one charge rate section, it is imperative that works promoters indicate, on permit applications and subsequent permit variations, that works will move or have moved onto a different charge rate section - see section 5.1 above.

Similarly, as indicated in Section 5.2, works that are undertaken during specified times for only part of the works duration must be clearly identified on the permit application, as must works that occupy lane rental chargeable areas for only part of the works duration.

5.4. Remedial Works

Remedial works undertaken during the specified times to rectify defective reinstatements on the carriageway, cycle track, or footway, or on a verge where traffic management encroaches onto the carriageway, cycle track or footway, will be charged at the maximum daily rate, irrespective of the charge band of the street and irrespective of when the original works were undertaken.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/413643/statutory-guidance.pdf

6. Charge Exemptions

No charges will apply on public holidays, including Good Friday, Easter Day, Easter Monday, Christmas Day or Boxing Day. Charges will be waived for the first 24 hours of genuine Immediate Emergency works (see section 6.1 below)

Certain types of works are exempt from Lane Rental charges under the scheme as follows:

- (a) Works which are confined to a verge with no impact on the carriageway, cycle track or footway at a specified location;
- (b) Works in a specified location, other than at a specified time;
- (c) Works in the footway of a specified location, at a specified time, so long as the works do not involve breaking up the street, or tunnelling or boring under it.
- (d) Diversionary works as defined in the Glossary
- (e) Replacing poles, lamp columns or signs in the same location

If one of the above applies, the works promoter must record the appropriate Lane Rental charge exemption in the permit application and works clear/closed notices. Failure to do so will result in appropriate action being taken.

6.1. Immediate Emergency Works

Genuine emergency works that must be carried out during the charging period to avoid significant danger to public safety or significant damage to property will be provided with a Lane Rental charge free period to enable the immediate emergency to be dealt with.

The Lane Rental charge free period shall begin from the start of the emergency and shall apply for a period of 24 hours after which time the normal lane rental rules for the location will apply.

In order to minimise disputes, works promoters claiming this waiver must when requested by TfL provide documentary evidence of the nature of the emergency before the waiver will be granted. This evidence will need to be sufficient to demonstrate the works categorisation as immediate emergency.

7. Reduced Charges

In accordance with the Lane Rental Regulations, TfL may reduce Lane Rental charges as it deems appropriate, and this section provides an overview of the key areas where reductions can be achieved. A full list of instances detailing where and how charges may be reduced can be found in TfL's currently published Supplementary Guidance⁸.

Retrospective applications to reduce charges will not be considered. An application to reduce charges must be made and agreed in advance of the works commencing by completing the Reduced Charge application form⁹ published on TfL's Lane Rental webpage.

7.1. Collaborative Works

Collaborative works that are carried out concurrently by two or more works promoters at the same location can apply to have charges reduced for the period of collaboration.

In some instances charges may be reduced for collaboration where the works originate from two distinctively different operational divisions of the same organisation.

7.2. Major Infrastructure Improvements

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.

The types of major works entitled to a reduced charge are specified in the Supplementary Guidance document, along with the level of discount that can be applied.

7.3. High Performance

TfL has a Vision Zero action plan¹⁰ with a target for no one to be killed or seriously injured on our road network by 2041. Making roadworks safer contributes to this objective and is why the scheme offers high performance discounts that help minimise incidents arising from roadworks.

Charges may be discounted where works promoters who have a statutory right to work on the public highway undertake a sufficient number of works to allow their performance to be meaningfully assessed. Those companies that consistently demonstrate the highest levels of performance when undertaking work will be able to seek a discount on their Lane Rental charges. Such discounts may be offered based on criteria including clear planning, consistent safe working, compliance with permit conditions, high quality reinstatement of the highway, and minimisation of disruption to all road (including footway) users.

⁸ <https://tfl.gov.uk/cdn/static/cms/documents/tlrs-supplementary-guidance....pdf>

⁹ <https://tfl.gov.uk/cdn/static/cms/documents/application-to-waive-reduce-or-exempt-charges...doc>

¹⁰ <http://content.tfl.gov.uk/vision-zero-action-plan.pdf>

Work promoters that meet the performance targets published within the supplementary guidance document will be able to claim the stated discount.

TfL will review works promoter performance at regular intervals with discounts withdrawn where targets have fallen back below the level required to receive a discount. In addition, irrespective of other criteria, any discount awarded under the Scheme may be withdrawn where the behaviour of a works promoter has placed the safety of the public at risk

7.4. Works Spanning Multiple Streets

Consideration will be given to applying a single charge, the highest, where a set of works span multiple streets, but only on condition that the works only impact traffic travelling in the same direction when passing the works. For example, traffic travelling from west to east along the same length of road.

7.5. Abortive Days

It is inevitable that events sometimes materialise that were unknown during the works planning stage. On these occasions TfL, as the traffic authority, may require the works to temporarily stop to facilitate the safe operation of the event. In these circumstances, TfL will waive charges for the number of days where it was not possible to progress with works.

7.6. Items of signing lighting or guarding inadvertently left on site

TfL will apply a one-off Lane Rental charge of £100, in place of the full daily Lane Rental charge, in accordance with the Lane Rental Regulations (see Glossary), where no more than five items of signing, lighting or guarding have inadvertently been left behind on site and have been removed by the end of the day following the day on which the authority informed the undertaker and asked them to remove the items. This reduced charge would apply only in cases where the responsible party had made all reasonable efforts to clear the site but had inadvertently left no more than five items behind. Full daily Lane Rental charges will continue to apply where such efforts have not been made.

TfL will follow the Lane Rental Regulations when applying such a charge.

Where the works promoter has failed to comply with the above request the Lane Rental charge will apply for the relevant period. Following the end of the reasonable period the Section 74 Regulations (see Glossary) would come into effect and TfL would proceed on the basis that it has already complied with the requirement set out in those Regulations to contact the promoter regarding the items.

8. Works Monitoring and Enforcement

As stated in Section 5, Lane Rental charges shall be calculated using the dates specified on the relevant Section 74 notices and the times specified in the national permit condition NCT02a of the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions.

Works on the Lane Rental network shall be inspected on a regular basis, and where (as a result of such inspections or otherwise) evidence shows that works promoters have worked at specified locations during the specified times but this information has not been provided in notices or on a permit application, then the relevant Lane Rental Charges will be applied.

TfL may exercise its discretion, where appropriate, to exclude, or exercise clemency in respect of, cases of nominal or trivial breach, and other breaches, depending on the reasons for the departure from the stated times (for example if there are unforeseeable circumstances wholly outside the works promoter's control) and the promptness with which the works promoter has informed TfL of such departure.

TfL as highway authority will seek to ensure that the dates and times on which Lane Rental charges are based are accurate, along with the works type and category of road. Where there is evidence that the dates or times given in section 74 notices are incorrect, the Lane Rental charges will be based on the evidence.

If incorrect information has been given in a notice, and TfL considers that an offence has been committed, the sanctions set out in Section 11 below will apply as appropriate.

In the event of a works promoter being found to have falsely claimed a charge exemption or a reduction in charges, the full charge will be payable. Deliberately making a false claim in order to benefit from an exemption or reduction in charges is likely to constitute fraud, and in such circumstances TfL will take action it deems appropriate to the circumstances, which may include prosecution.

9. Transitional Arrangements

This section sets out the arrangements for transitioning from the original scheme that has been in operation since 2012 to the Scheme. The following basic rules of transition will apply on all roads where the Scheme operates:

- a) The Scheme will apply to all works first notified to TfL, or in respect of which an application for a Permit or Provisional Advance Authorisation is made, after the Scheme commencement date that is specified in the statutory scheme order.
- b) Standard, Minor and Immediate activities which are planned to start, or in fact start, on site more than one month after the commencement date of the Scheme, or Major activities which are planned to start or start on site more than three months after the commencement date of the Scheme, shall operate under the Scheme. This means that even if the relevant Permit or Provisional Advance Authorisation has been sent or granted before the changeover, the TLRS will apply to those works;

The TLRS will apply to any activities which have started prior to the commencement date of the Scheme. Given the advanced notice of the changeover there should be a limited number of works where these rules will create difficulties. For example, activities which are delayed by TfL for coordination purposes, beyond the transitional periods referred to in 9b above, might be such a situation. In those rare cases, promoters must contact TfL so that discussions can take place to ensure that a practical way of dealing with the activities can be achieved.

The table below sets out the arrangements for the most common scenarios that may occur when moving from the TLRS to the Scheme:

Change	Scenario on the Scheme Commencement Date	Impact
Location	Works are in progress, but the location of the works is no longer designated as Lane Rental	Lane Rental charges will cease from the Scheme commencement date
Location	Works are in progress on a non-Lane Rental location, but that location is now designated as Lane Rental	Lane Rental charges will not apply
Charge Band Increase	Works are in progress, but the charge band at that location has increased	Lane Rental charges will continue to apply at the previous rate
Charge Band Decrease	Works are in progress, but the charge band at that location has decreased	Lane Rental charges will continue to apply at the new lower rate

10. Dispute Resolution

Where disputes arise relating to a Lane Rental charge, TfL will seek to resolve the issue without having to refer the matter to legal action and has established a representation process to deal with any disputes.

The first point of contact in a dispute is the relevant charges team within TfL, and before making an official representation, the works promoter is strongly advised to informally contact that team to discuss the issue. If this fails to resolve the issue, the works promoter should make a written representation to TfL, either electronically or on paper.

To enable an early resolution, it is strongly recommended that a representation in respect of any dispute arising from the issuing of a Lane Rental charge is made as soon as is reasonably practicable.

TfL will ensure that a fair and open system is in place for considering representations. TfL will ensure that it has a nominated official to consider all such representations.

The HAUC (England) dispute resolution procedure would remain available where other arrangements have been exhausted.

11. Sanctions

11.1. Offences

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 criminal offences. Fixed Penalty Notices offer the offender an opportunity to discharge liability for an offence by paying a penalty amount.

These powers and any subsequently amended powers will continue to apply to all roads on the Transport for London Road Network.

Similarly, any offences under NRSWA continue to be offences and TfL maintains the right to take such action as is appropriate including prosecution where such offences have been committed.

11.2. Section 74

Section 74 of NRSWA enables highway authorities to charge undertakers if their works in the highway take longer than the agreed reasonable period. These powers will also continue to apply as per the Section 74 Regulations and the relevant Code of Practice.

12. Application of Revenues

All costs incurred by TfL in operating and evaluating the performance of the Scheme will be recovered from the sum of Lane Rental charges received, which will include charges from its own works and works undertaken in respect of a section 278 Highways Act agreement. These costs shall include but are not limited to employee salaries, technology, equipment, and any ongoing maintenance or support costs required to run an effective scheme.

TfL will issue a framework setting out joint working arrangements between TfL, work promoters and other London highway authorities to ensure that the net proceeds are applied for purposes intended to reduce the disruption and the other adverse effects caused by street works. TfL will publish guidance on what the net proceeds can be allocated towards, how to request access to funding, and the approval process. In accordance with the Lane Rental regulations and for the purpose of transparency, TfL will publish annual accounts summarising the charges received and the net proceeds spent.

13. Minor Variations to the Scheme

It is inevitable for streets to be reconfigured to accommodate the varying demands on how the road network should operate. Across the entirety of the lane rental network these changes are likely to be marginal, but could have a high impact to the sensitivity of a modified location.

To ensure the lane rental network sensitivity is up-to-date it may be necessary to make minor variations to the network extent, a charge band, or the operational hours. For example, it might be desirable to include or remove some locations within the Scheme, alter its sensitivity, amend the level of charge, or adjust the chargeable hours and tidal status.

Any such changes will be limited to the following tolerance levels and would be restricted to a maximum 3 yearly cycle:

- a) +/- 3% of the currently published extent for each charge band
- b) +/- 10% of the currently published charge level (unless capped by regulation)
- c) +/- 30 minutes of the currently published chargeable periods

TfL will notify stakeholders at least three months in advance of the changes taking effect.

14. Scheme Evaluation

The Scheme will be evaluated on an annual basis with the first monitoring report covering a full year from the commencement date specified in the statutory scheme order.

The evaluation report will be modelled on the content within the monitoring reports that have been produced for the TLRS, and will be circulated for review as part of the joint working arrangements (see Section 12), before being published on TfL's Lane Rental webpage.

The Cost Benefit Supporting document provides further details on the evaluation methodology, and the baseline data to be used for comparison purposes.

15. 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 using the procedure in Section 15 of LoPS.
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".
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 activities, a day refers to all days including Saturdays, Sundays and Bank Holidays, unless explicitly stated otherwise.
Diversionary Works	As defined in Regulation 2(2) of The Street Works (Sharing of Cost of Works) (England) Regulations 2000 and further outlined in the code of practice "Measures Necessary Where Apparatus Is Affected by Major Works (Diversionary Works) 1992".
DfT	Department for Transport.
EToN	Electronic Transfer of Notices system; or any future replacement system

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)
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
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:

	<p>a) placing apparatus; or</p> <p>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".</p>
Street works licence	<p>As stated in Section 50 (1) of NRSWA, "the street authority may grant a licence (a "street works licence") permitting a person</p> <p>a) to place, or to retain, apparatus in the street; and</p> <p>b) 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)</p>
TLRS	The Transport for London Lane Rental scheme, as approved by the Secretary of State for Transport by way of an Order made on 18 May 2012, which came into force on 11 June 2012 (Statutory Instrument 2012 No. 1322)
Traffic	Includes pedestrians and animals
TMA	The Traffic Management Act 2004
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 clear	A works clear notice is used following interim reinstatement
Works closed	A works closed notice is used following permanent reinstatement

Works comment	Means an electronic communication using EToN, or ant replacement system
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"