



BCP Lane Rental Scheme Charges

Document Control

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Contents

1	Lane Rental Charges	3
2	Lane Rental Charges Policy	3
2.1	Options to Waive or Reduce Charges.....	6
2.2	Collaborative Working.....	6
3	Review of Charges.....	7
4	Lane Rental Charge Table	8

1 Lane Rental Charges

The New Roads & Street Works Act 1991 (NRSWA), as amended by the Transport Act 2000 and the Traffic Management Act 2004 (TMA), contains provision for highway authorities to operate lane rental schemes that involve charging Promoters for the time their works occupy the highway.

The regulations are the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 ("the Regulations") made under Section 74A of NRSWA.

In accordance with the Scope of the BCP Lane Rental Scheme (BCPLRS), BCP Council will apply a daily rate of charge for the duration of the specified activities carried out by the undertaker of the activities for the Promoter of the activities at the specified location during the specified times and days.

Section 74 overrun charges will apply in accordance with the Section 74 Regulations following the end of the agreed reasonable period, in addition to the BCPLRS charges. The charge will consist of a single payment of £100 in the circumstances set out in paragraph (8) of the Regulations, where up to 5 items of signing, lighting or guarding have inadvertently been left behind on site and have been removed by the end of the working 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 a small number of items behind. Full daily charges would continue to apply where such efforts had not been made.

To calculate the daily rate of charge, other than for immediate works, the duration of the activities shall begin on the date specified in the actual start of works notice and end on the date specified in the works clear, works closed or works stop notice, the date activities ended.

For all types of immediate works, the charges will apply after 48 hours of occupation – taking the works start as stated within the relevant permit application and ending on the date stated on the relevant Section 74 works stop notice.

2 Lane Rental Charges Policy

Lane Rental charges will only apply when there is either a Road Closure or a Lane Closure, where the term Lane Closure refers to any of the following:

- Any form of traffic control is deployed on the carriageway or a cycle track.
- Any traffic management reduces the number of lanes of a carriageway or cycle track which can be safely used.
- There is any impact which reduces the traffic flow capacity or operation of a junction.

Charges will **not** be payable in the following circumstances:

- Charges will not apply if the activities take place outside of the Traffic-Sensitive Streets specified times
- Charges will be waived for a period of 48 hours from the start of immediate works beginning; after which time the normal lane rental rules for the location will apply
- Charges will be waived for activities which are confined to a verge or footway, footpath, bridleway, or byway
- Charges will be waived if works which do not reduce the number of lanes, or prescribed width, available to traffic or if normal traffic flows can be maintained.

If one of the above applies, the activity Promoter must record the circumstances along with the permit application and, if possible, works stop notice. Failure to do so may result in appropriate action being taken.

Further examples of when lane rental will or will not apply can be found in the following table

Example	Detail
Traffic Control deployed on a Lane Rental Street	Where activities are not on a lane rental street, but traffic control needs to be deployed on a lane rental street, thereby reducing the traffic flow or capacity of that street, charges will apply. The Specified Work is located on a street without lane rental designation, and the traffic control is deployed on a street with a lane rental designation.
Side road closures	Where a road closure is wholly contained within another street with a separate USRN which adjoins a lane rental scheme street, thereby not affecting traffic flow or capacity of the carriageway of the lane rental street, no lane rental scheme charges will apply.
Partial or semi recessed road space	Where activities are wholly within a recessed area of the carriageway, thereby not reducing the traffic flow or capacity of the carriageway, no lane rental charges will apply.
Location of a works vehicle	A works vehicle may be parked in a works site provided that it is necessary for carrying out those works. A vehicle entirely within the coned off area of the site may require a larger coned off area than would otherwise be the case. A vehicle may be parked outside a works site provided that it obeys the parking rules that apply to any other vehicle in that street. Outside the works site, the vehicle has no special status and no exemption from parking enforcement.
Works Spanning Multiple Streets	Where a work site contains a junction, irrespective of whether a joining street is a lane rental street, then the Highway Network Manager (or delegated officer) will review this on a case-by-case basis. An example is where works are carried out over two USRNs that the lane rental fee may be discounted on each works 50/50 so that the total fee amounts to a charge for one work only.
Works wholly contained within a white hatched area	No charge will apply where a work is wholly contained within a white hatched area (of the carriageway) with no

	encroachment onto the carriageway thereby reducing the traffic flow or capacity.
Use of temporary traffic signals to replicate permanent signals	Where temporary traffic signals are used at a location where permanent signals are usually in operation, BCP Council will consider reducing the charge dependent on how closely the temporary traffic signals have been designed and programmed to replicate the intelligent operation of the permanent signals. If the temporary traffic signals fully replicate all aspects of the permanent signals being replaced, and the junction can effectively continue to operate without any detrimental impact to the traffic flow capacity BCP Council will waive charges
Use of road plates and/or temporary materials	If suitable road plates and/or other materials can be safely used to avoid activities impacting on traffic flow or capacity at specified times, then charges will not be applied, even if such measures necessitate a speed limit reduction in order for their safe deployment.
Remedial Works	Remedial works carried out at Traffic-Sensitive times at specified locations to rectify defective reinstatements on the carriageway or on the footway or verge which impacts on the carriageway will be subject to the maximum daily charge.
Change of Promoter	Where activities are liable for charge changes responsibility from one Promoter to another relevant charges will be applied to the initial activities until such time as either the responsible Promoter (who owns the defect) takes over the work site or creates their own work site to undertake repairs, thus allowing the initial Promoter to clear site.
Damage to apparatus by third parties	In situations where damage to apparatus is due to another Promoter's activities there are two scenarios: • Scenario 1: Promoter A has left site and promoter B has to excavate to repair apparatus – these activities would be charged against the permit for promoter B in the expectation that promoter B would pass charges / costs onto promoter A who caused the original damage. • Scenario 2: Promoter A is still on site and promoter B undertakes repair works in their excavation – these would be charged against the permit for promoter A already in place. • In an instance where unreasonable delays in Promoter B's attendance to effect repairs cause Promoter A to be liable for further Lane Rental charges over and above those that would already have applied (i.e. Promoter A's activities duration is extended solely as a result of any unacceptable delay in repair BCP Council considers that any financial reconciliation will take place directly between Promoter A and Promoter B to agree any distribution of charges received which may be dependent on a variety of factors, many of which BCP Council would

	not have clear sight of as they would not be a requirement of any permit content. • Where damage to apparatus is as a result of other third parties, such as damage to apparatus as a result of a Road Traffic Collision, charges will still be applied and it will remain the responsibility of the Promoter to recover their reasonable costs incurred, including applicable Lane Rental charges.
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Further detail and guidance on the scenarios can be found in the main scheme document.

2.1 Options to Waive or Reduce Charges

BCP Council retains the option to waive or reduce lane rental charges at its discretion.

The current charge is £2,000 per day for a lane closure and £2,500 per day for a road closure.

Discounts up to 100% are available in some circumstances and are considered on a case-by-case basis.

Examples where discounts may be considered include

- Works that deliver significant improvements
- Upgrades that substantially extend the longevity of the road
- Nationally significant projects.

We actively promote collaboration and innovation so the lane rental charge will be discounted by a minimum of 25% for each Promoter during the period of collaboration to works promoters that show these in their initial permit applications.

Further discounts may be considered for any works on a case-by-case basis. A Promoter should discuss these with the Council's Highway Network Manager (or delegated officers).

Our Streetworks officers monitor all works and may remove discounts if we believe works are not being carried out as initially proposed.

2.2 Collaborative Working

Any opportunity for two or more Promoters to collaborate to reduce the occupation of the highway is strongly encouraged.

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

In such circumstances, where works are carried out at the same location by two or more Promoters concurrently, the above discount will be applied, with the remaining daily charge rate will be split between the associated Promoters following confirmation and acceptance within the permit.

Collaboration will be as identified within the associated permit applications and/or site inspections, however the onus to prove such collaboration rests with the Promoter to receive this discount.

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

At BCP's discretion charges may be waived where there is a significant positive impact of collaboration.

3 Review of Charges

The BCPLRS will be evaluated on an annual basis. The first evaluation report will cover a full year from the commencement date specified in the Statutory Instrument / Lane Rental Scheme Order.

Part of the assessment of the BCPLRS is a review of the BCPLRS lane rental streets list.

It is anticipated that, depending on the extent of changes and developments to the BCP Council Highway Network, the list of streets will be reviewed every, one (1) to three (3) years.

This is to ensure that the list is always appropriate and take account of changes to the highway network.

The methodology used to initially identify the list of lane rental streets will be repeated.

The BCPLRS lane rental streets list review methodology is detailed in and part of the BCPLRS Evaluation Plan, even though it may not be undertaken every year.

The charges will not exceed the maximum charges as set by the DfT.

4 Lane Rental Charge Table

Identified Lane Rental Charge Streets (Bands)	Lane Rental Charge Discount Applied	Full Day Charge
Band 1 (Road Closure or Single Carriageway Road Occupancy)	0%	£2,500
Band 2 (All Carriageway Remedial Works)	0%	£2,500
Band 3 (Single Lane Occupancy of Multi Lane or Dual Carriageway)	20%	£2,000
Band 4 (Cycle Track)	40%	£1,500

The charges will be;

- Band 1, Road closure or single carriageway Road occupancy, no discount will be applied and the full daily charge of two thousand five hundred pounds will apply
- Band 2, All Carriageway remedial works, no discount will be applied and the full daily charge of two thousand five hundred pounds will apply
- Band 3, Single lane occupancy of multi lane or dual carriageway, a twenty percent discount will be applied with the daily charge being two thousand pounds
- Band 4, cycle track, a forty percent discount will be applied with the daily charge being one thousand five hundred pounds.

If an activity footprint spans more than one traffic control type at any time during the duration of the activities, then the higher daily rate of charge will apply for the days the activity footprint includes that traffic control type.