



BCP Lane Rental Scheme Scheme Document

Document Control

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1 Introduction

The BCP Council Lane Rental Scheme (BCPLRS) has been introduced to enable the council to support the duty to co-ordinate and manage all street and road works, also known as activities, on the highway, to minimise disruption in accordance with the Network Management Duty a key principle of the Traffic Management Act 2004.

A lane rental scheme is designed to work in conjunction with a permit scheme to complement the powers provided within it by implementing a charging regime for works taking place on the most congested section of the network at peak times.

The BCPLRS will align with the objectives of the BCP Permit Scheme, particularly:

- Encourage a proactive approach to planning and undertaking of works on the highway.
- Ensure parity of treatment for all activity promoters.
- Reduce any unreasonable occupation of the Highway through efficient coordination and minimise the impact of works on the travelling public.

2 Objectives and Principles

The BCPLRS seeks to limit the amount of disruption to BCP Council roads by encouraging the undertaking of activities at the least disruptive time for road users, and for the early completion of works.

The New Roads & Street Works Act 1991 (NRSWA) contains provision in Section 74a for highway authorities to operate schemes that involve charging Promoters for the time their works occupy the highway (as a daily charge).

The Government considers that well-designed and well-targeted lane rental schemes, focused on the most critical parts of the highway network, and with charges applying only at the busiest locations at traffic sensitive times, should encourage those undertaking works to carry out their works in a less disruptive manner.

The BCPLRS is designed to limit the carrying out of activities at specified locations by applying a daily charge for any part(s) of the day that the highway is occupied by the activities during chargeable hours.

The daily charge will not apply if the activities take place outside of the specified traffic sensitive times.

The BCPLRS therefore provides a mechanism for providing all activities' Promoters with an incentive to change behaviour and minimise the occupation of lane rental streets at the most traffic sensitive times which are the most critical parts of the BCP highway network.

The BCPLRS applies the following guiding principles:

- The cost of disruption from activities on the highway network must be recognised

- Inconvenience to all people using a street must be minimised, but especially for people with accessibility requirements, and also other vulnerable road users, such as people walking or cycling.
- Working with all parties operating within the Scheme to ensure there is an open approach to meeting the objectives of the scheme
- Taking a practical and reasonable approach to decision making and any disputes that arise; and
- Providing transparency to the success and governance of the scheme.

The objectives of the BCPLRS are to:

- Apply the scheme to all work Promoters on a consistent basis
- Promote behaviour change to minimise the duration of occupation of the highway at the busiest locations at the most traffic sensitive times
- Complete works to the required standard first time, reducing the need to return to the site to carry out further works
- Minimise the number of works taking place during the most traffic sensitive times; and
- Contribute to reducing disruption to all road users.

The council will measure these objectives and evaluate whether they are being met.

The means by which that will be achieved are set out in the Evaluation and Governance section of the BCPLRS below.

2.1 National Infrastructure

The BCPLRS will support, wherever possible, UK national infrastructure projects, including:

- Airport expansion.
- High speed rail.
- Nationwide full fibre broadband by 2033.
- Half of the UK's power provided by renewables by 2030.
- Three quarters of plastic packaging recycled by 2030.
- Preparing for 100 per cent electric vehicle sales by 2030.
- Ensuring resilience to extreme drought.
- A national standard of flood resilience for all communities by 2050.

2.2 Improvements Expected

The expected improvements from the BCPLRS are:

- Behavioural changes that minimise the duration of occupation of the highway at the busiest locations at traffic sensitive times.
- Reductions in the number of works taking place during traffic sensitive times.
- Contributions towards maintaining or improving journey time reliability on the highway network.

2.3 Regulatory Compliance

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 street or road works occupy the highway.

The BCPLRS, which 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, and is designed to operate in conjunction with Section 74 of NRSWA, and the Traffic management (Bournemouth, Christchurch and Poole Council) Permit Scheme Order (“BCPPS”), subject to certain exemptions on charges and fees contained within the Scheme.

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

NRSWA contains provision for two forms of charge for works:

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

The power for Local Authorities to implement lane rental schemes in England is subject to the approval of the Secretary of State.

The Prescribed Charge in the Regulations is the charge multiplied by the number of days, including part days, comprising the duration of the works.

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, BCP Council 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:

- Securing the expeditious movement of traffic on the Authority’s Road network.
- Facilitating the expeditious movement of traffic on road networks for which another Authority is the Traffic Authority.

In preparing the BCPLRS, BCP Council has had regard to the requirements of the Public Sector Equality Duty under section 149 of the Equality Act 2010.

In accordance with the DfT’s Guidance for Lane Rental Schemes, the agent appointed by BCP has consulted with all relevant stakeholders during the development of the BCPLRS.

3 Scope of the Scheme

The BCPLRS 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 to encourage Promoters to adopt less disruptive working practices.

The scope of the Scheme has been designed to meet the objectives and principles of a lane rental scheme and in accordance with The Street Works (Charges for Occupation of the Highway) (England) Regulations 2012.

The Scheme will apply a lane rental charge when a Promoter undertakes work on the highway during traffic sensitive times on those streets to which the Scheme applies.

The Scheme provides incentives through charge exemptions and discounts to encourage the planning and subsequent undertaking of works to have a less disruptive impact to the highway.

3.1 Promoters

The scope of the BCPLRS applies to any person or organisation that commissions or promotes specified works on the highway.

3.2 Specified Works

All non-excavation works, such as operating valves, hydrants, sewer jetting, lifting manhole covers, leakage and fault detection, and above-ground asset maintenance, in traffic sensitive designated streets at traffic sensitive times are deemed as a 'registerable activity' and will therefore require a Permit and may be subject to the Scope of the BCPLRS.

Any non-excavation works subject to the Scope of the BCPLRS that result in reduction of Lane Width, or the use of Traffic Management, for example give & take, stop & go boards, portable traffic signals, will result in a Charge.

Diversionary works are included within the DLRS under "works for road purposes" – maintenance and improvement work to the road itself carried out by, or on behalf of, the highway authority. Please refer to the glossary for further clarification on the term 'diversionary work'.

The BCPLRS applies to all works, as defined in the Glossary, that include:

- That require a permit under the relevant section of the DPS.
- Are executed under a NRSWA Section 50 licence.
- Are executed under an agreement pursuant to Section 278 of the Highways Act 1980.
- Are executed under an agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

3.3 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 highway 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 BCPLRS will 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.

The streets selected on the council Highway Network are those where the lane rental charge will, by encouraging behaviour change, have the most effect in reducing disruption and the cost of disruption.

Works in the footway that involve breaking up the street, or tunnelling or boring under it, will be subject to the Scheme and charge if such works require any form of traffic control to be deployed on the carriageway.

The BCPLRS does not apply to works that are carried out in a verge or on a footway of a lane rental chargeable street that does not involve any occupation of a carriageway or cycle track. (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).

3.4 Specified Days and Times

Lane rental charges under the BCPLRS will apply to specified locations at specified days and times detailed in the 'BCPLRS List of Lane Rental Streets'.

BCP Council expects any Promoter planning to avoid specified times will allow sufficient contingency into the time needed to complete their work.

As such BCP will charge for any activities found to have continued into the specified time, even if only by a few minutes.

These times will be limited to when a street is designated as traffic sensitive, including weekends and Bank Holidays – except for Christmas Day and Boxing Day. The traffic sensitive times on a Bank Holiday will be the same as those for a Sunday at that location.

The BCPLRS will apply at the specified locations that are designated as a lane rental record within the current version of Bournemouth, Christchurch and Poole Council 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:

- If it applies to the whole street or part street.
- If it applies to the carriageway or cycle track.
- If it is a tidal record, it will identify the direction affected and the Lane Rental operational times, for example eastbound from 07:00 to 09:30.
- The days and times when lane rental will apply.
- The applicable charge.

This data will be kept up to date by the Council and no variation to specified locations, days or times will come into effect without the relevant updates to the NSG.

3.5 Environmental Considerations (Potential Impacts of Noise, Vibration, Dust, Lighting)

The council will take responsibility to apply a balanced approach to the needs of the Promoter, the Authority's network management duty and Environmental Health Department's duties and considerations, when determining an application to work at a specified location.

Care shall always be taken to minimise the potential for disturbance from noise, vibration, dust and lighting. It is recognised that the potential for disturbance is heightened for works taking place outside of normal working hours. As such, where potential disturbance is likely for out of hours works.

If the council considers that a Promoter has made a genuine attempt to plan work outside of Specified Times but is prevented from doing so by environmental impacts, it may consider applying a discount to lane rental charges, provided all other means of avoiding the charge have also been adequately explored.

3.6 Works by BCP Council or Third-Party Developers

Works carried out by or on behalf of BCP Council, 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 BCP Council's intention to minimise all disruptive occupation of the traffic sensitive parts of the BCP Council Highway Network, as part of the BCPLRS, BCP Council 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.

3.7 Immediate Works

Immediate works (which can include Immediate Emergency & Immediate Urgent 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 works to be dealt with.

The Lane Rental charge free period shall begin from the start of the immediate works and shall apply for a period of 48 hours, after which time the normal lane rental rules for the location will apply on and from the third calendar day.

To minimise disputes, works Promoters claiming this waiver must, when requested by BCP Council, 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 works.

4 Permit Scheme

Under the existing BCP Permit Scheme (BCPPS), anyone intending to carry out activities on the highway must apply for permission from BCP in advance of the activities.

BCP Council has operated the BCPPS on its highway network since 2020, and all provisions of that scheme and those set out under Section 50 of NRSWA apply to the BCPLRS.

The BCPLRS is designed to work in conjunction with the BCPPS to complement the powers provided within the BCPPS.

As the content of the permit will determine whether the work is within the scope of the Scheme, it is imperative for the Promoter to include accurate details of location, traffic control and duration, including times.

Unless a Promoter indicates otherwise in their permit, the Council will assume work on a specified street is subject to the Scheme.

4.1 Permit Application on a Lane Rental Street

As the content of the permit application will determine whether the planned or immediate works is within the scope of the BCPLRS it is imperative for the Promoter to include accurate details for location and duration, including times.

For all permits where the BCPLRS applies, the Permit Authority will assume, the activity is subject to the BCPLRS. If the Promoter intends to work under a waived or reduced lane rental charge within the BCPLRS, they must include relevant text in their permit application.

4.2 Permit Variations

The BCPPS allows for a Promoter to vary a permit in instances where unforeseen circumstances prevent the completion of an activity within the agreed times, and where the activity may extend beyond the reasonable period.

If the variation will result in the activity taking place in a different Lane Rental charging band to that of the original activity, then this must be clearly indicated on the permit variation application.

Promoters should also indicate any instances where the revised activity will result in work being carried out in a Lane Rental chargeable area for any part of the activity duration.

4.3 Highway Authority Imposed Changes

In any instances where the Permit Authority issues a Highway Authority Imposed Change to a Promoter which results in an activity becoming subject to the scope of the BCPLRS, or an increased rate of BCPLRS charge, no new charge or any increase in charges will be applied as a result of the Permit Authority's instruction.

4.4 Permit Fees

A permit fee will not be charged where an activity is liable to a BCPLRS charge.

The BCPPS related process and procedures as defined in the BCPPS are integral to the BCPLRS.

Where an activity is not liable for a BCPLRS charge, then the relevant permit fee will apply.

Where a permit fee has been applied but it is discovered, without a Promoter variation, that the activity carried out by the Promoter should have been subject to a BCPLRS charge, then all permit related fees will be returned and BCPLRS charges applied.

5 Lane Rental Charges

In accordance with the Regulations and the Scope of the BCPLRS, BCP will apply a daily rate of charge for the duration of the specified works carried out by the undertaker of the activities for the Promoter of the activities at the specified location during the specified times and days.

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;
- any traffic management reduces the number of lanes of a carriageway which can be safely used or;

- there is any impact which reduces the traffic flow capacity or operation of a junction.

5.1 Lane Rental Charge Status

For all activities on a lane rental street BCP Council will issue a Comment, using the topic 'General', on the activities record which will contain the estimated charge status for reference, if able to be determined.

The estimated charge does not denote the charge that will be applied but provides an indication of the charge that may be applied.

BCP Council will use a code to define the charge, similar in use to codes for permit conditions. These codes and example use of these codes are shown below.

5.2 Codes to denote the charges to be applied to works

- Code LR0, Activities on a lane rental street, but no charges will apply. The code must be applied with an appropriate suffix (letter) to signify the reason(s) why no charges will apply. If more than one reason is appropriate, then each suffix must be added to the code, e.g., LR0 AB. Where the code D for other is used, a short text description will be given as to why charges do not apply.
- Code LR0A, Activities outside of lane rental times.
- Code LR0B, No reduction of traffic flow or capacity on the carriageway.
- Code LR0C, Activities outside of lane rental section where the whole road is not included.
- Code LR0D, Other reason.
- Code LR1, Activities on a lane rental street with a charge. The duration and charge category will be added to the Permit or Licence details.
- Code LR2, Activities on a lane rental street with a discounted charge. This code will be applied with an appropriate suffix (letter) to signify the relevant discount and also the amount of discount, i.e. LR2 A100, where a 100% discount is being applied for major infrastructure improvement. If more than one discount is to be applied, then each suffix must be added to the code, with the total discount to be applied.
- Code LR2A, Activities on a lane rental street with a discount applied for major infrastructure improvement.
- Code LR2B, Activities on a lane rental street with a discount applied for collaboration.
- Code LR2C, Activities on a lane rental street with a discount applied for innovation.
- Code LR2D, Activities on a lane rental street with a discount applied for other cases, as agreed with the Highway Network Manager (or delegated officer).

5.3 Calculating the Charge

To calculate the daily rate of charge, other than for immediate works lane rental charges will apply between dates and times specified in the start of works notice and the works stop notice (as the date of works ended).

For all types of immediate works, the charges will apply on and from the third calendar day of occupation – taking the works start as stated within the relevant permit application and ending on the date specified in the works stop notice.

Promoters are strongly encouraged to consider the carrying out of immediate works outside of specified times or days wherever possible.

When calculating the actual work start and finish dates for all activities, the Permit Authority or the Promoter may provide additional information to prove a variation to the duration of the works and/or activity type, if different to any submitted application or notice.

In all circumstances, any BCPLRS charge will be applied according to the actual occupation and activity.

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.

5.4 Change Categories

The Regulations allow for a prescribed daily rate of charge, which may be waived or reduced in particular cases.

In accordance with the Regulations and with consideration to the objectives of the BCPLRS, there are a range of charge categories depending on the traffic control type, works type, location, times and days of work.

The 'BCPLRS List of Lane Rental Streets and 'BCPLRS Charges Policy and Table' sets out the traffic control type, works type, location, times and days of work and any applicable charge.

If an activity spans more than one traffic control type at any time during the duration of the activities, then the daily rate of charge will apply for the days the different traffic control type is in place.

In instances where the works have fully moved to a lower traffic control type, thereby changing the charging to be applied, the Promoter must submit a timely permit variation. If the permit variation is solely for the purpose of notifying that the works have transferred from one traffic control type to another, then this permit variation would not be subject to a permit fee.

For the calculation of charges in such instances, the Permit Authority will determine the timings for such changes based on the receipt of the associated permit variation.

5.5 Exemptions

Charges will be waived for a period of 48 hours for immediate works, after which time the normal lane rental rules for the location will apply.

Certain types of works are exempt from lane rental charges under the BCPLRS as follows:

- Works in non-traffic sensitive streets.
- Works which are confined to a verge or footway with no impact on the carriageway or cycle track at a specified location.
- Works in traffic sensitive streets at non-traffic sensitive times.
- Replacing poles, lamps, columns or signs in the same location; or pole testing.

If one of the above applies, the activities Promoter must record the appropriate lane rental charge waiver or exemption in the permit application and, if possible, works clear, works closed or works stop notices.

Failure to do so will result in appropriate action being taken.

BCP would expect any deliveries associated to works to be outside of traffic sensitive times whenever possible. Short exemptions may be allowed when this is not possible and in agreed circumstances, a condition will be applied to the Permit to provide for the opportunity requested. Such circumstances may include:

- delivering safety critical equipment to the site; or
- the collection of spoil using a grab lorry.

5.6 Lane Widths

The minimum acceptable Lane Widths allowable under the BCPLRS will be as defined in Safety at Street Works and Road Works, a Code of Practice, or otherwise in any superseding code of practice as that suitable for "Normal traffic including buses and HGV".

Lane rental charges will not be applied to works which do not reduce the number of lanes, or prescribed width, available to traffic or if normal traffic flows can be maintained.

5.7 Variations to Lanes Available within an Activity

In such instances where the reduction of lane width changes during an activity, the Promoter must submit a permit variation to the Permit Authority clearly indicating the change applied at the relevant time the change is made. There will be no permit fee for such variations.

For the calculation of changes in such instances, the Permit Authority will determine the timings for such changes based on the receipt of the associated permit variation.

5.8 Works Spanning Multiple Streets

Where activities cover more than one USRN, and therefore a Permit is required for each separate USRN and the work site does not contain any form of junction, then the equivalent of one charge will apply for the entire activities. No permit fees will apply to those activities.

An example is where works are carried out over two USRNs that the lane rental fee will be discounted on each works so that the total fee amounts to a charge for one work only. i.e. 50/50 between the two permits.

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.

5.9 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.

5.10 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.

5.11 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 a lane rental designation, and the traffic control is deployed on a street with a lane rental designation.

5.12 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.

5.13 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.

5.14 Location of a works vehicle

A works vehicle may be parked in a works site if 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 if 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.

5.15 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 for their safe deployment.

For example, it may be possible for excavations to be safely covered during specified times thereby maintaining the carriageway traffic flow or capacity, with traffic control measures deployed outside of specified times only.

This process could be repeated each day throughout the duration of the activities. If such a solution were viable for activities, the Local Highway Authority would consider the duration a reasonable period, recognising that the duration of the activities may be extended to accommodate these measures.

Road plates and/or other materials will need to comply to the tolerances for surface profile as set out in the Specification for the Reinstatement of Openings in Highways and with suitable skid resistance appropriate to the location. Such measures should be checked at regular intervals to ensure they remain in place and in good condition.

5.16 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.

5.17 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.

An example is where a defect / safety issue is made safe by the council in the first instance whilst the responsible Promoter is identified for the necessary remedial activities.

The responsible Promoter should submit the appropriate permit to cover their activities on site, and this work will be liable for charge.

The initial Promoter may recover their reasonable costs from the responsible Promoter, which may include any charges which were applied for the initial period during which they were occupying the highway, prior to the responsible Promoter taking over the activities.

In such instances the council expects the initial Promoter to make best endeavours to mitigate the charges, rather than seek to pass on the charges without having given consideration as to how they might have been avoided or reduced.

5.18 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) Bournemouth, Christchurch and Poole 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 Bournemouth, Christchurch and Poole Council would not have clear sight of as they would not be a requirement of any permit content.
- Where damage to apparatus is because 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.

In such instances the council expects the Promoter to make best endeavours to mitigate the charges, rather than seek to pass on the charges without having given consideration as to how they might have been avoided or reduced.

5.19 Monitoring Activity

The calculation of the daily rate of charge, in most circumstances, is based on the dates specified in the relevant Section 74 notices.

If during the monitoring of activities on the highway, the Permit Authority obtains evidence that the actual activity carried out by the Promoter varied from the notices received and as a result became subject to a daily rate of charge, then all relevant BCPLRS charges or permit fees will apply.

The Permit Authority recognises the effect that unforeseeable circumstances can have on the carrying out of activities and will always consider fairness and any impact when taking appropriate action.

In such circumstances the Promoter is advised to contact the Permit Authority at the earliest opportunity to inform them of the reasons for change and to discuss mitigating action being taken to prevent any unnecessary disruption to the highway.

In all circumstances of monitoring activity, if the Permit Authority considered that an offence has been committed by the Promoter, they may consider applying any relevant sanction or pursuing a prosecution.

5.20 Payment and reconciliation of charges

For the collection of lane rental charges, the Council will follow the same timescales and procedures associated to the Permit Scheme - an account will be issued to a Promoter, who will be provided with the opportunity to reconcile this account, prior to invoicing.

It is expected that the Promoter will also follow the procedures and timescales of the Permit Scheme for the payment and reconciliation of lane rental charges.

The Council will issue an account, setting out the lane rental charges payable to a Promoter no later than three months after receipt of the final notice for the works.

The Council will issue two separate accounts to the Promoter. One for permit fees and one for lane rental charges.

The payment and reconciliation process will follow a similar process to the Permit Scheme fee payment process, following a monthly cycle with a reconciliation period.

The Council will only issue accounts to a Promoter or their agreed representative and reconcile the account with that organisation, not a contractor or third-party.

The activities reference number will be included which is based on the numerical reference generated by the permit system.

5.21 Payment and reconciliation of permit fees

As there is a direct relationship between permit fees and lane rental charges but different timescales to collect payment for either, the Local Highway Authority will undertake the following process to ensure the payments are aligned:

- Permit fees will be applied according to the fees table at the time of granting the PAA, Permit or Permit Variation.

- Where payment of a permit fee has been collected and activities did incur a lane rental charge the collected permit fees will be credited to the Promoter.
- These permit fees will be identified clearly on the reconciliation issued to the Promoter.
- Where a permit fee has not been charged for activities subject to lane rental charges and the activity was either (a) cancelled, (b) did not proceed, or (c) did not become subject to lane rental charge, the permit fee will be charged and collected on the next available billing cycle.

An example of the application of this process is detailed below:

- Permit application on 25th April with activities are not subject to a lane rental charge.
- Permit granted on 26th April - a permit fee is generated.
- Payment of the permit fee is collected in May.
- Activities commence on the 1st June and completed on 5th June and did become subject to a lane rental charge.
- Permit fee paid in May will to be credited to Promoter on the next applicable permit fee billing cycle.

6 Reduced Charges (Discounts)

In accordance with the Lane Rental Regulations, the council may waive or reduce lane rental charges as it deems appropriate.

The Council will apply a discount, as a percentage reduction of the original lane rental charge, to any lane rental charge in specified circumstances. Multiple discounts may apply to a single work up to a total amount of 100% of the lane rental charge.

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).

6.1 Collaborative Works

Any opportunity for two or more Promoters to collaborate their activities to reduce the occupation of the highways 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.

Where two or more sets of works are carried out in collaboration concurrently, the lane rental charge will be discounted by a minimum of 25% for each Promoter during the period of collaboration.

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

6.2 Innovation

Where it is agreed that a Promoter can demonstrate to the Council that an innovative process or work methodology has reduced the detrimental impact of their work, compared to a traditional works methodology, the lane rental charge will be discounted by a minimum of 25%.

6.3 Major Infrastructure Improvements

Discounts up to 100% are available in some circumstances and are considered on a case-by-case basis. For example, any works that:

- Deliver significant infrastructure improvements or upgrades that substantially extend the longevity of, improve or renew an asset.
- Are recognised by the Council to be nationally significant infrastructure projects.
- or
- Install infrastructure specifically to minimise detrimental impact of future works.

6.4 Shuttle Lane lengths for temporary traffic signals

For long length activities, the length of the shuttle lane for any temporary traffic signals can directly affect the scale of the disruption and/or congestion caused by the activities.

The council will give careful consideration as to the most appropriate length of shuttle lane permitted, with regards day-to-day level of disruption against overall duration of the activities.

For example, for activities involving a maximum allowed 100-metre-long shuttle lane resulting in a duration of two weeks, it may be considered preferable to allowing allow a 200-metre-long shuttle lane, which would have allowed activities to be completed within one week.

Reviewing any activities featuring temporary traffic signals, these options will be carefully considered for each location as would the reasonable period for any activities using temporary traffic signals.

The council may consider reducing charges in some instances where a Promoter had reasonably proposed longer shuttle lane lengths in their traffic management proposals to achieve a shorter activities duration, but where it is determined that a shorter shuttle lane over a longer period was more preferable from an overall network impact assessment.

The council will not however consider reducing charges in any instance where a clearly unreasonable and unrealistic shuttle lane length is being proposed. Promoters should not seek to use this provision to artificially reduce charges by proposing a shorter overall activities duration in the knowledge that the Local Highway Authority would not agree to such shuttle lane lengths and may reduce actual lane rental charge liabilities as the final reasonable period agreed would no doubt be longer than the duration originally proposed for the unrealistic traffic control proposals.

7 Lane Rental Inspections

The Local Highway Authority will undertake live site inspections of activities on lane rental streets to check that the activities are being undertaken in accordance with the agreed working arrangements.

There is no specific lane rental inspection category within Street Manager, therefore a Live Site type with Site occupancy category will be used to record a lane rental compliance inspection.

For each inspection an appropriate outcome for the inspection type will be selected to indicate the status of the activities.

- Works stopped – apparatus remaining.
- Work in progress – no carriageway incursion.
- Works in progress.
- Works stopped.
- Unable to complete inspection.

In addition, a code will be added within the text description field to denote the specific results of the lane rental compliance inspection, i.e., whether the activities are adhering to the working arrangements or is not adhering to the working arrangements.

6.1 Inspection failure categories and definitions

- Code LR-A The activities are adhering to the working arrangement for lane rental as defined in the Permit or Licence.
- Code LR-NA-CI. There is non-adherence – Carriageway Impact. The activities are not adhering to the working arrangement in relation to avoiding impact to the carriageway.
- Code LR-NA-TIM. There is non-adherence – Timing. The activities are not adhering to the working arrangement in relation to avoiding working at lane rental times.
- Code LR-NA-EI. There is non-adherence – Environmental Impacts. The activities are not adhering to the working arrangement in relation to avoiding environmental impacts.
- Code LR-NA-DIS. Non-adherence – Discount. The activities are not adhering to the working arrangement in relation to discounts.

- Code LC-NA-WIP. Non-adherence – Work in Progress. An active site should be closed or has been notified as closed.
- Code LR-NA-OTH. Non-adherence – Other. The failure reason is not covered by the defined categories, detailed above.

Where a non-adherence is recorded the council will also send a Comment to the Promoter to inform them of a change to the charge status as appropriate.

7.1 Highway Occupation

Without exception, works will be defined as complete when the Promoter has completed any required reinstatement and:

- removed all signing, lighting and guarding in respect of the works; and
- removed all remaining spoil, unused materials and other plant in respect of works; and
- returned the highway fully to public use (normal traffic capacity).

8 Dispute Resolution

The council is committed to delivering its Network Management duty using all available tools. It is also committed to maintaining a positive working relationship with all stakeholders and particularly those that carry out road and street works on the council Highway Network.

Please see the Code of Practice for Co-ordination of Street Works and Road Works and Related Matters, HAUC (England) Edition, Chapter 13 Dispute Resolution, or the equivalent relevant documents.

8.1 Dispute Review

If agreement cannot be reached locally on any matter arising in relation to the BCPLRS, the dispute will be referred for review on the following basis:

Straightforward issues. Where the council and the Promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of SWHAUC for review.

That review should take place within the timescales set out in the HAUC dispute process, from the date of referral. Both parties will accept the result as binding.

Complex Issues. If the council and the Promoter(s) involved in the dispute think the issues are particularly complex, HAUC(England) will be asked to set up a review panel of four members - two Utilities and two Highway Authorities. One of the four persons will be appointed as Chair of the panel by the HAUC(England) joint chairs.

Each party must make all relevant financial, technical and other information available to the review panel.

The review would normally take place within the timescales set out in the HAUC(England) dispute process, from the date on which the issue is referred to HAUC(England). The conclusions of the review panel will be binding on all parties.

Adjudication. If agreement cannot be reached by the procedure above, the dispute can be referred to independent adjudication. Adjudication within the BCPLRS will only be used if the council and the Promoter(s) agree in relation to the matter under dispute, that:

- the decision of the adjudicator is deemed to be final; and
- the costs of adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them.

Where the adjudication route is followed, the council and the Promoter(s) will apply to the joint chairs of HAUC (UK), who will select and appoint the independent adjudicator from a suitable recognised professional body.

Arbitration. Disputes relating to matters covered by the following sections of NRSWA may be settled by arbitration, as provided for in Section 99 of NRSWA:

- Section 74 (2) - charges for occupation of the highway where works are unreasonably prolonged.
- Section 74A (12) - charges determined by reference to duration of works.

8.2 Sanctions

Regulations 21 to 28 of the Traffic Management Act Permit Scheme (England) Regulations 2007 (and Schedules 1 & 2) authorise BCP as a Permit Authority to issue Fixed Penalty Notices in respect of criminal offences.

8.3 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 managed by BCP.

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

8.4 Section 74 of NRSWA

Bournemouth, Christchurch and Poole Council will continue to apply its powers under Section 74 of NRSWA.

Legislation allows lane rental charges to be applied daily while works are occupying the highway, for the duration of works, but also during days of unreasonably prolonged

occupation (known as overruns under section 74 NRSWA). Lane rental charges may be applied in addition to charges under section 74 for the duration of the overrun.

The regulations make provision (similar to overrun charges) for a one-off charge of £100 (set out in paragraph (8) of the Regulations) to apply (in place of the full daily lane rental charge) 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.

9 IT Systems and Street Gazetteer

As defined by the Bournemouth, Christchurch and Poole Permit Scheme, all permit applications must comply with the definitive format and content of electronic permit applications.

9.1 National Street Gazetteer

The National Street Gazetteer (NSG) and associated additional street data (ASD) will contain the related information for the BCPLRS specified locations.

This data will be kept up to date by the Permit Authority, as NSG Custodian, and no variations to the BCPLRS will come into effect without the relevant updates to the NSG and/or ASD, as required.

10 Evaluation and Governance

In accordance with the Regulations, BCP Council will retain revenues obtained from charges to meet the costs incurred for the efficient operation of the BCPLRS. Any surplus revenues will be applied towards initiatives that are associated to the objectives of the BCPLRS, within the areas of transportation; enabling infrastructure; and industry practices and research and development.

The council will publish periodic evaluation reports, and in accordance with any format or frequency specified in legislation or statutory guidance.

10.1 Parity Obligation

BCPLRS will apply to BCP Council's own works in the same way as it applies to all Promoters activities.

The principles applied to the application of the surplus revenues will be applied equally, without any consideration to the source of the revenue and in consistency to the parity treatment for all Promoters within the BCPLRS.

10.2 Lane Rental Scheme Evaluation

The council recognises the need to evaluate the operational performance of the BCPLRS, both in terms of its efficiency and the effectiveness at meeting its objectives.

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.

See the BCP Council Lane Rental Scheme Evaluation Plan for further details.

Prior to the Governance Group coming into effect, BCP will prepare a full cost-benefit analysis to demonstrate that the overall benefits are sufficient to justify the full costs involved in running the Governance Group.

The Permit Authority will collect data, prior to the BCPLRS coming into effect, to provide a clear evaluation of the benefits achieved from operating the BCPLRS.

10.3 Surplus Revenue Policy

In accordance with the Regulations, the council will retain revenues obtained from charges to meet the costs incurred for operating the BCPLRS, including any subsequent costs required for BCPLRS evaluation.

The Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 requires Highway Authorities to invest at least 50% of surplus funds into highway maintenance.

Any surplus revenues will be applied towards initiatives that are associated to the objectives of the BCPLRS, within the areas shown below.

- Innovation – Techniques, research, and systems, including:
 - Innovation in responses to the Climate Emergency.
 - Developing new disruption saving products, services, or techniques.
 - Improvements in noise, pollution, or safety.
 - Research and development.
- Disruption - Congestion Mitigation, including:
 - Deploying new disruption saving products, services, or techniques.
 - Measures to mitigate congestion and disruption caused by activities, particularly major projects.
- Transport - Transportation Development, including:
 - Sustainable Transport in response to the Climate Emergency.
 - Transportation initiatives.
 - Enabling infrastructure.
 - Active Travel.

- Accessibility.
- Infrastructure – Infrastructure and Apparatus, including:
 - Projects in responses to the Climate Emergency
 - Installing infrastructure to enable apparatus to be accessed without disruption.
 - Measures to improve systems and records.
- Repairing potholes
 - Caused by utility street works (where permitted by regulations).

(The surplus fund can't be used for the repairing of potholes caused by general wear and tear or, for example, bad weather).

Surplus funds may be used for either capital or revenue projects.

To determine the appropriate use of surplus revenues, the Council will establish a Lane Rental Scheme Governance Board, which will operate in accordance with any statutory guidance and will evaluate opportunities or requests for the application of these funds. This board will comprise of:

- Representatives from the regional Joint Utilities Group (comprising water, gas, electricity and communications).
- Representatives from BCP Highways, Permit Authority, Treasurer and Administrator.
- An appointed BCP Board Chair.
- Representatives from the team or body administering the process that evaluates opportunities or requests for funding and monitors and reports on the results.

Requests for allocation of surplus funds will be submitted with a business case setting out estimated costs, benefits; expected outcomes; and time scales.

The principles applied to the application of the surplus revenues will be applied equally, without any consideration as to the original source of the funds and consistent with a parity of approach for all Promoters.

If the person or organisation submitting the request for funding does not have the skills or resources to prepare a business case, a request can be made to the team or body that administers the process for support. Details of relevant forms will be provided on the council website and will be available upon request.

The results of the initiatives undertaken will be published and an objective measurement will be recorded and published in order to identify the end benefit towards the network management and road users in Bournemouth, Christchurch and Poole.

The management of the revenues from the Governance Group will be separate from other BCP revenues.

BCP Council or its agent will keep an account of the revenues and costs associated to the Governance Group, including a record of the application of surplus revenues. These accounts will be published on an annual basis.

10.4 Scheme Variations

Demands on the BCP Council highway network are always subject to change and therefore BCP will always seek to change the BCPLRS to help manage that demand.

It is therefore expected that the BCPLRS and scope may vary to ensure it is providing the necessary powers and tools required by the Permit Authority to meet their statutory duty. There may be a requirement to amend the waivers and/or charge reductions to ensure the incentives from the BCPLRS charges are achieving the desired objectives.

In circumstances where BCP wants to change the BCPLRS, subject to Regulation, any such changes will be formally consulted on, including via SWHAUC. Where applicable, for example, in the amendment to locations or charge bands, associated evidence will be provided to justify the changes requested.

Any changes will not vary the total road length or number of streets or alter the overall ratio of charge bands covered by the BCPLRS from the current number by more than +/- 3% (three per cent).

For more substantial changes to the BCPLRS, such as the scope and structure of the scheme, these cannot be made without the consent of the Secretary of State, in which case a new application and legal Order may be required. In this case a Lane Rental Scheme Joint Development Group will be established which will consider, review and comment on documentation prepared to support formal consultation with stakeholders by Bournemouth, Christchurch and Poole Council for proposed changes to the BCPLRS.

The Joint Lane Rental Development Group will be made up of Officers of the Council, Environmental Health officer(s), local Utility representatives who are members of the Joint Utilities Group (JUG), any consultants or support staff employed by the Council, National Highways, and neighbouring Local Authorities as appropriate.

Formal consultation will follow the most recent published DfT Guidance available at the time the consultation is undertaken.

11 Transitional Arrangements

BCP will provide Promoters with no less than 12 weeks' formal notice for the coming into effect of the BCPLRS.

The basic rules of transition will apply to all works which could be covered by the scope of the BCPLRS:

- i. No lane rental charges will be levied on any works for the first calendar month of Scheme operation following the Scheme coming into effect date, however, the Council still expects all promoters of works in Specified Locations at specified times during this period to best mitigate any disruption their works might cause.

- ii. After the initial calendar month of scheme commencement, the Scheme will apply to all works where the initial permit application, or in cases of Major works, a provisional advanced authorisation, is submitted to the Council after the date the Scheme comes into legal effect.
- iii. All works with a permit granted prior to the Scheme coming into effect will not be subject to lane rental charge (see iv below).
- iv. If any works covered by (iii) are varied by duration or methodology once the Scheme is in effect, they will become subject to lane rental charge from the date that any variation takes effect, beyond the initial calendar month when no lane rental charges will be applied as set out in (i).
- v. All works with a Provisional Advanced Authorisation granted prior to the Scheme coming into effect will not be subject to a lane rental charge, provided the work has started within 24 months of the Scheme coming into effect. Where a subsequent permit application for these works to commence within 24 months of commencement of the scheme has been submitted, but road network coordination considerations prevent the Council from granting the permit, a work will not be subject to a lane rental charge provided the Promoter commences the works at the earliest date at which the Council considers there to be acceptable availability on the road network.
- vi. Any works directly related to works covered by (v), but which will have a separate permit application (such as diversionary works) will also not be subject to a lane rental charge.

In advance of the BCPLRS coming into effect and during the period of notice, the Permit Authority will operate a shadow-running of the BCPLRS for a period of 4 weeks.

This period will provide opportunity for the Promoter and Permit Authority to embed new ways of working, including operating processes and IT system usage.

If, during this period and prior to a BCPLRS coming into effect any Promoter considers that they have a planned activity that may affect their compliance to the BCPLRS, they must contact the Permit Authority at the earliest opportunity to discuss a practical resolution.

During the transition and formal notice period, prior to a BCPLRS coming into effect, no BCPLRS charges will apply.

There are no dis-applied or modified sections from NRSWA because of the BCPLRS coming into effect.

Timeline Overview	Month 1	Month 2	Month 3	Month 4	Month 5
SoS Approval	x				
Notice Given to Promoters		x			
Statutory Instrument Process		x	x	x	

Shadow Running + No Charges				x	
BCPLRS Commences + Charges					x

The timescale has the following steps:

- The Secretary of State's Approval in Month one.
- A statutory notice of the intention is given to the works promoters in month two.
- The statutory instrument is drawn up, which will take place from months two to four.
- The lane rental scheme will shadow the permit scheme with one lane rental charges in month four.
- The lane rental scheme comes into operation with charges applying from month five.

It is noted that this timescale is approximate although the notice period will be adhered to.