

**Create Streets**  
Policy Paper

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## **STREET SCAR**

Why the utilities firms are ruining our streets and how to stop it

## Street Scar

*Why the utilities firms are ruining our streets and how to stop it*

### What are street scars?

We've all seen this: the freshly laid paving, the newly laid granite setts, the Yorkstones lovingly laid on a slow street or in front of a freshly repaired parade of Victorian shops. Within months, weeks or, sometimes days, a slice or a square of them are pulled up thoughtlessly, cracked, smashed or, worse, thrown needlessly away and replaced by a scar of tarmac, a scar which lingers for months or years or forever and which seems to laugh at any local or neighbourhood desire to live in a place with self-worth.



*A street scar that has been in place for several years on Cumberland Road, Bristol<sup>1</sup>*

'I am authority,' it seems to say. 'I am from nowhere. I serve the needs of a nameless, placeless corporation. I don't care about you, your neighbourhood or your friends. You don't matter. Your local aspirations are pointless and petty. Get lost. I don't care.'

You probably know precisely what I mean, but just in case you need reminding, here are a myriad of examples drawn almost at random from our travels up and down the kingdom.

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<sup>1</sup> First photo courtesy of stabilo (@stabiloFFC) / X (twitter.com). Second photo via Google Street View. All other photos are by Create Streets or Tony Travers, unless credited otherwise.



Street Scar: why the utilities firms are ruining our streets and how to stop it



Worcester<sup>2</sup>



Cheltenham<sup>3</sup>



Street scars everywhere on Northumberland Street, Newcastle<sup>4</sup>

<sup>2</sup> Photos courtesy of Worcester Civic Society and Timothy Evans.  
<sup>3</sup> Photos courtesy of Cheltenham Civic Society.  
<sup>4</sup> Via Google Street View.





*King's Lynn.<sup>5</sup> This Heritage Fund funded project has since been remedied although to a lower standard than the original.*



*Crude in Cardiff.<sup>6</sup>*



*A particularly savage street scar in Glasgow.<sup>7</sup>*

<sup>5</sup> Photo courtesy of Edward James, Historic England.

<sup>6</sup> Photos courtesy of Darren McLean.

<sup>7</sup> Photo courtesy of @Joy86760044. This street scar has apparently now been cured thanks to intervention from a local councillor.



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Street scars in London: Seven Dials, Marylebone Lane, Dean Street, Gerrard Street (a particularly longstanding scar) and Blythe Road<sup>8</sup>

<sup>8</sup> Photo of Blythe Road courtesy of Leo Murray.



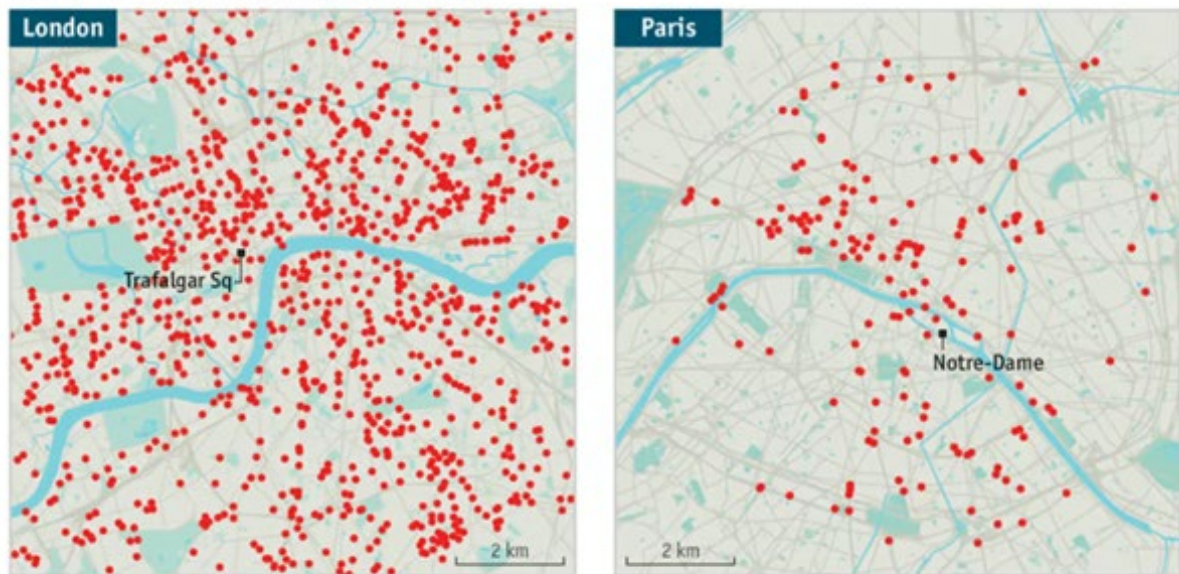
## Why do street scars happen?

Why do street scars happen? As ever, there are cultural and corporate, regulatory and official reasons. All matter, but not all are equally important to trying to fix them.

*First up, Britain has more roadworks.* According to a comparison published in *The Economist*, there simply seem to be more roadworks underway at any one time on British streets than in many other countries.

### London crawling

Roadworks in centre of city, October 17th 2017



Sources: roadworks.org; Open Data Paris

*City centre roadworks in London and Paris on October 17th, 2017: 'London crawling' comparison in *The Economist*<sup>9</sup>*

Presumably this is due to the privatised provision of utilities and their rights, as so-called 'statutory undertakers' under the New Roads and Street Works Act 1991, to take up the road to meet their needs. Thirty years ago this was quite simple, with the majority of road works being undertaken by a handful of utility firms. However, under the Telecommunications Act 1984, OFCOM (formally the Office of Communications, which is the regulatory and competition authority for the UK broadcasting and telecommunications industry) can issue licences to new cable companies, granting them the status of statutory undertaker. This has led to many more companies being able to dig up the road by right.<sup>10</sup>

At least in France, roadworks appear to be more coordinated. There are pros

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<sup>9</sup> Graphics by *The Economist*. Sourced from roadworks.org and Open Data Paris. Since this analysis was conducted in 2017, the Department for Transport has attempted better to regulate the coordination of street and road works. [Code of Practice for the coordination of street and road works: April 2023 \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614443/code_of_practice_for_the_coordination_of_street_and_road_works_april_2023_publishing_service.pdf)

<sup>10</sup> For an example of the challenges in the City of Westminster see: [Street works FAQs | Westminster City Council](https://www.westminster.gov.uk/street-works-faqs)

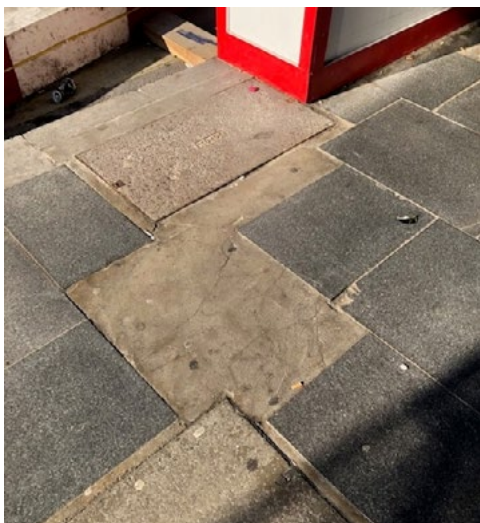
and cons to both approaches of course but the volume of roadworks is a definite disadvantage.

*Secondly, there is clearly a culture of not caring.* Utilities firms clearly employ workers and management processes who could not care less about the quality of their work or its harm to the street scape. Their brand is rarely associated with the damage done, so 'cheap as chips' work is better for them. Frequently, it should be perfectly possible to relay Yorkstones, granite paving or setts but these companies just don't bother. In Cleveland Street in West London, Yorkstones were broken and 'fixed up' with concrete at least two years ago.



*Cleveland Street, West London. Is concrete an appropriate replacement for York Stone? This scar is at least two years' old.*

In Tottenham Court Road recently laid granite paving has been replaced with concrete or tarmac. Who cares? Not the contractors or their employers.



*Tottenham Court Road. Why keep new granite paving when you can replace it with concrete or tarmac?*



There is a regulatory component to this (as discussed below) but there is also a cultural and management side. The utility firms just don't care. However, they should. And they should be embarrassed about not doing so.

Utility firms, contractors or the engineers who work for them sometimes point to specific reasons why they claim it is not possible easily to replace damaged pavements and road surfaces. The most frequent response is that the correct materials are unavailable. As one put it on social media: 'The correct replacement setts are not available.' This is deeply unconvincing. There is enormous consistency of stones up and down the country. Normally the majority of stones or setts do not need to be damaged when laying cables. And even if some are unavoidably damaged, imperfect stones or setts for the interim could always be laid. The teams carrying out the work are simply employed, trained, resourced and rushed to such a point that they either cannot, do not or are not asked to do a proper job. Splodges of tarmac on the street for months or years are a choice, not an obligation.

*Thirdly, that is a statutory and regulatory failure.* Section 70(4) of the New Roads and Street Works Act 1991 states that the statutory undertaker:

*'shall complete the permanent reinstatement of the street as soon as reasonably practicable, and in any event within 6 months from the date on which the interim reinstatement was completed.'*<sup>11</sup>

If a statutory undertaker fails to do so, under Section (6a) they are liable to a fine of up to only £2,500.<sup>12</sup> This is clearly monstrously insufficient for the size of the firms involved and is not working.

Detailed guidance within the Specification for the Reinstatement of Openings in Highways (DfT 2020), also gives much wriggle room for those not wishing to reinstate roads and pavements to their original quality.



*Vassal Road and Black Prince Road, Lambeth*

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<sup>11</sup> Section 70 (4). [New Roads and Street Works Act 1991 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1991/36/section/70)

<sup>12</sup> The fine may not exceed £2,500 on the 'standard scale' Level 4.





Coldharbour Lane, Lambeth<sup>13</sup>

It is true that S1.1.4 requires that 'an interim reinstatement must normally be made permanent within six months.' However, 'permanent reinstatement' is only defined in the regulatory glossary as 'the orderly placement and proper compaction of reinstatement layers up to and including the finished surface' while a separate paragraph (S1.1.3) explains that, 'reinstatement must be carried out using a permitted method incorporating the highest degree of interim or permanent reinstatement, *as considered appropriate for the circumstances in the opinion of the undertaker.*' (our italics). In other words, the fine print is not quite as clear as it might be that you really need to put back what was there in the first place.

Worse, there is little clarity about what is required in 'high duty and high amenity areas' with decision-making again left rather opaque. Stipulation NG8.3 on 'surface reinstatement' of 'high duty and high amenity areas' states that:

1. *'In high duty footways the durability of the wearing surface is of prime importance, so simple cosmetic matching of materials may not be adequate. Specific grades of material such as Yorkstone modules or specific types of construction such as asphalt sand carpet ... may have been laid to give an acceptable performance under extreme conditions. In these cases, similar or equivalent grades of materials will need to be reinstated.'*
2. *In high amenity footways, cosmetic matching of materials at the wearing surface may be of primary importance with durability of secondary importance.*
3. *When identifying a source of materials for reinstatement in high duty and high amenity areas, it is important that the material is suitable and readily available. Availability includes lead-in times for procurement and delivery of specific materials. Technical considerations may include potential for*

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<sup>13</sup> Coldharbour Lane photo courtesy of @ColdWarCliff

*segregation, ease of compaction/installation and requirements for specialist training/accreditation.'*

In short, although there is clear encouragement to put back original materials there is much procedural room for manoeuvre. This is comparable to wider profound problems within the British planning system which until recently has completely failed to set clear and enforceable quality.<sup>14</sup>

At any rate, it clearly isn't working. Some gashes are clearly allowed to linger beyond the six-month deadline, many stones are shattered anyway and, why should neighbourhoods have to wait six months for their high street to be repaired? Removing high quality materials and not replacing them simply because the team making the repairs is too rushed or insufficiently skilled, is ultimately theft from the public and the highways authority.

Officials in some councils point out that highways departments just do not have the capacity or budget to manage this. I suspect some could do better. However, I also sympathise. Stretched resources and competing priorities clearly is a problem in many places. As ever, it will be the poorest councils in the poorest places that are least able to manage the damages inflicted on their streets and squares by heedless and heartless utilities firms.

The net result is a shameful degradation of our public realm. It is careless and needlessly impoverishing of our neighbourhoods.

Some problems are hard, even impossible to resolve. The good news is that this isn't one of those problems.



*Hardman Street, Manchester and Bonn Square, Oxford*

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<sup>14</sup> For a brief summary of this point see Boys Smith and Milner (2020), Where will Thomas and Rebecca live?



## How do we stop street scars?

Here are six suggestions. The first two require legislative amendments to the New Roads and Street Works Act 1991. The third could be undertaken through changing non-statutory guidance under existing legislation. The best way to achieve the fourth requires further research. The fifth and sixth could be done now by the industry, councils and OFCOM if they wished. National arm's-length bodies, such as Active Travel England or the Office for Place, or an industry group, could also provide useful national guidance.

1. *Repairs should be made more quickly.* Statutory undertakers with the rights to dig up the road should only have three months before they must have made a permanent 'like for like' reinstatement.
2. *Fines should be substantially increased* for 'statutory undertakers' who do not meet their obligations and are not timely in their repairs. Fines should be increased from the paltry and ineffective current maximum of £2,500 (Level 4 on the standard scale).
  - a. One option would be to increase the fine to £5,000 per month (or more) for the three months and £10,000 per month (or more) thereafter. After three months, the council can do the work themselves imposing full costs and an additional fine on the utilities firm.
  - b. Another simpler, but possibly less effective option would be simply to increase the maximum fine for failure to either £20,000 or to no upper limit (Level 5 on the standard scale).

At the time of writing (January 2024) the Government is consulting on reforms to regulations relating to lane rental and street works offences. However, although welcome, this will only address the scale of fixed penalty notices (FPNs) for non-compliance, rather than the fines themselves. These charges are currently £120 and it is only proposed to double them. This is unlikely to have any effect on compliance.<sup>15</sup>

3. *'Permanent reinstatement' should be more clearly defined* in *Specification for the Reinstatement of Openings in Highways* as being 'like for like' as set by the local council rather than at the discretion of the 'statutory undertaker.' Similarly, Section 70 (4A) of the 1991 Act sets out that those completing reinstatements shall:

*'within [ 10 ] 2 working days from the date on which the permanent reinstatement required by subsection (4) is completed, give notice to the street authority of that completion, giving such other information about the reinstatement as may be prescribed.'*

It should be possible to prescribe the information required to include 'information about the like-for-like materials used' or 'information which

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<sup>15</sup> The consultation was open from 15 January 2024 until 11 March 2024 and is available here: [Street works: fines and lane rental surplus funds - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/street-works-fines-and-lane-rental-surplus-funds)

confirms that the works were completed to replicate the existing street and street furniture.’ Without having the force of options (1) and (2) above, this is at least easier than making amendments to the Act.

4. *Encourage and incentivise council employees and contractors to be part of the solution.* More tentatively, given the undoubted capacity pressures on councils, are there more efficient ways to encourage public servants and council contractors to report scars in the streetscape? How about a £100 bonus for the nice man who collects our weekly rubbish if he reports a street scar to his council colleagues which has been in place for more than three months? Such a scheme should be worked up in various forms and consulted upon. I suspect that councils could put such a scheme in place tomorrow should they wish. However, they would not be able to recoup costs from utility firms without primary legislation.
5. *Extend the Considerate Constructors scheme to street repairs and include very prompt like for like replacement.* Since 1997 the Considerate Constructors Scheme has existed to discourage builders from enraging the public, harming the local environment or endangering their own workforce.<sup>16</sup> Builders following the code are monitored by independent inspectors against a checklist. Councils often require compliance as a condition of granting planning permission.

In principle, it would be possible for this scheme to be extended to firms conducting street works with clear requirements of quality and timeliness of ‘like for like’ replacement. Alternatively, a new comparable scheme could be created. To have any effect, compliance with the scheme would need to be required as a condition of being granted ‘statutory undertaker’ status. It is not clear how legally enforceable this would be in extremis.

6. *Improve best practice council street design codes on appropriate street materials for different places.* Different paving materials perform differently in different circumstances. Although the main cause of street scars is emphatically culturally and regulatory failure, improved selection of materials for different parts of the public realm would also help. There is good guidance available publicly, for example from the London Borough of Southwark and Surrey County Council (which Create Streets helped draft).<sup>17</sup> The Department for Transport, national arm’s-length bodies, such as Active Travel England or the Office for Place, or an industry group, could also provide useful national guidance which highways authorities could then more speedily and efficiently adopt.

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<sup>16</sup> [Considerate Constructors Scheme \(ccscheme.org.uk\)](https://ccscheme.org.uk)

<sup>17</sup> Southwark Council (2022) SSDM DS.601 Structural design of pavement upper layers (rev I). The guide does not permit rigid bound construction in most situations due to difficulties with reinstatement after utility work. The Healthy Streets for Surrey guidance can be accessed here: <https://healthystreets.surreycc.gov.uk/>



*Horses for courses: a brief note on which materials are best for different locations*

Stone and clay block pavements have existed for millennia. As well as being beautiful, they are durable and improve with age. Their other great advantage is the modular nature of block paving. In theory it can indefinitely be repaired and reinstated, often by hand. However, not all blocks are equal and some choices of materials and construction methods make this a lot harder.

Sometimes paving is constructed using a rigid, bound construction; a concrete base (sometimes reinforced) with a mortar layer and binders. This is bomb proof but extremely difficult and expensive to dig up and repair. Nor is it always possible to reuse the former blocks. The alternative is flexible, unbound construction where pavers are laid on sand which can readily be lifted and replaced. However, concerns about the forces exerted by vehicle wheels means that rigid construction is sometimes preferred. Natural stone setts are now machine cut with very smooth surfaces rather than being rough-hewn. This means they have no natural interlocking strength and need to be laid using bound construction. Larger formats (flags and slabs) can still be laid flexibly.

Materials such as concrete block paving do not weather as well as clay or stone. Therefore, when they are replaced, there is likely to be an unsightly mismatch of colours. There is also a risk with proprietary systems that certain colours, shapes and sizes will be discontinued.

In short, simpler, more natural materials are normally (but not always) best. Good guidance is available, though not all councils appear to have access to it or to follow it.



*Stone paving in the Azores and clay pavers in the Netherlands*

## Why does it matter?

Might this all be a distraction from other more important matters? Emphatically not.

- *People really care about how their local high streets and town centres look* and their physical degradation upsets them and reduces confidence in society, the state and the future. A 2021 poll revealed that physical degradation of streets and buildings was both a major detractor from 'local pride' and that people cared about this. Local parks, historic buildings and high streets were the physical attributes people most cared about. Anti-social behaviour and the decline of the high street were the main reasons cited for declining civic pride.<sup>18</sup> Ed Dorrell from Public First, who commissioned the poll concluded:

*'This goes to show just how strongly voters in red-wall areas are desperate to be proud of the places in which they live and for them to be less shabby and less run down. Surely a clean, bustling high street free of graffiti – with the threat of petit crime minimised – and a refurbished civic building or two is not too much to ask.'*<sup>19</sup>

This care is reflected in our own social media call for examples of Street Scars on 19 November 2023 which led to 1,500 'likes' and 'reposts, and over 130 replies and suggestions.<sup>20</sup>

- *This is a way to improve Britain without needing to raise taxes* as the cost of any fines would fall upon utilities firms. If they managed their work flow better then they should be able to minimise the additional costs.
- *The utility firms can afford it.* Although they are presented with very high operating and financing costs, most of the utility firms nevertheless remain in rude financial health. For example, in 2022-23 the total profit before tax of the eight main English water firm totalled over £3 billion.

	Revenue	Operating Profit	Profit Before Tax
	£m	£m	£m
Thames Water	£2,265	£356	£2
Severn Trent	£2,165	£509	£168
United Utilities	£1,824	£441	£256
Anglian Water	£1,495	£424	£359
Yorkshire Water	£1,145	£237	£723
Northumbrian Water	£849	£212	-£49
Southern Water	£792	-£18	£369
South West Water	£543	£100	£1,264
<b>Total</b>	<b>£11,078</b>	<b>£2,261</b>	<b>£3,092</b>

*Water firm revenues, operating profit and profit before tax, 2022-23<sup>21</sup>*

<sup>18</sup> [Levelling Up Poll.pdf \(publicfirst.co.uk\)](#)

<sup>19</sup> [What voters actually want levelling up to achieve is pretty simple | The Independent](#)

<sup>20</sup> <https://x.com/createstreets/status/1726205244059869646?s=20>

<sup>21</sup> Sourced from company annual reports. United Utilities reported underlying PBT of -£34m



- *This is a way to level up Britain as many poorer councils are least able to enforce the law.* Councils in high land value areas such as London receive large so-called Section 106 payments and more council tax and business rate income. If they wish, they are better able to enforce the current law. These proposals would create self-funding mechanisms for councils in less prosperous neighbourhoods to do the same.



*A recently laid, and more recently ruined pavement, in Stoke-on-Trent*



*Making Ampthill in Bedfordshire a little bit worse*



*More scar than street? The area by London's Waterloo and South Bank is particularly badly damaged (left). Queen Street in Cardiff (right).<sup>22</sup>*



*Tarmac replaces the original surface in Kensington Gardens, W8*

### **Acknowledgements**

I would like to thank the infinitely wise Professor Tony Travers of the London School of Economics. A conversation with him was the genesis of this paper. Thank you to everyone who has kindly permitted use of their photographs of Britain's 'Street Scars', to officials and lawyers who have graciously responded to my niggly questions and to the expert team at Create Streets, above all Tom Noble, for helping me fine tune some of the details and ideas.

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<sup>22</sup> Photo courtesy of Darren McLean.



## GET IN TOUCH

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