



## The Cost of Not Filling That Hole

Cycling UK submitted freedom of information requests to 212 highways authorities across the UK enquiring as to the spending by highways authorities on compensation and legal costs for pothole related incidents.

### Summary

**A long-term failure on the part of the Government to ensure local authorities have the necessary funding to maintain their roads and tackle potholes has left local authorities with an estimated £72 million bill in compensation and legal costs since 2013.**

**These costs arose from claims related to an estimated 43,000 individual potholes. If local authorities were better funded and able to focus on the longer term, this £72 Million could have fixed 1.4 million potholes, and local authorities could have avoided many compensation claims being made in the first place, while making our roads significantly safer.**

**To avoid the continuation of this trend over the next 5 years, and to ensure money is being spent on improving our roads rather than compensation, the Government must better fund local authorities so that they can quickly and proactively tackle potholes *before* they cause damage and injury, while also tacking the backlog of potholes nationwide.**

At the time of writing, responses were received from 156 authorities. Below are a detailed breakdown of the key findings.

### **1. The Economic Cost to Highways Authorities**

156 highways authorities have spent a total of £43 million (£43,322,360.20) on pothole compensation claims between 2013-17, with an average spend of £277,707.44 per authority. Based on this average, Cycling UK estimates that highways authorities across the UK incurred direct costs of around £72 million (£72,444,910.42).

This £72 million figure represents 28% of the government's £250 million, 5 year 'Pothole Action Fund' announced in 2013.

The £43 million in costs were incurred by a total of 31,563 individual claims – and therefore from (a maximum of) 31,563 potholes. The failure to fix these potholes therefore cost authorities an average of £1,372.57 per pothole, whereas fixing these potholes would have cost an average of just £53 each<sup>1</sup>.

If this £43 million had been spent proactively to fix potholes before they were caused damage or injury, it could have fixed 817,000 potholes. The estimated spend of £72 million across the country could have fixed 1.4 million potholes.

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<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/572825/roads-investment-roads-funding-package.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/572825/roads-investment-roads-funding-package.pdf)



On top of this, Department for Transport (DfT) estimates suggest that 'slight injuries' caused by road traffic incidents incur a wider economic cost of £15,951<sup>2</sup> per incident, on police, the NHS, and workplace losses. We know that the majority of cyclist claims relate to serious injury (see below) and know that the 670 successful or settled cyclist claims in this data do not represent all cyclist injuries arising from potholes, as many cyclists are injured but unable to make successful claims. It can therefore be estimated that potholes cost the wider economy a further £10.6 million (£10,687,170) between 2013-17.

Certain councils have spent as much or more in compensation and legal costs since 2013 than they have in actually repairing potholes via the "Pothole Action Fund" since 2015. (More details in the council case studies and top/bottom 10 lists below)

## **2. The Risks to Cyclists and the Human Cost**

The figures also show that potholes pose a significant risk of serious injury to cyclists, and that cyclists are more vulnerable to potholes than motorists.

Where a cyclist's claim for personal injury or damage to property is successful, they are awarded on average 13x more than motorists (£10,963.15 compared to £841.26), highlighting that potholes are more likely to cause serious harm to cyclists than drivers.

Based on these averages, we know that the majority of cyclist claims relate to personal injuries, while the majority of motorist claims relate to damage to property.

This highlights that potholes are not merely a nuisance, but that they pose a real risk of physical harm to cyclists, and therefore can be considered a significant danger on our roads.

The figures also indicate that cyclists are twice as likely to suffer damage or injury caused by potholes than drivers. Between 2013-16, cyclists made 53.62 successful or settled per billion vehicle miles travelled, compared to 25.26 for motorists. This is not to suggest that potholes are not a serious issue for all road users, but highlights that cyclists are the group at highest risk, and that by fixing potholes, the potholes pose a serious risk to cycle safety.

In total, 670 successful or settled claims were made by cyclists between 2013-17. We know from our case studies that many individual cyclists who suffer injuries from potholes do not make successful claims, and the number of total injuries due to potholes is therefore likely to be far in excess of this number. We also know that 390 people have been killed or seriously injured by pothole related incidents in the last 5 years.<sup>3</sup>

Clearly, potholes are a real and active threat to cyclists' safety on our roads and are likely a contributory factor to the 59% of the public who consider our roads too dangerous to cycle on.

## **3. Council Case Studies**

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<sup>2</sup> <https://www.gov.uk/government/statistical-data-sets/ras60-average-value-of-preventing-road-accidents#table-ras60001>

<sup>3</sup> <https://www.cyclinguk.org/press-release/390-cyclists-killed-or-seriously-injured-2007-due-potholes>

- Between 2016 and 2017 Devon County Council spent a total of £5.4 million<sup>4</sup> on repairs to potholes, but since 2013 it has spent almost the same amount - £5.2 million - on paying compensation and legal costs for pothole related accidents from just 1567 individual claims – and therefore 1567 individual potholes.<sup>5</sup> Had this £5.2 million been spent at an earlier stage, it could have been used to fix almost 100,000 potholes, improving the roads while also reducing compensation and legal costs.
- Since 2015 Surrey County Council received £2,381,000 from the Pothole Action Fund<sup>6</sup>. Between 2013-17, it has spent more than this - £2.5 million<sup>7</sup> - in compensation claims (not including legal costs, data for which was not provided).
- Equally, other councils have kept compensation and legal costs down, freeing up funds to invest in public services. For example, Cornwall spent just 3% of what its neighbouring county Devon spent on compensation and legal costs, despite having 66% of Devon's population and 50% of its road length.<sup>8</sup>

#### 4. Top/Bottom 10 Tables (by highways authority):

##### A. Councils with the highest total compensation pay-outs in pot-hole related claims between 2013-17 (cyclists only):<sup>9</sup>

Position	Council/Authority	Total Spend (excl. legal)
1	Somerset <sup>10</sup>	£2,475,588.08
2	Essex	£436,729.99
3	Cumbria	£342,860.00
4	Calderdale	£259,180.71
5	Leeds	£186,073
6	Windsor and Maidenhead	£178,862.18
7	Wiltshire	£175,731.79

<sup>4</sup> 5,387,027 - [https://new.devon.gov.uk/accesstoinformation/archives/infomation\\_request/figures-regarding-potholes-fixed-spend-and-claims](https://new.devon.gov.uk/accesstoinformation/archives/infomation_request/figures-regarding-potholes-fixed-spend-and-claims)

<sup>5</sup> £5,239,755 in total - £3,618,952.00 on compensation claims and £1,620,803.00 legal costs.

<sup>6</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/514524/160321-highways-maintenance-201516-201617.csv/preview](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514524/160321-highways-maintenance-201516-201617.csv/preview),  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/583263/roads-funding-information-pack.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/583263/roads-funding-information-pack.pdf)

<sup>7</sup> £2,468,941

<sup>8</sup> Cornwall spent £180,418.20 on compensation and legal costs from 2013-17, while Devon spent £5,239,755. Cornwall unitary authority has a population of 536,000 and 4545 miles of roads, compared to Devon's population of 765,302 and 8,000 miles of roads.

<sup>9</sup> Please note, some councils did not specify separately between cyclists and motorists. This table represents the top 10 councils which answered specifically to cyclists.

<sup>10</sup> Please note that the vast majority of Somerset's compensation payments related to a single case and it can therefore be considered an anomaly.

8	Barnsley	£161,432.41
9	Oxfordshire	£151,244
10	Glasgow	£144,755.28

B. Councils with the highest total number of successful or settled claimants in pot-hole related claims between 2013-17 (cyclists only)<sup>11</sup>

Position	Council/Authority	Total Successful Claims
1	Salford	59
2	Wiltshire	40
3	Gateshead	31
4	Oxfordshire	29
5	Essex	28
6	Hampshire	26
7	Cambridgeshire	25
8	Stockport	24
=9	Cumbria	23
=9	Glasgow	23

C. Councils with the highest total compensation pay-outs and legal costs in pot-hole related claims between 2013-17 (cyclists and motorists):

Position	Council/Authority	Total Spend (including legal costs)
1	Devon	£5,239,755.00
2	Manchester	£3,418,669
3	Somerset <sup>12</sup>	£3,234,394.50
4	Surrey	£2,468,941
5	Walsall	£1,633,239.38
6	Birmingham	£1,252,935.32
7	Rotherham Metropolitan Borough Council	£1,176,933.00
8	Bradford Metropolitan Council	£1,097,127.00
9	Essex	£897,419.84
10	Wirral	£860,841.88

<sup>11</sup> Please note, some councils did not specify separately between cyclists and motorists. This table represents the top 10 councils which answered specifically to cyclists.

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D. Councils with the lowest total compensation pay-outs to in pot-hole related claims between 2013-17 (cyclists and motorists):

Position	Council/Authority	Total Spend (excl. legal)
1	Thurrock	£0
2	Comhairle nan Eilean Siar (Western Isles Council)	£0
3	Isle of Scilly	£80
4	Orkney	£89.57
5	Moray	£112.5
6	Shetland	£188.70
7	Ceredigion	£250
8	Blaenau Gwent County Borough	£1049.25
9	Halton Borough Council	£1128
10	Rutland County Council	£1346.83

E. Councils with the highest total number of successful claimants in pot-hole related claims between 2013-17 (cyclists and motorists):

Position	Council/Authority	Total No Successful/Settled Claims
1	Lincolnshire	2887
2	Surrey	2533
3	Hampshire	2366
4	Wiltshire	1675
5	Devon	1567
6	Highways England	1172
7	Herefordshire	964
8	West Sussex	850
9	Leeds	756
10	Oxfordshire	722

## 5. Case Studies – The Human Cost of Potholes

### Andrew Slorance, Edinburgh

Andrew, a 47-year-old father of 5, has been regular cyclist since his teens. He had never had an accident until 2013, when he was commuting home in Edinburgh and hit a pothole, which had exposed the corner of a man hole cover.

He lost control and hit the ground with his right side, breaking his elbow and busting his top lip with his front teeth. He was lucky to avoid moving traffic around him, some of whom helped him up and

called an ambulance. Although he was discharged the same day, he returned to hospital to have pins put in his arm, and to this day he cannot extend his left arm 100%. He was off work for a few weeks, received physio therapy and was unfit to ride his bicycle for 6 months. It took him another year or so after that to build up the confidence to begin commuting by bicycle again.

Although he tried to seek compensation for his injuries (and his ruined bicycle), he was unable to prove that the pothole in question had been there for a sufficient length of time, or had been reported to Edinburgh City Council.

Potholes clearly pose a serious and real risk to even the most experienced cyclists, causing serious injuries which can significantly impact on long term wellbeing, as well as incurring further significant costs to the NHS and workplaces.



#### Richard and Janet Smith, Winchester

In July 2017, Janet Smith was cycling with her husband, Richard, when she was forced to the edge of the road by a close passing car and hit a pothole. She lost control and suffered a concussion, severe



cuts and bruises to knees, elbows and her face, and knocked her two top teeth out through her top lip. She needed 15 stitches in total, to the inside and outside of her mouth, and was in hospital for 2 days. As well as the costing the NHS, the damage to her teeth has left her with £3000 in dental fees.

No claim was made against the council as Janet felt this would be too much effort and unlikely to succeed as it would be impossible to prove how long the pothole had been present.