Permission to disagree

Richard Wakelen, chief executive of the National Joint Utilities Group – the UK's trade association representing utilities involved in street works – is questioning the robustness of the Department for Transport's *Regulatory impact assessment* report on new permits schemes for utilities undertaking street works.

I just can't see the benefits of the Government's proposed new permits schemes for works in the highway. The Department for Transport (DfT) included the proposals in the draft Traffic Management (Permit Schemes) Regulations that were laid before Parliament in July.

Under the proposals, local authorities can introduce a new permit scheme requiring both highways authorities and utilities to apply for permission to undertake road and street works. Local authorities can also impose certain conditions about where and when works take place which could increase both the environmental impact and cost of works in the street.

But we do not believe the DfT's *Regulatory impact assessment* (RIA) report that accompanied the draft regulations demonstrates any further benefits than those already arising from the revamp of the existing Noticing system.

The Street Works (Registers, Notices, Directions and Designations) Regulations come into force on 1 April 2008. Surely it makes sense to give them sufficient time to demonstrate reductions in disruption, and make an effective evaluation before introducing permit schemes? As well as that, the RIA on the new permit scheme proposals doesn't meet the standards recommended by the Better Regulation Commission and signed on to by Government to sufficiently quantify the costs and benefits of the proposed regulations.

The RIA does not fully recognise the costs the new scheme will impose on utility companies and their customers. It also fails to acknowledge the wider benefits essential utility services, and the necessary street works which deliver such services, bring to the UK economy, including using technology – tele and video-conferencing – to reduce travel.

A robust and accurate regulatory impact assessment is essential to properly inform legislators when deciding whether regulation is the right solution for the country. While we have supported the department by providing accurate information to form the base data on which benefits and costs should be calculated, the permit scheme's RIA has underestimated the number of works each year by around 60 %. It also made a number of assumptions leading to an inaccurate analysis of costs and benefits. I'm therefore concerned that parliamentarians and local authorities will not be able to make the best decision for the country, based on the information they have received.

Richard Wakelen questions the permit schemes

I and my fellow NJUG members actively support the DfT's objectives of reducing congestion. We understand the department's hope that the new permit scheme will reduce disruption by enabling local authorities to proactively co-ordinate road and street works, and other such activities.

But, if permits are applied in a blanket way to all works on all streets, local authorities and utilities will become bogged down in administering large numbers of permit applications for small-scale works with only limited impact.

Rather, greater focus should be placed on planning and co-ordinating those works which cause most disruption. We believe that if permits are to be introduced, they should only apply to major works on the busiest roads where congestion is greatest.

Many member companies are already working together, and with local authorities. The greatest reduction in disruption will be by utilities supporting local authorities in their Network Management Duty to plan and co-ordinate works effectively. We do, however, recognise some positive outcomes from the report.

We're pleased to see a requirement for transparency by local authorities. It is fair and right that local authorities must demonstrate the benefits of each proposed permit scheme, how they will measure costs and benefits, and therefore, how any fee is calculated, particularly as these unavoidable costs will, ultimately, be borne by the consumer.

It's also good that the same permit scheme regulations must apply equally to highway authorities' works for road improvement purposes, such as road resurfacing, as well as utility companies' essential works to ensure the delivery of safe, secure and reliable water, energy and communications services on which we all rely.

NJUG members remain keen to work further with local authorities to co-ordinate planned works, but we need assurances that they are unable to impose unnecessary or onerous conditions on utilities companies.

Any such conditions will increase costs to utility companies – hence, increasing costs to our customers – and impact on our ability to deliver the major investment programmes necessary to ensure we can all be confident that when we turn on the lights, hob, tap, TV or PC, we all get the services we need.

Finally, we are yet to understand how the Government will deliver its promise of a 'level playing field' with respect to highway and utility works, given the delay in introducing key performance indicators to measure highway authorities' own works.

- **Dr Mark Young** is a research lecturer at Brunel University and led the project. A full paper is due to be published in *Contemporary ergonomics 2007* (Taylor & Francis).

* *Circular 03/07: Town and country planning (control of advertisements) (England) regulations 2007.*