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26 February 2009

Clare Carey
Department for Regional Development
Roads Service Headquarters
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Dear Ms Carey,

I am writing on behalf of the National Joint Utilities Group (NJUG)[1] in response to the Northern Ireland Executive's consultation, "Policy Proposals for a Roads (Miscellaneous Provisions) Bill". Our responses to the questions can be found at the end of this letter.

NJUG was formed in 1977 and is the only UK industry association representing utilities on street works issues. Our focus is on promoting safety; the prevention of damage to underground assets; quality and sustainability of street works; sharing of best practice; self-regulation; and a two-way working relationship with Government, local authorities, and other key stakeholders to minimise disruption.

NJUG is also the utility arm of the Highway Authorities and Utilities Committee, known as HAUC (UK)[2], and its subsidiary, the Northern Ireland Road Authorities and Utilities Committee (NIRAUC)[3]. Through the latter, NJUG members work collaboratively with local authorities to better standards of roads in Northern Ireland.

It is essential that utilities are able to conduct their necessary works to ensure supply of essential utilities such as water, gas, electricity and telecommunications services. To this end, our members undertake street works for four reasons – safety, security of supply, to connect or upgrade customers' supplies, or to divert apparatus to facilitate major transport or urban regeneration projects.

While research has indicated that the majority of congestion is in fact not attributable to utility street works[4], our members have implemented a number of voluntary measures to reduce the unfortunate disruption that can sometimes occur as a result of our essential works. This includes the widespread use of minimum-dig techniques wherever practical and cost-effective and advance-planning pilots to co-ordinate planned works where possible. Such schemes are already underway in London (involving EDF Energy, National Grid, Thames Water and Southern Gas Networks) and the West Midlands (National Grid, Severn Trent Water, United Utilities and South Staffs Water and Central Networks), while additional schemes are being considered and started in other areas of the UK. A large number of industry's efforts, in line with our *Vision for Street Works*[5], were highlighted at the NJUG Awards 2008, the submissions for which are in the process of being turned into case studies[6].

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[1] NJUG's current members are Energy Networks Association (representing electricity and gas), Water UK (representing all water and wastewater companies), National Grid, BT, Virgin Media and THUS, a Cable and Wireless Business. Our associate members are Clancy Docwra, Skanska McNicholas, Balfour Beatty, Morrison, Morgan Est, NACAP, PJ Keary, First Intervention, Carillion and Enterprise. Including members through trade associations, NJUG represents thirty-eight utility companies.
[2] http://www.hauc-uk.org.uk/
[3] http://www.nirauc.freeuk.com/
[4] Professor Phil Goodwin identified in his study "Utilities' Street Works and the Cost of Traffic Congestion" (2005) that "not more than about 5% of congestion is due to street works. The great majority of works cause delays of less than 20 seconds per vehicle". The document can be found in full at: http://www.njug.org.uk/publication/93
[5] http://www.njug.org.uk/category/3/pageid/8/
[6] These are available from the NJUG website at http://www.njug.org.uk/category/3/pageid/7/.

NJUG represents utilities in discussions with Government and other key stakeholders to seek to ensure that any legislative or regulatory proposals are fair, workable and do not place unnecessary burden on utilities and their customers. This includes permit schemes, and we therefore welcome the opportunity to comment on this related consultation.

To date NJUG has established successful dialogues with local authorities (such as Kent County Council) considering permit proposals, which we believe will result in workable schemes. While NJUG does not believe permits will have the intended effect of reducing congestion[7], we are committed to assisting Government in its efforts to reduce congestion and to making sure that any permit schemes brought in are both workable and efficient. To this end, please find below our responses to the specific questions highlighted in your consultation document.

Permit schemes for works on roads
3.1.9

(a) The requirement for a permit to be obtained from the Department before works can be carried out in the public road, in order to improve control and coordination of works/activities.

To enable the Roads Service to efficiently manage the Northern Ireland road network any permit scheme should apply to all activities that may affect congestion within the highway.

(b) The application of the different rates of charges for permits, depending on traffic flows on the road and the proposed duration of the works/activities.

Roads that do not attract congestion should not be included within a permit scheme. Charges should only relate to the additional costs incurred in operating a permit scheme and not be related to the works activity being undertaken. There should be no profit loading which this proposal would allow.

(c) The attachment of conditions to the permit that would require promoters to carry out their works/activities on particular dates and/or particular times, or preventing them from working on particular dates or at particular times.

Conditions are required in certain circumstances but should not be unreasonably applied. They should take into account such factors as environmental issues, public transport and parking suspensions.

Road closures for filming and special events
3.2.14

(a) Proposed restrictions on duration and frequency of closures for filming/events to be held on any particular roads (or stretch of road).

The proposed restrictions on duration and frequency of closures for filming/events must allow for utility emergency and urgent works. A three day restriction is unlikely to affect the ability to competitively provide customer connections within industry timescales and is acceptable if emergency and urgent works can be accommodated. Suitable advance notice of a closure is required to allow utility scheduling of planned works.

(b) ***Proposals to allow duration/frequency of events to be exceeded with the Department's consent.***

If the maximum period of 3 days is to be exceeded it is essential that the Department ensures that adequate advance notice of any closure is given. Also provision should be made for utility "access windows" within prolonged closures so that normal utility network responsibilities can be undertaken.

(c) Power to enable the Department and/or District Councils to recover their costs, including traffic management or additional street cleaning costs, arising directly out of the filming/event from the promoter.

It is quite reasonable for the Department and other statutory agencies to recover their reasonable costs incurred.

[7] In fact recent independent research by the Regulatory Policy Institute has indicated that the original research conducted by Government, failed consistently to both justify the need for permit schemes (over and above existing regulation), and prove how they would reduce congestion. The report can be found at http://www.njug.org.uk/uploads/0809_Permit_schemes_-_RPI_final_report.pdf.

Rule making procedures of the Traffic Management (Northern Ireland) Order 2005
3.3.6

NJUG has no comment on this proposal.

Power to hold an enquiry
3.4.4

Comments on this proposal:

The right of an individual, organisation or company to appeal must be maintained. Any extension of the ability to appeal against new laws previously prevented by legislation is welcomed as it compliments a democratic society.

FURTHER COMMENTS:

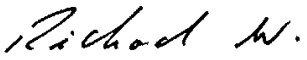
1. The Street Works (Amendment) (Northern Ireland) Order 2007 includes enabling powers to introduce a street works permit scheme. Utilities campaigned against the permit proposals as the existing noticing system is deemed to be perfectly adequate if carried out correctly with the Roads Service co-ordinating noticed works. Also there was scant evidence of any data to prove that a permit scheme will do anything that a noticing regime does not for utility emergency and urgent works. A three day restriction is unlikely to affect the ability already achieved if operated correctly. Utility costs will rise with the introduction of a permit scheme and the effects of increased costs must be considered within the Northern Ireland plc economy. Any noticing or permit scheme can only be successful if applied to all road activities that are likely to cause congestion on heavily trafficked roads.

2. This Bill proposes to introduce a power enabling the Department to make a permit scheme in respect of other works on roads which will allow across the board network management of the Northern Ireland road matrix and is supported if permits are to be introduced.

3. Paragraph 3.1.7 refers to costs of permits for other works on roads being in line with any permit schemes in England and Wales. There are no equivalent schemes for development works and road works in England and Wales where they will not attract a fee.

If you have any queries relating to our responses, or overall in general, please do not hesitate to contact the NJUG Secretariat on 0207 340 1423 or at info@njug.org.uk.

Yours sincerely,



Richard Wakelen
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