



Northern Ireland
Assembly

**COMMITTEE FOR
REGIONAL DEVELOPMENT**

**OFFICIAL REPORT
(Hansard)**

Roads (Miscellaneous Provisions) Bill

27 January 2010

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Miss Michelle McIlveen (Deputy Chairperson)

Mr Allan Bresland

Mr Willie Clarke

Mr Tommy Gallagher

Mr Raymond McCartney

Mr Ian McCrea

Mr George Robinson

Mr Brian Wilson

Witness:

Mr Desmond McKibbin) Northern Ireland Assembly

The Deputy Chairperson (Miss McIlveen):

The Roads (Miscellaneous Provisions) Bill passed its First Stage on 18 January 2010 and its Second Stage on 26 January 2010 and stands referred to this Committee for its Committee Stage. I welcome Mr Desmond McKibbin from the Assembly's Research and Library Service, who is here to present a research paper on the Bill.

Mr Desmond McKibbin (Northern Ireland Assembly):

The Roads (Miscellaneous Provisions) Bill introduces a number of new measures to update and amend roads-related legislation in Northern Ireland. According to Roads Service's policy consultation paper, the Bill will enable the Department for Regional Development to:

“improve the quality and cost-effectiveness of the public services it provides, and improve the utility of existing transport

infrastructure.”

That aim will be achieved through two new provisions. One will give local councils the power to manage events on roads, such as closure for the purposes of filming, and the other will give the Department the power to provide permit schemes for work on roads. The powers will allow for better management of possible disruptions and will offer the potential to generate income.

I will begin by giving an explanation of the need for permit schemes and explore the issue of closure of roads for special events, after which I will outline how similar legislation has been applied in other legislatures.

Roadworks cause much disruption to the roads network in Northern Ireland, leading to congestion and delays. Current transport statistics suggest that the level of road use is still rising annually; that can only mean that congestion and delays will worsen. In addition to the works that the Department needs to carry out to maintain the road network, the utility companies contribute significantly to the disruption, with more than 35,000 road openings per annum. Although there is no question that such work is essential, the proposed permit scheme is designed to allow for better management of roadworks, which would minimise disruption by specifying start and finish dates and allowing for forward planning.

The Street Works (Amendment) (Northern Ireland) Order 2007 introduced permit requirements, largely for street works carried out by utility companies. However, the consultation on the Roads (Miscellaneous Provisions) Bill identified the need for such schemes to apply to all types of roadworks, and, therefore, it proposes to include private contractors as well as utility companies.

The Bill proposes a paid permit scheme for those who are contracted to carry out roadworks. It will introduce a fee for a permit application, the issuing of a permit and an application to change a permit. The policy consultation paper contains a suggestion that any charges for permit schemes would be in line with their equivalents in England and Wales.

The Bill is similar in composition to part 3 of the Traffic Management Act 2004, which provides for permit schemes on public roads in the UK. Although there is no current indication that councils in England charge for permits, the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) (Amendment) Regulations 2009 apply to every

publicly maintained highway. Charges may have yet to be applied because those regulations provide — as does the Roads (Miscellaneous Provisions) Bill — for circumstances in which a fee is not necessary, such as works in non traffic-sensitive streets or works in traffic-sensitive streets at non traffic-sensitive times. The costs associated with those permits are set at different levels according to the importance of the street.

A permit scheme came into effect on London's busiest roads on 11 January 2010. The scheme, which affects 18 boroughs, requires utility companies and other companies to apply for permits to dig up roads. It will aim to reduce disruption by imposing penalties on companies that fail to complete works on time. Each permit will cost £240, but companies could face fines of up to £5,000 for breaching the regulations.

During the consultation on the introduction of charges for permits in Northern Ireland, British Telecom (BT), Northern Ireland Electricity (NIE) and the National Joint Utilities Group (NJUG) took the view that charges for permits should be associated only with costs incurred by the Department for Regional Development. That view seems to be in line with what is happening in England, where charges for permits in London will be imposed only on companies that carry out works on the city's busiest roads.

The PSNI and some local councils have lobbied the Department for Regional Development to introduce statutory powers to clarify and regulate better the closure of roads for events. The police facilitate events such as the Belfast marathon, through the temporary closing of roads as provided for in article 32 of the Road Traffic Regulation (Northern Ireland) Order 1997. Clause 6 of the Roads (Miscellaneous Provisions) Bill amends the 1997 Order and will enable local councils to prohibit or restrict the use of roads for the purpose of holding special events, such as any sporting or social event or entertainment that is held on a public road, or, additionally, the making of a film on a public road. The Bill introduces a major amendment to the 1997 Order, in that it will provide the power to prohibit temporarily or restrict traffic on roads to facilitate the making of a film.

The London Local Authorities and Transport for London Act 2008 allows traffic authorities to close roads or highways in London for the specific purpose of filming. According to the film and media agency Film London, the legislation was most welcome and very necessary in order that London could be viewed as a world-class location in which to film. Previous legislation was

ambiguous about what constituted a relevant event and was, therefore, regarded as a major disadvantage when compared with similar provision in cities worldwide.

It is widely accepted that filming on location provides many direct economic benefits for the location through job creation and, indirectly, through its propensity to promote tourism to film locations. The London legislation allows for closures to happen more frequently and for longer periods. The implementation of an order or a notice involves fees, which are set out in annex 1 to my research paper. Those fees, and the lead-in times for applications, differ from borough to borough. The production companies are also responsible for costs associated with the necessary traffic management plans, such as signage or any policing or security that is required.

The Deputy Chairperson:

No Committee members have indicated that they wish to ask questions. Thank you for your presentation. It will inform us as we proceed with the Bill's Committee Stage.