



DfI

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Amendments to permissible vehicle weights and dimensions, including to incentivise cleaner fuel technologies, and other associated proposals

Regulatory Impact Assessment

February 2017

Title: Amendments to permissible vehicle weights and dimensions, including to incentivise cleaner fuel technologies, and other associated proposals	Regulatory Impact Assessment (RIA)	
	Date: February 2017	
	Type of measure: Subordinate Legislation	
Lead department or agency: Department of Environment	Stage: Initial	
	Source of intervention: EU Directive	
Other departments or agencies: DVA (for testing and enforcement purposes)	Contact details: Alex Boyle	
	Safe and Sustainable Travel Division	
	DfI	

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary? (7 lines maximum)

Directive (EU) 2015/719 was published on 6 May 2015 and amends Directive 96/53/EC which lays down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic. Northern Ireland, as part of the UK Member State, is obliged under EU law to transpose it by 7 May 2017 therefore Government intervention is necessary to transpose the EU Directive by regulation. There are no alternatives to regulation.

What are the policy objectives and the intended effects? (7 lines maximum)

The Directive looks to improve Member States' enforcement regimes, without being onerous, permits heavier buses and makes allowance for extra weight for vehicles with alternative fuel power trains where these are heavier than conventional fuel engines. It also looks to help facilitate intermodal transport. The Directive will also require that a haulier receives a statement indicating the weight of a container or swap body to be operated from a shipper. This will help to address concern that the actual weight may be higher than the lorry can carry and help mitigate against the risk of the haulier being penalised should he be stopped by enforcement authorities and he is unaware that his vehicle is overloaded. If the vehicle is found to be overloaded, the shipper could be found to be liable if they have not provided this information or if it is incorrect.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum)

Doing nothing (Option 1) is the status quo.

Option 2: Transpose the new Regulation - The domestic legislative framework will be updated by 7 May 2017. Our preferred option is Option 2 as the Department deems that there are no alternatives to regulation. This Directive necessitates the amendment of the Motor Vehicles (Construction and Use) Regulations (NI) 1999 and The Motor Vehicles (Authorised Weight) Regulations (NI) 1999 as well as possibly entirely new legislation.

Will the policy be reviewed? No

If applicable, set review date: NA

Cost of Preferred (or more likely) Option

Total outlay cost for business £	Total net cost to business per year £	Annual cost for implementation by Regulator £		
Does Implementation go beyond minimum EU requirements?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
Are any of these organisations in scope?	Micro Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	Small Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Medium Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Large Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by: Liz Loughran Date: 15th March 2017

Summary: Analysis and Evidence

Policy Option 2

Description: Proposals to change the unladen weight for mobility scooters and powered wheelchairs in Northern Ireland.

ECONOMIC ASSESSMENT (Option 2)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate	0 (all recurring)			

Description and scale of key monetised costs by 'main affected groups'

Given the limitations of the available evidence base, it has not been possible to monetise any of the costs of Option 2.

Other key non-monetised costs by 'main affected groups'

There are likely to be some transitional and familiarisation costs for hauliers. However, this has not been raised by industry as being likely to be burdensome in more informal stakeholder consultations thus far. Furthermore, a haulier not choosing to benefit from heavier lorries to account for any heavier alternative fuel technologies will not incur any such familiarisation costs. Whilst road wear will increase from slightly heavier vehicles on NI roads, it is difficult to quantify the costs in relation to this until heavier vehicles are on the roads.

Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate	0 (all recurring)		£	£

Description and scale of key monetised benefits by 'main affected groups'

Given the limitations of the available evidence base, it has not been possible to monetise any of the benefits of Option 2.

Other key non-monetised benefits by 'main affected groups'

Aims to help industry in areas such as increasing the weight allowance for vehicles with alternative fuel technologies so that any extra weight of the power train (when compared to a more conventionally fuelled engine) will not compromise payload. Also, extra weight allowances for 2 axle buses should help to compensate for increasingly heavy passengers and luggage, and for additional Euro VI engine and exhaust components and any alternative fuel technologies used, which should also help with air quality and climate change issues.

Key Assumptions, Sensitivities, Risks Our key assumption is that the Directive will bring deregulatory benefits for hauliers and bus operators. By encouraging hauliers and bus operators to use alternative fuel types, this will help in decreasing CO₂ and emissions levels for the freight and bus sectors. The Directive requires that a haulier receives a statement indicating the weight of a container or swap body to be operated from a shipper. This will help to address where the actual weight may be higher than the lorry can carry and help mitigate against the risk of the haulier being penalised should he be stopped by enforcement authorities and he is unaware that his vehicle is overloaded.

BUSINESS ASSESSMENT (Option 2)

Direct Impact on business (Equivalent Annual) £m				
Costs: £	Benefits: £	Net: £		

Cross Border Issues (Option 2)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines

This amendment to domestic legislation stems from an EU Directive. This Directive will be transposed in all Member States throughout Europe including the UK and Ireland. The transposition deadline is 7 May 2017.

Evidence Base

Purpose and intended effect of measure

EU Directive 2015/719 is a first step towards achieving the EU Commission's principle objective, which is to help manufacturers develop more aerodynamic, fuel-efficient and safer lorries (without loss to load space) by allowing an increase in the maximum authorised length limits for certain vehicles to facilitate this. The extra length cannot be used to increase the load capacity of vehicles.

However, whilst the extra length provisions have been agreed in principle, the Commission is yet to agree a technical specification for these vehicles. This specification will take the form of amendments to type approval legislation and is not relevant to the transposition of this new Directive.

There is also extra length allowed for vehicles that are engaged in intermodal transport operations, that will facilitate the movement of 45 foot containers, which are slightly too long to be carried legally on vehicles.

The new Directive also aims to improve Member States' enforcement regimes but its provisions are not in any way burdensome for the Driver and Vehicle Agency.

It seeks to remove a significant barrier to the uptake of low emission heavy duty vehicles that are powered by cleaner alternative fuels, such as electricity or natural gas (methane). Typically buses and lorries operating on alternative fuels suffer a reduction in payload due to the additional mass of components fitted (such as batteries or additional fuel tanks for gaseous fuels) when compared to conventionally fuelled power trains. The Commission's view is that this measure will help incentivise uptake of these less polluting technologies and help improve air quality.

Finally, the Directive requires that Member States lay down legislation to the effect that shippers must provide an accurate statement of weight to hauliers to whom they entrust their containers or swap bodies. This is to ensure an appropriate shared legal liability exists between the haulier and shipper in the event of an overweight container being stopped by enforcement authorities.

This draft Regulatory Impact Assessment supports the implementation of EU Directive 2015/719 into Northern Ireland legislation which will increase the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic. Government intervention is needed to transpose this Directive into domestic legislation, to give it legal effect in Northern Ireland. Industry have indicated anecdotally that they are very keen to be able to benefit from the positive changes that the new Directive brings as soon as possible, as regards extra weight allowance for two-axle buses and alternative fuel technologies. On the back of this, the Department is allowing the

same for domestic journeys only and is increasing the extra weight allowance for vehicles with alternative fuel technologies in all weight classes in Annex I of the Directive.

Background

The European Commission brought forward a proposal to amend Directive 96/53/EC which lays down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic. The Commission's view was that the brick-like front of lorries, which has been around for many years, is outdated and not of an optimum design as regards fuel efficiency and sight-lines for the driver. Whilst there is nothing currently preventing manufacturers from designing more aerodynamic vehicles, this would be at the expense of load space and driver comfort.

The Commission also wanted to address the issue of the difficulties operators have across the EU regarding the road carriage of 45 foot containers given that these containers are slightly too long to be legal under 96/53/EC.

The proposal also looked to address the issue of overloaded vehicles travelling across the EU thus causing damage to infrastructures. Furthermore, the Commission wanted to increase the uptake of alternatively fuelled vehicles in order to further reduce carbon emissions and improve air quality across the EU.

The Directive has now been agreed as Directive (EU) 2015/719. Northern Ireland as part of the UK Member State is required to transpose the EU Directive into domestic legislation by 7 May 2017.

Legislation on weights and dimensions of certain vehicles

The Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999 and the Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 provide for the authorised weights and dimensions of wheeled motor vehicles and trailers and combined transport used on roads in Northern Ireland.

Risk assessment

The Department is obliged under European Community (EC) law to implement the EU Directive. Failure to do so would be a breach of such legal obligations and would expose the UK, as Member State, to infraction proceedings and potentially Northern Ireland to significant financial penalties.

Failure to fully transpose the EU Directive would also mean that its objectives would not be achieved in respect of NI. In such circumstances, the opportunity for the freight and bus sectors to utilise alternative fuels without impacting on payload could have the effect of restricting competition and would put NI freight and bus industries at a

disadvantage in comparison with competitors in other Member States where transposition of the EU Directive had been achieved.

The Directive also requires that a haulier receives a statement indicating the weight of a container or swap body to be operated from a shipper. This will help to address where the actual weight may be higher than the lorry can carry and help mitigate against the risk of the haulier being penalised should he be stopped by enforcement authorities and he is unaware that his vehicle is overloaded.

Consultation

The Department conducted a public consultation on amendments to permissible vehicle weights and dimensions, including to incentivise cleaner fuel technologies, and other associated proposals which ran for 8 weeks from 15 November 2016 to 10 January 2017. The consultation sought views from stakeholders, including organisations or individuals that have an interest or directly involved in road haulage and road and passenger transport.

The consultation was published on the DfI website:

<https://www.infrastructure-ni.gov.uk/consultations/consultation-incentivising-cleaner-fuel-technologies-implementing-amendments-general-circulation>

There were 2 responses received to this consultation from the following stakeholders:

1. Road Haulage Association (RHA)
2. Freight Transport Association (FTA)

Options

In the consultation, the Department consulted on options to allow an increase of up to a maximum of 1 tonne gross vehicle weight for certain vehicles using alternative fuel technologies and allow an extra 1.5 tonnes for all two-axle buses to operate either:

- Option 1: in international traffic only (as per the requirements of the Directive); or
- Option 2: in both purely domestic traffic as well as international traffic.

The Department's preferred policy option was option 2.

The Department did not provide 'do nothing' option as it perpetuates UK gold plating of the EU Directive, potentially disadvantaging NI businesses.

Respondents favoured option 2 largely because they believed this option will encourage uptake of alternatively fuelled vehicles, assist in carbon emission reduction, contribute to UK greenhouse gas emission targets, reduce air pollution and contribute to the development of new fuel technologies.

Costs and Benefits

Benefits to Industry

The EU Directive is intended to have a beneficial effect and aims to help industry in areas such as increasing the weight allowance for vehicles with alternative fuel technologies so that any extra weight of the power train (when compared to a more conventionally fuelled engine) will not compromise payload. This will help businesses with the potential of lower fuel costs. Those businesses that switch to alternatively-fuelled vehicles will benefit from lower fuel costs. The size of the saving depends on the fuel type, the distance travelled and the technology type.

Businesses will also benefit from increased payload. Businesses currently using the vehicles in scope will benefit from an increase in payload. Operators will also have reduced administrative costs. Removing the need for operators of certain alternatively-fuelled vehicles to acquire a Vehicle Special Order (VSO) will reduce administrative and bureaucratic burdens for hauliers.

Furthermore, extra weight allowances for 2 axle buses should help to compensate for increasingly heavy passengers and luggage, and for additional Euro VI engine and exhaust components and any alternative fuel technologies used, which should also help with air quality and climate change issues.

The Department is aware that industry has welcomed the new EU Directive. However, it is difficult to quantify what benefits there might be since the Department has no information on what uptake there might be in relation to the heavier buses and alternatively fuelled vehicles.

Costs to Industry

There will be Increased road maintenance costs due to heavier vehicles. An increase in the weight limit for the alternatively-fuelled vehicles, 2 axle buses and certain intermodal operations will increase the road damage caused by these vehicles and increase the road maintenance cost for central and local government. It is estimated that the road maintenance cost per mile will increase by 15-35% (depending on the vehicle type). Whilst road wear will increase from slightly heavier vehicles on roads, it is difficult to quantify exact costs in relation to this until heavier vehicles are on the roads.

There will be safety costs of heavier vehicles. An increase in weight, all other things being equal, increases the stopping distance of a vehicle. This may increase the accident rate for vehicles in scope.

There will be a cost to shippers of providing a statement of weight. This is a cost to business for the shipping companies. These include the cost of conducting a check of vehicle weight, the increased risk and liability for the shipper and the cost to the shipper if

a mistake is made. These costs are estimated to be negligible. Shippers are already required under merchant shipping law (The Safety Of Life At Sea 'SOLAS' Convention) to have information about the containers on board, including the weight. Additionally, current legislation makes it an offence to permit or cause a vehicle to be used if it is overweight or doesn't comply with weight restrictions. As such there is already a responsibility on the shipper to be satisfied they are not causing a vehicle to be overweight.

There are likely to be some transitional and familiarisation costs for hauliers. However, this has not been raised by industry as being likely to be burdensome in more informal stakeholder consultations thus far. This was also not raised in the most recent formal consultation. Furthermore, a haulier not choosing to benefit from heavier lorries to account for any heavier alternative fuel technologies will not incur any such familiarisation costs.

Administrative Benefits/Cost to Government

Providing extra weight allowance for two-axle buses and alternative fuel technologies for the freight and bus sectors could help the NI Executive meet its climate change targets for reducing CO₂ emissions. However, it is difficult to quantify what benefits there might be since there is no information on what uptake there might be in relation to the heavier buses and alternatively fuelled vehicles.

There will be some use of resources and staff time within Government in order to implement this change into legislation.

This policy is deregulatory and low cost to business, allowing weight increases for certain vehicles. Hauliers not choosing to benefit from heavier lorries to account for any heavier alternative fuel technologies will not incur any costs. There is a cost to shippers of providing a statement of weight but this is estimated to be negligible.

Small and Micro Business Assessment

The proposal will apply to small and micro businesses. There are likely to be some transitional and familiarisation costs for hauliers. However, this has not been raised by industry as being likely to be burdensome in more informal stakeholder consultations thus far. Furthermore, a haulier not choosing to benefit from heavier lorries to account for any heavier alternative fuel technologies will not incur any such familiarisation costs.

The new EU Directive is largely deregulatory and imposes few burdens on industry. Transition costs are exceeded by potential benefits to business, and the legislation is merely enabling.

The Department does not seek to gold plate any requirements and through DVA, will help to minimise the costs of implementing the EU Directive operationally.

Wider Impacts

An equality screening exercise has been carried out and no equality implications have been identified.

A rural impact assessment has also been undertaken and no rural impacts have been found. There are also no human rights, environmental or health issues involved in relation to this proposed measure and it will have no impact on development, sustainable or otherwise.

Preferred Option and Implementation

The preferred Option of implementing the EU Directive by May 2017 will be taken forward through an amending Statutory Instrument.

The intention is to communicate the change to the industry through DVA as they are the enforcement body which will apply these changes on an operational level.

This NI legislation is transposing EU Directive requirements and therefore the Department has no choice but to implement them. Therefore it is not considered appropriate or necessary to include within the regulations either a sunset or a periodic review clause.