

List of Consultees

Telephone: (01624) 685010
Email: Chris.Hannon@gov.im
Contact: Chris Hannon
Our Ref: TC/CH
Your ref:
Date: April 2015

Dear Sir or Madam

Re: HIGHWAYS (AMENDMENT) BILL 2015

1. My purpose in writing is to invite, if I may, your comments on the enclosed draft Bill.
2. Attached to the Bill is an Explanatory Memorandum (EM) that describes its entire provisions. This letter concentrates on highlighting matters which the Department considers are likely to be of particular interest to the public at large.

The Bill

3. Clause 7 is of an environmental nature and enables the Department to develop or redevelop any of its land surrounding a highway in the event that it considers doing so will improve its surroundings. Supplementary provision is contained in clause 19, which enables the Department to acquire land by agreement or compulsorily in order to mitigate adverse effects of a highway on its surroundings, but it is envisaged that this power will be used only rarely.
4. Clauses 8, 19 and 30 empower the Department to designate improvement lines for the widening of highways and to acquire by agreement or compulsorily any land (including premises) lying between an improvement line and a highway. Again these powers are intended to be used only sparingly in the event that the Department considers that the existing contours of a highway present a material danger — a blackspot — to persons using it. As read with clause 27 it will be an offence with a maximum fine of £50,000 to erect and retain a new building or to make a permanent excavation between an improvement line and the centre line of a highway without the Department's consent.
5. In the interests of highway safety clause 9 enables the Department to require the corners of a proposed building to be rounded or splayed off if it considers that the view at the corners would otherwise be obstructed.

6. Clause 12 addresses the matter of debris or other objects left to cause an immediate danger at the side of or over a highway. The Department is empowered to remove them.
7. Clause 13 has the effect of additionally prohibiting private owners of motor vehicles from misusing parking spaces to advertise the sale of their vehicles.
8. Unlike highway authorities in the UK, the Department has no power to install or improve highway lighting itself. Clause 16 gives the Department such power where it considers lighting to be inadequate or ineffective. It also enables it to require local authorities, which are presently responsible for lighting, to carry out such installations or improvements either at the authorities' or the Department's expense.
9. Clause 17 enables the Department to improve accesses to highways from any land in the event that the Department considers improvement to be desirable in the interests of highway safety.
10. Clause 18 reduces from 28 to 7 days the period in which responses may be made to advertisements about the provision of highway amenities (street cafés, kiosks, etc) for a trial period not exceeding 4 weeks. For longer periods 28 days will apply. The law is clarified by expressly authorising a local authority to charge rent for a facility located on a highway of which it is the owner of the subsoil. Where a licence authorising a facility is issued, the clause avoids legislative duplication by removing the need to obtain other consents for matters authorised by the licence.
11. Apart from the purposes outlined in paragraphs 3 and 4 above, clause 19 enables the Department to acquire by agreement any land blighted by highway works.
12. Clause 24 supplements in an unavoidably complex way the law with respect to the making up of private streets. The effects of the clause are explained in a succinct way in paragraph 21 of the EM.
13. Clause 28 prescribes for the avoidance of doubt that highway works are not subject to planning approval, given that they are subject to separate statutory provision.
14. Clause 31 enables the Department to give directions to statutory undertakers as to the timing of road works and enables it to issue or approve guidance as to their carrying out.
15. Para 28 of the EM explains the impact of the Bill on the Department financially.
16. A related impact assessment accompanies this letter.

Other matters

17. It is to be noted that —
 - a response to this letter does not guarantee a change to what is proposed,
 - evidence provided by a consultee will only be accepted if the person providing it is willing to be named,
 - a copy of the Bill and of this letter will be published on the Department's website, and

- the Department will aim to publish on its website a summary of the responses within 3 months of the closing date of the consultation.

18. The annex to this letter contains a list of consultees to whom it and the Bill are being sent. If you wish to suggest other consultees, please do so at once.

19. Should you wish to comment on the Bill, will you please do so in writing either by posting your comments to the Highway Services Division at the address below or by e-mailing them to Chris.Hannon@gov.im. To be taken into consideration comments must be received within one calendar month from the date of this letter. In view of the relatively modest extent of the Bill the Department considers that a consultation period of this length is sufficient for consultees to consider the Bill and respond.

Yours faithfully

JEFFREY ROBINSON
Director of Highway Services

ANNEX

LIST OF CONSULTEES

President and Members of Tynwald
Attorney General
Local Authorities
Chief Officers of Departments or Statutory Boards
Chamber of Commerce
Isle of Man Law Society
Statutory Undertakers
GOA Union
Employers' Federation
Heads of Division in the Department of Infrastructure

Department of Infrastructure

Sea Terminal Building, Douglas, Isle of Man, British Isles IM1 2RF

www.gov.im/infrastructure