EXPLANATORY MEMORANDUM TO

THE DARTFORD – THURROCK CROSSING (AMENDMENT) REGULATIONS 2010

2010 No. 1531

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

As a consequence of the implementation of a European Directive, known as the ADR 'Framework' Directive, by regulations entitled the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009, an amendment is required to the Dartford – Thurrock Crossing Regulations 1998. The tunnels at the Dartford Crossing are designated as Category C Tunnels which restricts the carriage of dangerous goods which may lead to a very large explosion, a large explosion or a large toxic release (as these expressions are defined in the European Agreement Concerning the International Carriage of Dangerous Goods by Road (2009 edition)).

3. Matters of special interest to the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments

None

4. Legislative Context

These Regulations are made under section 25(1)(b) of the Dartford-Thurrock Crossing Act 1988 which allows new regulations to be made or amendments to be made to existing regulations which prohibit the carriage of dangerous goods through the tunnels. These Regulations amend regulations 5 and 6 of the existing regulations, namely the Dartford-Thurrock Crossing Regulations 1998.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

From 1st January 2010, new restrictions on the types and quantities of Dangerous Goods that will be allowed to enter the UK's larger road tunnels came into force. Each tunnel will be assigned to a particular category, A to E - A being the least restrictive and E being the most. These are based on a risk assessment conducted by the

Department for Transport of the tunnel characteristics, availability and suitability of alternative routes and other traffic management considerations.

The categorisation is based on the assumption that in all tunnels there are three major dangers that may cause serious damage to the tunnel, or loss of life - explosions, release of toxic gas or volatile toxic liquid, and fires.

8. Consultation outcome

Non-statutory consultation has taken place with members of the road haulage industry and other stakeholders that will be affected by the changes to categorisations of the tunnels. No objections were received to the non-statutory consultation.

9. Guidance

The Dartford Tunnels were designated Category C after a review of the existing risk profile and control measures, and how these would be affected by the introduction of the various operating Categories A to E. It was clear that Categories A, D and E would have a very significant impact on traffic permitted to enter the Tunnel and would be inappropriate categorisations. Category B would ban all fuel tankers and would, therefore, also be inappropriate. Category C was identified as being the most suitable. The Highways Agency has not produced any additional guidance for road users when considering carrying dangerous goods through the Tunnel as it is expected that such road users will refer to the European Agreement Concerning the International Carriage of Dangerous Goods by Road, (2009 edition) and its Annexes.

10. Impact

An Impact Assessment has not been produced for this instrument as it has no significant impact on the private or voluntary sectors and costs imposed on the public sector are less than £5million. This instrument restricts only the road transportation of goods likely to cause a large explosion or large toxic gas or liquid release.

11. Regulating small businesses

The legislation only applies to those vehicles carrying dangerous goods prohibited from carriage through a Tunnel classified as Category C under the European Agreement Concerning the International Carriage of Dangerous Goods by Road, (2009 edition). Similar restrictions on the transportation of dangerous goods through the Tunnels were already in place prior to the Category C classification, therefore the impact on businesses, small or otherwise, should be minimal.

12. Monitoring & review

The impact of these Regulations will be monitored and reviewed by the Highways Agency.

13. Contact

Graham Threader at the Highways Agency (Tel: 01306 878315 or email: Graham.Threader@highways.gsi.gov.uk) can answer any queries regarding the instrument.