EXPLANATORY MEMORANDUM TO

THE TRAFFIC MANAGEMENT PERMIT SCHEME (ENGLAND) (AMENDMENT) REGULATIONS 2026

2026 No. 312

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of his Majesty.

2. Declaration

2.1 Simon Lightwood MP, Parliamentary Under Secretary of State, Minister for Roads and Buses at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Gavin James, Deputy Director for Traffic and Technology, at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Jack Darby at the Department for Transport can be contacted by email at the following address with any queries regarding the instrument: jack.darby@dft.gov.uk. Alternatively, the department can be contacted by telephone: 0300 330 3000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 Street works are defined in the New Roads and Street Works Act 1991 ("NRSWA") as being works including those connected with placing, adjusting or removing apparatus in a highway, except for works carried out by the highway authority itself. A highway authority is defined in section 1 of the Highway Act 1980 ("HA 1980") and is the authority responsible for highways maintainable at public expense. A statutory undertaker is a person or organisation with a statutory right to install, maintain or repair equipment on the highway. The highway authority is responsible for coordinating street works and statutory undertakers must apply for and obtain a permit from the highway authority before carrying out works on the highway, enabling the authority to coordinate when and how these works take place. In circumstances where the person or organisation is not a statutory undertaker, they must apply to the highway authority for a section 50 licence to undertake street works. Section 50 licences were intended for smaller-scale or occasional works, not national infrastructure rollout, and the approach taken by local authorities to licensing can vary. Section 50 licences are more costly and take longer to process than permits issued under the street works permitting regime.

4.2 Electric vehicle charge point operators (EV CPOs) are not statutory undertakers. The Planning and Infrastructure Act 2025 ("PIA 2025") recently amended the NRSWA to enable those installing public electric vehicle (EV) charge points to access the permitting regime. This change will accelerate the roll-out of critical EV infrastructure.

4.3 This instrument amends the Traffic Management Permit Scheme (England) Regulations 2007 ("the 2007 Regulations") which establishes the framework for local authorities to set up and operate permit schemes. This instrument makes consequential amendments to ensure enforcement provisions can apply to EV CPOs, as they currently do to statutory undertakers.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 Companies without a statutory right to work on the highway are required to apply for a street works licence under section 50 of NRSWA ("section 50 licence") from the highway authority to undertake works on the highway. This included EV CPOs. Section 50 licences were designed for ad-hoc, infrequent, or locally specific works carried out by organisations that do not have statutory rights, allowing highway authorities to retain control of works on the highway through tailored conditions, and liability arrangements.

5.2 Section 50 licences were not designed for large-scale infrastructure projects. The increase in EV charging infrastructure could overwhelm local authorities with applications, ultimately slowing the roll-out of EV infrastructure. This is because the process to apply for section 50 licences varies between authorities and they are often more costly and time-consuming to obtain than a street works permit.

5.3 To support the roll-out of EV infrastructure, the PIA 2025 amended NRSWA to allow EV CPOs, who hold street works permits, to carry out street works to install public charge points without a section 50 licence. Permits are applied for using Street Manager, the Department for Transport's online system. This will enable approvals for installations to be granted more quickly while maintaining safety and the coordination of works. The cost of applying for permits and the timing for approval is set out in statutory guidance.

5.4 The PIA 2025 also removed another barrier to installation by prohibiting councils in England from requiring permission under section 115E of the HA 1980 to execute works relating to a public charge point, where the works are capable of being authorised by either a section 50 licence or a street works permit. Section 115E allows highway authorities to grant permission for certain structures or equipment to be placed on the highway. Some highway authorities were requiring EV CPOs to apply for this additional, duplicative permission and by removing their ability to require this we will further reduce time and costs associated with installation of EV charge points.

5.5 EV CPOs are not statutory undertakers under the 2007 Regulations. Enforcement of street works permits only apply to statutory undertakers. The 2007 Regulations definition of statutory undertaker is a person entitled by virtue of a statutory right to carry out street works. This instrument widens the definition of 'undertaker' to include EV CPOs installing public charge points. This will ensure that all provisions of the 2007 Regulations apply including ensuring offences relating to permits.

What was the previous policy, how is this different?

5.6 Previously, only statutory undertakers could apply for a permit to carry out works and EV CPOs installing charge points required a section 50 licence. The changes to the NRSWA mean EV CPOs will be able to apply for and operate under permits on the same basis as statutory undertakers for the purposes of installing public charge points without a section 50 licence. This instrument ensures EV CPOs will be subject to the same enforcement framework.

6. Legislative and Legal Context

How has the law changed?

6.1 The PIA 2025 amended the NRSWA to: (a) confer a right on EV CPOs who hold a street works permit, to install public charge points without applying for a licence to do so; (b) provide that works that are done under an approved permit are not considered "unauthorised street works"; and (c) prevent highway authorities from granting permissions under section 115E of the HA 1980 for charge point installations where the works are capable of being authorised by a permit or a section 50 licence. This instrument makes consequential amendments to the 2007 Regulations to ensure the relevant provisions apply to EV CPOs now they are able to obtain a street works permit under NRSWA. The definition of "statutory undertaker" has been amended to "undertaker" and widened to ensure enforcement and cost recovery provisions in regulations 18, 19, 20, 29 and 38B apply to EV CPOs (as well as statutory undertakers).

Why was this approach taken to change the law?

6.2 Amending the 2007 Regulations is the only way to ensure enforcement and cost recovery provisions apply to EV CPOs as they do to statutory undertakers. This will make sure there is no legislative gap and ensure consistent enforcement and charging arrangements across all permit holders.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Department for Transport conducted a consultation[1] between 5 February and 12 April 2024 on proposals to amend legislation so that EV CPOs could access the street works permitting regime rather than applying for section 50 licences under the NRSWA. The consultation also sought views on whether the extra layer of permission under section 115E of the HA 1980 should be explicitly deemed unnecessary when a permit is already in place.

7.2 A total of 89 responses were received from highway authorities, EV CPOs, representative bodies, utilities, and other stakeholders. The majority of respondents supported the proposal to use permits, noting that this would provide a streamlined and standardised process across authorities, reduce administrative burdens and costs, and accelerate the roll-out of EV infrastructure to support net zero targets. Respondents also highlighted that the permitting regime would improve coordination through the Street Manager system. Some concerns were raised, primarily by highway authorities, regarding clarity on responsibilities for maintenance and apparatus ownership, the need for adequate time to assess applications, training requirements for

[1] https://www.gov.uk/government/consultations/street-works-access-electric-vehicle-chargepoint-operators

operators using Street Manager, and potential income loss from a reduction in section 50 applications.

7.3 On the proposal to explicitly deem permission under section 115E of the HA 1980 unnecessary, most CPOs supported the change to avoid duplication and delays. Some local authorities, however, felt that keeping this step was important for maintaining oversight and ensuring local consultation with residents and businesses.

7.4 The Government response[2] was published on 24 December 2024. It set out the Government's decision to proceed with amending primary and secondary legislation to bring EV CPOs into the permit regime and grant them access to Street Manager. It also stated the Government would amend section 115E of the HA 1980 to stop the additional permission from being granted to EV CPOs where a permit is held. It said statutory guidance and the Code of Practice would be updated to clarify roles and responsibilities, and a process to verify that EV CPOs are legitimate companies would be introduced for CPOs before granting access to permits and Street Manager. The Government response concluded that these changes were intended to speed up the installation of EV charging infrastructure while still protecting the highway and ensuring proper oversight.

8. Applicable Guidance

8.1 Guidance will be updated to reflect that installers of public electric vehicle charge points are able to access the street works permits regime. The Government will update the Code of practice for the co-ordination of street and road works[3] and the Permit schemes: statutory guidance for highway authorities[4]. The updates will be available by the time of implementation in April 2026.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 The Impact Assessment was produced for the changes to primary legislation included in the PIA 2025. Its continued use remains appropriate as there have been no changes to the policy. Over the 10-year appraisal period, the changes are estimated to deliver a total Net Present Social Value (NPSV) between £5.30 million and £15.23 million, with a central estimate of £7.85 million (2025 prices, 2026 present value). Monetised costs include familiarisation costs for highway authorities and EV CPOs and Street Manager registration fees for EV CPOs, while monetised benefits include time savings in the application process for highway authorities and EV CPOs and application process cost savings for EV CPOs. There are a number of costs and benefits which have not been monetised. Unmonetised costs include the wider societal impact of more EV charge points, and unmonetised benefits include improved efficiency and coordination of street works, and increased EV usage and associated benefits.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business is expected to be positive. The changes made to NRSWA, alongside this instrument are expected to primarily affect EV CPOs and their

[2] https://www.gov.uk/government/consultations/street-works-access-electric-vehicle-chargepoint-operators/outcome/street-works-access-electric-vehicle-chargepoint-operators-outcome
[3] https://www.gov.uk/government/publications/street-works-co-ordination
[4] https://www.gov.uk/government/publications/street-works-permit-schemes

contractors. By replacing the requirement for section 50 licences with a permit-based system, operators will benefit from reduced administrative burdens and lower application costs. This change will streamline processes, saving time and resources for businesses engaged in the installation of EV charge points. Although there will be some initial costs associated with familiarisation and compliance, alongside the ongoing costs of the annual registration fees for the Street Manager system, these are expected to be outweighed by efficiency gains and cost savings over time.

9.3 The impact on charities and voluntary bodies is expected to be low as they are not expected to be directly affected by this measure. The changes primarily concern businesses operating in the EV infrastructure market however, charities and voluntary bodies may benefit indirectly from the wider availability of EV charging infrastructure. Those that operate vehicle fleets or provide transport services may experience indirect benefits through improved access to EV charging facilities, which could support their operational sustainability and environmental objectives.

9.4 The legislation does impact small and micro businesses. We expect these impacts to be positive as allowing EV CPOs to apply for street works permits will reduce the burdens faced by businesses regardless of their size. The amendment is also likely to improve market conditions by lowering barriers to entry, which could support small and micro businesses and encourage greater competition in the sector. There are no exemptions from enforcement as this could result in non-compliance with the rules, leading to increased disruption from works.

9.5 There is no significant impact on the public sector because highway authorities will continue to operate permit schemes as they do currently, with their enforcement powers extended to cover EV CPOs undertaking works under a permit. There may be some limited familiarisation costs where additional staff time may be required to assess permit applications; however, these are expected to be offset by process time savings arising from applications to install public charge points being submitted as permits rather than street works licence applications. Cost recovery arrangements for operating permit schemes will also apply to EV charge point operators. Overall, no significant additional resource impacts are anticipated.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Department will monitor uptake by EV CPOs and the performance of permit schemes using data from Street Manager and will engage with highway authorities and industry stakeholders.

10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Simon Lightwood, Minister for Roads and Buses has made the following statement: "A statutory review clause is considered disproportionate and would not be appropriate for this instrument given it makes small, consequential amendments following an amendment to primary legislation and there are other existing review processes in place in the wider street works regime."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).