

The Batched on Site Association's **Response to the Department for Transport's** **HGV MOT Testing Exemptions: A** **Consultation**

Who is the Batched on Site Association?

The Batched on Site Association ('BSA') represents both manufacturers and operators of Mobile Concrete Batching Plant (also colloquially called Volumetrics). Mobile Concrete Batching Plant come in a variety of specifications but their fundamental distinguishing feature is their ability to batch products such as screed, foam 'trench fill', concrete, 'cold tarmac' and mortar on demand at the point of delivery.

The views presented below are those of the BSA. They were obtained by circulating the consultation and a set of draft responses to the committee members who represent the views of the membership.

Consultation Questions and Responses:

- 1. Do you agree that we should remove the exemption from roadworthiness testing for the ten categories of HGV listed in paragraph 3.1 – and, if not, why not?**

No.

Directive 2009/40/EC concerns roadworthiness tests. Extreme caution must be applied when considering changes to the plating and testing regulations. The unintended consequences of removing the exemptions will give rise to operational issues that could extend well beyond the objective of applying road worthiness tests to vehicles. This is so particularly in the context of the engineering plant and plant, not being engineering plant exemption. No evidence has been provided in the consultation document to validate the concerns expressed or the impact of the plant exemption on 'road safety' or 'fairness'.

BSA strongly advocates against an outright removal of the exemption. It would appear that the exemption is compatible with Article 4.2 as it applies to plant that is “especially designed and constructed for the special purposes of engineering operations”. It would appear that too much emphasis has been placed on road use and not enough on “vehicles operated or used in exceptional conditions”. We would therefore expect the UK to make a case to the Commission for the exemption to remain. It is equally important to note that continuing to exempt plant is unlikely to distort competition between road hauliers because there is absolutely no possibility of competition arising between a heavy goods vehicle and a vehicle falling within the scope of the exemption (i.e. plant) as the two do not compete in the market.

Volumetrics tend to operate at much lower annual mileage than a standard Heavy Goods Vehicle. The vehicles can spend considerable periods of time at sites batching. We therefore question whether there is a safety imperative for such plant to be subject to an annual MOT. In fact many Volumetrics operators choose, of their own volition, to submit their Volumetrics to a voluntarily roadworthiness test as testing is a requirement of Health & Safety legislation.

Unintended consequences of the removal of the exemption for plant in Schedule 2 of the Goods Vehicle (Plating and Testing) Regulations 1988

An outright removal of the exemption would mean plant would be required to bear a ministry plate. This in itself is not the objective of Directive 2009/40/EC. This would have the effect of bringing plant within the scope of all Construction and Use requirements. Plant is currently outside the scope of a number of Construction and Use requirements and the economic impact of the proposed change would be considerable for the Volumetric Industry. The economic impact has not been identified or adequately quantified in the consultation document. There is a strong case for excluding Volumetrics from the compulsory roadworthiness testing regime.

- 2. Do you consider that any other of the exempt categories of HGV listed in Annex A should be subject to testing in future – and, if so, which ones and why?**

No.

- 3. Do you agree that it is necessary to remove the “specific vehicle” exemption in Regulation 44.1 (e) for normal HGV and HGV-derived vehicles – and, if not, why not?**

No. Vehicles operated exclusively under STGO or Special Order are already subject to train, gross and axle weight limits as well as special speed limits and conditions. These

vehicles would appear to be compatible with Article 4.2 of Directive 2009/40/EC. Many of the vehicles are self propelled modular trailers or otherwise vehicles that out of gauge. How is it proposed to accommodate these vehicles at test stations and has anyone considered the additional road congestion that will be caused by the additional road journeys? The impact will not be neutral. If, as indicated, SPMTs are to be excluded what about the specialist tractor units and semi trailers? Given dual plated vehicles are already tested is there any point in pursuing the few remaining out of gauge tractors and trailers?

- 4. Do you agree that it is necessary to review the scope of the definitions in section 185 of the Road Traffic Act 1988 so that heavy vehicles with fixed equipment no longer fall outside the definition of vehicles which have to be tested – and, if not, why not?**

These definitions have stood the test of time. No changes to the definitions should be contemplated without a full assessment of the consequences and knock on effects. Article 4.2 needs to be interpreted purposively and not literally. The scope of the article to cover plant and out of gauge vehicles is in danger of being overlooked.

- 5. Do you agree with draft Impact Assessment at Annex E – and/or can you help us to quantify more precisely the estimated costs and benefits?**

No. We do not think the plant exemption is incompatible with Directive 2009/40/EC. Industry estimates there are approximately 500 Volumetric machines being operated in the UK at present which suggests a uniqueness. As mobile batching plant these vehicles are not in direct competition with other vehicles which simply do not possess the batching capability. The annual cost of mandatory testing of volumetrics completely fails to take into account the impact the removal of the exemption would have on the vehicles in the operational theatre.