



Cross-sector infrastructure Access Statement

Advice Note
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About this document

This advice note forms part of the recommendations following UKRN's review of the experience of infrastructure businesses and others (termed 'clients') that must arrange to cross or work near the in-situ assets of regulated utilities and rail networks.

This advice note outlines the information to include in an access statement and the questions that may arise from network operators when preparing their statement.

An access statement is recommended by UKRN, and supported by its relevant economic regulators. Its purpose is to improve the clarity for clients of the processes that a network operator requires to reach agreement for asset protection and other arrangements to install infrastructure or undertake other work where an incumbent's assets may be disturbed. It is also aimed at strengthening the transparency and consistency of a network operator's processes.

This advice note will be kept under review, you may address comments or questions on this advice note to gurpreet.sahota@ofcom.org.uk.

About UKRN

UKRN is a network formed by the UK's economic regulators:

- The Civil Aviation Authority (CAA)
- The Financial Conduct Authority (FCA)¹
- Office of Communications (Ofcom)
- Office of Gas and Electricity Markets (Ofgem)
- Water Services Regulation Authority (Ofwat)
- Office of Rail Regulation (ORR)
- Northern Ireland Authority for Utility Regulation (Utility Regulator)
- The Payment Systems Regulator (PSR)

Monitor, the sector regulator for health, participates in the network and its projects as appropriate. The Water Industry Commission for Scotland (WICS) and Legal Services Board (LSB) are contributing members which generally participate in projects as observers.

Contributors to this document

This document has been produced by

- Ofgem;
- Ofcom,

¹ Although it has competition and consumer protection functions, the FCA is not classed by HM Government as an economic regulator



- Ofwat, and
- ORR

Access statements

Introduction

- 1.1. The following guidance is presented as a series of ‘frequently asked questions’, to support network operators in preparing an access statement. The content has been developed from stakeholders’ views and consultation responses. For more details as to why this recommendation has been made, the challenges faced by clients and why an access statement can help, please refer to UKRN’s [conclusions statement](#) and [remedies consultation](#).

1) What is an ‘access statement’?

- 1.2. An access statement presents the practical information necessary for clients when crossing or working near the assets of utility or rail network operator (an ‘interaction’). Its purpose is to ensure network operators adopt a clear, predictable and easily understood process for interactions when dealing with clients. It should be easy for clients to find this information and to understand it, for example, prominently published on a network operator’s website, using simple language and being clear about the roles or positions of relevant staff. A client can be any person or business that needs a network operator’s permission or co-operation when installing their own infrastructure or to undertaking work on land in which the network operator has installed assets.

2) Who should produce an access statement?

- 1.3. We recommend that all network operators of utility and transport infrastructure that regularly enter agreements with clients to protect its own in-situ assets, and ensure safe working, should produce a statement. This principally means the economically regulated networks with significant geographic foot prints, in particular electricity distribution and transmission, rail networks, gas distribution and transmission, and water and sewerage networks. We also consider that roads and highways could usefully follow this recommendation.

3) How does the access statement relate to our licence duties or other regulatory obligations (for example NRSWA)?

- 1.4. The access statement is not a formal regulatory requirement. The information in it should reflect a network operator’s business practices when agreeing terms for clients’ to cross or work near its assets. The content and scope of the statement should reflect the good practice principles for managing infrastructure interactions. Where network operators are obliged, or have established, existing practices to deal with clients rooted in other legal or regulatory obligations (for example, those followed for street or road works), include these in the statement where relevant. This can extend to existing self-regulatory or voluntary arrangements, such as practices to avoid utility service strikes from construction.

4) What information should be included in a statement?

- 1.5. The following table sets out the recommended subject headings and scope for the access statement. The intention is for a single document that sets out the process to follow and, where possible, the information necessary to arrange to cross or work near network operators’ assets. The precise content is for the network operator to judge given its experience and business needs, perhaps in

consultation with key clients. In most cases, the statement should simply formalise the practices already in place or followed.

The Statement should include...	Recommended that...
<p>A single point of contact One or more named individuals that act as the principal points of contact for clients to arrange to cross or work near in-situ assets, including telephone and email contact details.</p>	<p>The contact person(s) should have:</p> <ul style="list-style-type: none"> • The authority, or seniority, to assist with enquiries and resolve queries or problems as they arise, able to effectively liaise with colleagues across the network operator’s business to resolve client’s queries so providing a single point of contact for clients; • Be sufficiently resourced to meet any committed service standards; and • Pro-actively manage enquiries and progress of works in partnership with the client.
<p>Arrangements for accessing information Details, and addresses, of how to access information that may be necessary for clients before and during applications or projects, which is not already available in its access statement (for example, network plans and technical standards/ requirements).</p>	<p>A description of the type of routine asset information that is held, and its format, should be included.</p> <p>If more detailed discussions or design considerations are needed to release information, or it must be developed to be-spoke requirements, the types of project or circumstances where this is necessary should be outlined.</p> <p>The network operator should consider if standard licence or access agreements can be offered to clients with which regular interactions arise.</p> <p>The arrangements should include a process to capture feedback from clients, relating to asset quality or location, and update records accordingly.</p>
<p>A description of the process A description of the steps the network operator will follow to agree arrangements with clients to cross or work near its assets, including details of any information clients should provide and the approvals or agreements that clients must secure.</p> <p>Each relevant step should include timescales, making clear whether these are indicative, by agreement with the client or a firm performance target.</p> <p>State the likely or common exemptions from this process, and what the client should expect where the standard process may not apply.</p>	<p>If available, standardised or template agreements should be offered, supported by an explanatory note of the terms included in these standard agreements.</p> <p>If timescales at relevant steps of the process are indicative only, or agreed with clients on a case by case, it is particularly important that clients are kept informed of progress to help ensure efficient management of a client’s project. This includes those steps that may be project-critical for the client such as design approvals, supervision or site visits or completion of works undertaken by the network operator on their behalf.</p> <p>Details of compensation arrangements should be set out where the network operator has been unable to meet a commitment offered to a client.</p>
<p>The fees and charges that clients may need to pay Any fees, charges or costs that must be paid to the network operator (including the costs for works) should be clearly explained and/or itemised. This should include details of the basis or unit of charges, for example hourly or day rates, fixed etc. Where</p>	<p>In setting prices, network operators should be mindful of the reasonable and appropriate costs and risks of infrastructure projects, or other works, crossing their assets and, where reasonable, aim to structure charges to facilitate projects without exploiting unfair commercial advantage.</p>

The Statement should include...	Recommended that...
<p>possible, a statement of prices, or the basis of how charges will be calculated, should be published and kept up to date.</p>	
<p>How the client will be kept informed</p> <p>Explain how clients will be kept informed of progress or developments when interacting with the network operator.</p>	<p>Network operators <i>pro-actively</i> inform clients of changes to any agreed timescales, and promptly inform clients of any changes to agreed arrangements wherever practicable.</p> <p>An explicit target for <i>minimum</i> notice period should be stated, that respects the costs and difficulties to clients of changed plans, and the exceptions to this.</p>
<p>An explanation of how disputes will be resolved</p> <p>There should be a clear and simple process by which a client can challenge the network operator if they are dissatisfied with service levels or progress, or have been unable to resolve an outstanding query affecting completion of their project.</p> <p>If third party dispute resolution is offered the terms and any charges for this should be clearly explained.</p>	<p>A good dispute resolution mechanism will provide a clear route to senior level accountability, enabling disputes to be escalated within known timescales and according to severity of the issue.</p> <p>The approach to investigating and settling the dispute should be explained, using objectives criteria.</p> <p>A network operator may offer the option to use a recognised third-party dispute resolution service, but should be clear and upfront about where any fees for this service may fall.</p> <p>There should be clear senior or board level responsibility for the interactions process and resolution of serious disputes.</p>

5) Must all of this information be included in an access statement?

- 1.6. As far as is possible, yes, if the process for interactions between incumbent network operators and clients is to go as smoothly as possible.

6) What if we already publish this (or better) information for clients?

- 1.7. The access statement is a recommendation. It is not intended to replace or undo approaches or practices that network operators and clients already find are working well for them. Network operators should take this opportunity to review how easily accessible its information is for clients, perhaps seeking clients' views.

7) What if we have never published this information?

- 1.8. A key concern of clients, uncovered through the UKRN's project, was finding the right point of contact and having clarity about the process, timescales and service standards a network operator would offer. All network operators should seek to make this information available to clients as soon as possible. As noted in 1.5, the access statement is aiming to formalise – and make visible – the processes that network operators are already likely to have in place to deal with clients' requests to cross its assets.

8) How, and by when, should the statement be made available to clients?

- I.9. The statement should be easy to find and access from a network operator's website. It can be made available as a single document download. It can also be included on one or more webpages. UKRN's research found that information for clients – if available at all – was presented on parts of the website dedicated to 'connections' or 'information for developers'. Instead, a dedicated, headed, section of the website is recommended.
- I.10. We propose initial statements to be finalised by 31 December 2015. These can then be kept under review, with feedback or changes reflected in the recommended annual report on interactions.

9) What if we have existing agreements, memoranda of understanding or bespoke arrangements with particular clients?

- I.11. The access statement does not replace or supersede bespoke agreements, but formalises arrangements for those clients that have not already agreed ways of working with the network operator.

10) Does the access statement prevent us from entering into new bespoke arrangements with a client?

- I.12. No. It is for the network operator to consider if its business and particular clients would benefit from a bespoke agreement or working practices.

11) What happens if we want to change the way we deal with some or all clients?

- I.13. A network operator may revise its access statement at any time: it should always reflect actual ways of working. A network operator should, however, consider i) the impact on clients in the midst of projects, ii) whether it would benefit from consultation with clients, iii) be aware of client's rights if existing agreements are in place and iv) whether it can introduce a notice period before any changes come into effect. If a network operator plans to regularly review its access statement, the date or timescales for this can be included in its access statement in advance.

12) How does the statement relate to the other UKRN recommendations, including the good practice principles and annual reporting?

- I.14. The statement should embody the good practice principles. The annual report on interactions is a separate recommendation. As part of the annual report, the usefulness and availability of the access statement can be reviewed, with clients' views feeding into planned changes.

13) What happens if we choose not to produce an access statement as recommended by UKRN?

- I.15. The access statement is a recommendation, proposed to address the challenges that clients can face when dealing with network operators, in particular those in the electricity, rail, gas and water sectors. Working with other stakeholders, the UKRN aims to make interactions easier, quicker and cheaper. Many network operators also act as clients and therefore stand to benefit from clear information and simpler processes. This is an opportunity for industry, across sectors, to demonstrate sound corporate responsibility through adopting self-regulatory measures. UKRN will review the



experiences of clients, and effectiveness of its recommendations, in the 2016/17 business year, and make recommendations to regulators and government as necessary.