



Consultation on transforming the Highways Agency into a government-owned company

(October 2013)

Response on behalf of National Parks England

Background

1. National Parks England welcomes the opportunity to be able to comment on the “*Consultation on transforming the Highways Agency into a government-owned company*”. National Parks England collectively represents the views of the ten English National Park Authorities. English National Park Authorities have no highway authority powers¹ and therefore no responsibility for any part of the road network adjoining the Strategic Road Network. However, six of the ten English National Parks contain part of one or more routes within the Highways Agency managed network. The remaining four National Parks are located in close proximity to Highways Agency managed routes, which provide access to these National Parks. Table 1 provides a breakdown of the National Parks and those roads within the current Highways Agency network that pass through or close to these National Parks.

Table 1 – National Parks with Highways Agency roads within or near to their boundaries

National Park	Highways Agency Roads Within	Highways Agency Roads Outside
Broads Authority	A47	
Dartmoor	A30, A38	
Exmoor		M5
Lake District	A66, A590	M6
New Forest	M27, A31, A36	
Northumberland		A1
North York Moors		A1M
Peak District	A616, A628,	A57, M67, M1, M62, M60
South Downs	M3, A3M, A3, A26, A27, A23	
Yorkshire Dales		A1M, A66

The English National Parks collectively attract large numbers of visitors, which amounts to approximately 125.4 million tourist days² per year and visitor spend of £3,380 million per annum³. Although the percentage varies from Park to Park, the majority of visitors to National Parks arrive by car; it is fair to say that the majority of visitors accessing the ten English National Parks by road utilise the Highways Agency network to do so. Similarly motorised travel by National Park residents and businesses will also be dependent to a greater or lesser extent on the Highways Agency Network for longer journeys.

In responding to this consultation, rather than giving specific answers to the Consultation Questions, National Parks England will focus on those areas that are particularly pertinent to National Parks and National Park Authorities, or those areas where we are best able to provide an input.

¹ English National Park Authorities do have the power to introduce Traffic Regulation Orders under Section 72 of the Natural Environment and Rural Communities Act (2006), but this is confined to byways.

² A visitor day is a visit by a person to a National Park for 3 or more hours.

³ <http://www.nationalparks.gov.uk/press/factsandfigures.htm>

Specific Comments

- 1) Paragraph 2.41 refers to the “*maintenance of current duties and protections for the environment*” under the new model; however there is no specific reference to appropriate legislation such as the Environment Act (1995). Section 62 of the Environment Act (1995), directs certain bodies and persons to have regard to National Park Purposes⁴ when exercising or performing any functions either in relation to, or so as to affect land within a National Park. Under current legislation, the Highways Agency is covered by Section 62 of the Act as a Public Office. It is unclear from the consultation whether Section 62 will apply to the proposed ‘*government-owned company*’. Due to the extent of the Highways Agency network contained within English National Parks, it would be a serious oversight to exempt any new company from the requirement to abide by this legislation.

Therefore National Parks England would welcome clarification on whether the proposed ‘*government-owned company*’ will be subject to Section 62 of the Environment Act. We would recommend that such a requirement for part of the licence agreement with the new company.

- 2) National Parks England recognises that an approach to managing the current Highways Agency road network in a way that enables longer term planning to occur will be beneficial. Such an approach will allow for a proactive rather than reactive means of managing the network, as well as providing efficiency savings based around a more secure funding stream. This approach has appeared to work well within the rail industry over recent years. We are therefore supportive in principle of such an approach.
- 3) The suggestion that the work of the proposed ‘*government-owned company*’ be subject to the scrutiny of two functions consisting of a ‘*user watchdog function*’ and an ‘*efficiency monitor function*’ seems appropriate. However, the suggestion that Passenger Focus should act to represent the views of motorists on the Strategic Road Network as well as all bus and rail passengers may create a conflict of interest. Therefore it would perhaps be more appropriate to either utilise an alternative body existing body for this function or to constitute a new organisation.

In addition there is a reference within paragraph 2.40 that the Watchdog should reflect the environmental concerns of road users; however it is equally important that wider environmental concerns are also taken into account, and that such concerns are not seen as an add-on to the role of an organisation that may be lacking in the appropriate expertise.

- 4) Under paragraph 4.8 there is a reference to a split in responsibility with the Secretary of State remaining the Highway Authority for part of the network. It is unclear what the rationale is for this approach, and also which parts of the network are affected. This approach appears to complicate the situation and will lead to split strategies and processes with regard to how the network is managed. Further clarification on this point would be welcomed.
- 5) Paragraph 4.11 suggests that in order to streamline changes to traffic regulation orders that an approach be taken where the Secretary of State will not be required to sign off uncontested traffic regulation orders. Whilst the benefits to such an approach are apparent, it would be inconsistent to allow the new ‘*government-owned company*’ the benefit of such approach whilst expecting Local Highway Authorities to continue with the

⁴ English National Park Authorities have two purposes; 1) conserving and enhancing the natural beauty, wildlife and cultural heritage of the national park and 2) promoting opportunities for the understanding and enjoyment of the special qualities of the National Park. If there is a conflict of interest between the two purposes, the Act directs that the first purpose shall take priority (The Sandford Principle).

old approach. This two-tier approach where the less publicly accountable body has the ability to shortcut the red tape of the more publicly accountable Local Authority appears wrong. Perhaps an approach where all 'non-contested' changes to traffic regulations (both local and strategic) could be passed without recourse to the Secretary of State would be more appropriate and enable more efficient working.

- 6) The planning role of the proposed new company is provided within paragraphs 4.13 to 4.20. In both cases; as a responder to proposals and the promoter of new schemes, the suggested approach appears logical. In particular the approach whereby the Secretary of State acts only as decision maker rather than having a role in scheme promotion appears more appropriate.

However, the planning role of the Highways Agency's replacement body is also extremely important in pre-application advice discussions with Local Planning Authorities and developers. We are keen to ensure that the powers and licence of the new body ensure that it can perform this function effectively. This is vitally important in delivering on the government's agenda for growth and assists the Local Planning Authority in ensuring that submitted planning applications are progressed smoothly through the planning process. Concern has been expressed that over recent years, in some locations, the Highways Agency has a poor record in offering advice at pre-application stage and now appears to have completely withdrawn from doing so.

One example of where this approach has proved problematic was in Dartmoor National Park, where a planning application was submitted alongside the A38. In this particular case, the Highways Agency would not offer any advice prior to an application being submitted. Once submitted, the application was then held up for at least 3 months, due to a holding direction issued by the Highways Agency; so that the developers could submit additional detail to address their concerns. Participation in pre-application discussions would have ensured that any such concerns were addressed prior to submission and thus enabled the application to be dealt with in a more efficient manner.

- 7) Over recent years, the Highways Agency has worked to promote smarter choices for travel as alternative to journeys by private motor car, in order to alleviate pressure on the Strategic Road Network. With the recent grants made to a number of National Parks to promote sustainable transport, there are significant opportunities for partnership working to promote sustainable transport. We would hope that the new body will continue to promote smarter choices, and that this will enable partnership working with National Park Authorities.

National Parks England

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