



Memorandum of Understanding

Between:

National Parks England

Registered office, National Parks England,

Can Mezzanine, Borough, 7-14 Great Dover Street, London SE1 4YR.

Highways England (Company No. 9346363)

Registered office, Highways England Company Limited,

Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ

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National Parks England exists to support policy and practice by coordinating the views of the 10 English National Park Authorities¹. We do this by:

- Providing a collective voice for the views of the English National Park Authorities and the Broads Authority (the Authorities).
- Raising the profile of the work of the Authorities to policy makers, Parliamentarians and other decision makers.
- Facilitating discussions amongst the Authorities on issues of common concern.
- Supporting the development and capacity of the Authorities to effect change.
- Working in partnership with other bodies where this adds value.

The English National Parks have two statutory purposes²: -

- i. To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park, and
- ii. To promote opportunities for the understanding and enjoyment of the special qualities of the National Park.

National Park Authorities also have a statutory duty that in pursuance of national park purposes, they should seek to foster the economic and social well-being of communities within the National Park.

The Broads Authority has these two statutory purposes as well as a third, which is protecting the interests of navigation.

Highways England's role is to operate and manage the strategic road network in the public interest in respect of both current activities and needs and in providing effective stewardship of the network's long-term operation and integrity.

Highways England is required, under the terms of its Licence³ to minimise the environmental impacts of operating, maintaining and improving its network and to seek to protect and enhance the quality of the surrounding environment, and to conform to the principles of sustainable development

Highways England has a statutory duty under Section 62 of the *Environment Act (1995)* to have regard to National Park purposes when carrying out work affecting land within a National Park, and its setting. This duty also applies to any agents acting on behalf of Highways England.

¹ The 10 English National Parks are; the Broads, Dartmoor, Exmoor, the Lake District, the New Forest, Northumberland, the North York Moors, the Peak District, the South Downs and the Yorkshire Dales.

² National Park purposes were established in the *National Parks and Access to the Countryside Act (1949)* and restated within the *Environment Act (1995)*. The Broads Authority's functions are established in the *Norfolk and Suffolk Broads Act (1988)*.

³ Department for Transport, (2015). *Highways England: Licence* (paragraph 4.2).

Purpose of this Memorandum of Understanding

National Parks England and Highways England will work together at strategic levels to minimise the impact of the strategic road network on the National Parks and the Broads through which they either pass or border. This approach recognises the need for continued improvements to safety; and in exceptional circumstances capacity within the National Parks and the Broads. We will co-operate and communicate at all levels.

The key objectives of this Memorandum of Understanding are to:

- Contribute to government policies on transport, planning and the environment underpinned by sustainable development.
- Presume against the delivery of major infrastructure including the strategic road network within, or affecting land within, the National Parks and the Broads⁴.
- Minimise the impact of the strategic road network on the National Parks and the Broads.
- Deliver long term benefits to the environment within National Parks and the Broads.
- Minimise risks to people and the environment within National Parks and the Broads.

The National Planning Policy Framework sets strict criteria that must be met in order to justify such schemes within National Parks or the Broads⁵.

This document contains a series of principles setting out how the National Parks England and Highways England will work together.

A set of specific actions supports and delivers on these principles.

⁴ Department for Environment, Food & Rural Affairs, (2013). *English National Parks and the Broads: UK Government Vision and Circular 2010* (paragraph 85).

⁵ Ministry of Housing, Communities and Local Government, (2018). *National Planning Policy Framework* (paragraph 172).

1. Principles of this Memorandum of Understanding which protect the environment and the strategic road network

National Parks England and Highways England will work together in the following areas:

- *Health Safety and Wellbeing*: ensure that the health, safety and well-being of all users of, and communities adjacent to the strategic road network within National Parks and the Broads is considered by both parties.
- *Strategic Planning*: Highways England will share their strategic plans with the appropriate Authority, at the earliest opportunity, where such plans may potentially impact on the respective National Park or the Broads. The Authorities will consult Highways England on their Local Plans, particularly where there is the potential for development to impact on the strategic road network.
- *Climate Change*: ensure that road scheme proposals within National Parks and the Broads do not negatively affect climate change adaptation or mitigation measures; and that the Authorities as local planning authorities do not permit development that negatively impact on the resilience of the strategic road network to climate change and severe weather events.
- *Government Policy and Legislation*: promote wider understanding across both organisations, in relation to government policies on National Parks and the Broads, and strategic road transport within National Parks and the Broads, including environmental issues, planning, regeneration, sustainable development and National Park and the Broads statutory purposes.
- *Highways England's Designated Funds*: where appropriate, these will be utilised to work collaboratively on infrastructure developments aimed at delivering mutual benefits alongside or adjacent to the strategic road network in National Parks and the Broads that may be able to be brought forward using funding from Highways England's designated funds.
- *Asset Design and Management*: ensure that the design and management of new and existing infrastructure on the strategic road network takes account of the beauty and other special qualities of the relevant National Park or Broads, whilst retaining operational functionality. This may require a more innovative and collaborative approach to the design of infrastructure within National Parks and the Broads, including early engagement.
- *Innovation/Research and Development*: share good practice, identify new technologies and consider collaborative research and partnership opportunities, for example opportunities for the roll-out of smart technology with the complementary removal of redundant infrastructure along the strategic road network within National Parks and the Broads.
- *Removal of clutter and litter*: ensure that opportunities are taken to regularly review signage and other roadside infrastructure to ensure that redundant and damaged items within Highways England's ownership is removed in a timely fashion. Opportunities should be taken to ensure the regular removal of litter originating from the strategic road network within National Parks and the Broads.

- *Natural Capital*: Highways England will work with the Authorities to ensure that highway schemes within National Parks and the Broads produce an environmental net gain, in line with the Government's 25 Year Environment Plan⁶. This approach will protect and enhance, the ability of the surrounding land to offer wider societal benefit⁷.
- *Cumulative impacts*: when designing individual highway schemes, Highways England should work with the appropriate Authority to assess and mitigate the cumulative impact of road schemes across individual National Parks or the Broads.
- *Communication and engagement*: promote the aims of this Memorandum of Understanding to others, both internally and externally; maintain and improve liaison nationally and locally to seek to ensure delivery of the Memorandum.
- *Wider influence*: work in partnership to share best practice in highway design with Highway Authorities, and in particular with the National Parks England constituent Authorities.
- *Information Exchange*: seek opportunities for sharing learning, training and the simple and cost-effective exchange of information in support of the delivery of this Memorandum of Understanding.
- *Improve directional information*: work in partnership to ensure that opportunities are taken to provide directional signage for National Parks from junctions on the strategic road network.

2. Specific actions supporting the principles

The following actions will support the principles detailed in paragraph 1: -

- Regular six-monthly meetings between the Chair and the Transport Lead for National Parks England and Highways England's Executive Directors of Major Projects and Strategy & Planning; and the Chief Highways Engineer.
- These meetings will review the forward programme and agree key issues impacting on relevant National Parks or the Broads. Within the framework of the budget and the scheme objectives (set by the Department of Transport), these will be taken into account in the design of the scheme from the outset, minimising the need for later mitigation.
- These meetings will not replace direct discussions with the appropriate Authorities on schemes specific to a National Parks or the Broads.
- A scheme impacting on a National Park or the Broads will automatically go to the Highways England design review panel at the earliest opportunity, preferably prior to route selection, to enable full impacts to be objectively considered prior to the selection of a preferred route.
- Where a scheme impacting on a National Park or the Broads is proposed, there will be an inherent presumption towards net enhancement of the wider environment and the setting of the National Park or the Broads, rather than just mitigation of the impacts.

⁶ HM Government, (2018). *A Green Future: Our 25 Year Plan to Improve the Environment*.

⁷ These benefits include carbon storage, flood prevention, clean air, clean water and the provision of habitats for pollinating insects.

- Highways England will share information and work with the Authority in relation to any proposed scheme within or affecting a National Park or the Broads at the earliest opportunity.
- The Authorities will share information and engage with Highways England in relation to any development alongside or affecting the strategic road network.
- Discussions will take place between Highways England and the relevant Authority from the outset of any scheme design.
- There will be periodic engagement between National Parks England and Highways England on the principles of good design in relation to landscape and functionality.
- The above actions will be without prejudice to the right of the Authorities to object to a scheme, though the process should ensure adverse effects to a National Park or the Broads are avoided or minimised so far as possible.
- Individual Authorities will not be expected to respond positively to all proposals or representations brought forward by Highways England, particularly where they negatively impact on the Statutory Purposes and Duty of National Parks and the Broads. Equally, Highways England will not be expected to respond positively to all proposals or representations brought forward by the Authorities, particularly where they affect scheme viability.

3. Finance

Both organisations will use best endeavours to deliver the agreed work areas and activities subject to their duties and constraints. This Memorandum of Understanding does not commit either party to allocate funds or other resources.

4. Media and public relations

In launching and promoting the Memorandum of Understanding, both parties will issue communications following a process agreed between them.

5. Confidentiality

This paragraph is legally binding. Both parties shall keep all information acquired from or disclosed by the other as a result of this Memorandum of Understanding or its procedures confidential unless:

- Either party is obliged by law, by any governmental or other regulatory authority, or by a court or other third-party authority of competent jurisdiction to disclose that information.
- That information is or becomes generally available to the public other than as a result of its disclosure by a recipient of that information in breach of this clause.
- That information was available to a recipient of that information on a non-confidential basis prior to such disclosure.
- Either party considers, acting reasonably, that it needs to disclose that information in the exercise of its functions.

In which case, the obligation to keep such information confidential shall not apply. Both parties shall take reasonable steps to comply with the provisions of this paragraph and shall also take reasonable steps to see that its employees, agents, contractors and sub-contractors comply.

6. Legal effects of the Memorandum of Understanding

Both parties recognise that apart from paragraph 5 of this Memorandum of Understanding it is not a legally binding document. This Memorandum of Understanding will not affect the statutory duties, regulatory responsibilities or the legal rights, responsibilities and obligations of either party.

7. Implementation, review and reporting

The parties agree in good faith to deliver against the agreed work areas of this Memorandum of Understanding subject at all times to their other duties and the corporate framework within which they operate.

for National Parks England



Margaret Paren

Chair of National Parks England

Date... 29/10/19

for Highways England



Mike Wilson

Chief Highways Engineer

Date... 29/10/2019

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