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2<sup>nd</sup> January 2024

John McKenna  
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Energy Infrastructure Planning  
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By email to: [john.mckenna@energysecurity.gov.uk](mailto:john.mckenna@energysecurity.gov.uk)

Dear Sir,

**The National Grid Electricity Transmission PLC (Pitsmoor – Wincobank – Templeborough 275 kV Cable Replacement Scheme) Compulsory Purchase Order 2023**

National Highways Limited (“**National Highways**”) is an arms-length government owned company responsible for the ownership, management and improvement of England’s motorways and major A-roads, collectively referred to as the strategic road network (“**SRN**”). The SRN comprises over 4,500 miles of road sitting at the core of the national transport system, connecting all major economic and resource centres with key markets and conurbations. The SRN is the most heavily used part of the national road network, carrying a third of all traffic and two-thirds of all freight totalling approximately 4 million journeys a day. It provides businesses with the means to get products and services to their customers, gives access to labour markets and suppliers, and encourages trade and new investment. It is also a complex network of highway structures, drainage and attenuation apparatus and telemetry and electronic communication assets. In short, the SRN is a critical piece of economic infrastructure, vital to the nation’s connectivity and the means for generating economic growth.

National Highways is appointed pursuant to section 1 of the Infrastructure Act 2015 to act as the highway authority, traffic authority and street authority for the SRN. The effect of this appointment is to make National Highways the statutory custodian of this national asset, conferring on it the status and legislative functions of a strategic highways company.

As a strategic highways company, NH must comply with a number of general and specific statutory duties (pursuant to the Infrastructure Act 2015), including to:

- (a) *co-operate in so far as reasonably practicable with other persons exercising functions which relate to highways or planning;*
- (b) *have regard to the effect of the exercise of its functions on the environment;*
- (c) *have regard to the effect of the exercise of its functions on the safety of users of highways.*

The Secretary of State for Transport may from time to time give a strategic highways company directions or guidance as to the manner in which it is to exercise its statutory duties and functions. For the purposes of directing the functions as regards the SRN, these directions are contained in its 2015 Licence. The directions contained in the 2015 Licence are mandatory and are regulated by the Office of Road and Rail. They include:

- (a) *Paragraph 4.1 - The network for which the Licence holder is responsible is a critical national asset, which the Licence holder must operate and manage in the public interest, in respect of both current activities and needs and in providing effective stewardship of its long-term operation and integrity;*
- (b) *Paragraph 4.2 – Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder must, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to:*
  - i. ensure the effective operation of the network;*
  - ii. ensure the maintenance, resilience, renewal and replacement of the network;*
  - iii. ensure the improvement, enhancement and long-term development of the network;*
  - iv. ensure efficiency and value for money;*
  - v. protect and improve the safety of the network;*
  - vi. co-operate with other persons or organisations for the purposes of co-ordinating day-to-day operations and long-term planning;*
  - vii. minimise the environmental impacts of operating, maintaining and improving its network and seek to protect and enhance the quality of the surrounding environment;*

- viii. conform to the principles of sustainable development.
- (c) *Paragraph 5.37 – The Licence holder must hold and manage land and property in line with, and as a function of, the Licence holder’s legal duties as a highway authority, and solely for the purposes of operating, managing and improving the highway, unless otherwise approved by the Secretary of State for Transport.*

More particularly sections 41 and 130 of the Highways Act 1980 contain respectively a statutory duty for National Highways to ensure it maintains the SRN to the appropriate/sufficient standard, free from any hazards so it is safe to use, and a statutory duty to assert and protect the rights of the public in use and enjoyment of the SRN.

Section 16 of the Traffic Management Act 2004 contains a statutory Network Management Duty for National Highways to manage the SRN with a view to achieving, so far as may be reasonably practicable having regard to National Highways’ other obligations, policies and objectives, securing the expeditious movement of traffic on the SRN and facilitating the same on roads where another authority is the traffic authority. In order to achieve this, the action National Highways may take in performing that duty includes that which National Highways considers will contribute to securing the more efficient use of the SRN or avoidance, elimination or reduction of disruption to the above relevant roads and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority).

Section 17 of the Traffic Management Act 2004 requires that National Highways shall make such arrangements as they consider appropriate for planning and carrying out the action to be taken in performing its Network Management Duty and has to establish processes to, as far as reasonably practicable, identify things (including future occurrences) which are causing, or have potential to cause SRN congestion or other disruption to the movement of traffic on it and consider any possible action that could be taken in response to (or anticipation of) anything so identified, e.g. in the event National Highways considers this particular statutory duty may not be met. Supplementary to this, 4.2 of National Highways’ statutory licence requires National Highways to act in a manner which it considers best calculated to ensure the effective operation of the SRN. To comply with this, Paragraph 5.1 states that National Highways should seek to minimise disruption to road users that might reasonably be expected to occur as a result of planned or unplanned disruption to the network, as well as proactively and reactively provide relevant, accurate and timely information about traffic and conditions on the SRN to road users, including when there is disruption.

This range of duties demonstrates that National Highways must always protect road users/the SRN and ensure the SRN retains its integrity, is free from hazard/safe to use



and is available for continual uncongested use all year round subject to precise terms of its Network Management Duty which means NH is duty bound to consider carefully any activity that has the potential to impact on any of NH's statutory duties.

Whilst National Highways does not object to the principle of National Grid Electricity Transmission's proposals, it does have concerns as to the wide range of powers being sought over the SRN and is particularly concerned over any unregulated access to the network which would pose significant safety risks for National Highways' customers as well as anyone carrying out those works. As such, National Highways must object to the Order in its current form but will seek to engage with National Grid Electricity Transmission with a view to reaching a mutually acceptable compromise position.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sujad Hussain".

Sujad Hussain

**Project Manager**