

Devolution Bill: Key Route Network and Local Transport Plan sections issues

I wish to draw the Bill Committee's attention to the following issues which require amendment, together with suggested such amendments.

1. Key Route Network neuters Highway Authorities

The KRN is a map of roads/streets over which a mayor will have sole executive decision-making power. The definition of that map is first made by a vote of the CA. The powers essentially neuter anything a Highway Authority may wish to do, by a mayor who can obtain a simple majority of the councils in the area, to include a street/road (of any type) on the KRN network map.

Amendment needed: The Bill should be amended to ensure Highway Authorities are amongst the voting members in favour. *

2. Local Transport Plan neuters Highway Authorities

Exactly the same: again, this requires majority vote only. An LTP could be passed by majority of voting councils but the Highway Authority itself could be amongst the votes against.

Amendment needed: The Bill should be amended to ensure Highway Authorities are amongst the voting members in favour. *

3. Key Route Network purpose not defined

The purpose of a KRN is not defined anywhere in legislation. It is incorrectly assumed to be an obvious term.

Amendment needed: The Bill should formally define what a KRN is and what it is for. This ought not be contentious.

4. Key Route Network lacks safeguards against being used as political device

At present the powers have no safeguards as to the type or purpose of each defined street. There is seemingly nothing against an activist Mayor deciding, as a political device, to include isolated very tiny stretches of road (e.g. modal filter TRO locations) and designating each as a key route. It is surely not the intention of KRN legislation to permit such political misuse.

Amendment needed: The legislation should have a clause added to: (a) state that the network must be genuinely strategic, (b) intended for roads with high traffic flows, i.e. Classified Numbered roads (B roads or higher), and (c) that for each defined section a purpose and intended direction be listed. The latter point (c) would be to avoid the situation of a mayor defining a road for e.g. active travel prioritisation but a subsequent mayor treating it for an entirely different. Point (c) at least should not be contentious: there is no reason why the definition of a KRN road should not have a clear reason associated with it.

Guidance need: Guidance to the Bill upon its publishing should explicitly state that the KRN should not be used as a political device to overturn TROs made by Highway Authorities.

5. Key Route Network interaction with TROs unclear

The relationship between the mayoral Power of Direction and TROs is very unclear. TROs are supposedly to be judged by councillors on the Highway Authority, without pre-determination (which could otherwise give rise to a Judicial Review). The mayor could use the new Power of Direction to the HA to make some TRO change, but the councillor(s) independently decide not to go ahead, since they cannot be formally bound. Really this exposes a fundamental problem with the KRN concept and its interaction with very long-established highway legislation (and TRO legislation is already very complex). This scenario which will arise commonly where a HA is of a different political colour to a Mayor.

Amendment needed: The Bill Committee needs to consider this scenario and resolve it.

6. Voting rules ambiguity in LTP for CAs having grandfathered voting clause

Clause 6 defines up-front that "any decision" of a Combined Authority is to be made by a simple majority, but "subject to provision made in any other enactment (whenever passed or made)". An example of this 'grandfathering clause' is the two-thirds-including-Highway-Authorities rule in case of the Cambridgeshire & Peterborough 2017 legislation, which is very sensible and should remain. However, the LTP section (Schedule 9) of the Bill states a simple majority without explicitly noting that same opt-out in that part of the Bill. The government clearly intends that the Clause 6 rule near the very top of the Bill is what applies to LTPs also, as the Area Factsheets specifically lists an area which will retain the two-thirds-including-HAs rule for the LTP, but there is scope for conflict between the Transport Act 2000 (once amended) and Combined Authority legislation.

Amendment needed: The Bill should be amended to avoid this ambiguity, by adding the 'grandfathering clause' to the LTP voting section, while ensuring the grandfathering arrangements are retained.

7. KRN creates an entirely new concept of middle tier road

The bill essentially moves from a two-tier network model (major national highways vs everything else controlled locally) to having a middle tier between these which become regionally-managed. This results in the situation of a Highway Authority having control of a large area, except for particular roads carved out that it no longer essentially manages. This would mean that transport schemes in the vicinity of a main road cannot sensibly be planned because the mayoral regional opinion on the main road may be at odds with e.g. a proposed School Street just off that road.

Amendment needed: It is obviously the government's view that there should be this new type of middle tier, but this has not been subject to widespread political debate despite being a majority change. Local Authorities might wish to argue that the KRN concept should be entirely removed from the Bill. *

** On these items marked with an asterisk, government may not agree, but many highway authorities would probably agree this is a very problematical change.*

Bill latest draft:

<https://publications.parliament.uk/pa/bills/cbill/59-01/0283/240283.pdf>

Area Factsheets:

<https://www.gov.uk/government/publications/english-devolution-area-factsheets/english-devolution-area-factsheets#cambridgeshire-and-peterborough>

Devolution Bill – suggested amendments

These amendments collectively provide safeguards for Highway Authorities, plus correcting to an inconsistency with the Transport Act 2000.

- Page 4: KRN vote to include highway authorities
– amendments to text for the two equivalent sections (CCAs and CAs)
- Page 5: KRN roads to be genuinely strategic
– amendments to text for the two equivalent sections (CCAs and CAs)
- Page 6: KRN roads each to have a defined purpose of the designation rather than purely location
– amendments to text for the two equivalent sections (CCAs and CAs)
- Page 7: Local Transport Plans to have the consent of the highway authorities that will be implementing them
- amendments to text for the two scenarios of a mayor present and then not present
- Page 8: Fixing inconsistency of voting clause between CCA/CA legislation when amending the Transport Act 2000

Schedule 8, page 139, line 6, at end insert— “, and (c) the members of each of the highway authorities of the constituent councils are amongst those voting in favour”

Explanatory statement

This amendment adds a safeguard to avoid the situation where a mayor proposes to misuse the intention of the KRN legislation by attempting to adopt particular roads as a political device, for instance to override previously passed Traffic Regulation Orders of a highway authority. (For CCAs.)

Schedule 8, page 139, line 37, at end insert— “, and (c) the members of each of the highway authorities of the constituent councils are amongst those voting in favour”

Explanatory statement

This amendment adds a safeguard to avoid the situation where a mayor proposes to misuse the intention of the KRN legislation by attempting to adopt particular roads as a political device, for instance to override previously passed Traffic Regulation Orders of a highway authority. (For CAs.)

Schedule 8, page 139, line 13, at end insert—

(1C) The Key Route Network shall consist only of classified roads (B roads or higher) carrying long-distance traffic.

Explanatory statement

This amendment ensures that the highways or proposed highways that constitute the KRN are genuinely strategic. It provides a safeguard against a mayor proposing to misuse the intention of the KRN legislation by attempting to adopt minor roads or isolated sections of residential streets. At present no legislation actually defines the term Key Route Network anywhere, so this clause also provides a sensible clarification of the concept. (For CCAs.)

Schedule 8, page 140, line 6, at end insert—

(1C) The Key Route Network shall consist only of classified numbered roads (B roads or higher) carrying long-distance traffic.

Explanatory statement

This amendment ensures that the highways or proposed highways that constitute the KRN are genuinely strategic. It provides a safeguard against a mayor proposing to misuse the intention of the KRN legislation by attempting to adopt minor roads or isolated sections of residential streets. At present no legislation actually defines the term Key Route Network anywhere, so this clause also provides a sensible clarification of the concept. (For CAs.)

Schedule 8, page 139, line 13, at end insert—

(1D) Each section of the Key Route Network shall define both the location of the highway or proposed highway as well as the purpose of the designation.

Explanatory statement

This amendment ensures that the highways or proposed are for a defined purpose. This ensures that, for instance, a KRN road defined in order to facilitate improvement of active travel cannot be used later for an opposite purpose. It ensures that councils voting for a KRN definition are consenting with a positive understanding of a change. (For CCAs.)

Schedule 8, page 140, line 6, at end insert—

(1D) Each section of the Key Route Network shall define both the location of the highway or proposed highway as well as the purpose of the designation.

Explanatory statement

This amendment ensures that the highways or proposed are for a defined purpose. This ensures that, for instance, a KRN road defined in order to facilitate improvement of active travel cannot be used later for an opposite purpose. It ensures that councils voting for a KRN definition are consenting with a positive understanding of a change. (For CAs.)

Local Transport Plans to have the consent of the highway authorities that will be implementing them

Schedule 9, page 150, line 23, at end insert—

(b) which includes the members of each of the highway authorities of the constituent councils, and

Explanatory statement

This amendment ensures that a Local Transport Plan is passed with the co-operation of the highway authority(ies) within the Combined Authority that will be responsible for implementing it. It avoids the wholly unworkable situation where a mayor obtains a majority from only non- highway authority councils, thereby forcing a highway authority to implement policies its councillors will likely not subsequently agree to implement when Traffic Regulation Orders are determined.

Schedule 9, page 150, line 31, after “on that question” insert— “, to include the members of each of the highway authorities of the constituent councils, ”

Explanatory statement

This amendment ensures that a Local Transport Plan is passed with the co-operation of the highway authority(ies) within the Combined Authority that will be responsible for implementing it. It avoids the wholly unworkable situation where a mayor obtains a majority from only non- highway authority councils, thereby forcing a highway authority to implement policies its councillors will likely not subsequently agree to implement when Traffic Regulation Orders are determined.

Schedule 9, page 150, line 38, at end insert—

(6) Subsections (3) to (5) are subject to provision made in any other enactment (whenever passed or made).

Explanatory statement

This amendment removes a potential ambiguity in voting arrangements for existing CCAs/CAs whose legislation defines voting arrangements for Local Transport Plans. The Bill rightly and clearly intends that any such existing voting rules are not overruled, as Clause 1 specifies the rules that apply for “any decision” of a CCA but subject to cases where there is more specific legislation (page 4, line 11, then the equivalent for a CA, at page 5, line 35). However, in Schedule 9 (Local Transport Plans), because of the need to amend the Transport Act 2000 for CCAs/CAs taking on LTP powers, the voting rules in that Act have to be amended, hence restatement of detailed rules. This transplanting of voting rules inconsistently fails to include the above ‘grandfathering clause’ for existing CCAs/CAs, despite this clearly being intended by “any decision”. Without this change, the Transport Act 2000 will be left inconsistent with LDEDCA 2009 / LURA 2023 and subject to legal challenge. This amendment ensures there is no ambiguity created, using the same text as Clause 1.
