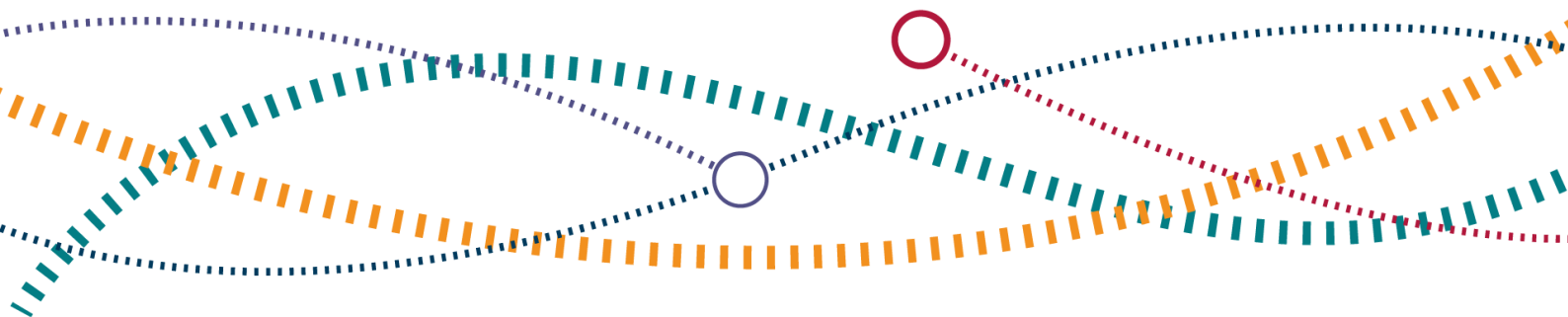




# Holding the strategic highways company to account

Consultation response

26 March 2026



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# Executive summary

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1. This document summarises the stakeholder responses that the Office of Rail and Road (ORR) received to the consultation on our proposed approach to updating our [holding to account policy](#) for National Highways and our response to them.
2. The consultation opened on 14 August 2024 and closed on 18 September 2024. We received 22 responses to the consultation from 13 organisations and nine individuals. We thank the consultees for their interest and for responding to us. All responses are provided in the annex to this paper. Responses from individuals have been anonymised.
3. Responses focused on the six high level questions we asked in our consultation document. This included: clarity of the policy, including transparency of ORR's role; and ORR's work with stakeholders, including government bodies and agencies. Many of the responses raised additional matters, such as the environmental impact of National Highways and its engagement with stakeholders, particularly local authorities and communities.
4. We considered the feedback and used it to inform our refreshed policy, published alongside this document. The policy itself is unchanged in key areas, for example our approach to enforcement. This is to provide consistency for National Highways and clarity for other stakeholders and the public about what we do and how we do it. However, considering the feedback and having regard to our statutory regulatory duties (in particular, to be transparent, accountable and consistent) we have made changes in the following areas:
  - (a) use of clearer language to better describe what we do, why and how we do it;
  - (b) more clarity about the system in which we operate and the roles of the various parties, including the boundaries of our role. We have extensive powers in some areas – covered by the road investment strategy (RIS) and/or statutory directions and guidance (SD&G) issued by the Secretary of State for Transport – but in others our role is limited (for example, we are not a safety regulatory for the strategic road network (SRN)); and
  - (c) added an overview at the start of the document setting out our strategic approach, how we intend to build on the successes of the second road period, to hold National Highways effectively to account in RP3, and the wider regulatory landscape in which these sit.

5. We have also published a glossary to explain technical terms and language, a blog and some frequently asked questions (FAQ) alongside the new policy, to support public understanding.

# 1. Introduction

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- 1.1 The Office of Rail and Road (ORR) is a non-ministerial government department, accountable to Parliament. One of our statutory roles, established in the Infrastructure Act 2015 (the Act), is to independently monitor National Highways (the company), the appointed strategic highways company for the [strategic road network \(SRN\)](#) – the motorways and major A-roads in England. The company has statutory duties to manage, operate and improve the SRN. Our role is to assess the company's performance and efficiency, investigate and where necessary take enforcement action and ultimately hold it to account to fulfil its duties on behalf of road users, taxpayers and the wider public.
- 1.2 Our role originates in Roads Reform as part of a new framework to improve the management of England's SRN to drive economic growth, boost innovation, and give roads users more for their money. Our role is defined in the Act. We have two main legal duties:
- (a) to monitor how National Highways is carrying out its functions. This may include investigating, publishing reports, giving advice to the Secretary of State and directing the company to provide information (section 10 of the Act); and
  - (b) determining whether National Highways is compliant with the road investment strategy (RIS) and statutory directions and guidance (SD&G), including the company's licence (section 11 of the Act).
- 1.3 If we are satisfied that National Highways is non-compliant with the RIS and/or SD&G we can take enforcement action in the form of issuing a notice and/or a fine (section 11(2) of the Act).
- 1.4 We must exercise our functions in the way that we consider is most likely to promote the **performance** and **efficiency** of National Highways (section 12(1) of the Act). In exercising our statutory functions, we must have regard to:
- (a) the interests of users of highways;
  - (b) the safety of users of highways;
  - (c) the economic impact of the way in which National Highways achieves its objectives;

- (d) the environmental impact of the way in which National Highways achieves its objectives; and
  - (e) the long-term maintenance and management of highways (section 12(2) of the Act).
- 1.5 We must also have regard to the better regulation principles. These are that we undertake our regulatory activities in a way that is transparent, accountable, proportionate, consistent, and targeted only at cases where action is needed (section 12(3) of the Act).
- 1.6 In undertaking our statutory role, we can direct National Highways to provide such information as we consider necessary (sections 10(3) to 10(6) of the Act).
- 1.7 Our [holding to account policy](#) is a public document that sets out our approach to these matters. We published the first version of our policy in 2015. It was updated and re-issued in 2020.
- 1.8 We committed to refreshing the policy document for the third road period (RP3, 2026-31) and launched a four-week consultation in August 2024. Following the close of the consultation period, we took the decision to pause the refresh due to a number of factors, including the announcement that we would be entering into an Interim Year for 2025-26. RP3 is now expected to start on 1 April 2026.
- 1.9 Accordingly, we have reviewed the responses received and completed the refresh. We have published our updated policy alongside this consultation response document. This document summarises the responses we received to the public consultation and our responses to the key points raised.

## Objectives

- 1.10 Our previous policy was published in March 2020, at the start of the second road period (RP2, 2020-25). In line with good regulatory practice, we review our policies regularly to check their ongoing relevance, applicability and comprehensiveness.
- 1.11 The objectives of the refresh launched in 2024 were to:
- (a) clarify how we use the principles set out in legislation and the wider roads statutory framework to guide our holding to account activities;
  - (b) improve transparency by using clear language to explain what our powers are, how we use them and how we work with others including government and National Highways, to effectively hold the company to account;

- (c) remove or streamline any activities that may be considered to add administrative burden from regulation to the work of National Highways; and
- (d) remove any outdated references or information that is no longer relevant to how we discharge our duties.

## Reducing administrative burden

- 1.12 Good regulation is underpinned by the better regulation principles to ensure effective and efficient regulatory practices. These principles are embedded in the legislation that created ORR's SRN role: transparency; consistency; proportionality; accountability; and targeting actions only where needed.
- 1.13 In line with these principles and our commitment to government to look at reducing the administrative burden on National Highways by 25% by 2028-29, this policy refresh forms part of wider work to ensure that our holding to account approach for RP3 is proportionate while still ensuring that we have the data and information we need to fulfil our statutory duties. This will include a revision and reissue of our monitoring reporting guidelines (MRG) for RP3 in 2026-27 and a full review of our regular meetings with the company and the data and information processes that sit around them.
- 1.14 To date we have held a number of roundtables, including with the Department for Transport (the department), Transport Focus, National Highways, and some of the company's supply chain to understand perceptions of administrative burden from regulation and how best to minimise it. An area of focus in RP3 will be to ensure that where there are overlaps with other bodies, including the department and other government departments, agencies or regulators that we minimise duplicative requests to and reporting from the company.
- 1.15 One of the key objectives of refreshing our holding to account policy is to clarify for stakeholders and the wider public how we discharge our statutory duties and why and to explain how what we do integrates into the wider Roads Reform framework. It is also important that National Highways knows what to expect from us. The company should be able to rely on our policy to understand the approach we take and why, so that we can work together in the most efficient and effective way to deliver positive outcomes for road users, taxpayers and the wider public.

## 2. Consultation responses

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### Consultation process

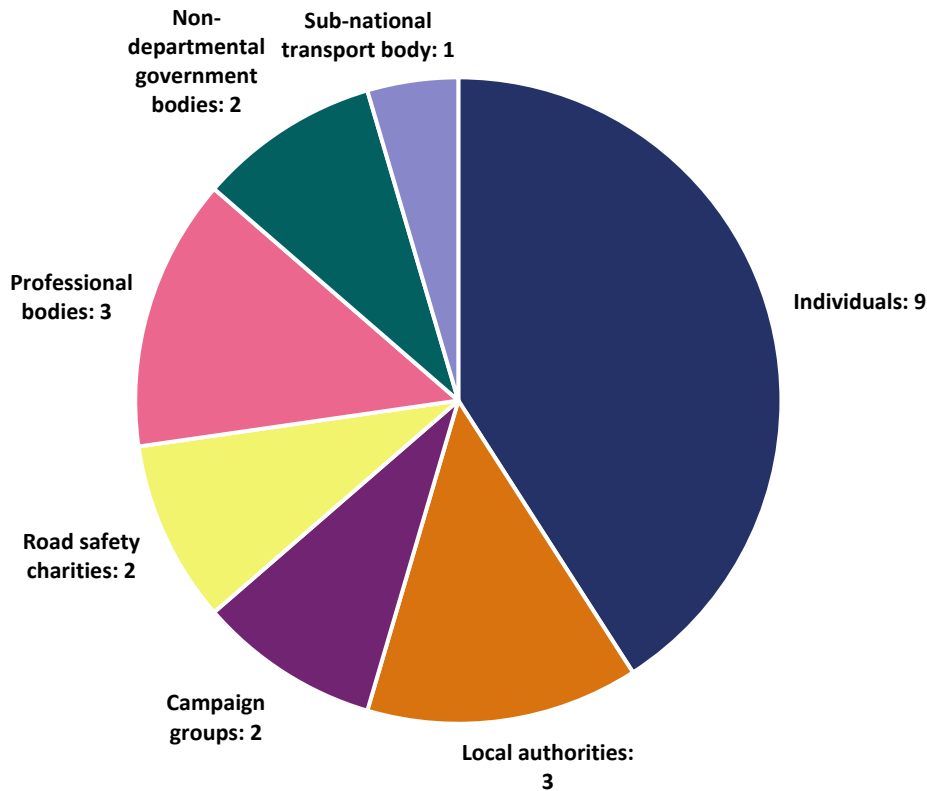
- 2.1 We launched a public consultation seeking views on our proposed refresh of our holding to account policy on 14 August 2024. The consultation was open for four weeks and closed on 18 September 2024.
- 2.2 We sought views on several areas and focused these through six questions that we asked respondents to consider. These are set out in Box 1:

#### Box 1: consultation questions

- (1) Is there anything that our review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?
- (2) How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?
- (3) Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?
- (4) Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?
- (5) Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?
- (6) Is there any other feedback you would like to provide on our holding to account policy proposals?

2.3 We received 22 responses to the consultation from 13 organisations and nine individuals (figure 2.1). We thank the consultees for their interest and for responding to us. All responses are provided in the annex to this paper. Responses from individuals have been anonymised.

**Figure 2.1 Consultation responses by respondent type**



2.4 The remainder of this chapter summarises the responses received to the six questions we asked in our consultation and sets out our response. We have incorporated additional points from responses under the most relevant question.

## Q1: general principles

Q1. Is there anything that our review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?

### Summary of responses

2.5 National Highways agreed with our proposal for a light refresh of the policy to aid clarity and understanding. The company provided feedback in relation to several

areas, including aligning the policy approach to the better regulation principles and clarifying ORR's role. The company made some suggestions about including more detail on how we hold to account against different requirements – for example, targets, commitments and if relevant ranges and bands.

- 2.6 Transport Focus suggested that ORR should place greater focus on some specific areas of National Highways' activities, including day-to-day maintenance, data transparency and engagement with road users to better plan and communicate significant road closures and diversions.
- 2.7 There were several suggestions that ORR and National Highways should work more closely on areas that sit outside our statutory role. For example, one response suggested that there should be closer collaboration to ensure that road users are consulted on full road closures.
- 2.8 We received several responses about litter on the strategic road network (SRN). Many responses expressed concerns that National Highways was not doing enough to remove litter from the network and suggested that ORR should hold it to account to improve this.

### ORR comment

- 2.9 We recognise that it can be difficult for the public and stakeholders to understand what our powers are, their extent and in particular what we prioritise. Our refreshed policy is clearer on these points to support transparency and ensure that people can direct concerns or complaints to the right place. In particular, we have included more detail about what we look at and how we treat different requirements like targets, commitments and action plans. This is not a change in policy, but a better explanation of the principles we have always applied and how we prioritise our work in line with our statutory duties. We will also write to National Highways to set out our approach to the third road period (RP3, 2026-31) in more detail. This will be published on our website.
- 2.10 Specifically on litter, we recognise the concerns raised. We have included in the refreshed policy a summary of the overlapping responsibilities of different departments, agencies and regulators in the wider environment space. For RP3, National Highways has an untargeted performance indicator (PI) that measures litter on the network, specifically the percentage of the SRN where litter is graded at B or above as defined in the [Code of Practice on Litter and Refuse 2026](#). The company's delivery against this PI forms part of our monitoring of its performance and we report on it in our [annual assessment](#). ORR does not set the targets – this is the role of the Department for Transport (the department). Compliance with the

code is a separate legal requirement under the Environmental Protection Act 1990, and the relevant enforcement body is the Environment Agency.

## Q2: regulatory principles

Q2. How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?

### Summary of responses

- 2.11 Many responses expressed the view that the explanation in the policy of how we apply the regulatory principles to our duties under the Infrastructure Act 2015 (the Act) was clear and comprehensive. One response suggested that we could include a glossary of terms to aid comprehension.
- 2.12 National Highways suggested that the policy could provide further clarity on how the better regulation principles are applied and how ORR ensures that its approach is outcomes-focused, forward looking and risk based. The company felt that the policy lacked clarity on these areas and this leads to ambiguity and inconsistency for stakeholders.
- 2.13 One response suggested that in our narrative about our strategic objective we could widen the definition of those who use, or are affected by, the SRN (paragraph 3.4 of the 2020 policy) to reflect those who use the network for 'personal business' not on behalf of an employer or for leisure purposes.

### ORR comment

- 2.14 The regulatory principles are set out in paragraph 1.5, above.
- 2.15 We support Roads Reform by undertaking our statutory role to promote National Highways' performance and efficiency in a way that is outcomes focused and does not inhibit the company's operational independence and approach to delivery. This means that we focus our resource on the requirements from the department, set out in the road investment strategy (RIS) and statutory direction and guidance (SD&G), that we determine deliver outcomes that matter to users and funders. We aim to identify and resolve issues early before they impact those outcomes.
- 2.16 This approach reflects two of the better regulation principles to which we must have regard under the Act: proportionality and taking action only where it is

needed. We have explained these further in the refreshed policy alongside the other principles. We balance these principles at a strategic level and on a case-by-case basis as part of our holding to account activities. From time to time, we must make trade-offs between the principles. We do this with a view as to what would secure the best outcome for users in line with our wider statutory duties to act in a way most likely to promote the performance and efficiency of National Highways.

- 2.17 Our refreshed policy explains in Plain English how we apply the better regulation principles to and balance them as part of our role. We have also published with the policy a glossary of technical language and terms used to aid public understanding.
- 2.18 We have added an overview at the start of the policy more clearly setting out our strategic approach and the current regulatory landscape. The first chapter discusses our corporate strategic objective for better highways.

### Q3: areas of shared responsibility

Q3. Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?

#### Summary of responses

- 2.19 Respondents expressed a variety of views. Some were satisfied that our policy is sufficiently clear on how we approach safety and environmental issues while others stated that greater clarity would be welcome. This was felt to be particularly important where it was unclear who holds what responsibilities in these two areas (for example, regarding litter on the SRN – see Q1).
- 2.20 National Highways stated that the current policy is not clear as to how ORR engages with other bodies in carrying out its duties as set out in the Act, for example on the environment. It suggested that it might be helpful for the policy to include a simple visualisation showing this.
- 2.21 Some respondents asked for greater transparency on when and how ORR engages with or seeks views from stakeholders.

## ORR comment

- 2.22 As set out in our comment on Q1, we recognise that it can be difficult for the public and stakeholders to understand what our powers are, their extent and in particular what we can and cannot look at. This can be particularly difficult in areas such as safety and the environment where there are other bodies with powers and duties that affect the SRN and/or National Highways.
- 2.23 Our refreshed policy is clearer on these points to support transparency and ensure that people can direct concerns or complaints to the right place. We have summarised the overlapping responsibilities of different departments, agencies and regulators in the wider environment and safety spaces.
- 2.24 We have considered whether and how our refreshed policy can better reflect how we interact with stakeholders and the circumstances in which we do so. We have responded in more detail to this under question 4.

## Q4: stakeholder engagement

Q4. Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?

### Summary of responses

- 2.25 National Highways and Transport Focus stated that they felt that the current level of engagement provides enough visibility of the company's performance and delivery. However, the company suggested that it would be helpful if there was greater transparency around ORR's engagement with stakeholders and how it is used to inform its approach to holding to account.
- 2.26 Many responses echoed the request for greater clarity around ORR's stakeholder engagement. Some indicated a willingness to have increased collaboration with ORR to support visibility and understanding of our role. Another response suggested that ORR should be more visible to key industry bodies and users of the SRN to raise the profile of its work and that stakeholders should have named contacts with whom they can discuss issues directly.

## ORR comment

- 2.27 To allow us to assess National Highways' performance and delivery in the round we gather information from a range of sources, including talking to key stakeholders and members of the supply chain. This helps us understand issues and risks to the company delivering the RIS and/or complying with SD&G. This happens on a case-by-case basis, driven in part by our level of concern, set out in more detail in the policy. We also regularly attend industry events such as Highways UK and Traffex to engage with and hear from stakeholders, including the supply chain.
- 2.28 When we review National Highways' plans for future delivery, we consider the extent to which it has sought and responded to the views of road users, including the user priorities identified by Transport Focus' research, and those affected by the SRN. Our advice to the Secretary of State on future RIS development considers stakeholder priorities.
- 2.29 We welcome intelligence and information from the supply chain and others who interact regularly with National Highways. We can be contacted at our team mailbox: [highways.monitor@orr.gov.uk](mailto:highways.monitor@orr.gov.uk).

## Q5: legal powers and delineation of responsibility

Q5. Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?

### Summary of responses

- 2.30 Many responses, including from National Highways and Transport Focus, said that ORR's role in relation to its legal duties and enforcement powers was clear.
- 2.31 However, there were some useful suggestions to increase transparency as to the respective roles of ORR and the department. One response suggested including a diagram to highlight where there are overlaps and limitations. Another response stated that it would be helpful for stakeholders if the policy set out what each organisation is responsible for and include a diagram of the overall Roads Reform framework to provide transparency about decision making and responsibilities.

## ORR comment

2.32 We agree about the importance of ensuring that stakeholders and the wider public can clearly understand the system in which we operate and the roles of the various parties, including the boundaries of our role. We have extensive powers in some areas – covered by the RIS and/or SD&G issued by the Secretary of State – but in others our role is limited (for example, we are not a safety regulatory for the strategic road network (SRN)). We have included more information in chapter 1 of the refreshed policy about the roles of the various parties to Roads Reform and how they fit together.

## Q6: any other feedback

Q6. Is there any other feedback you would like to provide on our holding to account policy proposals?

### Summary of responses

2.33 National Highways referred to paragraph 3.8 of the consultation document that stated:

*“We also use the holding to account principles to guide our work on other matters relating to National Highways’ stewardship of the SRN that are not specified in the RIS or licence.”*

2.34 The company suggested that this was an open-ended application of the policy and required clarification. It felt that, as written, it would apply to matters outside the RIS and SD&G and therefore where we are not legally responsible for ensuring compliance.

2.35 As per Q1, some respondents requested greater scrutiny of National Highways’ approach to litter management on the SRN and ensuring compliance with the Environment Protection Act 1990. There were also requests for ORR to provide increased clarity on its engagement with key stakeholders to ensure that there was clear understanding of who does what and why.

## ORR comment

2.36 From time to time, the department asks National Highways to undertake or deliver work that is not specified in the RIS or the company’s current delivery plan and asks ORR to hold the company to account to deliver it. Where a request or requirement from the department is not included in the RIS or SD&G issued under

section 6 of the Act, we can engage all our statutory powers short of enforcement. This leaves open to us the approach and all the tools and levers set out in chapters 2 and 3 of the refreshed policy. We endeavour to be transparent as to what the department has asked of the company and what we hold to account for.

2.37 Our responses to the other comments raised is addressed under previous questions, above.

## 3. Next steps

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- 3.1 Our refreshed policy has been published on our [website](#). It applies from the start of the third road period (RP3) on 1 April 2026.
- 3.2 We have also published a blog and some frequently asked questions (FAQ) alongside the new policy to support public understanding of what we do, how we do it and how our role fits into the wider Roads Reform framework, including the boundaries of our role.
- 3.3 In line with good regulatory practice, we will keep this policy under review to check its ongoing relevance, applicability and comprehensiveness.

# Annex A: Individual responses

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## Better Transport

**A.1 Is there anything that our review of our holding to account policy should include beyond the application of principles, clarification of our approach, and improving transparency on our relationship with National Highways?**

A.2 The review should also address:

- *Alignment with Net Zero Commitments:* Given the commitment to achieving climate targets, the policy should clarify how the ORR will hold National Highways to account for aligning its activities with Net Zero goals, especially regarding road-building and traffic growth.
- *Sustainable Infrastructure Solutions:* The policy should explicitly include how ORR will oversee National Highways' collaboration with local authorities and other stakeholders on multi-modal transport solutions. The focus should shift from merely building roads to supporting sustainable infrastructure – both public transport and active travel.
- *Environmental and Social Impact:* There should be a stronger focus on the environmental burden of road schemes, including the impacts on air quality, carbon emissions, and bio-diversity. The ORR should emphasise how National Highways must incorporate environmental criteria into project evaluations, in a similar way to the recent review in Wales.
- *Long-term Road Maintenance:* With RIS3 focussing more on maintaining and adapting existing infrastructure, the ORR should clarify how it will measure and hold National Highways to account for ensuring the longevity and efficiency of existing roads rather than expanding capacity for private vehicles.

**A.3 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear, and if so, what?**

A.4 The explanation is useful, but there are areas where it could be clearer:

- *Adaptation to Changing Policy Contexts:* As road policy shifts towards sustainability and achieving the UK's climate commitments, the application of

the Infrastructure Act's principles should be explained unequivocally in this context. How the ORR intends to integrate these considerations into the existing framework requires clarification.

- *Application to Environmental Standards:* The policy could expand on how principles like transparency and accountability will specifically be applied to environmental standards and sustainability targets. For example, how will the ORR address National Highways' compliance with Net Zero goals?
- *Practical Examples:* RIS2 included two case studies (notably the A30 Chiverton to Carland Cross, which provides best practice to minimise disruption to the local environment). More real-world examples of how the principles are applied could help clarify how these regulatory powers function in practice, particularly in complex or borderline cases.

**A.5 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies, and government departments?**

A.6 The current policy outlines safety and environmental considerations but could be more robust in certain areas:

- *Environmental Accountability:* While safety issues are addressed, the policy could be more explicit on how the ORR will regulate National Highways in regard to environmental impacts. This includes ensuring the strategic road network aligns with national climate emergency goals, and that road schemes are reviewed against sustainability criteria.
- *Collaboration with other Agencies:* The document would benefit from clearer examples of how the ORR collaborates with other agencies, such as local authorities and environmental regulators. Specifically, how the ORR coordinates overlapping enforcement powers with bodies such as the Environment Agency on climate and environmental risks could be more transparent.
- *Sustainable Alternatives:* The ORR should clarify how it will engage with National Highways to consider sustainable, multi-modal solutions in collaboration with other transport authorities and regulatory bodies.

**A.7 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide**

**sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.8 No, you do not. While the outcomes-based, forward-looking approach is a step in the right direction, it could be made more effective through:

- *Clearer Sustainability Metrics:* To improve transparency, the ORR should introduce specific sustainability metrics and criteria which National Highways must meet in relation to environmental goals, carbon emissions, and sustainable transport solutions. This would give stakeholders a clearer view of performance against climate targets.
- *Frequent Stakeholder Engagement:* External engagement could be more structured and frequent, including regular consultations with a broad range of stakeholders, such as environmental groups, local authorities, and transport users. This will help ensure all voices are heard, especially when it comes to reviewing road schemes against Net Zero commitments.
- *Reporting and Constructive Criticism:* Providing more detailed reports publicly on a regular basis would improve engagement. Providing a mechanism for regular feedback from all road users, taxpayers, and environmental groups would improve the process and ensure a holistic (and therefore sustainable) approach to achieving the ORR's outcomes.

**A.9 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers, including the line between or overlap with that of the Department for Transport?**

A.10 The policy explains the ORR's legal powers adequately, but more clarity on the following would be useful:

- *Collaboration with the Department for Transport (DfT):* The extent of the ORR's role against that of the DfT could be better clarified, especially regarding long-term road planning as opposed to short-term compliance. This is crucial given the evolving emphasis on environmental criteria and sustainability in transport planning.
- *Limits of Authority on Sustainability:* The ORR should provide clearer guidance on where its enforcement of environmental policies begins and ends. For instance, how does the ORR ensure National Highways aligns with the UK's climate targets while still working within the scope of its legal

powers? More concrete examples of how the ORR's regulatory reach overlaps or diverges from the DfT would be helpful.

### **A.11 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.12 Yes:

- *Incorporating Future Technologies:* As transport technology evolves, the ORR should work out how it will regulate National Highways in light of these developments. This would ensure that future road designs and projects are adaptable to the impact of the switch to Electric and Zero Emissions Vehicles, and support the transition to sustainable transport.
- *Alignment with Global Best Practices:* The ORR could explore integrating global best practices in road accountability – particularly focussing on sustainability and emissions reduction in infrastructure planning and construction. Comparing the UK approach with international counterparts could provide insights for improving its policy.
- *Review Mechanisms for New Projects:* Road schemes should be reviewed against stricter sustainability criteria before approval. The ORR should outline how these reviews will be conducted, especially for future road-building projects. Including this in the 'holding to account' policy would help emphasise the shift toward sustainable transport solutions.

## Buckinghamshire Council

**A.14 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.15 No

**A.16 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.17 Regulatory principles applied by the ORR are clearly outlined in the policy as per the Infrastructure Act 2015. However, the policy lacks detail on how decisions are made e.g. how are aspects of National Highway activities that are most important for stakeholders identified? What are the metrics used to determine the significance ORR attaches to National Highway's performance failures?

**A.18 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.19 No. The ORR policy does not set out the mechanism used to make safety and environmental considerations. Again, the policy just states what the considerations are but not 'how' they are monitored and assessed. This is particularly relevant in terms of future planning of RIS schemes.

A.20 The policy outlines ORR's stakeholder engagement as an integral part of monitoring and states that this is largely informed by Transport Focus' research. The policy also states that ORR engages with local and regional bodies, acknowledging that they may have relevant information and insight to share where there are potential concerns. However, it is unclear whether ORR pays regard to the interests and safety of road users and the economic and environmental impacts of National Highways operations on the wider network.

A.21 For example, large sections of Buckinghamshire are not served by the SRN. Therefore, freight and long-distance traffic flows between the M1 and M40/A43 cause detrimental impacts on the Major Road Network (MRN) and local roads, which are not designed for the size or volume of the vehicles involved. The main roads affected are:

- A421: Brackley-Buckingham-Milton Keynes

- A41: particularly to the west of Aylesbury (at Waddesdon, as well as Aylesbury itself)
- A418: to north and south of Aylesbury (particularly Wing, Bierton, Stone and Hartwell, as well as Aylesbury itself)

A.22 Buckinghamshire Council would like National Highways to play a greater role in investment planning for routes that attract through traffic to SRNs.

A.23 Matters such as environmental impacts and safety concerns caused by through traffic should also form part of the key outcomes that are assessed through the ORR's monitoring and review processes to ensure material impacts of SRNs on local road networks are considered when holding National Highways to account.

**A.24 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.25 The policy states that there is a collaborative approach with a wide range of stakeholders in the roads industry, but detail is lacking on the engagement opportunities available and how this is carried out. Buckinghamshire Council currently does not have engagement with ORR and would welcome the opportunity to collaborate (including with National Highways decision making process).

A.26 The policy states that the outcome-based approach allows for only the key outcomes that matter to users and funders to be monitored. It states that there are opportunities for key stakeholders to inform the identification of issues and risks to National Highway delivering its objectives. However, it is unclear in the policy what role stakeholders such as Local Transport Authorities have in identifying these key outcomes. Perhaps the policy could be more explicit on how ORR involves Local Transport Authorities and Subnational Transport Bodies as tools for future programme planning and evidence gathering.

A.27 Buckinghamshire Council is supportive of the outcomes-based, forward looking approach where early identification of issues and interventions actions can be implemented to avoid things going wrong or getting worse. The policy should look to involve stakeholders from the wider road network in this work.

**A.28 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

A.29 ORR's statutory power limitations and overlaps are clear, but they could be illustrated on a diagram for ease of reference (see an example on page 12-13 of Monitoring Highways England's network investment ORR's approach, dated December 2016)

**A.30 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.31 While ORR's monitoring relates to the SRN in England and not to the local road networks, the impacts of National Highways failures to deliver or progress RIS schemes goes beyond the SRN as most journeys start and finish on local roads.

A.32 Buckinghamshire Council believes that there is an opportunity for the ORR to hold National Highways to account by addressing the continued impact of the SRN on the local road networks. Integrating the SRN's impacts on the wider road network (and other modes of transport) in investment decisions and performance monitoring will serve the interests of all road users in line with the duties set out in the Infrastructure Act.

A.33 Buckinghamshire Council would also like to draw ORR's attention to the decision taken by the Department for Transport (DfT) and National Highways to 'pause' feasibility and options assessment work for the Road Investment Strategy 3 (RIS3 2025-2030) Pipeline A404 corridor schemes: Handy Cross junction (A404/M40 J4) and the Bisham Roundabout (A404 near Marlow).

A.34 Improvements to Handy Cross and Bisham roundabouts were originally included in the RIS2 pipeline schemes (2020-2025) so this will be a 10+ year delay with no degree of certainty for Buckinghamshire Council as to when the improvements will be delivered.

A.35 The A404 corridor is a parallel north-south route connecting the M40 and M4 which also acts as a relief route for the M25. Locally, it is one of Buckinghamshire's most economically productive, with high performing businesses operating out of business parks at Cressex and Handy Cross hub (High Wycombe) and Globe Park (Marlow).

A.36 Handy Cross roundabout is a well-known hotspot for congestion, with journey times significantly impacted by queuing at the junction – both on local roads such

as the A4010, and on the two main strategic roads. These congestion issues are impacting future inward investment and growth on both business parks and is the reason that businesses consider relocating their operations and headquarters.

- A.37 We have urged National Highways to reconsider their rescheduling of feasibility work for the A404 schemes so that schemes can be ready for delivery within the RIS4 period. Any further delay cannot be justified and will only compound these congestion issues and impede future investment opportunities in the area.
- A.38 While we appreciate that some of the reasoning behind the RIS3 announcement is beyond National Highway's control and that the ORR does not approve changes to the RIS (nor is it involved in investigating specific transport issues) we believe there is an opportunity to raise concern about the impact any further delay will have on the congestion issues being faced and further impede investment opportunities along the A404 corridor.
- A.39 Buckinghamshire Council would like to urge the ORR to advise DfT to provide assurance that the commitments made in RIS2 and RIS3 (i.e. pipeline A404 corridor schemes) will continue to stand regardless of the challenges met along the way.
- A.40 Buckinghamshire Council would also like to see ORR's efforts towards reviewing National Highways actions to engage and work with local authorities in addressing the impact of scheme delays and cancellations.
- A.41 In holding National Highways to account, there is a need to assess the socioeconomic impacts of missed commitments and delays on current and future RIS periods.

## Chartered Institution of Highways & Transportation (CIHT)

- A.42 **Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**
- A.43 The Chartered Institution of Highways & Transportation (CIHT) recommend the Office of Road and Rail (ORR) to include in its review whether (Key Performance Indicators) KPI's currently set for National Highways (NH) are fit for purpose. It was stated in the latest Annual Assessment of National Highways performance April 2023- March 2024 that NH will not be able to deliver some KPIs and they will

therefore be reviewed and changed to ensure they are still challenging but achievable. We call for transparency in that review and clarity on how the new ones have been set and for the review to also include whether all the current KPIs are fit for purpose.

A.44 We recommend:

- ORR clearly indicate in the annual assessment of National Highways performance reports the actions ORR will be taking when NH fail to meet a KPI as there are instances in the report of ORR flagging a problem and NH acknowledging it but there are no steps identified to resolve it
- It would be useful to clarify the types of issues which would be classed as a contravention and be liable for a fine.
- ORR incorporate feedback from a wider range of stakeholders including local communities, industry experts, and environmental groups, to provide a more holistic view.
- clearer, more simple measurable performance metrics for National Highways to enhance accountability.
- NH be asked to explain and address how emerging technologies (e.g., Artificial Intelligence (AI), Internet of Things (IoT)) can be leveraged for better monitoring and reporting.

**A.45 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.46 The current explanation of how regulatory principles from the Infrastructure Act 2015 are applied seems comprehensive and clear. However, it could benefit from more real-world examples to illustrate the application of these principles in practice.

A.47 If there are any legal or technical terms that might be unclear to non-specialists, a glossary or simplified explanations could be helpful

**A.48 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.49 CIHT believes these areas could be improved, specifically the policy should explicitly outline the processes and criteria used to address safety and environmental concerns. Moreover, clearer descriptions of how ORR collaborates with other agencies, regulatory bodies, and government departments on these issues would enhance understanding.

**A.50 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.51 CIHT believes that the ORR could improve the processes and transparency of external engagement activities. CIHT also notes that the framing of this consultation did not really allow stakeholders to comment on what is being measured and whether stakeholders think the monitoring is leading to better outcomes.

A.52 Specifically, we recommend:

- improve clarity on what actions are being taken when problems are identified. It is important to not only report issues but also ensure that stakeholders and the public understand the steps being taken to resolve them.
- increase engagement with key users of the network, such as the Freight Transport Association (FTA), Road Haulage Association (RHA), and other regular users to assess whether the ORRs monitoring is leading to better outcomes. This can be done through meaningful consultations, workshops, and forums where their input is valued and acted upon.
- regularly review and adapt consistent processes. While consistency in handling similar issues is important, processes and outcomes should be periodically reviewed and adapted. This is particularly crucial for evolving challenges, such as those related to climate change and net-zero goals, where bolder actions may be required

**A.53 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

## Office of Rail and Road | Holding National Highways to account policy

- A.54 CIHT believes that overall, the role of ORR is clear, however, we question the premise of the monitoring process (see response to Q4), i.e. is the monitoring leading to better outcomes for users.
- A.55 To improve transparency we think that clear communication channels and regular updates on ORR's activities and decisions can help stakeholders understand the extent and limits of ORR's authority.
- A.56 Is there any other feedback you would like to provide on our holding to account policy proposals?**
- A.57 ORR holds National Highways to account for the experience of the end user. There is a skills shortage in the logistics sector and road delay makes driving as a career less enjoyable. There is also the knock-on impact of increased pollution from congestion. However, the outcomes for the end user appear to be lost in the holding to account policy and KPIs measured. For example, it is unclear how unnecessary speed restrictions (i.e. speed restrictions which have not been lifted after an incident has been cleared) or lane closures which appear to be in place for no reason (or the reason given is no longer there) or insufficient notice of upcoming lane closures are captured in the current KPIs being monitored. We recommend that the KPI "percentage of time that roadside technology services are available and functioning" should be amended to the "percentage of time that roadside technology services are available and functioning and displaying accurate information" as equipment may be working but providing false and misleading information.
- A.58 It is also unclear how many road users know that they can complain to Transport Focus about National Highway related delays. It would be useful if ORR carried out an annual public survey seeking views.
- A.59 The monitoring of the retrofitting of Emergency Areas motorways to make them a maximum of one mile apart decreasing to 0.75 miles wherever possible should be given greater prominence in the annual assessment of national highways performance report as this is an area of significant concern for the travelling public.
- A.60 It would be useful to have a link in the holding National Highways to Account Policy document to where the last annual holding to account report is stored and to also include an appendix which lists the issues investigated and the outcome of those investigation in the annual assessment of national highways performance report so it is clearer what the key issues for that year were.

## Civil Engineering Contractors Association (CECA)

- A.61 The Civil Engineering Contractors Association (CECA) welcomes the opportunity to respond to this consultation.
- A.62 CECA is the representative body for companies who work day-to-day to deliver, upgrade, and maintain the country's infrastructure.
- A.63 With more than 300 members based across the devolved nations of Scotland and Wales and six English regions, CECA represents firms who together carry out an estimated 70-80 per cent of all civil engineering activity in the UK, in the key sectors of transport, energy, communications, waste, and water.
- A.64 CECA members directly employ more than 250,000 people across the UK, and support supply chains that provide employment for many thousands more, generating the economic growth that businesses and communities rely upon.
- A.65 We understand that the ORR is seeking greater transparency on the application of the principles set out in the Infrastructure Act 2015. It is seeking clarity on its role and how it undertakes outcomes-based, forward-looking and a strategic approach to delivering the intent of Roads Reform. While not proposing to substantially revise its approach, the ORR seeks to understand whether its role is clearly understood and if not, where clarity could be improved. It also seeks to improve how it engages with stakeholders.
- A.66 We have responded below where we feel we can add value. We look forward to continuing our good working relationships with the ORR, National Highways and the Department for Transport to drive continuous improvement in the delivery of the Strategic Road Network.
- A.67 CECA members are calling for further clarity on the ORR's authority in holding National Highways to account. While we welcomed the ORR's latest annual report on National Highways, we remain concerned as to how the issues raised will be addressed and who National Highways is truly accountable to.
- A.68 We note that National Highways is intrinsically reliant on an outsourced supply chain to deliver the objectives set by the ORR. Yet, National Highways' supply chain engagement and management is not measured by ORR. We believe that some level of oversight in this area would encourage greater collaboration and understanding between supply chain and client, driving innovation and best practice.

- A.69 We recognise that National Highways is facing a number of delivery challenges due to budgetary pressures and the legacy of Covid. As a result, we feel that it has been slow to manage change, simply due to the sheer volume of pressures faced. CECA and its members understand the situation stand ready to work with National Highways to help resolve them. We believe that ORR has a role to play in facilitating this collaboration. At the moment we feel that we are only engaged as a supply chain to manage emergencies, rather than to collaborate for the long term.
- A.70 A key driver of how the supply chain can support National Highways is by standardising the use of Early Supplier Involvement. This approach generally addresses the bulk of delivery problems at the outset and substantially reduces expenditure in the long term.
- A.71 We also recognise that the ORR can play a role in the understanding of lessons learnt. For example, CECA members believe that the ORR could have worked more closely with National Highways to ensure overall success of the Smart Motorways project.
- A.72 Furthermore, we believe that the ORR is limited in its monitoring of National Highways, in part in due the resource that is allocated for roads versus rail. In our view a myriad of challenges remain for the supply chain working on the Strategic Road Network. While we are primarily concerned about pipeline viability, there are also daily concerns surrounding inaccessible networks, a lack of walkways, and safe parking bays as an example.
- A.73 CECA hopes that the ORR can find a way to address the issues raised in this submission. We stand ready to work with you and National Highways to address the challenges faced.
- A.74 CECA members believe that the ORR has a role in bringing National Highways and the supply chain together on a formal basis to collaborate to ensure we can still deliver the roads of tomorrow.

## Clean Up Britain

- A.75 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**
- A.76 This is frankly a joke of a paper as the ORR is a joke of an organisation. There is no mention of litter anywhere in the policy document. Not a single mention. In the ORR's Assessment of National Highways Performance for the year April 2022 to

March 2023, p.75 of the document showed that the ORR relied on National Highways (NH) marking their own homework and even then National Highways assessed almost 47 per cent of the Strategic Road Network (SRN) was grade C or D for litter. The result: the ORR has done nothing to hold NH to account. This paper proposes absolutely no rectification of the way ORR holds NH to account for the state of litter on the SRN: what a joke!

**A.77 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.78 Utterly meaningless and vacuous words.

**A.79 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.80 Absolutely not: the ORR does NOTHING to hold NH to account for its enormous environmental footprint in terms of carbon; biodiversity destruction (see M25 Jn 10); the time taken (Jn 10); and the litter on the SRN (see the entire network not just the 47 per cent which NH admits of its own accord is below the minimum standard before being cleansed to grade A (and grade A is absent from the network ever!))

**A.81 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.82 An outcomes based approach is by default a failure to hold to account: it is an excuse to do nothing. There needs to be a regimented and thorough assessment of NH in particular relation to the environment and NH's failure to comply with its duty under s.89 of the Environment Protection Act 1990. Otherwise, it is left to consumers and individuals to pursue a litter abatement order which is an arcane and ineffective means to hold NH to account, something which the ORR should be doing and is massively failing to do.

**A.83 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

- A.84 The DoT is as ineffective as the ORR. Too many quangos and no action by anyone.
- A.85 Is there any other feedback you would like to provide on our holding to account policy proposals?**
- A.86 It is impossible to argue with Sir Mike Penning, former roads minister, when speaking to the disgrace that is NH when he said in parliament on 25 April 2023:
- A.87 "I think not only that it is not given enough consideration, but that it is a national disgrace. I specifically picked on motorways because of the legal responsibility Highways England, the Highways Agency or whatever it wants to call itself today—it has renamed itself several times since I was the Roads Minister. I do not know why it has spent so many thousands of pounds of taxpayers' money renaming itself. If the brand is decent, it should not be renamed. If the brand is bad, it should be renamed, and that seems to be exactly what Highways England or the Highways Agency—Highways something—has been doing. It has a legal responsibility for its network, which includes not just motorways but some A roads.
- A.88 We should have better enforcement and use the technology that we have. If we can prosecute people for going two or three miles per hour over the speed limit—I am all for that; I was a Transport Minister—we can use the same cameras to prosecute people who throw litter. I am sure that, like me, colleagues have seen footage of people on the motorway driving down the road—there is the car, there is the numberplate, there is the face, there is the phone—and exactly the same technology can be used for people chucking litter out of the car.
- A.89 Penalties almost certainly need to be stronger. Perhaps we should do something not dissimilar to what I did when I was the Minister and we brought in the driver awareness course. Fines and points were not working, but the evidence showed that drivers actually drive better and slower after they have done such a course.
- A.90 At the end of the day, we have to do two things. We have to educate people through courses such as the driver awareness course, and we have to make sure the person or organisation responsible for these highways takes action. I picked the motorways because it is not like in our constituencies, where it could be a borough council, a district council, a county council or a unitary authority; there is a single body legally responsible for motorways and some A roads under section 89 of the Environmental Protection Act 1990. We have got to the ridiculous stage where individuals—I will talk about John Read and the Clean Up Britain campaign—are almost certain to use section 91 of the Act to take National

Highways to court. We have the right under the Act to say, “You are not doing what you are supposed to be doing, which is to clear up the mess on our highways.”

- A.91 When I applied for this debate, I was thrilled by not only by the excellent paper produced by the House of Commons Library, but by John Read of Clean Up Britain, Policy Exchange and the RAC Foundation. I also thank the Sunday Express for helping to highlight this issue last weekend. They have all come together to say, “What can we do to stop this blight, predominantly on the English countryside, getting worse and worse?”
- A.92 [...] The question has to be, why is National Highways not taking this issue seriously? The organisation cannot be taking it seriously, because it has given contractors contracts but is not monitoring them. Following a freedom of information request to Mr John Read, National Highways came back and said:
- A.93 “We don’t undertake audits of our contractors’ work for litter clearance.””
- A.94 And the ORR does NOTHING to hold NH to account. Allied with a total lack of respect from members of the public who litter without consequence and we have a perfect storm.

## England’s Economic Heartland (EEH)

- A.95 England’s Economic Heartland (EEH) is the sub-national transport body (STB) for the region stretching from Swindon across to Cambridgeshire, and Northamptonshire down to Hertfordshire. We provide a single voice on the region’s strategic transport infrastructure and connectivity priorities.
- A.96 Eight of National Highways Strategic Route Strategies cross the region and our region includes the Strategic Road Networks, managed by National Highways, of: M25, M1, M40, M4, A1M motorways; and key Strategic A roads: A34, A404, A43, A45, A5, A1, A47, A419, A421, A428 and A14.
- A.97 EEH’s focus is on delivering a user-centred transport system in our region, bringing better outcomes for all users. This is a focus that is shared with ORR in its role as Monitor and in this context as the sub-national transport body for the EEH area we welcome the opportunity to comment on the ORR’s consultation ‘Holding National Highways to Account’. The consultation considers changes to the current document, ahead of publishing a revised policy document in 2025. This response follows our response to the 2020 consultation ‘Holding Highways England to Account’ policy.

- A.98 This response is structured to cover some key themes in this cover letter, followed by an annex with responses to the consultation questions.
- A.99 Since our original consultation response in 2020, England's Economic Heartland and National Highways have continued to build and foster a relationship, particularly with colleagues in the strategic planning function. Inclusion of STBs in working groups (such as for RIS pipeline schemes) and National Highways attendance at meetings such as regular Strategic Transport Leadership Board Meetings (our political decision-making forum) and officer meetings has been welcomed. EEH welcomes ongoing engagement with National Highways in: setting regional priorities, building on existing relationships; utilising local knowledge; and building decisions based on evidence held at a regional level.
- A.100 The Strategic Road Network (SRN) plays an important role in the transport system in the Heartland region, supporting economic growth and connecting people and places. It provides key links between our region and the rest of the UK and provides a vital role in supporting the freight and logistics sector, connecting the ports in the south, east, west and London travelling through the region to access Midland's logistics Hubs. Technical work carried out across EEH's programme of work, and work undertaken by National Highways through the Oxford to Cambridge roads study, identifies priority areas for intervention across the region. Scheme specifics are not listed in this consultation response - noting that this consultation is not about the monitoring of individual schemes - but we would be very happy to discuss further.
- A.101 In 2021, EEH published its Transport Strategy. The document provided a regional framework for strategic transport and set out the context in which investment in the Strategic (and Major Road Network) would be supported. This includes where investment protects and enhances the existing infrastructure asset, delivers a solution to an identified problem on the existing infrastructure asset, enables access to new economic opportunities and/or housing growth and/or enables delivery of sustainable transport linkages such as public transport and active travel improvements.
- A.102 In addition, the role of the ORR as Monitor of National Highways must hold National Highways to account in ensuring that its approach to investment and maintenance is consistent with the commitment by Government that the UK will meet the net zero greenhouse gas emissions requirement no later than 2050.
- A.103 It is in the context of the regional transport strategy, and our associated technical programme, that EEH sets out its response to the ORR's consultation.

#### **A.104 Role of Sub-national Transport Bodies**

A.105 Since their establishment in the Cities and Local Government Devolution Act 2016, sub-national transport bodies have developed their capacity and capability to have an evidence-led, outcome-focused approach to the development of regional transport strategies.

A.106 Successive Secretaries of State (Transport) have reinforced their commitment to sub-national transport bodies, with continued funding and support for STBs. Given this context STBs should be named as a key stakeholder in the monitoring process for National Highways.

A.107 The ORR should ensure that, in its role as Monitor, it captures and has built into it the right mechanisms for ensuring that National Highways is required to respond to and consider the priorities of STBs. As noted earlier in this cover letter we have built good relationships with National Highways strategic planning function but would welcome formalisation of engagement with STBs within key documents.

#### **A.108 Supporting the Major Road Network**

A.109 STBs are established bodies that develop evidence-led strategic guidance on regional policy and infrastructure programming. This has been demonstrated through the role that STBs have in the development of the Major Road Network. EEH continue to make the case that the SRN and MRN should be viewed as one network, with MRN roads acting as part of the strategically important road network. This would help achieve the strategic objective of the ORR to 'improve performance and value for money from the strategic road network; securing improved performance, including efficiency, safety and sustainability, from the SRN, for the benefit of road users and the public.'

A.110 Moving forward it is important to ensure that the role of the Monitor includes the need to include consideration of the interaction between National Highway's network and that of the local authorities. EEH recommends that this is included within the document 'Holding National Highways to Account'.

#### **A.111 Future Proofing the Strategic Road Network**

A.112 EEH is supportive of ORR's commitment to ensure that National Highways meets the strategic objectives set out in its strategic plan (Connecting the Country) and RIS document namely: customer experience, supporting planned growth and productivity, safety, asset resilience, decarbonisation, multi modal approach, sustainable network approach and digital.

- A.113 The Heartland region is renowned for forward thinking, technology led innovation. Future proofing the transport network through rapid and widespread adoption of new and emerging technologies, together with investment in digital infrastructure that is available to users beyond the highway network, need to be critical components of future investment programme. ORR, in its role as Monitor, must ensure that National Highways actively invests in new technologies and facilitate innovation.
- A.114 EEH would also like to explore further with ORR the role that National Highways has in helping to respond to localised issues around the objective for the environment, in relation to impact of the SRN on communities. There are areas where the SRN passes very close to households, such as parts of the A1, A34 and A5 and the impact on these communities in setting the future RIS programmes should be considered and monitored as part of ORR's assessment
- A.115 Monitoring and evaluating by the ORR of National Highways' compliance against the objective to support all road users (including active travel, public transport and freight) is essential as we move towards an approach of addressing customer experience and impact on communities.

### **A.116 Funding and programme delivery**

- A.117 EEH is keen to ensure certainty of delivery of the RIS programme and therefore support a forward looking approach to identifying and resolving issues, as outlined in the policy document. Targeted investment in roads in the EEH region is critical to ensuring economic growth and ensuring early resolution to issues with the RIS programme will provide confidence to communities and investors.
- A.118 Equally, certainty around funding for the delivery of the investment plan, in order to provide much needed transport infrastructure, is critical. There has been delay in delivery of some of the programme of previous RIS schemes, which has had a knock-on effect for the future RIS programme, with schemes pushed back or delayed. Targeted intervention in the SRN, which meets the needs of the region, cannot be delayed. Delay to both the delivery of the schemes into future RIS programme and uncertainty in future RIS investment will only exacerbate the existing challenges.
- A.119 England's Economic Heartland would welcome a strategic role which enables us, as a strategic stakeholder, engaging with the ORR to express the impact of the performance and delivery of RIS for the region.

### **A.120 Setting the future RIS programme**

- A.121 The current policy and consultation set of the role of the ORR in monitoring aspects of National Highways' programme and delivery. What is less clear is the role of the ORR in considering the content of the future RIS and how this meets the principles set within the long term strategy (Connecting the Country and RIS3). Understanding the role of the ORR would be beneficial.
- A.122 As the STB voice for EEH region, we would wish to be engaged by the ORR to help convey the impact and consequences of the outcomes for our region relating to the impact of uncertainty surround setting the priorities (and delivery) of the future RIS programme. STBs hold significant evidence bases and insight, which may prove beneficial for ORR.
- A.123 England's Economic Heartland welcomes the opportunity to respond to this consultation. The importance of joint working between partners and ensuring ongoing collaboration with National Highways in setting priorities and ensuring the delivery of future road investment strategies is key. We have welcomed the engagement we have with National Highways and would welcome engaging in the themes noted in the consultation response with the ORR.
- A.124 Consultation question responses**
- A.125 Is there anything that our review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**
- A.126 EEH agrees with the principles included in the existing policy document: transparent, proportionate, consistent, targeted and accountable.
- A.127 As noted in our cover letter, since the previous policy document consultation in 2020, England's Economic Heartland and National Highways have been fostering a good relationship and liaison mechanisms, which we welcome and would wish to see continue into the future.
- A.128 A long-standing area of concern for our Strategic Transport Leadership Board is engagement during the construction and operational phases of schemes, including the impact on local communities. Real engagement, as opposed to consultation, would be welcomed to minimise the impact on local communities.
- A.129 We agree that there has to be a targeted and proportionate approach to monitoring, targeting areas of risk. As noted in our covering letter, a risk for the RIS programme has been certainty and delivery timescales, which lead to

uncertainty. We would wish the ORR to consider the implications of uncertainty of programme delivery and future programmes in their approach to monitoring.

A.130 We would also wish the ORR to monitor and hold National Highways to account for timeliness in the planning and funding stages of RIS schemes. There are examples where delay in planning and funding decisions have led to a delay in scheme delivery and a knock on effect of increased scheme delivery costs over time.

**A.131 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.132 The current policy outlines the regulatory principles (as per Q1) and general duties of ORR, alongside the factors which the ORR considers, including the interests of users of highways, the safety of users of highways, the economic impact of the way in which NH achieves its objectives and the long-term maintenance and management of highways. The areas considered are clear, however, when considering the long term strategy and contents of the RIS, the document does not cover in depth how the regulatory principles are applied to specifics rather it talks about the process.

**A.133 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.134 As noted in the above responses the principles and application of the principles are clear. However, it would be very helpful to outline how National Highways performance against themes such as economic impact and the environment are assessed in regulatory terms, particularly any metrics. For example, in the planning of RIS and implementation of RIS, how the overarching economic impact is considered by the ORR.

**A.135 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.136 We agree with the outcomes based approach to considering performance and delivery. Putting users and customers first should be at the heart of the ORR's approach.

- A.137 We welcome the opportunity to input into consultations on how ORR holds National Highways to account. However, as the STB voice for EEH region, we would wish to be engaged with to convey the impact and consequences on the outcomes for our region relating to the impact of uncertainty in the setting and delivery of RIS and how the outcome based approach is applied to themes such as the economy and environment. STBs hold significant evidence bases and insight, which may prove beneficial for ORR.
- A.138 It would also be helpful to understand the role of the ORR in elements such as diversionary routes and impact on the overall network. National Highways has presented on their approach to setting diversionary routes to EEH officers, which has been well received.
- A.139 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**
- A.140 The roles and responsibilities of the ORR and DfT are outlined in the document, with associated documents linked.
- A.141 The current policy outlines the role of the ORR in monitoring the SRN, rather than the local road network. As per our covering letter we would like to see the ORR monitoring the interaction between the SRN and the Major Road Network, including the impact on the MRN of SRN activities such as diversion routes.
- A.142 The current policy also outlines that the enforcement activity focuses on the delivery of RIS and the compliance with National Highways Licence. We would wish to see STBs included in the National Highways licence in section 5.18 as a body National Highways should cooperate with, consult and take reasonable account of the views of. We have strong relationships with National Highways but would wish the licence to take account of this.
- A.143 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.144 Please refer to our cover letter.

## Institute of Highway Engineers

- A.145 The Institute of Highway Engineers (IHE) was established in 1965 and has a long-standing history of professional registration and academic course accreditation.

- A.146 The IHE welcomes this opportunity to provide feedback on the ORR's consultation regarding the monitoring and accountability of National Highways.
- A.147 Please see our response below to each of the questions posed.
- A.148 If the policy can be improved to make our role in holding National Highways to account and our relationship with the Department for Transport on Highways and Roads reform clearer**
- A.149 The IHE feel that the current policy effectively ensures that National Highways operates efficiently, safely, and sustainably. However, at the IHE we believe there is always room for improvement. To enhance the clarity and effectiveness of the ORR's role in holding National Highways to account, and to streamline your relationship with the DfT, the IHE recommend the following:
- A.150 The ORR should consider publishing more detailed documentation on the processes and criteria used for monitoring and enforcement. This could include clearer guidelines on how the ORR interacts with National Highways and the DfT, therefore developing a better understanding and cooperation and increasing transparency.
- A.151 Creating better communication channels and regular meetings between the ORR, National Highways, and the DfT can help in addressing issues promptly. Additionally, developing clear procedures for escalating concerns and coordinating responses can also improve the efficiency of the ORR's interactions, which will lead to better coordination amongst each of the departments.
- A.152 Defining and clarifying accountability structures and how decisions are communicated to all stakeholders could enhance clarity. This might involve detailing the process by which findings are reported to Parliament and how these findings translate into actionable improvements for National Highways.
- A.153 Where we can improve our policy around environmental issues and responsibility of other agencies, regulators, and government departments**
- A.154 Addressing environmental issues and the responsibilities of other agencies, regulators, and government departments is crucial for complete highway management. The IHE suggest the following:
- A.155 Revising policies to include the latest environmental standards and best practices can ensure that National Highways aligns with current sustainability goals. This

could involve setting strict requirements for environmental impact assessments and including broader stakeholder input on environmental issues.

- A.156 Defining the responsibilities of various agencies and regulators clearly. This involves defining the specific roles of other bodies in relation to environmental oversight and ensuring there is a coordinated approach to addressing environmental concerns.
- A.157 The IHE recommend encouraging and developing stronger collaboration between the ORR, environmental agencies, and other relevant stakeholders. This could be achieved through joint initiatives and shared frameworks for monitoring and enforcing environmental standards.
- A.158 If there are matters in the course of us conducting our holding to account activities where you feel that stakeholder input can be strengthened**
- A.159 To enhance stakeholder input in your accountability activities, the IHE propose the following:
- A.160 Expanding the range of stakeholders involved in consultations and feedback can provide a more comprehensive view of performance and areas requiring improvement. This includes engaging local communities, environmental groups, and industry representatives such as the IHE and similar bodies.
- A.161 Implementing more structured and regular feedback channels, such as surveys and focus groups, can help capture diverse perspectives on the performance of National Highways and areas requiring attention.
- A.162 Increasing opportunities for public involvement in the review processes, such as through public hearings or consultations can strengthen the transparency and accountability of the ORR's activities. This approach allows for a wider range of input and helps ensure that stakeholder concerns are sufficiently addressed.
- A.163 In conclusion if the ORR were to consider or even implement some or all of these suggested improvements, the ORR can enhance its effectiveness in holding National Highways to account, better address environmental concerns, and strengthen stakeholder engagement, which in turn contribute to a strong and transparent highway management system.

## Leicestershire County Council

**A.164 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.165 National Highways (NH) is ineffectual in its approach to Local Plans:

- Provide little or no support for Plans' development nor commitment to their delivery.

A.166 Evidence is increasingly and consistently highlighting that Plan delivery is reliant on resolving issues on the SRN:

- If NH continues to be ineffectual, concerns are that the government's housing delivery and economic growth ambitions will be thwarted by SRN issues and failures, and NH indecision about the prompt identification of solutions.
- Call on the ORR to hold NH to account for the crucial role it must play in Local Plan development and delivery, and to take actions accordingly where NH continues to be ineffectual in undertaking that role.

**A.167 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.168 Not evident how the ORR monitors NH role in spatial planning. It's unclear:

- Whether the ORR is solely reliant on what NH tells it about how it brings the views of all relevant stakeholders into its long-term planning/plans.
- How the ORR holds NH to account in this regard.

A.169 Experiences in Leicestershire of RIS3 pipeline projects are that:

- NH lacks internal coordination and is disjointed in its approach to the planning of improvements.
- Scope/objectives for those projects were pre-determined, generic and bear no resemblance to the realities of the housing delivery and economic growth challenges faced across Leicestershire.

A.170 Call on the ORR to strengthen its policy to include that:

- The ORR will pro-actively seek the views of stakeholders as to how meaningfully and genuinely NH involve them in long-term planning/plans.
- Where in the views of stakeholders NH is not effectively involving them, the ORR will act against NH accordingly.

**A.171 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.172 The current document is notably lacking in explicit references to either matter.

A.173 How safely the SRN operates is critical to its effective day-to-day functioning (aside from the wider economic and societal costs of collisions).

A.174 In terms of environmental issues:

- It's imperative that projects are delivered with the minimum possible environmental impacts; deliver the greatest possible bio-diversity benefits; and operate effectively and efficiently over their lifetime if, as a country, we are to address climate change.
- Locally, the SRN is a major contributor to the total quantum of transport carbon emissions of the county and is a cause of air quality, health and other quality of life impacts on our communities.
- Call on the ORR to strengthen its policy to be clear and transparent as to how it will hold NH to account for the safe management of the SRN; its performance in decarbonising its operations and SRN transport emissions; and in delivering bio-diversity net gain.

**A.175 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.176 To officers' knowledge and experience, we are not aware of the ORR having ever directly approached the authority for its comments on the various roles that NH should be effectively and constructively fulfilling.

A.177 As set out in response to previous questions, we would particularly welcome much closer engagement by the ORR in terms of how NH conducts (currently

ineffectually) its crucial role in supporting the delivery of homes and jobs, and in its approach to scheme development.

**A.178 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

A.179 Suggest that it would be helpful to improve clarity and transparency if the document contained a concise summary of the fundamentals of the relationship between, and the respective powers of, the Department for Transport and ORR.

**A.180 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.181 Understand the need to strike an effective balance between providing a body with the freedoms to conduct its operations in accordance with specified requirements Vs. the level of invasive investigations undertaken by a regulator to ensure that it is doing so effectively.

A.182 Nevertheless, from experiences in Leicestershire (as outlined in responses to other questions), currently NH performance is ineffectual and not conducive to the management and improvement of the SRN to support the delivery of new homes and places of employment, nor to the decarbonisation of transport.

A.183 From these experiences, we can only conclude that the current 'Holding to account policy' is deficient and that the balance is wrong.

A.184 Call on the ORR to conduct a more wide-ranging review and fundamental overhaul of the policy, informed by the ORR's proactive involvement of stakeholders, including Local Transport Authorities and bodies responsible for spatial planning, such as district councils.

## National Highways

A.185 Thank you for the opportunity to provide feedback on your consultation, 'Holding National Highways to account policy – Consultation on ORR's approach to holding National Highways to account from 2025'.

A.186 At National Highways we recognise the essential role we carry out to connect the country and deliver a safer and more efficient Strategic Road Network. We are committed to providing our customers with the service they need and transparently demonstrating to road users and stakeholders how we are delivering for them.

A.187 We welcome your review of the holding to account policy and agree that ahead of the next Road Period, it is helpful to clarify ORR's role, including how ORR targets its role to help drive performance and efficiency and deliver the intent of Roads Reform.

A.188 We support ORR's proposals not to substantially revise its approach, particularly in relation to its investigation and enforcement processes and agree that the core structure of the existing policy should remain robust and proportionate.

A.189 We agree with the majority of the proposals as set out in the consultation and see them as a consistent progression from the current policy. There are three areas of substance where we believe further reflection is needed and improvements can be made to provide clarity for stakeholders and add the best value for road users.

A.190 This relates to:

- 'How' the holding to account policy is operated in relation to Better Regulation principles.
- Clarity on ORR's role in legislation as the Highways Monitor vs. Regulator.
- The scope of National Highways activities against which the policy is applied.
- These are described further in our responses to the specific consultation questions – attached in Annex A.

A.191 As set out in our recent 'post ORR Investigation Improvement Plan', we would like to work with you and explore these responses further, as you develop the revised holding to account policy. Furthermore, given the delays on agreeing RIS3, we would welcome discussion on whether the policy should be updated now or when RIS3 is confirmed.

## **A.192 CONSULTATION QUESTIONS AND NATIONAL HIGHWAYS RESPONSE**

### **A.193 Providing transparency on how we use the better regulation principles in practice**

**A.194 Is there anything that our review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.195 We support ORR's proposals not to substantially revise its approach, particularly in relation to its investigation and enforcement processes and agree with ORR's

intention to optimise the approach set out in the existing policy. With this intent in mind, there are areas of substance where we believe further reflection is needed, and improvements can be made, to achieve best value for road users and stakeholders. These are detailed in our response to questions 2, 5 and 6 and cover the three points in the covering letter above:

- 'How' the holding to account policy is operated in relation to Better Regulation principles.
- Clarity on ORR's role in legislation as the Highways Monitor vs. Regulator.
- The scope of National Highways activities against which the policy is applied.

**A.196 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

- A.197 The policy sets out an approach that is intended to be outcome-focused, forward-looking and risk based using the Better Regulation principles. However, how this is applied in practice is not set out. For example, when considering the 'proportionate' and 'targeted' principles, 'risk-based and material' is not defined or transparent. This creates ambiguity and inconsistency for stakeholders in its application.
- A.198 We consider the policy and the application of best practice can be improved by setting out what and how a risk-based approach is applied to both monitoring, investigations and enforcement e.g. if a target is missed or exceeded by X%, or has a value of £Xm.
- A.199 This will provide greater clarity to stakeholders on how ORR discharges its duties. It will enable proportionate monitoring by ensuring focus is outcome driven and given to the highest value areas for road users.
- A.200 The added advantage of clearer approaches to risk and materiality is it also acts as an implicit incentive regime. As a public sector body, National Highways doesn't have financial rewards and penalties on performance in the same way as applies in other privately funded sectors. Setting out how risk and materiality operate acts as a reputational incentive to continue to improve performance. This is because it sets a much clearer mechanism for the performance monitoring element of the holding to account policy.

**A.201 Using our holding to account policy to foster deeper understanding of our role**

**A.202 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.203 We understand that from time-to-time ORR will work with other agencies, regulatory bodies and government departments. We don't think the existing policy is sufficiently clear on how ORR interfaces with other agencies in the course of its duties as set out in the Infrastructure Act. We think that it would be beneficial for all parties, to set out how ORR works with other agencies, regulatory bodies and government departments, to avoid duplication and the potential for dual monitoring.

A.204 Inclusion of this as a flow-chart or organisational diagram on 'how' this will work and be monitored would strengthen the policy and provide clarity for stakeholders.

**A.205 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.206 In response to the first question on whether the approach gives the right level of sight, we agree. We think that ORR's Annual Assessment of National Highways, which is published on ORR's website and laid before Parliament, gives an appropriate level of sight for stakeholders on National Highway's performance and delivery. This process also ties back to Section 10 (8) of the Infrastructure Act.

A.207 Furthermore, this ensures that monitoring is proportionate and in keeping with ORR's statutory guidance and MOU which states "The Monitor should seek to deliver its activities in a way which limits the burden on the Company". We therefore also think the right level of transparency is at the same level at which commitments are defined in the RIS.

A.208 Regarding the second question, National Highways carries out its own extensive programme of stakeholder engagement. While it is not for us to comment on the opportunities for stakeholder engagement with ORR, we think there is an opportunity for National Highways to work with ORR to respond to stakeholder concerns. With that in mind we would welcome more transparency of ORR's

engagement with stakeholders including how this is used to inform the monitoring approach.

**A.209 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

A.210 We think the policy can be improved by being clearer to stakeholders on the unique role of ORR and our one-to-one monitoring relationship as set out in Roads Reform. We think it would be helpful for stakeholders if the policy sets out what each organisation is responsible for and include a ‘map’ of the overall Roads Reform framework. This should be aligned to the supporting document suite including the MOU and Statutory Directions and Guidance, and National Highways Framework and Licence.

A.211 The reason why we think this would be helpful, is to explain ORR’s unique role. This will limit duplication between DfT and ORR and ensure that other documents such as ORR’s MOU and statutory guidance, work together with the holding to account policy.

A.212 The Roads Reform framework has differences from other sectors where there is strict regulation. In these sectors, the equivalent of the holding to account is largely done at the end of year performance reporting (i.e. ex-post) or through incentive rewards/penalties, with the onus on the company being to demonstrate compliance through an independently verified self-assurance process. In contrast the monitoring role of the ORR, means it is examining performance in-year (i.e. ex-ante) and there are no equivalent automatic rewards/penalty mechanisms.

A.213 Furthermore, in other sectors performance targets are set by the regulator (or the CMA), but for National Highways that accountability is with DfT as set out in Schedule 2 Part 1 of the Infrastructure Act. They are quite different regimes in how they operate which stakeholders may not fully understand.

A.214 The consultation seeks to improve transparency. We therefore think it should refer to and clarify the unique role of the ORR as the Highways Monitor as set out in the legislation. If not, it risks stakeholders thinking the regime operates in the same way as other sectors, which it does not.

**A.215 Is there any other feedback you would like to provide on our holding to account policy proposals?**

## Office of Rail and Road | Holding National Highways to account policy

- A.216 The consultation sets out a change to the coverage to which the policy applies. “We also use the holding to account principles to guide our work on other matters relating to National Highways’ stewardship of the SRN that are not specified in the RIS or licence.” [para 3.8].
- A.217 We think this is an open-ended application of the policy meaning the Holding to Account Policy and requires clarification. As written, it would apply to matters that are not part of National Highways Licence, RIS commitments or statutory directions or guidance. We consider that this goes beyond ORR’s duties as Highways Monitor and is inconsistent with the Infrastructure Act 2015 (section 10 - para 1, 2a to c) and ORR’s Statutory Guidance (para 5).
- A.218 Our view is the policy should only apply to the RIS, National Highways Licence, and any statutory directions and guidance as issued by the Secretary of State. This is aligned to the regulatory best practice cited in the consultation and provides stakeholders with a clearer line of sight on how the framework operates. We think it will also be clearer to stakeholders that matters outside of these areas should be dealt with through a different process from that set out in the Holding to Account Policy.
- A.219 For example, where we can demonstrate delivery of better value for road users, we welcome the continuation of collaborative mechanisms, such as jointly delivered projects, to drive continuous improvement.

## Parliamentary Advisory Council for Transport Safety (PACTS)

- A.220 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**
- A.221 It would be valuable to incorporate greater accountability in areas where National Highways (NH) has influence but lacks clear transparency or leadership. For instance, NH should lead by example in the fight against drink and drug driving. This could be enhanced by making drug and alcohol screening for NH employees a requirement and extending this to contractors through auditable tender processes. There is also room for improvement in clearly defining how NH’s activities align with public concerns and safety requirements, especially in cases where practices such as maintenance and safety monitoring seem insufficient.

A.222 National Highways could hit its safety targets by managing speed better via the installations of average speed cameras or reducing limits to ensure a reduction in KSIs. It's not clear that the ORR has the road safety skills to challenge what action NH has taken to meet the target.

**A.223 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.224 The explanation of how regulatory principles are applied is generally useful, but there remains ambiguity, especially regarding contractor performance and NH's adherence to broader safety and environmental obligations. More clarity on how risks are addressed early would benefit stakeholders. Additionally, the framework could better emphasize ongoing performance monitoring and not just retroactive enforcement.

**A.225 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.226 While the policy outlines a forward-looking approach, the clarity around collaboration with other bodies, particularly regarding safety and environmental performance, can be improved. For example, the role of ORR in overseeing NH's safety initiatives and environmental goals needs clearer articulation, especially in cases where poor contractor management impacts outcomes, such as vegetation maintenance or roadside signage. A more explicit framework for working with regulatory bodies on these fronts would increase transparency.

A.227 ORR should mandate NH to use the Risk Management Maturity Model (RM3) 2019 ([orr.gov.uk](http://orr.gov.uk)) and that this should also be used by all of its supply chain to drive an improved safety culture for on road activities.

A.228 The ORR is operating a two-tier system with road treated as the poor relative where learning from previous experience is not being promoted. As an example, the ORR has issued guidance on the use of mobile phones by (train) drivers but has not done the same for those within the control of NH or challenged NH on its own policy to allow the use of hands-free mobile phone use while driving.

A.229 TRL have shown that handsfree is as dangerous as handheld and so ORR should ensure that NH takes a leading role ensuring those that work for them don't use them unless it's an emergency.

**A.230 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.231 The outcomes-based approach is a positive step, but its practical execution needs stronger visibility and more frequent communication with external stakeholders. National Highways' performance and outcomes could benefit from more routine audits and a more transparent method for involving stakeholders early in decision-making processes. Opportunities for external engagement, such as public consultations and collaboration with safety organizations, should be made more regular and accessible to ensure broad input on key performance issues.

**A.232 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

A.233 The division of responsibilities between ORR and the Department for Transport (DfT) is not always clear, especially regarding NH's day-to-day operations versus strategic oversight. There is also confusion about ORR's enforcement powers and how they work alongside DfT's regulatory oversight, particularly when it comes to enforcing safety and environmental standards. It may be beneficial to clearly delineate which body is responsible for specific areas of accountability, especially in safety-related initiatives.

A.234 ORR should where possible seek to use their expertise from rail to help influence an improvement in road safety where they don't have a power to mandate action.

**A.235 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.236 It would be helpful to increase the visibility of ORR's role in holding NH accountable, not just through fines but also through ongoing performance monitoring. In addition, a more proactive approach in addressing public complaints and concerns, such as those related to traffic management, safety advice, and environmental impacts like vegetation control and litter, would improve the perceived accountability of both ORR and NH.

A.237 There is currently no central system for recording incident reports from companies following a collision or near miss involving a vehicle being driven for work on the SRN where the lessons could be taken and shared to help reduce the likelihood of

that type of incident occurring again. The ORR should ensure that NH leads this and the dissemination of key findings so companies can take action to help reduce the risk to their staff and the public.

## Stroud District Council

**A.238 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.239 Given the current state of the climate and ecological emergency, I would expect your obligation to have regard to "(d) the environmental impact of the way in which the strategic highways company achieves its objectives" to be given far more prominence in both this review and your ongoing work. I see very little evidence of it in either.

**A.240 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.241 It is fine.

**A.242 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.243 No, it is woefully light on environmental matters, including how you work with other bodies on that front. I would expect explicit consideration of your review of National Highways' impact on litter, other roadside pollution (spills, etc), noise pollution, air quality impacts, etc.

**A.244 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.245 I have not experienced any attempt to engage as a district or county councillor (I was sent this consultation via a member of the community). In that respect I would say you do not provide sufficient opportunities for external engagement - in-person, multi-stakeholders events work best in my experience, perhaps using some test areas.

**A.246 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

A.247 Yes

**A.248 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.249 As above, I'm really concerned by the lack of reference in the holding to account policy of your obligation to have regard to "the environmental impact of the way in which the strategic highways company achieves its objectives" - there is no mention of the word "environmental" in the whole policy other than the statement that you are required to have regard to this!

A.250 Where is the reference to consideration of National Highways performance on litter, other roadside pollution, noise pollution, air quality, etc? I know you do cover these matters in your work - I note that in the latest annual ORR assessment report for National Highways, the majority of these measures are in fact included and discussed, though enforcement seems to be minimal (for example, there appear to be no meaningful sanctions for NH not having met its carbon emissions, and the litter PI isn't even targeted!).

A.251 Given that these measures are being assessed, they need to be properly reflected in the holding to account policy, especially given their vital and ever growing importance. Likewise it needs to be really clear who and how you are engaging as stakeholders for environmental matters. For councils like ours, with a motorway running through our district and all of the environmental impacts that entails, we are a key stakeholder and don't currently feel consulted with on these matters.

## Transport Focus

**A.252 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.253 Yes, we feel road users would benefit if ORR placed greater focus in its Monitoring of National Highways in the following areas:

Safety

A.254 As part of its work in relation to safety objectives, we encourage ORR to work with National Highways to help it grasp every opportunity to secure incremental safety improvements through its operations, maintenance and renewals activity. That is, in addition to specific 'big ticket' safety items, such as improved performance of stopped vehicle detection equipment or construction of additional refuge areas on smart motorways. What would be expected of utilities in other regulated or monitored sectors in terms of business as usual improvements in safety outcomes? Is National Highways in line with that best practice?

#### Maintenance

A.255 Overall, ORR should place greater emphasis in its Monitoring on day-to-day delivery by National Highways on behalf of road users when it comes to maintenance, in addition to its focus on delivery of capital renewals and enhancements. Maintenance is relevant to every journey in a way that renewals and enhancements are not, and maintenance performance should also be seen as a proxy for the organisation's focus on delivering what matters most to those it is there to serve. Specifically, we feel that ORR should increase its focus on:

- the extent to which National Highways is meeting its own (published) Standards. Does the organisation fully understand the areas in which it is not meeting its own Standards? Does it have appropriate plans to address any gaps? Are its decisions to tolerate non-compliance, and for how long, reasonable from a safety and journey experience perspective?
- whether National Highways is achieving the timescales for repair set out in its Standards. Does the organisation fully understand its performance in correcting faults – many of which will have direct impact on the road user experience – within the timescale required? Does it have appropriate plans to address weaknesses that exist or emerge?
- National Highways' day-to-day delivery on behalf of those who use or wish to use its footways and paths next to a carriageway or who cross a carriageway 'at level' or using a bridge or underpass. That is, riders (of bicycles and horses), walkers and wheelers.

#### Engagement with road users in planning full diversions

A.256 We encourage ORR, as part of Monitoring in relation to the Network Availability and Delay from Roadworks metrics, to work with National Highways to enhance its engagement with road users in planning full closures. By engagement we mean two-way discussion, not communication of a fait accompli. In particular, helping it

go well beyond the immediate vicinity of the works and communication with 'locals'. For example, does it fully understand which freight companies routinely use individual roads overnight and engage with them? Do its projects managers have details of the last service buses and the evening and overnight National Express and Flixbus routes at their fingertips, and engage with them?

Transparency

- A.257 We encourage ORR to work with National Highways to develop its thinking further in this area. A lot of information is available but, unlike the Rail Data Marketplace, for example, it is not presented in one place. And in contrast with Network Rail, there appears to be less of a default position that National Highways datasets will be open unless there is a good reason they cannot be.
- A.258 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**
- A.259 It is helpful. One suggestion. Regarding the different journey purposes, in paragraph 3.4 you could usefully add 'personal business' as a category alongside commuting, business and leisure. To emphasise that there are a host of journeys that aren't on behalf of an employer and aren't leisure per se – heading to the supermarket, going to school or the hospital, attending a funeral etc.
- A.260 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**
- A.261 It could be clearer about the extent to which ORR monitoring does or does not relate to duties on National Highways that sit outside the License and the Road Investment Strategy, including in primary and secondary legislation unrelated to Roads Reform. An example might be the extent to which ORR monitors National Highways' adherence to the Litter Duty placed on it by the Environmental Protection Act 1990.
- A.262 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

- A.263 Alongside our regular engagement with ORR, your annual assessment of National Highways' performance and the meeting you hold to explain and invite comments on your areas of focus in the subsequent financial year is sufficient for Transport Focus.
- A.264 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**
- A.265 Broadly, yes. However, it might be helpful to stakeholders if you set out where your powers in relation to National Highways differ, and in what way, from those in relation to Network Rail. An appendix, perhaps?
- A.266 Is there any other feedback you would like to provide on our holding to account policy proposals?**
- A.267 Overall, the three areas set out in Paragraph 3.2 (Page 9) seem appropriate in the context of incremental improvement to an existing document.
- A.268 As you would expect, our interest is that the policy – and the way it is implemented – ensures that ORR is rigorously holding National Highways to account over its delivery on behalf of those using its roads, in particular relating to safety and journey experience. And irrespective of whether they are driving a car, coach, lorry or van, riding a bicycle, horse or motorcycle or walking or wheeling.

## TyreSafe

- A.269 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**
- A.270 I think this is a very comprehensive document and the principles have now been well established.
- A.271 The only addition that could be of benefit to key stakeholders is how ORR hold NH to account and how you work with them and Transport Focus to ensure the the needs of stakeholders are effectively managed. Issuing a notice or fine is well defined in the ACT, but I think greater clarity of how you ensure improvements in areas you highlight for improvement are followed up and that progress is being monitored.

**A.272 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.273 No it is clear but could be enhanced with how you follow up where issues are identified.

**A.274 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.275 Yes

**A.276 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.277 I recall before Covid that there used to be key stakeholders meeting once or twice a year where views were sought from customer groups. Performance on issues was discussed and a helpful two way dialogue managed by ORR was held at your offices. This enabled you to listen to concerns and feedback and the responses by NH officials and you were able to gauge the feeling in the room as to progress and enable you to follow up with both parties in required. I am not sure that this happens now but we would be delighted in this type of engagement process. We have received great support over the last few years from NH in particular the Road Safety Division within SES. I don't believe the present systems enable us to articulate as I would like, how much we appreciate the support we receive from them and NH in general and how we could work more closely to support the safety KPI's to help give ORR evidence of progress.

**A.278 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

A.279 Yes

**A.280 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.281 As above.

## Individual respondent 1

**A.282 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.283 National Highways should be held to account for the awful amount of litter and rubbish lining many of our highways. They appear, in many places, to have completely given up and the cleanliness of our A-roads and Motorways is a disgrace. For this, they need to be held accountable.

**A.284 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.285 No.

**A.286 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.287 There needs to be more external input and engagement. Ask the public what they think about National Highways approach to litter and rubbish removal, ask them if they think our highways are well maintained, clean and looked after.

**A.288 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.289 As mentioned, National Highways is negligent in their statutory duties to keep the countries highways clean and maintained. They need to be held to task.

## Individual respondent 2

**A.290 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.291 Yes, you need litter removal and signage cleaning and maintenance to be part of management KPI. I drove from France then took the A2 from Dover. I was appalled and ashamed at the state of the road furniture and amount of litter. It

gives a terrible first impression to visitors to the UK. What are Nation Highways England not held to account?

**A.292 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.293 Not very useful at all, as it seems you feel you are already doing a good job of holding this (failing) organisation to account.

**A.294 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.295 Yes.

**A.296 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.297 No, as a member of the public I don't feel you are delivering the right level of performance from National Highways. Have you seen the state of our national road signage and amount of litter? I think this quote from the Clean Up Britain pressure group sums it up best: "Highways England does an appalling job in cleaning up litter on the motorways. Their bosses at the Department of Transport don't set them a Key Performance Indicator (KPI) for cleaning up litter. In other words, Highways England are not judged on whether they clean up litter or not. Consequently, they do a terrible job, no one in government cares and our motorways continue to look like a dumping ground."

**A.298 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

A.299 No. See above - you seem to feel you are already adequately holding National Highways to account, so will anything come to improve to their performance?

**A.300 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.301 Litter and the state of road signage and facilities needs to be part of KPIs. The A2 and many other roads in England are in an appalling state. This should be done ideally as part of a new national litter strategy, but at the very least National Highways need to be held account for the litter and neglect of our roads that is evident in every county.

### Individual respondent 3

**A.302 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.303 The environment and meeting any net zero commitments that NH has.

**A.304 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.305 No comments

**A.306 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.307 No its not. The environment is not mentioned in the document nor is the protection of the built and natural environments arising from NH responsibilities. NH has a statutory duty to keep motorways and some major roads under its charge clean, as far as practicable. NH is failing in this respect with littered NH and therefore so is the ORR oversight.

**A.308 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.309 Include environmentalist and environment metrics in external engagement.

**A.310 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

A.311 Yes

**A.312 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.313 There is no mention of the performance of NH in maintaining the cleanliness of highways or the environmental impact of litter in the latest ORR assessment report for NH. Therefore ORR should include this as a performance metric in its oversight and assessment reports.

## Individual respondent 4

**A.314 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.315 National Highways are not cleaning motorways properly. I regularly request FOI information. Some motorways are cleaned once a year. The M40 from J15 to the M42 has not been cleaned for years. The cleaning is subtracted and not carried out regularly.

**A.316 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.317 Not at all

**A.318 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.319 Hold Highways to count on our filthy motorways.

## Individual respondent 5

**A.320 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.321 The margins alongside many roads, but in particular dual carriageways, are a disgrace.

## Individual respondent 6

**A.322 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.323 "Our holding to account policy has worked well over the current road period. We are not proposing significant changes to our approach."

A.324 The scale of litter says you are failing to hold National Highways to account. Pull your finger out.

## Individual respondent 7

**A.325 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.326 ORR states that the holding to account function is working well and you are not proposing any changes. Have you seen the state of our roads recently? Holding to account has failed. The entire network is cover knee deep in litter - it's disgusting.

**A.327 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.328 Its is clear but do you actually do it? What is the penalty for failing to meet statutory responsibilities for keeping our roads clean and how have you enforced them?

**A.329 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.330 See above - complete failure to hold to account on littering. In fact NH are one of the biggest offenders leaving A frames, sandbags and cones everywhere after roadworks.

**A.331 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

A.332 No

**A.333 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.334 See above

## Individual respondent 8

**A.335 Is there anything that ORR's review of our holding to account policy should include beyond the application of principles, clarification of our approach and improving transparency on our relationship with National Highways?**

A.336 Yes - absolutely definitely. The evidence suggests that any latitude granted will be taken with interest. They need a clear set of Standard Operating Procedures, a Service Level Agreement with road users and the Government and strict non negotiable KPIs on maintenance of road furniture, verges, litter picking and clarity on when repairs are no longer good value for money

**A.337 How useful is the explanation in the current version of holding to account of how we apply the regulatory principles set out in the Infrastructure Act 2015 as a framework to hold to account? Is anything unclear and if so, what?**

A.338 Yes - litter clearing and verge mowing need to be co-ordinated with the natural environment centrally important to who does what, why and when. It needs to be routine, regular and audited. The current version achieves none of these

**A.339 Is our policy sufficiently clear as to how we approach matters such as safety or environmental issues and how we work with other agencies, regulatory bodies and government departments?**

A.340 No, it is opaque and only those inside National Highways could even begin to make sense of it. Your interaction with traffic police is appalling too. Example: When there has been a Road Traffic accident, it is completely clear that no agency takes responsibility for making sure the debris is cleared from the roadside: Why not?

**A.341 Do you have views on whether ORR's outcomes-based, forward-looking approach delivers the right level of sight for stakeholders of National Highways' performance and delivery? In your experience, do we provide sufficient opportunities for external engagement in this approach? How could we make our wider engagement more transparent?**

A.342 No, you don't. And this is part of a wider problem. National Highways inventory management as an example is a joke. The number of A Frame signs, Plastic bollards, Sandbags and hazard warning lights that get abandoned on the roadside are simply wasteful and akin to fly tipping.

**A.343 Is our role, as set out in our holding to account policy, clear to stakeholders, including the extent and limits of our legal powers including the line between or overlap with that of the Department for Transport?**

A.344 No - and if you can't see that or recognise it that worries me! It should almost not be a question in this document

**A.345 Is there any other feedback you would like to provide on our holding to account policy proposals?**

A.346 You need a full time regional auditor of all things that affect the highways - the ORR is too remote and too few local managers spend time on the highways, preferring to sit at a desk miles away

## Individual respondent 9

**A.347 Report on National Highways Inspections Overview**

A.348 The current state of National Highways inspections has raised concerns about the quality and frequency of maintenance. There are multiple cases where significant road defects have gone unaddressed for months, even after being reported by the public. These delays in repair not only worsen the condition of the roads but also increase repair costs and compromise the safety of road users.

**A.349 Potholes and Defects on the Network**

A.350 It has been observed that potholes and other defects on the National Highways network remain unaddressed for extended periods. Even when members of the public report these issues through platforms like National Highways reporting system or FixMyStreet, little or no action seems to be taken in a timely manner.



A.351 Example: A43 Brackley (Oxford Road Roundabout)

A.352 A long, deep rut caused by heavy goods vehicles (HGVs) has been observed on the carriageway at this location.

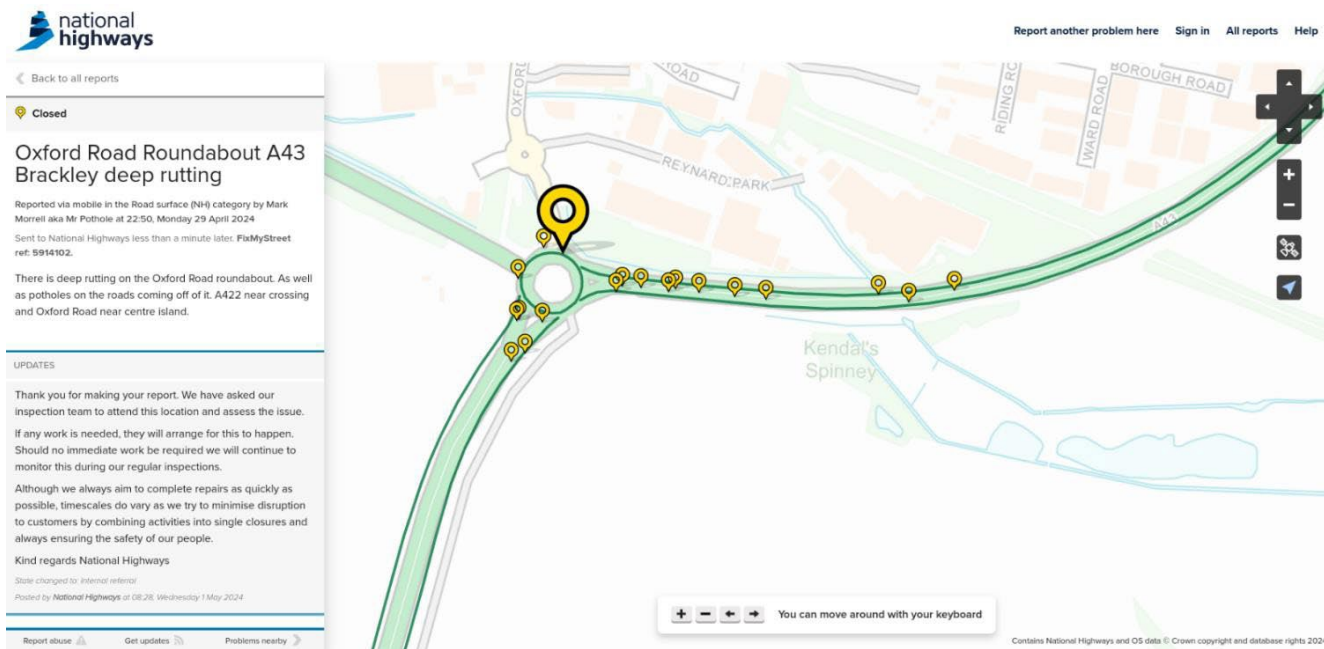


A.353 Potholes with depths of approximately 75mm have been present for months. Despite being reported, these issues remain unresolved.

A.354 Another defect, a large area of delamination (wearing surface loss) measuring approximately five square meters, has significantly worsened over time. When first reported, the area was smaller, but due to a lack of timely intervention, it is now at least five times larger.

A.355 Delamination of this kind can reduce road surface grip by 60-70%, presenting a clear

safety hazard



**A.356 Delays in Repairs**

A.357 A similar pattern of delayed repairs is noted on major roads such as the M40. For instance:



A.358 M40 Junction 4 (High Wycombe, Lane 2 Westbound): Deep potholes were left unrepaired for weeks before action was taken. This is just one of many examples highlighting the lack of prompt response to reports of road defects.

A.359 A simple review of public reports on National Highways or FixMyStreet, provides further evidence of National Highways' performance issues in addressing these defects.

Public complaints appear to accumulate, with very few receiving swift resolutions.

### Warning issued after motorway pothole repair



NATIONAL HIGHWAYS | A National Highways spokesperson confirmed a team was deployed to make "emergency repairs" to the road

**Bea Swallow**  
BBC News, Bristol

27 August 2024

**All lanes on a motorway bridge have now re-opened, after a large pothole caused two lanes to close.**

Delays had previously built up on the M5's northbound carriageway between J19 for Portishead and J18 for the M49.

National Highways has urged motorists to allow extra time for journeys, as there may still be "long delays on approach" to Avonmouth Bridge.

A.360 An example of this kind of delay are on the M5 northbound carriageway. It would appear that a report was received by National Highways on 31/07/2024, however 'emergency repairs' were not undertaken until 27/08/2024. The image shows the pothole, inside a failed repair, inside another failed repair.

### A.361 National Highways Online Reporting System

A.362 The online reporting system used by National Highways is not updated to any reasonable standard. We can see examples of

little or complete lack of information from National Highways. A simple check of the website supports this fact.

### A.363 Vegetation Management and Signage Issues

A.364 Another significant concern relates to the failure of National Highways to manage roadside vegetation. Uncut vegetation has resulted in:

A.365 Loss of visibility at junctions and roundabouts, compromising safety.

A.366 Obscured road signs, leading to confusion for drivers and potential hazards.

A.367 In some cases, these issues have been reported and followed up through social media platforms, yet they still required multiple follow-ups before any action was taken.

### A.368 Blocked Drainage



A.369 Blocked drains have a significant impact on the condition of roads, as they prevent proper water drainage, leading to surface flooding.

A.370 When water accumulates on roads, it seeps into cracks and weakens the underlying structure, accelerating the formation of potholes and general wear. In colder weather, this trapped water can freeze, causing further damage through frost heave. Regular clearing of drains is essential to ensure proper drainage, reduce surface water, and protect the long-term integrity of the road network. Neglecting this maintenance can result in more costly repairs and hazardous driving conditions.

A.371 The example to the left is on the A43/A422 roundabout at Brackley.

### A.372 Temporary Signage Mismanagement

A.373 There are instances where temporary road signs remain on the network long after the completion of roadworks. These signs, intended to warn drivers of hazards such as uneven carriageways, often remain in place even when the defects have been repaired or no longer exist. This adds to the clutter and confusion for road users, diminishing the overall effectiveness of traffic management.

### A.374 Accumulation of Screed and Debris

A.375 Another issue observed is the build-up of screed and debris at junctions and roundabouts. This is particularly concerning in areas where large defects exist nearby, further exacerbating the risks to road users.

A.376 Example: A43/A422 Roundabout Brackley: Large amounts of screed have accumulated, creating additional hazards at a location already plagued by defects.



### **A.377 Efficiency and Effectiveness**

A.378 While there's a lot of good practice within National Highways, they miss opportunities far too often, for instance, the A43 from Towcester to J15A of the M1 was closed for two whole weekends to address signalling issues?

A.379 Within that closed highway there were, 25 road signs more than 50% obstructed by vegetation, over 20 km of verge needing cutting / litter picking, including essential sight lines for junctions, around 30 defects exceeding the 2cm intervention standard, including around 500 m<sup>2</sup> of carriageway that requires reconstruction. NONE were addressed.

A.380 Following fatal and serious road crashes parts of the SRN are shut for rescue, recovery, repair and

A.381 investigations for many hours, frequently in excess of 12 hours. If NH held a palette of known defects / required repairs, they could utilise that freedom to carry out planned repairs immediately.

A.382 The design of roundabouts doesn't seem to address the higher traffic volumes, stop-start and radial forces within the roundabout, particularly addressing radial joint failures.

A.383 These are difficult to construct, invariably the cause of road break ups later. Consider routinely using geo-grids within the joint areas within the asphalt. Routinely repair early with specialist materials or thermal repair methods.

### **A.384 Environmental Protection Act – EPA 1990**

A.385 National Highways have a duty of care to keep their land free of litter within certain response times, while they divest many responsibilities to local authorities, the land ownership (Stewardship) aspect cannot be divested. I suggest that all areas below grade C (Very littered) are automatically identified (Via AI inspections) and notified to specific local authorities weekly. Any area rated as D for more than a week should be escalated.

A.386 Serious repeat littering areas, such as at traffic lights and service stations should have AI supported CCTV with ANPR to record littering offences with FPN's raised in all cases.

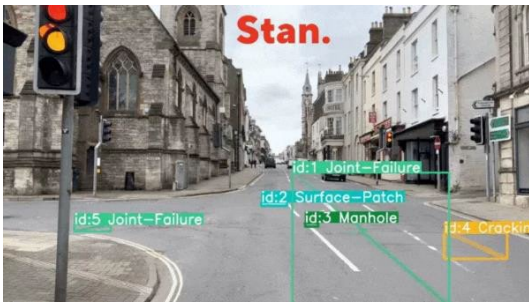
**A.387 National Highways Network Condition**

<b>A.388 DEFECT</b>	<b>A.389 19%</b>	<b>A.390 Extrapolated</b>
A.391 Joint Failure	A.392 80892	A.393 425747
A.394 Graveling	A.395 9021	A.396 47479
A.397 Cracking	A.398 8024	A.399 42231
A.400 Surface Patch	A.401 7666	A.402 40347
A.403 Minor Potholes	A.404 4000	A.405 21052
A.406 Major Potholes	A.407 500	A.408 2632
A.409 Surface Failure	A.410 3536	A.411 18611
A.412 Pooling	A.413 1147	A.414 6037
A.415 Alligator Cracking	A.416 182	A.417 958
A.418 Edge Failure	A.419 74	A.420 389
A.421 Total	A.422 115042	A.423 605483

A.424 This table gives some idea of the levels of defects on the roads under the management of National Highways. Using data from STAN the app and their 12k public users (having covered 19% of the network currently), these figures have been extrapolated to reflect the whole network. There is also a description of what

is meant by each defect type. Based on the table below it could be that National Highways are facing over 600k defects in need of attention/repair.

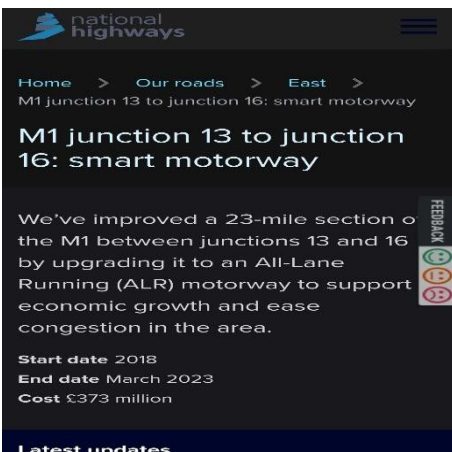
- A.425 **Minor Pothole (smaller than a saucer):** A small depression or hole in the road surface, typically less than 15 cm in diameter, often caused by wear and tear or weather-related erosion.
- A.426 **Major Pothole (larger than a saucer):** A larger hole or depression in the road surface, greater than 15 cm in diameter, often resulting from more severe deterioration due to traffic and weather conditions.
- A.427 **Cracking:** A visible line or network of lines where the road surface has split or fractured, often caused by age, stress, or thermal expansion and contraction. Common types include alligator cracking and longitudinal cracking.
- A.428 **Joint Failure:** The breakdown of the junction between two sections of road or pavement, often at construction seams. This can cause gaps, ridges, or misalignment in the road surface.
- A.429 **Surface Failure:** The degradation of the top layer of the road, often resulting in rough, uneven textures, potholes, or exposure of underlying layers. It can occur from wear and exposure to the elements.
- A.430 **Pooling:** The accumulation of water on the surface of the road due to inadequate drainage, leading to water collecting in low spots. Pooling can increase the risk of accidents and lead to faster surface deterioration.
- A.431 **Surface Patch:** A temporary or permanent repair made to a damaged section of road, typically using asphalt or concrete to fill in potholes, cracks, or other defects. Patches may sometimes be uneven or become loose over time.
- A.432 **Ironwork:** Metal elements embedded in or near the road surface, such as manhole covers, drainage grates, or utility access points. Poorly installed or maintained ironwork can cause bumps or hazards for vehicles.
- A.433 **Object in Road:** Any foreign object or debris present on the road surface that poses a hazard to vehicles or pedestrians. This could include fallen branches, rocks, vehicle parts, or construction materials.
- A.434 See <https://www.stantheapp.com/>



A.435 Stan the app is available on the App Store as well as Google Play. Stan uses AI to identify defects along with details regarding their size, location and can even recommend the most suitable type of repair based on its findings.

A.436 For more information contact

### A.437 Poor Project Management



A.438 An example of this can be seen on the M1, which currently has 23 miles of lanes closed to install additional ERAs on a section of SMART Motorway. There is approximately 12 miles on the northbound and the same on the southbound carriageway that has lane 1 closed. With only a few locations of work being carried out at any one time. These work sites are no more than a few hundred metres in length. Yet mile after mile of closures. The speed has been reduced to 50mph throughout these works. With three lanes running with live traffic.

A.439 On the M69 at Coventry Lane 1 is closed for work with two running lane open. That has no speed restrictions in place for the two live lanes.

A.440 There seems to be inconsistent in National Highways on how roadworks are managed.

### A.441 Conclusion

A.442 In summary, the quality and timeliness of National Highways inspections and subsequent maintenance leave much to be desired. The failure to address defects promptly, manage vegetation, and clear redundant temporary signage significantly impacts road safety. A more rigorous inspection regime, paired with efficient maintenance action, is necessary to ensure that the highways remain safe and functional for all users. Even their own reporting system is not being utilised to manage the asset, an audit into these failings are prudent to identify areas to improve and minimize any mismanagement.

A.443 Given the evidence I have shown, I would suggest an annual audit be carried out to check National Highways are complying with their own policy's and procedures.

A.444 There is no ombudsman for highways, if a group of people are genuinely worried about the safety of their roads, they have only MP's to go to? Should this role be carried out by the ORR or a new independent body

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