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Dear Richard,

Thank you for the opportunity to respond to ORR's consultation document 'Draft Enforcement Policy for Highways England' published in July 2015.

Firstly my team appreciates the ongoing practice of sharing early drafts of such matters, so that we are able to provide constructive feedback and comment. This approach has meant many of the matters raised previously have now been addressed.

I welcome the debate regarding ORR's proposed approach to enforcement and the potential circumstances in which future action may be taken against Highways England. I encourage you to continue to work with DfT and ourselves to establish a monitoring regime that positively incentivises sustained improvement in the performance and efficiency of the network and the company. We must collectively learn the lessons of other sectors, in order to ensure that all available funding is invested in improving the strategic road network.

As you know I have recently undertaken a strategic review of our progress in gearing up to deliver the Road Investments Strategy. I will be writing to DfT with my findings by the end of this month, so will share these with ORR shortly thereafter.

All of Highways England are committed to working with ORR, DfT and other stakeholders to create a monitoring environment based around the principles set out in your consultation document. In particular we:

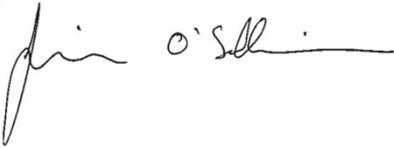
- Welcome early sight and discussion regarding issues and concerns identified by ORR or brought to your attention by a third party. My team will continue to work with you to agree the escalation and non-statutory enforcement processes to ensure they work effectively for all concerned
- Support the proposed stepped approach to both statutory and non-statutory enforcement, which provides opportunity for Highways England to make representations and take steps to remedy matters prior to further escalation
- Agree that the focus should be on sustained, systemic or persistent programme failings, as opposed to individual or isolated issues such as those concerning a particular scheme or project

- Commit to making ORR aware of significant issues at the earliest opportunity and welcome the stated intent for ORR to take into consideration such proactive action when determining what further action, if any to take

We will continue to develop our capability to deliver the requirements of the Road Investment Strategy and to meet our Licence obligations. We will be taking further steps to build this capability over the coming months. My team will work closely with ORR and DfT to secure greater clarity about the roles and responsibilities of each respective organisation. This will be essential if we are to establish a transparent and readily understandable monitoring regime and enforcement policy that effectively deals with issues of non-compliance when they arise.

I look forward to hearing the wider views of stakeholders at the conclusion of the consultation period and understanding about any changes to the policy you may make as a consequence.

Yours sincerely



Jim O'Sullivan
Chief Executive