

Consultation on Designation of National Highways as a 'relevant public authority'

ADEPT response

May 2022

Questions

Section 1 – Introduction: about you

Q1. Your name?

Q2. Your email address?

This is optional, but if you enter your email address you will be able to return to edit your consultation response in Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you submit a completed response.

Q3. Which best describes you?

Please select the category which best describes you / the organisation you are representing in your response.

- Individual
- Health Body
- Academic or research institution
- Local Government
- Business
- Community Group
- Non-Governmental Organisation
- Charity or Social Enterprise
- Consultancy
- Other
- If you answered 'Other', please provide details
 - *The Association of Directors of Environment, Economy, Planning & Transport (ADEPT) is a professional membership organisation representing Place Directors from county, unitary and combined authorities across England, along with Local Enterprise Partnerships, sub-national transport boards and corporate partners drawn from the private sector.*

Confidentiality and data protection information

A summary of responses to this consultation will be published on the Government website at: www.gov.uk/defra. An annex to the consultation summary will list all organisations that

responded but will not include personal names, addresses or other contact details. Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g. home address, email address, etc).

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only. This consultation is being conducted in line with the Cabinet Office "Consultation Principles" and be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

Please find our latest privacy notice uploaded as a related document alongside our consultation document.

If you have any comments or complaints about the consultation process, please address them to:

- Consultation on the review of the Local Air Quality Management Policy Guidance
- Consultation Coordinator, Defra
- 2nd Floor, Foss House, Kings Pool,
- 1-2 Peasholme Green, York, YO1 7PX
- Or email: consultation.coordinator@defra.gov.uk

Q4. Would you like your response to be confidential?

- Yes / No If you answered 'Yes', please provide your reason.

Section 2 – Consultation questions

Q5. Do you agree or disagree with the proposal to designate National Highways as a “Relevant Public Authority”? Do you:

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Don't Know

Please set out any evidence you wish to provide in support of your answer to question 1). (optional)

ADEPT supports the proposals to designate National Highways as a Relevant Public Authority. Whilst the Environment Act 2021 requires county and unitary councils (who, as Local Highways Authorities (LHAs), responsible for the local road network) to work collaboratively with district councils on the preparation of Air Quality Action Plans, it does not require any collaboration from National Highways (who are responsible for the Strategic Road Network). The proposals will ensure that National Highways work collaboratively with district councils and county and unitary authorities in addressing air quality issues.

Q6. Would you agree or disagree that designating National Highways as a “Relevant Air Public Authority” would increase the effectiveness of local air quality management?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Don't Know

Q7. What do you think of the draft statutory guidance “working with National Highways” (please see Annex A)? Please set out any comments or suggested improvements you think we should consider.

The guidance is relatively weak in defining a role for National Highways in relation to Air Quality Action Plans. The example actions included are speed limit changes and local traffic management interventions. To address air quality issues, it is important other more ambitious and innovative measures are explored. However, this is likely to require a greater funding commitment from National Highways.

The guidance should provide further clarity on the measures that the government expects National Highways to implement, and in what circumstances those actions are reasonable. The guidance notes that an Air Quality Partner does not need to fulfil a request “if it disproportionately onerous or expensive”. However, no context is provided on what is meant by “disproportionately onerous or expensive”. There is a risk that this will not result in any additional action as National Highways may view any measures that they are not currently doing as “disproportionally onerous or expensive”.

Q8. Do you agree or disagree with our assessment of impacts set out in the Regulatory Triage Assessment document (please see Annex B)? Please set out your reasons for agreement/disagreement.

ADEPT broadly agrees with the assessment of impacts. The designation of National Highways as Relevant Public Authority will ensure greater consistency in how National Highways collaborate with LHAs on air quality issues. However, it is unlikely to result in any significant increase in the number of measures brought in to address air quality issues on the Strategic Road Network as National Highways is already expected to undertake this role.

Q9. Do you have any further comments or views on the designation of National Highways as a Relevant Public Authority?

Whilst the proposals will help improve collaboration between key stakeholders in addressing air quality issues, it may not result in any significant improvement to air quality. This is because it is very challenging to address air quality issues associated with transport emissions. Measures to manage and mitigate air quality issues often do not address the underlying cause (e.g., the volume of traffic using a route or inadequate infrastructure). To address these issues, significant and multi-year financial investment in new infrastructure or technology or influencing behaviours are often required – something that cannot be delivered by LHAs and Relevant Public Authorities on their own – it will require significant financial support from the government.