

# Highways Agency and Natural England

## Memorandum of Understanding



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## 1. The Parties

Highways Agency  
Natural England

(Together the 'Parties')

- 1.1 The Parties to this Memorandum of Understanding (MoU) are solely the Highways Agency, which operates and manages the strategic<sup>1</sup> road network in England, and Natural England, the Government's adviser on the natural environment, and a statutory consultee of the Highways Agency.
- 1.2 The Parties have a relationship inherited from Natural England's founding bodies that acknowledges their shared interest in natural environment issues relating to the strategic road network. Both Parties acknowledge the need to develop their partnership to maximise the benefits for people and the natural environment of continued consultation and understanding.
- 1.3 Natural England was formed in 2006 by bringing together English Nature, the landscape, access and recreation elements of the Countryside Agency and the environmental land management functions of the Rural Development Service. Natural England's main purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 1.4 The Highways Agency is an Executive Agency of the Department for Transport (DfT), and is responsible for operating, maintaining and improving the strategic road network in England, in accordance with the provisions of the Highways Act 1980 (as amended) on behalf of the Secretary of State for Transport.

## 2. MoU Overview

- 2.1 This MoU addresses the important relationship between Natural England as the Government's adviser and statutory consultee on 'natural environment' matters, and the Highways Agency as the manager of the strategic road network.
- 2.2 The scope of 'natural environment' as used in this MoU relates to the whole of Natural England's responsibilities which include working for people, places and nature, to enhance biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promoting access, recreation and public wellbeing, and contributing to the way natural resources are managed so that they can be enjoyed now and in the future.

<sup>1</sup> The strategic road network consists of motorways and major strategic roads; other roads in England are managed by local authorities.

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- 2.3 The primary aim of this MoU is to facilitate working relationships between the Parties by promoting co-operation and communication, therefore contributing to the protection and enhancement of the natural environment. The MoU also aims to distil practical advice and guidance for both Parties. This will be achieved through operational, tactical and strategic level liaison on the issues of mutual interest.
- 2.4 The Highways Agency and Natural England will co-operate by using the resources and powers at their disposal in all areas where they have a mutual interest to protect and enhance the natural environment through robust environmental design and assessment, management of designated and non-designated sites to deliver strategic conservation objectives, delivery of co-ordinated research programmes, and compliance with Government policies and legislation.
- 2.5 The Highways Agency and Natural England will:
- Improve the effectiveness of communication at all levels to facilitate the working relationship between the Parties.
  - Collaborate in the development of policy and advice in relation to the protection and assessment of impacts on the natural environment.
  - Collaborate to ensure appraisal, survey and assessment work is adequate to enable the consideration of potential impacts of projects on the natural environment. Including specific collaboration on Post Opening Project Evaluation (POPE).
  - Explore and agree opportunities for collaborative research in areas of mutual interest.
  - Develop shared forward planning to assist in project implementation and policy development through effective resource planning and management.

### **3. Scope**

- 3.1 This document seeks to provide a framework for the Parties to work in partnership. The MoU is designed to reflect an understanding between the Parties about the services to be provided by, and the responsibilities of, both in respect of works related to the natural environment in association with Highways Agency road schemes and studies.
- 3.2 Nothing within this agreement shall affect the Parties' statutory functions, nor affect the statutory duties or responsibilities of either Party.
- 3.3 Other than those already accepted, this MoU does not commit either Party to the allocation of funds or other resources, although both Parties will use their reasonable endeavours to deliver against the areas covered by the terms of this MoU, subject to their other duties and the financial frameworks within which they operate.
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- 3.4 Detailed Highways Agency guidance on natural environment design and assessment is given in the Highways Agency's Design Manual for Roads and Bridges (DMRB) Volumes 10 (Environmental Design) and 11 (Environmental Assessment) respectively. The Highways Agency will normally follow the guidance in DMRB unless varied in agreement with statutory consultees. Nothing in this MoU shall modify the Parties' normal practice in accordance with the advice in these documents. The Parties shall have regard, in particular, to the Government's guidance notes on planning policy, and all other relevant Government guidance and legislation on planning and the natural environment, including relevant international instruments.
- 3.5 There will be no payment due from either Party for any services referred to in this MoU.
- 3.6 This MoU is not legally binding as between the Parties.
- 3.7 The Highways Agency reserves the right to consider Natural England's advice in the light of other factors, including overall value for money.
- 3.8 All correspondence regarding this MoU and the services and responsibilities of the Parties will be routed through the MoU co-ordinators whose names appear in Annex 4 – Contacts. This Annex will be updated as required to reflect relevant changes of personnel.

## **4. Joint Review**

- 4.1 The MoU will be reviewed when necessary in response to the needs, policies/positions and developments of both Parties.

## **5. Aims and Objectives of the MoU**

- 5.1 The shared aims of the Parties are:
- To mitigate potentially adverse impacts on, and take opportunities to enhance, the natural environment;
  - To develop and maintain a structured working relationship based around the areas of mutual interest;
  - To identify and develop areas of mutual interest and opportunities for joint working.
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- 5.2 The principal aims and objectives of the MoU for each of the Parties are as follows:

### **Natural England**

- 5.3 The involvement of Natural England with the Highways Agency will normally relate to issues of strategy, policy, standards or arbitration, where Natural England's role as the Government's adviser on natural environment matters is engaged.
- 5.4 Both organisations commission research, some of which may be of mutual interest, and which could potentially involve duplicated effort. Information will be exchanged on relevant research projects under consideration, and opportunities explored for partnership in research projects of mutual interest. Natural England may also participate with the Highways Agency in roads-related environmental assessment and design research through involvement in workshops and steering groups.
- 5.5 Natural England will advise the Highways Agency on appropriate standards for assessing the impact of road schemes on the natural environment, and standards for procuring and implementing work relating to natural environment assets, whilst achieving value for money at all times. Natural England will participate in the development of Highways Agency policy and strategy related to the natural environment. Natural England will consult the Highways Agency on the development of projects, plans and positions which may have an impact on the management and operation of the strategic road network, through circulating draft documents and sharing training opportunities.
- 5.6 Natural England will contribute to, and provide comment on relevant Highways Agency documents and manuals as appropriate. The normal agreed liaison procedures, standards and timing of Natural England's input are set out in the Highways Agency's DMRB Volumes 10 and 11.
- 5.7 Natural England may be asked to advise where differences arise about the assessment of the significance of natural environment features, or about the appropriateness of the measures proposed to locate, assess or mitigate impact on natural environment features. These differences may be between the Highways Agency and its consultants or contractors, between consultants and contractors, or between other specialist or expert bodies (e.g. wildlife Non-Governmental Organisations).
- 5.8 Matters of difference between the Highways Agency or its agents and Natural England should first be discussed between the relevant Highways Agency Project Managers with their consultants and advisers, and the relevant Natural England local and regional representatives. If no resolution is achieved at this level then national officers of the organisations should be involved. Where a resolution at a national level cannot be reached the matter should be referred to the Executive Board of both Parties and potentially the parent organisations for further consideration.
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## 5.9 Natural England looks to the Highways Agency to:

- Provide details on project implementation and policy development to allow effective forward planning and resource management.
- Minimise the environmental impact of the strategic road network, and of any new road schemes given approval.
- Mitigate potentially adverse impacts on nature conservation resources, and take opportunities to deliver enhancements.
- Mitigate potentially adverse impacts on landscape character, and take opportunities to deliver enhancements.
- Mitigate potentially adverse impacts on access and recreation, and take opportunities to deliver enhancements.
- Develop its commitments to emissions reduction and climate change.
- Protect and enhance biodiversity through management of Highways Agency land holdings, and delivery of the Highways Agency's Biodiversity Action Plan (and to consider the potential for a future Geodiversity Action Plan or strategy).
- Manage all designated Sites of Special Scientific Interest (SSSI) land-holdings to ensure favourable condition. (This requires an accurate understanding of Highways Agency's SSSI landholdings, and implementation of a set of agreed remedies).
- Develop and maintain effective systems for evaluating, storing, retrieving and sharing environmental information relating to the Highways Agency-managed road network.

## Highways Agency

- 5.10 The Highways Agency will endeavour to ensure that its works comply with Government natural environment strategies, policies and guidance, and best practice will be utilised when undertaking works affecting the natural environment.
- 5.11 The Highways Agency will continue to inform Natural England of its work through the National Environmental Committee meetings, and Regional Environmental Committee Meetings. The Highways Agency will be responsible for convening these national and regional meetings.
- 5.12 The Highways Agency will consult Natural England regarding Highways Agency policies for the natural environment, and ensure that draft documents are circulated for comment. In particular the Highways Agency will liaise with representatives of Natural England throughout the development of the natural environment aspects of the DMRB and other natural environment guidance.
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- 5.13 The Highways Agency will ensure that sufficient time is given for consultation, normally 21 days, and that appropriate information is provided in order for Natural England to make a reasonable response to requests for advice.
- 5.14 The Highways Agency will exchange information with Natural England on the natural environment aspects of its research programme and will explore the possibilities for partnership working.
- 5.15 The full range of Highways Agency projects will be subject to environmental scrutiny, and the Highways Agency will ensure that an appropriate natural environment response is mounted. The Highways Agency will consult with Natural England to seek its advice guided by the approach to consultation set out in Volume 11 of the DMRB including HA 201/08 General Principles and Guidance of Environmental Impact Assessment; HD 47/08 Screening of Projects for Environmental Impact Assessment; and HD44/09 – Assessment of Implications (of Highways and/or Roads Projects) on European Sites (Including Appropriate Assessment).
- 5.16 The Highways Agency will follow the advice in the DMRB unless varied in agreement with Natural England, where appropriate.
- 5.17 The Highways Agency looks to Natural England to:
- Provide advice on landscape, access and recreation, and nature conservation policy, legislation, standards and best practice, to the Highways Agency in Natural England's capacity as statutory adviser on the natural environment.
  - Consult with the Highways Agency on all projects, plans and positions which may have an impact on the management and operation of the strategic road network.
  - Respond to all consultation requests within the agreed consultation period as set out within this document and in the DMRB Volumes 10 and 11.
  - Notify the Highways Agency of any changes to the assessment of SSSI condition or status.
  - Share relevant information held by Natural England on species and habitats outside SSSIs where this could be of interest and relevance e.g. in managing Highways Agency land holdings.
  - Provide comments and advice on licensing and consenting regimes to inform the decision making process, particularly where protected habitats/species may affect scheme delivery and viability.
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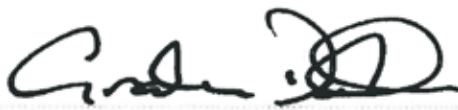
## 6 Areas of Joint Responsibility

- 6.1 There shall be an annual liaison meeting between Chief Executives and/or their representatives (Executive Board members) of the two organisations.
- 6.2 Each organisation shall nominate a member of staff with responsibility for maintaining an overview of working relationships at all levels and to advise and support Executive Board members on any issues which may arise.
- 6.3 Contacts between national specialist staff will be maintained through periodic meetings (at least every 6 months).
- 6.4 Contacts between regional offices will be maintained through a named member of each organisation, responsible for establishing and maintaining channels of communication. Joint Voluntary Regional Partnership Agreements can be drawn up to facilitate this relationship where regions find this helpful.
- 6.5 Where necessary, both Parties will agree a Risk Register to manage/monitor progress of all areas of mutual interest.
- 6.6 Unless otherwise agreed, both Parties will finance their respective parts of any joint working.
- 6.7 Both Parties will ensure that where there is an area of mutual interest, clear lines of communication are agreed and messages are consistent in dealing with shared public relations issues.
- 6.8 Both Parties will seek opportunities for joint training.

## 7 Confidentiality Provisions

- 7.1 Subject to any statutory requirements to release information, and in exceptional circumstances, either Party may request that commercially confidential information provided in connection with this MoU should not be disclosed. Any information regarded by either Party as commercially confidential or otherwise restricted under the terms of the Freedom of Information Act 2004 should be provided separately, so as not to inhibit the disclosure of other information.
  - 7.2 Any information regarded as restricted should remain confidential only as long as necessary, so that after an agreed period it can also be released, in accordance with the Freedom of Information Act 2004.
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**For the Highways Agency**



Graham Dalton  
**Chief Executive**

Date

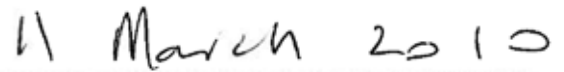


**For Natural England**



Dr Helen Phillips  
**Chief Executive**

Date



## Annex 3: Roles, Aims and Objectives

### Highways Agency

- A3.1** The Highways Agency is an Executive Agency of the Department for Transport (DfT). Its role as network operator is to act both as an asset manager and a traffic manager. This enables the Agency to deliver a service that supports the Highways Agency objective of providing a reliable, safe and integrated transport system that respects the environment. One of the Agency's eight key objectives is to minimise the impact of the road network on both the natural and the built environment.
- A3.2** The Highways Agency currently undertakes four types of road projects. These are projects under the Programme of Major Schemes, Local Network Management Schemes (LNMS) costing under £10m, Technology projects and Maintenance schemes. All these types of works may generate impacts on the natural environment. Future Government and Highways Agency policies may alter these categories of work, but it is likely that a range of Highways Agency schemes will remain, and that there will remain the potential for impacts on the natural environment, both positive and negative.
- A3.3** The overall strategic aim of the Highways Agency is "to contribute to sustainable development by maintaining, operating and improving the strategic road network in support of the Government's integrated transport and land use policies". The Government's "Securing the future" sets the Government sustainable development (SD) strategy which aims to "enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations".
- A3.4** The Highways Agency's specific Environmental Key Objective is "to minimise the impact of the strategic road network on both the natural and built environment". It follows that safeguarding and enhancing the built and natural environment must be a key factor when the Highways Agency undertakes the maintenance and management of England's strategic roads. The Highways Agency's natural environment objective is to ensure that in the improvement and operation of the strategic road network, natural heritage and landscape assets are conserved and enhanced, and that any adverse impacts are minimised. This involves working with Natural England and others to review the Highways Agency's guidance on the treatment of natural environment issues, and in considering initiatives to protect and enhance the natural environment.

### Natural England

- A3.5** Natural England is a non-departmental public body established by the Natural Environment and Rural Communities Act 2006. Natural England was formed by bringing together English Nature, the landscape, access and recreation elements of the Countryside Agency and the environmental land management functions of the Rural Development Service.
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**A3.6** Sponsorship of Natural England is the responsibility of the Secretary of State for Environment, Food and Rural Affairs (Defra). Natural England is an independent organisation reporting direct to its Board.

**A3.7** The Natural Environment and Rural Communities Act 2006 Subsection (1) sets out Natural England's general purpose which is "to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development". The terms "natural environment" and "benefit" are not defined but are meant to be broad and encompassing, going wider than the specific purposes listed in subsection (2), so that the natural environment could be found in towns in open spaces as well as in the countryside. The reference in subsection (1) to sustainable development indicates that Natural England should seek solutions which, while achieving environmental benefits, also provide long-term economic and social benefits, and avoid untoward economic and social impacts.

**A3.8** Natural England's general purpose includes:

- (a) promoting nature conservation and protecting biodiversity;
- (b) conserving and enhancing the landscape;
- (c) securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment;
- (d) promoting access to the countryside and open spaces and encouraging open-air recreation;
- (e) contributing in other ways to social and economic well-being through management of the natural environment.

**A3.9** Natural England's priorities: All national and regional teams are responsible for delivering Natural England's 4 Strategic Outcomes in appropriate ways and in relevant locations, i.e.:

**Outcome 1:** A healthy natural environment (England's natural environment will be conserved and enhanced).

**Outcome 2:** People are inspired to value and conserve the natural environment (more people inspired to enjoy, understand and act for the natural environment).

**Outcome 3:** Sustainable use of the natural environment (the use and management of the natural environment is more sustainable).

**Outcome 4:** A secure environmental future (decisions which collectively secure the future of the natural environment).

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## Annex 4: Contact Details

The responsibility for implementing the MoU will rest on the Owners identified here (the individuals may change as a result of organisational changes).

Owners	
Natural England	Highways Agency
<p><b>Helen Phillips</b>  <b>Chief Executive</b>            Natural England            1 East Parade            Sheffield            S1 2ET</p> <p>Contact via PA Sheree Kirk            Telephone 0300 060 1114            Email <a href="mailto:sherree.kirk@naturalengland.org.uk">sherree.kirk@naturalengland.org.uk</a></p>	<p><b>Graham Dalton</b>  <b>Chief Executive</b>            Highways Agency            5th Floor            123 Buckingham Palace Road            London SW1W 9HA</p> <p>Contact via PA Caroline Cross            Telephone 0207 153 4719            Email <a href="mailto:caroline.cross@highways.gsi.gov.uk">caroline.cross@highways.gsi.gov.uk</a></p>
<p><b>Robin Tucker</b>  <b>Executive Director National Delivery</b>            Natural England            1 East Parade            Sheffield            S1 2ET</p> <p>Telephone: 0300 060 1578            Email: <a href="mailto:robin.tucker@naturalengland.org.uk">robin.tucker@naturalengland.org.uk</a></p>	<p><b>Ginny Clarke</b>  <b>Director, Network Services</b>            Highways Agency            5th Floor            123 Buckingham Palace Road            London SW1W 9HA</p> <p>Tel 0207 153 4765            Email: <a href="mailto:ginny.clarke@highways.gsi.gov.uk">ginny.clarke@highways.gsi.gov.uk</a></p>
<p><b>Mike Wilkinson</b>  <b>Account Manager</b>            Stakeholder Relations Team            Natural England            John Dower House            Crescent Place            Cheltenham            GL50 3RA</p> <p>Telephone: 0300 060 1545            Email:  <a href="mailto:mike.wilkinson@naturalengland.org.uk">mike.wilkinson@naturalengland.org.uk</a></p>	<p><b>Mima Garland</b>  <b>Environment Group Manager,            Network Services</b>            Highways Agency,            Woodlands            Manton Lane            Bedford MK41 7LW</p> <p>Tel 01234 796070            Email: <a href="mailto:mima.garland@highways.gsi.gov.uk">mima.garland@highways.gsi.gov.uk</a></p>
	<p><b>Stuart Wilson</b>  <b>Account Manager</b>            Highways Agency,            2/15E Temple Quay House            2 The Square            Temple Quay            Bristol BS1 6HA</p> <p>Tel 0117 372 8833            Email: <a href="mailto:stuart.wilson@highways.gsi.gov.uk">stuart.wilson@highways.gsi.gov.uk</a></p>

