

**Memorandum of Understanding**  
between the  
**HIGHWAYS AGENCY**  
and  
**THE BRITISH LAND COMPANY PLC**



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## **1 Introduction**

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- 1.1** This Memorandum of Understanding (“MOU”) is between the Highways Agency, an executive agency of the Department of Transport (the “Agency”) of 123 Buckingham Palace Road, London SW1W 9HA and The British Land Company PLC (company number 00621920) (“BL”) of York House, 45 Seymour Street, London W1H 7LX.
- 1.2** The purpose of this MOU is to establish a framework for the ongoing relationship between the Agency and BL in promoting development.
- 1.3** This MOU has been prepared because of the parties’ mutual desire to develop a working relationship that will create a strong understanding of the way in which the Agency and BL will work together and the way in which they can co-operate to promote sustainable development and regeneration whilst furthering best practice in sustainable transport and travel patterns.

## **2 Background**

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- 2.1** The Agency is responsible for operating, maintaining and improving the strategic road network (i.e. Motorways and Trunk Roads) in England on behalf of the Secretary of State for Transport. The Agency facilitates safe and reliable long distance journeys on strategic national routes by managing the traffic using England’s roads as well as administering the network as a public asset.
- 2.2** The Agency’s organisational structure is depicted in Annex 1. The vision, aims and objectives of the Agency are summarised in Annex 2.
- 2.3** BL is a property investment company which creates value by actively managing, financing and developing prime commercial property to provide the environment in which modern business can thrive.

- 2.4** BL recognises that the commercial property industry, which accounts for a major part of the built environment, has a special position of influence and responsibility in advancing the cause of sustainability. BL has published a Sustainability Brief as a way of delivering sustainable development. The Sustainability Brief is applied to all new developments and:
- (a) guides design, construction and the management of all BL buildings;
  - (b) supports the planning system - the main mechanism to implement government policies (including PPG13 and Circular 02/2007 'Planning and the Strategic Road Network' (the "Highways Circular")) and strategies on sustainable development; and
  - (c) meets market demand for sustainable development.
- 2.5** BL and the Agency share an objective to promote good development and regeneration which contributes to Government policy objectives to deliver economic growth, promote social inclusion and support environmental goals. A key element of this objective is to promote efficient and effective sustainable transport in the design of new development and to encourage sustainable travel patterns amongst its occupiers.
- 2.6** BL already has travel plans for many of its properties. BL recognises that by encouraging people to minimise travel and to use sustainable transport it can reduce emissions and make it easier for occupiers, local people and other visitors to travel to and from BL properties.
- 2.7** BL's organisational structure is depicted in Annex 3. The corporate strategy of BL is summarised in Annex 4.

### **3 Purpose and Scope**

- 3.1** This document seeks to provide a partnership framework for BL and the Agency. It includes short-term objectives and proposes other areas of joint interest for BL and the Agency in the longer term.
- 3.2** It is recognised by both parties that nothing in this MOU shall affect the statutory duties or responsibilities of either party.
- 3.3** 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 agreed work areas covered by the schedule(s) subject to their other duties and the financial framework in which they operate.

- 3.4** This MOU:
- (a) defines service level agreements for BL and the Agency to work together on the promotion of development through the national planning system and the consideration and implementation of developments;
  - (b) guides the parties to work in partnership with local authorities and transport authorities;
  - (c) establishes a framework for BL and the Agency to promote best practice in transport and travel planning, traffic management and regeneration; and
  - (d) identifies policy areas appropriate for BL and Agency collaboration and development and establishes consultation protocols.
- 3.5** This MOU is not intended by either party to be legally binding.
- 3.6** The MOU will be reviewed at least annually by both parties and may include meetings to discuss each party's views and proposals for improvements.

## **4 Aims of Joint Working between BL and the Agency**

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- 4.1** BL and the Agency recognise that by joint working they can seek to:
- (a) develop a structured working relationship to enable them to understand, in more depth, the issues each face and to provide a framework to manage and resolve them;
  - (b) develop policies and procedures for discussion and collaboration on BL's major planning proposals;
  - (c) develop areas of mutual interest and further areas for joint working;
  - (d) establish short and long-term actions shared by BL and the Agency; and
  - (e) promote sustainable regeneration and sustainable development.

## **5 Joint Working and Actions**

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- 5.1** BL and the Agency agree to collaborate on planning applications following the guidelines in Annex 5 and complete the project pro forma guideline document in Annex 6 which will guide all Project planning applications and master plans.
- 5.2** BL and the Agency have identified topics of mutual interest in Annex 7 which both parties will develop.
- 5.3** BL and the Agency agree to commence and develop the short and long-term actions identified in Annex 8.

- 5.4 BL and the Agency acknowledge and agree that this MOU shall in no way limit their ability or right to disagree with the other party, or third parties, with respect to any matter, including, but not limited to, technical interpretation of the planning system and safety requirements.

## 6 Confidentiality Provisions

- 6.1 Either party may request that commercially confidential information provided in connection with this MOU should not be disclosed to external third parties or the public. If a party advises the other party that any information that has been provided is confidential, the disclosure of that confidential information by the recipient without prior consent will constitute an actionable breach of confidence.
- 6.2 Any information regarded by either party as commercially confidential by either party should be provided separately, so as not to inhibit the disclosure of other information.
- 6.3 Any information regarded as commercially confidential should remain confidential only as long as necessary, so that after an agreed period it can also be released.
- 6.4 It is noted that any person has the right to request information held by public sector organisations under the Freedom of Information Act 2000, which came into force in January 2005. The Freedom of Information Act gives everyone the right to ask any public body for all the information they have on a subject they choose. Also, unless there is a good reason, the organisation must provide the information within a month.

## 7 Termination

- 7.1 This MOU can be terminated by either party by notice in writing to the other or by agreement from both if it ceases to be viable. Both parties will use reasonable endeavours to meet its obligations and to discuss termination should this be desired by either party. Each party should provide a three month notice period to meet/agree on any outstanding issues.

*Signed by*

FOR THE HIGHWAYS AGENCY



FOR THE BRITISH LAND COMPANY PLC



Dated: 20 October 2008



## Annex 2: Highways Agency - Vision, Aims and Objectives

### HA Strategic Framework

#### Vision

Safe Roads, Reliable Journeys, Informed Travellers  
*Travelling with Confidence*

#### Aim

A strategic road network in England that works for everyone.

#### Objectives

1. To deliver a high quality service to all our customers by:
  - Improving road safety
  - Making journey's more reliable
  - Providing better information
  - Respecting the environment
2. To ensure more effective delivery through better working relationships.
3. To implement best practice and innovative solutions to improve service now and in the future.
4. To be a good employer.
5. To be an efficient Agency with effective business processes and resource management systems.

#### Values

- |   |   |
|---|---|
| ➤ <b>Customer Service</b><br>We put our customers first                   | ➤ <b>Diversity</b><br>We value people for their diversity and contribution        |
| ➤ <b>Teamwork</b><br>We work together in dynamic teams and partnerships   | ➤ <b>Best Value</b><br>We deliver effective services that provide value for money |
| ➤ <b>Improvement</b><br>We encourage learning, innovation and flexibility | ➤ <b>Integrity</b><br>We build trust by acting with honesty and fairness          |



## Highways Agency Customer Promise

### HELPING YOU WITH YOUR JOURNEY

- We will help you make your journeys safely and reliably
- We will provide value for money and invest in improved services
- We will provide helpful information to enable you to make choices before and during your journey
- We will clear up incidents quickly and safely
- We will limit any delays when carrying out roadworks and improvements
- We will play our part in protecting the environment
- We will ask you for your views and act on feedback
- We will deal with you promptly, courteously and helpfully



*Annex 3: British Land - Organisation Chart under review*

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**Chris Grigg** Chief Executive Officer

**Graham Roberts** Finance Director

**Steve Smith** Chief Investment Officer

**Charlie Maudsley** Head of Retail

**Tony Braine** Company Secretary

**Tim Roberts** Head of Offices

**Nigel Webb** Head of Development

**Miles Price** Planning Executive (day to day contact)

## *Annex 4: British Land - Corporate Strategy and Building Together*

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British Land seeks to achieve superior long-term growth in shareholder value by:

- focusing on customer needs with prime assets in the office and retail sectors;
- creating exceptional long-term investments with strong covenants, long lease profiles and good growth potential;
- enhancing property returns through active sales, purchases, management and development;
- maximising risk-adjusted returns through optimal financing and partnership with others; and
- taking advantage of opportunities in the property market through entrepreneurial flexibility, deal-doing and financing.

## **RIDER**

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**Concern for the environment** is part of British Land's corporate culture, encouraging us to focus on a property portfolio that is both commercially attractive and sustainable in its broader context. We aspire to enhance the quality of life for those on whom our activities impact.

**Building Together** is British Land's new way of looking at corporate responsibility, engaging with our stakeholders and managing our impact on the environment. **Building Together** is about:

- building our business around our customers, ensuring that we deliver space to support their success and meet their changing occupational needs;
- engaging with our staff, customers, suppliers and local communities, changing our behaviours and helping them to change theirs - much of what we can achieve can only be done in partnership;
- setting high standards in everything that we do, because we believe that a responsible business is a sustainable business. Those high standards will maintain and enhance our reputation and the value of our exceptional long-term investments;
- providing a simple, easy to understand set of objectives and targets, a roadmap for our efforts so that our people and stakeholders understand where we are going; and
- making sensible business decisions. Our efforts will be driven by our desire to add value. Costs and benefits will continue to drive investment decisions.



## *Annex 5: Major Project Guidelines*

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### **1 Introduction**

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- 1.1** BL and the Agency work together during Project proposals at four key stages:
- (a) during the allocation process for major development proposals through the preparation and consultation stages of Development Plan Documents;
  - (b) in the lead up to the submission of a planning application;
  - (c) during the determination period, after a planning application has been submitted; and
  - (d) should a consent be granted, after determination of the planning application.
- 1.2** The Agency and BL will develop an agreed approach for the Agency's consideration of Projects and responses.
- 1.3** At every stage of the Project, both parties will seek to respond to each other within two weeks of receiving a request or communication.

### **2 Guidelines**

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BL and the Agency agree to have regard to the following framework and guidelines when Projects are proposed by BL through a master plan or individual planning applications:

#### **2.1 Development Allocation Guidelines**

- (a) BL to advise the Agency of potential Projects as soon as possible where these are likely to have a bearing on the development allocation process within Development Plan Documents.
- (b) BL and the Agency to identify and communicate to the other party a single contact point to co-ordinate progress.
- (c) BL and the Agency will seek to agree key information policy documents and guidance relevant to the Project.
- (d) BL and the Agency will identify key elements of applicable planning policy including the Highways Circular, the Regional Spatial Strategy, Regional Transport Strategies, Local Development Frameworks, policy advice notes and Planning Policy Guidance/Statements and any emerging policy/guidance that may be relevant to the Project.

- (e) The Agency will provide BL with early notice of any potential issues of concern identified by the Agency.
- (f) BL and the Agency will seek to agree appropriate strategies to enable new Projects to be accommodated on the transport networks.

## 2.2 Pre-Application Guidelines

- (a) BL to advise the Agency of new Projects as soon as practical.
- (b) BL and the Agency to identify and communicate to the other party a single contact point to co-ordinate progress.
- (c) BL and the Agency to agree at the commencement of Projects key stages milestones, deadlines and development steps.
- (d) BL and the Agency will seek to agree key information policy documents and guidance relevant to the Project.
- (e) BL and the Agency will identify key elements of applicable planning policy including the Regional Spatial Strategy, Local Development Frameworks, policy advice notes and Planning Policy Guidance/Statements and any emerging policy/guidance that may be relevant to the Project.
- (f) The Agency will provide BL with early notice of any potential issues of concern identified by the Agency.
- (g) BL and the Agency will seek to agree the scope of work required to assess the transport effects of the Project, and the Transport Strategy, which will establish the post-application processes for implementing sustainable transport measures, monitoring and review.
- (h) BL and the Agency will seek to agree appropriate and deliverable trip generation outcomes for the proposed Project that are consistent with sustainable transport goals and the availability of transport capacity for proposed Projects as early as possible.

## 2.3 Post-Application Guidelines

- (a) BL and the Agency will seek to agree an approach to stakeholder consultation on transport issues in consultation with the local planning authority and other parties.
- (b) The Agency, on BL's request, will consider providing Comfort Letters for those seeking to occupy parts of a new Project.



- (c) The Agency will advise BL as soon as practicable if it identifies substantial concerns with the application, for example, but not limited to, the potential for the Secretary of State for Transport to issue a notice pursuant to Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 or for the Secretary of State for Communities and Local Government to call in applications pursuant to Section 77 of the Town and Country Planning Act 1990. The Agency will provide BL with a full and reasoned basis for its concerns.
- (d) BL will provide a full and reasoned response to the Agency's concerns together with proposals to address the concerns and, if appropriate, to provide further sustainable transport solutions to support the Project.
- (e) The Agency will be given the opportunity to comment on the planning obligations being negotiated between BL and the local planning authority under Section 106 of the Town and Country Planning Act 1990.

## 2.4 Post-Consent Guidelines

- (a) The Agency and BL will develop an agreed approach for the implementation of BL's Travel Plans and for the level of monitoring by the Agency in partnership with other interested parties, together with the feedback necessary to establish an effective database of transport measures and outcomes.
- (b) BL will engage with potential future occupiers of the development (where known) before implementation to encourage maximum occupier support for sustainable travel options.
- (c) The Agency and BL will use reasonable endeavours to promptly agree highways agreements under Section 278 of the Highways Act 1980.

## 2.5 Appeal Preparation Guidelines

- (a) The Agency and BL will seek to agree technical issues, a common policy agenda and a statement of common ground before the commencement of any public inquiry.

*Annex 6: Project Pro forma Guideline Document*

Project Name	
Project Site	
Proposal	
BL Lead Contact	
Agency Lead Contact	
Pre-Application Process	
Communication Process (including response times)	
Environmental Review	
Agency Funding Agreements (for work beyond statutory duties)	
Consultation Process	
Other	

Signatures

.....  
*On behalf of*  
THE BRITISH LAND COMPANY PLC

.....  
*On behalf of*  
THE HIGHWAYS AGENCY



## *Annex 7: Topics of Mutual Interest*

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BL and the Agency have identified the following topics of mutual interest which both parties will develop:

### **1.1 Location Specific Areas**

- (a) Lower Don Valley, Sheffield.
- (b) Blythe Valley Park, Solihull.

### **1.2 Topic Specific Areas**

- (a) Area Travel Plans - including the development of plans for Lower Don Valley, Sheffield.
- (b) Working with Network Operations Division on the form and function of travel plans and strategies to contribute wider benefits from Projects.
- (c) Development of pilot programmes to advance thinking, implementation and procurement in travel planning, information and transport technology through case study examples.
- (d) Physical measures to manage traffic generated by any development, encourage sustainable travel choices and discourage unnecessary journeys by private car.

### **1.3 Funding for Transport**

- (a) Mechanisms for sourcing third party funding for regeneration (for example, tariffs, pooling of resources and planning charges).
- (b) Pioneering new methods of funding for regeneration.
- (c) Agreement on funding for specific elements in relation to implementing Influencing Travel Behaviour measures which will benefit identified sites. The Agency will commit to contributing funds to implement such measures which may have benefits to the wider area, where appropriate, and in agreement with BL and other stakeholders.



## *Annex 8: Actions*

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BL and the Agency have identified the following actions for mutual implementation:

### **1.1 Short term Actions**

- (a) Use transport strategies for the development in the Lower Don Valley to ensure third party commitment to an Area Wide Travel Plan including encouragement of 'working business to business'.

### **1.2 Long term Actions**

- (a) Work together to identify funding arrangements for development and regeneration in the Lower Don Valley Regeneration Area.
- (b) Develop a co-operative approach to intelligent transport solutions.
- (c) Share research and lessons learnt on outcomes of specific Travel Plan measures.
- (d) Identify opportunities and participate together at industry conferences.
- (e) Support the Agency's Developer Forum.
- (f) Consider potential commercial opportunities and possibilities for joint ventures.

### **1.3 Ongoing Actions**

- (a) Co-ordinate and share information during the preparation of emerging guidance and policy documents particularly in relation to the consideration of future development sites, sustainable travel objectives, transport capacity and the strategic road network.
- (b) Meet to discuss proposed capacity allocations in all levels of emerging guidance.
- (c) Discuss opportunities for the Agency to support major strategic infrastructure projects that are proposed by private developers that will benefit the strategic road network.
- (d) Investigate opportunities to include Agency information and behavioural influence campaigns within proposed BL developments. Services currently available include the Agency Traffic Information Services and the Agency Road Safety Toolbox. Other user related services are constantly under development.

## *Annex 9: Contact Details*

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### 1.1 The Agency has identified the following key contact points:

**Graham Riley 0113 283 6233**

### 1.2 BL has identified the following key contact points:

**Miles Price 0207 467 2956**

If the personnel of BL or the Agency change, each will seek to update the other and provide new contact details as soon as practicable.

## *Annex 10: Glossary of Terms and Acronyms*

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<b>Area Wide Travel Plan</b>	A package of measures produced to encourage residents and/or staff to use alternatives to single-occupancy car use.
<b>Comfort Letters</b>	A non-binding written assurance that is intended to offer 'comfort' to the recipient of the author's present intention.
<b>Development Plan Documents</b>	A development plan document as defined in section 37(3) of the Planning and Compulsory Purchase Act 2004.
<b>Highways Agency's Developers' Forum</b>	Annual forum held by the Highways Agency for major national land development companies and organisations.
<b>Highways Agency Traffic Info Service</b>	Real-time Strategic Road Network traffic data available via the National Traffic Control Centre.
<b>Highways Agency Road Safety Toolbox</b>	Range of information and education tools developed by the Highways Agency and freely available.
<b>Highways Circular</b>	Circular 02/2007 - Planning and the Strategic Road Network.
<b>Influencing Travel Behaviour</b>	Highways Agency programme to tackle traffic demand using 'Smarter Choices'.
<b>Local Development Framework</b>	Framework detailing agreed land development plans in each local authority area.
<b>Network Operations Division</b>	Highways Agency division responsible for strategic planning, operation and maintenance of the strategic road network.



### Planning Policy Guideline Statements (PPG)

Government guidelines affecting all spatial planning issues.

### Projects

Any development scheme or project where there is an interface between BL and the Agency, for example, when the Agency is a consultation body or approval authority.

### PPG13

Planning Policy Guidance 13: Transport (2001).

### PPS11

Planning Policy Statement 11: Regional Spatial Strategies (2004).

### Regional Spatial Strategy

Regional spatial strategies prepared pursuant to the Planning and Compulsory Purchase Act 2004, section 1.

### Regional Transport Strategies

A strategy prepared as part of a Regional Spatial Strategy that includes how national transport policies and programmes will be delivered in the regions, outlines the transport and related land use policies and measures required to support the spatial strategy and provides a long term framework for transport in the region, as detailed in PPS11.

### Sustainability Brief

BL's Sustainability Brief, a copy of which is available at [www.britishland.com/images/SustainabilityBrief18-06-07.pdf](http://www.britishland.com/images/SustainabilityBrief18-06-07.pdf)

### Transport Strategy

A strategy that co-ordinates the governance and funding of the transport proposals associated with a Project with the delivery of hard and soft transport measures and the monitoring and review of transport outcomes against agreed targets.