

1. As an action from ISH5, the Examining Authority asked for a note on:
"Positions of Local Highway Authorities (LHAs) and Applicant on how the Network Management Duty should be considered, at the wider network level or the more granular detail of individual junctions, and providing relevant policy justification for any view."
2. This follows on from item 3(b) of the Agenda for ISH5 which was:
"Whether the additional modelling undertaken by the Applicant enables Local Highway Authorities (LHAs) to conclude that the operation of the Proposed Development would not interfere with the expeditious movement of traffic on the local highway network and the LHAs' ability to fulfil their Network Management Duty."

Law and Policy

3. The Network Management Duty is set out in Section 16 of the Traffic Management Act 2004 which states as follows:
(1) It is the duty of a local traffic authority or a strategic highways company ("the network management authority") to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives—
 - (a) securing the expeditious movement of traffic on the authority's road network; and*
 - (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.**(2) The action which the authority may take in performing that duty includes, in particular, any action they consider will contribute to securing-*
 - (a) the more efficient use of their road network; or*
 - (b) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority;**and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as traffic authority)."*
4. The Secretary of State has issued the following statutory guidance under S18 of the Act:
 - 4.1 The "Traffic Management Act 2004 Network Management Duty Guidance" dated November 2004 (2004 Guidance); and
 - 4.2 The "Traffic Management Act 2004: network management to support recovery from Covid-19" dated 30 July 2021 (2021 Guidance).
5. The 2004 Guidance explains:
"12. The overall aim of the "expeditious movement of traffic" implies a network that is working efficiently without unnecessary delay to those travelling on it. But the duty is also qualified in terms of practicability and other responsibilities of the authority. This means that the duty is placed alongside all the other things that an authority has to consider, and it does not take precedence. So, for example, securing the expeditious movement of vehicles should not be at the expense of an authority's road safety objectives. But, the statutory duty reflects the importance placed on making best use of existing road space for the benefit of all road users."

13. Road users do not generally view the road network as divided between local authorities. They use the network as a whole, irrespective of who is responsible. Under the duty, not only does an authority need to consider its own network, but also the effects of its actions on the networks of others. This is to prevent either results being achieved by moving the problem elsewhere, or conflicting policies causing problems across administrative boundaries. But more positively, it is to achieve the best operation of the network as a whole, especially in conurbations where networks of adjacent authorities can be highly inter-related.

6. Paragraph 27 of the 2004 Guidance recognises that LHA need information in order to meet their duty to identify current and future causes of congestion and disruption, and to plan and take action accordingly. It is recognised that "*The efficient management of the road network relies heavily upon the collection and use of accurate, reliable and timely data.*" (paragraph 91).

7. Paragraph 34 explains that:

"Primarily, the network management duty is about dealing efficiently with the traffic presented on the network – both now and in the future – and the various activities that are causing or have the potential to cause congestion or disruption to the movement of traffic."

8. The approach to the Network Management Duty has been recently considered in *HHRC Limited v Hackney Borough Council* [2021] EWHC 2440 (Admin). Although not of particular relevance to the current considerations, the High Court made the following observations on the principles that apply to the duty:

42. *In evaluating these competing submissions there are, in my judgment, some important elements of context. Firstly, it is clear in my view that the terms of [section 16 of the 2004 Act](#) provide the defendant with broad parameters within which to act consistently with the duty. This necessarily constrains the scope for a conclusion that the duty has been breached. The objectives that are identified are broad objectives and are qualified by the need to act as far as reasonably practicable having regard to the authority's other obligations and policies.*

43. *Secondly, it is important to note that for the purposes of [section 16 of the 2004 Act](#) the term traffic includes pedestrians by virtue of [section 31 of the 2004 Act](#); there was a consensus that the term also included cycling. Thus all transport modes of use of the road network are the subject of consideration under the network management duty.*

44. *Thirdly, regard needs to be had to the publication of the statutory guidance pursuant to [section 18 of the 2004 Act](#) issued by the Secretary of State for Transport in the form of the COVID-19 Guidance. This was issued specifically for the purpose of enabling highway authorities to deliver their network management duty...*

46. *...The duty is owed to all road users, and requires balances to be struck between their interests in formulating policies for managing the road network...*

9. It is clear throughout the 2004 Guidance that the duty does require a fairly granular, localised approach:

"96. Some congestion is simply the outcome of the demand for road space exceeding the capacity of the road network. An authority should identify and map locations where congestion occurs on their road network on a regular basis and establish the most likely reasons for this congestion. It should also look too for trends at locations that suggest traffic growth will shortly lead to congestion, and take action accordingly. Such congestion can be caused by:

- *insufficient junction capacity or width of carriageway to cope with the demand;*
- *outdated and badly sited road signs;*
- *poorly designed road markings;*
- *poorly implemented and poorly maintained traffic signals and traffic control systems;*
- *poorly sited parking and loading bays and poor levels of enforcement of traffic and*
- *parking regulations."*

and also:

"51. Authorities are expected to have a clear understanding of the problems facing the different parts of their network and the needs of different road users, along with balanced policies for addressing them. It is for the local authority to decide the levels of priority given to the different road users on each road. Although priority may be given to one mode over another on certain roads, for example pedestrians in town centres or to buses through roadspace re-allocation on a radial road, an authority should take a balanced approach to overall network management."

Conclusion on Action Point Question

10. The LHAs presently require more information from the Applicant to understand the impact of the Scheme at certain road junctions. That is consistent with the requirements on them under their network management duty set out in paragraphs 27 and 91 of the 2004 Guidance as highlighted above.
11. Further, it is clear that the impacts at a junction level can be significant enough to affect the expeditious movement of traffic in the authority's area or outside of it. That is clear from a common sense understanding of how traffic expeditiously moves across a network but also is clear from the approach of the 2004 Guidance as set out above, with its focus on understanding problems on specific parts of the network and the need to map specific locations of congestion.
12. In the case of the junctions identified within CBC where 'Monitor and Manage' is proposed, these are predominantly located on key strategic routes, such as the A1, where an increase in delay at an individual junction, or in this case a sequential series of junctions, has the potential to significantly impact upon route choice and the related operation of the surrounding network (both strategic and local).
13. This has been evidenced through the transport work and subsequent sensitivity testing undertaken as part of the DCO application. To provide two relevant examples, the initial Saturn modelling work provided to CBC by National Highways predicted the displacement of an additional 3,928 vehicles through the centre of Sandy over a 12 hour period as a result of congestion at the A1 / A603 junction (2040 Do Something minus 2040 Do Minimum flows), whilst the sensitivity testing for the Biggleswade North A1 junction, reported at Deadline 5 demonstrates the significant change in wider impact that can result from comparatively minor changes in modelling approaches or assumed flows (as shown when considering the differences apparent in Figure 4-15).
14. A key point for Cambridgeshire is the performance of the Wyboston Junction and the impact that this has on the wider network due to its key location on the edge of St Neots. The modelling done so far indicates that, whilst some arms work better with the scheme, the Great North Road (Northern) arm is shown to experience an increase in delay and Queueing. This is important because if this junction does not work well then traffic will continue to reroute through St Neots Town Centre and use other less suitable routes such as the route through Toseland and Yelling for onward journeys instead of rerouting to the revised road layout introduced by the scheme. From this it is possible to see that

the performance of this one key junction has the potential to impact the operation of the local road network over a much wider area.

15. A network is only the product of its various components, particularly junctions, as such the network management duty *does* require a more granular understanding.

Further comments on the importance of Monitoring

16. The 2004 Guidance places emphasis on monitoring. The LHAs are strongly of the view that the Monitoring and Mitigation approach of the Applicant needs to be strengthened and are separately submitting a proposed Requirement in relation to that at Deadline 6.
17. Should it be the case that by the end of the Examination, adequate information regarding impacts at specific junctions is still not available, a sufficiently strong approach to Monitoring and Mitigation might allow the LHAs nevertheless to conclude that their network management duty is upheld as the Monitoring and Mitigation would ensure that any (known or unknown) affects on the expeditious movement of traffic would be avoided or countered.