

Transport for the North
2nd Floor
4 Piccadilly Place
Manchester
M1 3BN
Tel: 0161 244 0855

Dear Colleagues,

Re: Regulations to establish TfN as a Sub-National Transport Body

I am writing to you in connection with the establishment of Transport for the North (TfN) as a Sub-National Transport Body under section 102 E of the Local Transport Act 2008 (LTA 2008). At the outset I would like to apologise for the timing of this present approach and in particular the quick response which is required.

The purpose of this letter is to request that your Authority give formal consent to the inclusion in the Regulations establishing TfN of certain highway powers exercisable concurrently with the local Highway Authority.

The background and context to the matter, together with the required action, is set out in detail in the accompanying report. This letter provides a summary of the content of the report to facilitate your decision making process. As the report indicates 19 Local Authorities came together in 2016 to submit a proposal to the Secretary of State for Transport seeking the establishment of TfN as a Sub-National Transport Body. The 19 Constituent Authorities are identified in paragraph 2.11 of the report. You will notice that the list includes a mix of County Councils, Combined Authorities and Unitary Authorities as prospective members of TfN.

Section 102F of the LTA 2008 clearly requires the consent of the Constituent Authorities to the making of the Regulations establishing TfN as a Sub-National Transport Body. Part of the statutory proposal submitted included a request for certain local authority highway powers to construct highways, with the consent of the highway authorities affected, and the power to acquire land for this purpose. Section 102J of the LTA 2008 allows the Secretary of State to allocate functions to TfN which are exercisable to local authorities in its area. Those powers would be additional to TfN's general functions set out in section 102H LTA 2008.

Since the submission of the statutory proposal in October 2016 discussions have taken place with the Secretary of State about the proper procedure for seeking consent to the inclusion of highway powers in the regulations. Initially DfT's view had been that the consent of each Combined Authority would be sufficient to provide the necessary consent to the inclusion of highway powers in the regulations. After further consideration by DfT it has now been confirmed that the consent of each local highway authority within the Combined Authority areas is required to enable relevant highway authority functions to be included in the Regulations.

The economic and policy case for establishing TfN as a Sub-National Transport Body is set out in paragraph 2 of the report. TfN's Partnership Board met on 14th September 2017 and remains committed to the establishment of TfN on a statutory basis by the end of this year, with a "go live" date of 1st April 2018. Given the pressure of the parliamentary timetable DfT have requested all

consents to be submitted to DfT by 20th October 2017 to enable them to meet this programme.

Again I apologise for the lateness of this approach but I hope that the accompanying report and the summary of the report's key points set out in this letter enable you to provide your authority with sufficient information to enable it to give its formal consent to the inclusion in the Regulations of local highway authority powers, by the date indicated.

We have asked DfT to write direct to each of you to request the necessary consent. Should you require any further information upon these issues please do not hesitate to contact any of the following TfN officers:

Timothy Date – timothy.date@transportforthenorth.com – telephone number 0161 244 0855
Deborah Dimock – Deborah.dimock@transportforthenorth.com – telephone number 0161 244 0855
Megan Bradley – megan.bradley@transportforthenorth.com – telephone number 07717631989

I am copying this letter to Elizabeth Allen at the West Yorkshire Combined Authority.

Yours sincerely



Timothy Date

Legal Services Manager