

5. Management of the Historical Railways Estate (HRE)

(Revised May 2025)

High level description

5.1 National Highways will manage the HRE, hereafter referred to as “The Estate”, as defined by the Public Bodies (Abolition of BRB (Residuary) Limited) Order 2013, on behalf of the Secretary of State. The Estate includes structures, property and land within England, Scotland and Wales.

5.2 National Highways will inspect and safely maintain the former railways structures, manage parcels of former railway land and property, manage the letting of properties and seek transfer of assets to local authorities or other appropriate organisations.

5.3 National Highways will manage The Estate to promote its value for local communities, seeking opportunities to safely re-purpose or re-use The Estate through effective partnership working and transfer of ownership for the assets to local authorities or other appropriate organisations. National Highways will carefully consider ecological, heritage, active travel, rail and heritage rail factors in the transfer, re-purposing and re-use of assets across The Estate. Prior to commencing major works on The Estate, National Highways will ensure Ministers are sighted on the decision-making process for that work.

5.4 National Highways shall discharge the functions with the same due care and diligence as if they were the owner of The Estate and were subject to the same statutory responsibilities and common law liabilities. Where National Highways seeks professional advice in relation to the HRE it shall ensure that any such adviser is made aware that it owes a duty of care to the client, the Secretary of State, in relation to professional advice provided by it to National Highways.

5.5 Subject to 5.9 below, National Highways’ management of The Estate on behalf of the Secretary of State will include meeting from existing funding all costs associated with the property, including all claims, charges and damages arising directly or indirectly from damage to property and/ or persons (including death) subject to paragraph 5.9 of this Framework Document.

Financial summary

5.6 The Department for Transport will ensure National Highways has the appropriate level of funding to manage The Estate through this protocol arrangement. For maintenance and inspections work this will be provided through an allocation of RDEL although some instances may require funding from the CDEL allocation. Funding will be provided in line with Roads Investment Strategy (RIS) 5-year cycles.

5.7 Any income obtained from exploiting any part of The Estate must be used specifically for works on The Estate.

5.8 The relevant assets are held by the Secretary of State and do not appear on the National Highways Statement of Financial Position.

5.9 Where, regarding structures sold or transferred to non-statutory bodies, a claim is proven in accordance with the contingent liabilities agreement as laid before Parliament on 25 January 2001, the Department will provide the funding to meet these liabilities.

Details of service to be provided

5.10 In carrying out these services, National Highways must engage and cooperate with, and provide information to, any agent the Department may appoint to advise on the performance of the management of The Estate. To this end National Highways will work with the Department's agent to develop a reporting methodology, meeting with the agent each quarter to report on the progress made on delivery of the agreed services. The agent might be a person or Company as decided by the Secretary of State from time to time.

5.11 The service that National Highways shall provide is:

- To ensure the safe management of The Estate.
- To seek to explore all opportunities for re-purposing and re-using assets within The Estate.
- To work with partner organisations to carefully consider the ecology & heritage implications of works, alongside opportunities to support partner organisations to reuse the estate for good, in creating new or additional active travel, rail or heritage rail routes.
- To seek safe and appropriate transfer of assets within The Estate to local authorities or other organisations for the future ownership and management of such assets.
- To seek to maximise the level of rental income, manage tenancies appropriately, recover possession of properties and seek to minimise holding costs, consistent with the objective of keeping the properties safe, legally compliant and secure
- Where land or property must be disposed of, to ensure market value rates are obtained
- To undertake an annual programme of inspections of The Estate, and subsequent maintenance programmes of work in the safe management of The Estate
- To undertake Engineer's site audit and site safety audits for all major works schemes
- To manage and inspect land and property to ensure they remain secure, not illegally occupied and not a danger to the public
- To continually review the land and property portfolio to ensure regulation of occupation, and that the portfolio is safe and free of any potential hazards

- To manage existing and future residual liabilities for structures sold or transferred to non-statutory bodies, including the maintenance of these structures in the event the purchaser defaults.

Records

5.12 National Highways must ensure the available existing records are stored according to records management best practice including recording on e-PIMS (including electronic boundaries). All future records shall be also kept to these standards.

5.13 National Highways shall keep and provide full and comprehensive records of all available past, current and proposed actions, contracts, rental income and costs relating to The Estate and provide any reasonable additional information as the Department or any statutory authority shall require.

5.14 National Highways shall record income collected, income due, rental arrears and provide this information to the agent each quarter.

5.15 National Highways must allow the Department and its agent access to its records and must work with the Department's agent to develop appropriate access arrangements.

Sub-contracting

5.16 National Highways may contract out all or part of this service to a third party.

Service Levels

5.17 Extant inspection and reporting frequencies will be maintained unless or until deemed inappropriate by either National Highways, the Department or the independent Auditor at which point they will be reviewed and amended as necessary.

- **5.17.1** The service levels specified in this protocol are minimum levels, and in undertaking its responsibilities to safely manage the Estate, as set out in this protocol, National Highways will determine whether more frequent inspections or reports are required.

5.18 National Highways shall use personnel who possess the skills and experience which are appropriate to managing this class of property on behalf of the Secretary of State who is the freehold / leasehold owner of these properties.

5.19 All structures are subject to one visual inspection per year and at least one detailed inspection every six years or when reasonably required for the condition of the structure.

5.20 Engineer's site audit on 5% of all railway structures annually.

5.21 At least one Engineer's site safety audit for all major works schemes annually.

5.21 All inspections to be reviewed by accredited Engineers within 30 calendar days of receipt.

5.23 All unlet property to be inspected every 14 days, or every 28 days, where agreed this is appropriate.

5.24 All unlet land to be inspected every six months.

5.25 All let property or land to be inspected annually.

5.26 The reporting methodology and a set of service level agreements will be agreed with the agent.

5.27 Commission valuations for 20% of the rentable property so they are completed by 1 February each year (all rentable property to be valued in the first Road Period).

Annual Audit

A.1 The Annual Audit will include:

- The standards adopted by National Highways when undertaking examinations, structural assessments and scour, and the standards used to repair or demolish structures;
- A review of the projects completed, comparing the plan with the actuality;
- A look ahead to the projects proposed for the rest of the Road Period and the budget provision required to deliver the programme;
- Maintenance work completed and a review of whether this provides value for money compared to other options;
- Methods of procurement;
- Qualifications and experience of the staff.

Quarterly Activity Reports

A.2 The Quarterly Activity Reports will provide information on the following service levels:

Safety

- Accidents, reportable and non-reportable including actions taken;
- Examinations – progress against programme of planned work;
- Assessments, particularly public road structures, and actions proposed;
- Scour – phase 1 and 2 assessments and actions taken;
- Structural collapse, in date for examinations otherwise; and
- Structure Ranking Changes.

Project

- Major works projects undertaken against the programme;
- Minor works – number of repairs undertaken and expenditure;
- Review of emerging trends (if any);

- Consultant instructions issued and delivered;
- Overall expenditure against budget, and
- Details of transferred structures.

Incident

- The number of reported incidents of:
- Vandalism;
- Legal challenges; and
- Bridge strikes.