EXPLANATORY MEMORANDUM TO

THE WEST MIDLANDS COMBINED AUTHORITY (KEY ROUTE NETWORK) (AMENDMENT) ORDER 2026

2026 No. 820

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Lilian Greenwood MP, Parliamentary Under-Secretary of State for Local Transport at the Department for Transport, confirms that this Explanatory Memorandum meets the required standard.

2.2 Jessica Matthew; Director; Local Transport, Planning, and Housing at the Department for Transport; confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Alex Brown at the Department for Transport can be contacted on alex.brown@dft.gov.uk or 0300 330 3000 with any queries regarding the Instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 A key route network ("KRN") is a network of roads, designated by a combined authority under section 107ZA of the Local Democracy, Economic Development and Construction Act 2009 ("the 2009 Act"). This Instrument amends the West Midlands Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/510) ("the 2017 Order") to enable the West Midlands Combined Authority ("WMCA") to designate its KRN administratively, rather than through secondary legislation.

4.2 At present, WMCA has a "Combined Authority roads" network (in practice, its KRN) which is defined in article 2 of, and set out in Schedule 1 to, the 2017 Order. This is in contrast to other combined authorities, which are able to designate their KRNs administratively under section 107ZA of the 2009 Act. This Instrument will omit Schedule 1 and make other consequential amendments to the 2017 Regulations to place WMCA in the same position as other combined authorities.

Where does the legislation extend to, and apply?

4.3 The extent of this Instrument (that is, the jurisdiction(s) which the Instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this Instrument (that is, where the Instrument produces a practical effect) is England only.

5. Policy Context

What is being done and why?

5.1 Schedule 1 to the 2017 Order identifies WMCA's "Combined Authority roads", which are the equivalent of KRNs designated in other combined authority areas. A KRN is a collection of the most important and strategic roads within a combined authority area, some of which may cross constituent council boundaries. The 2017 Order provides that WMCA holds a number of functions relating to its Combined Authority roads. This includes the preparation, implementation and variation of permit schemes, functions which are held concurrently with its constituent councils. Section 89ZA of the Local Transport Act 2008, as modified by section 104(3A) and (3C) of the 2009 Act (which was inserted by paragraph 5 of Part 1 of Schedule 11 to the English Devolution and Community Empowerment Act 2026), provides that a mayor of a mayoral combined authority (like WMCA) may give a direction to its constituent councils about the exercise of their highways, traffic, street works, and permit powers in respect of KRN roads.

5.2 WMCA has reviewed its Combined Authority roads network in light of changes to traffic patterns and work to update its local transport plan (a statutory requirement set out in section 108 of the Transport Act 2000) and has identified changes it wishes to make to that network. Following a request from WMCA, the Department for Transport ("the Department") agrees that WMCA should be able to designate its own KRN administratively, as well as make any future changes, without the need for secondary legislation. This will support implementation of the local transport plan as it relates to KRN roads, by ensuring that the KRN in the WMCA area can be more easily updated to reflect contemporary road use.

What was the previous policy, how is this different?

5.3 A KRN is usually designated and published online by the combined authority concerned but, uniquely, WMCA's equivalent Combined Authority roads are set out in the 2017 Order. This means that, to update its Combined Authority roads network, WMCA is required to request that secondary legislation be made by the Secretary of State to amend the 2017 Order. This is a lengthy, resource intensive process that other authorities are not required to follow and runs counter to the intention of section 107ZA of the 2009 Act.

5.4 This Instrument means that the mayor of the WMCA can, following a resolution of the WMCA approving the proposal to designate a highway or proposed highway, amend the KRN in the same manner as other combined authorities.

6. Legislative and Legal Context

How has the law changed?

6.1 This Instrument amends the 2017 Order (as amended by S.I. 2018/880, S.I. 2022/71 and S.I. 2022/576), by substituting the term "key route network roads", which is defined with reference to roads designated as key route network roads pursuant to

section 107ZA of the 2009 Act, for "Combined Authority roads". It also omits Schedule 1 to the 2017 Order, which lists WMCA's Combined Authority roads. "Key route network roads" is substituted for "Combined Authority roads" where it appears in articles 8 and 9. These amendments will enable WMCA to designate its KRN administratively using powers under section 107ZA of the 2009 Act, placing it in the same position as all other combined authorities, rather than requiring amendments to be made to the 2017 Order each time the network needs to be revised.

6.2 References to "Combined Authority roads" in articles 4 and 7 of the 2017 Order will be removed through the omission of those articles by the English Devolution and Community Empowerment Act 2026 (Consequential Amendments and Revocations) (England) Regulations 2026. Those Regulations, to which the negative procedure applies, were made prior to this Instrument being laid before Parliament and will come into force before it.

Why was this approach taken to change the law?

6.3 Schedule 1 to the 2017 Order identifies WMCA's Combined Authority roads network, meaning that any changes to this network would need to be made through secondary legislation, as was the case when roads were added to the network by article 7 of the West Midlands Combined Authority (Business Rate Supplements Functions and Amendment) Order 2018 (S.I. 2018/880). Rather than maintain WMCA's present unique arrangements, it is considered preferable to place it in the same position as all other combined authorities by enabling it to make use of the KRN designation powers under section 107ZA of the 2009 Act.

7. Consultation

Summary of consultation outcome and methodology

7.1 Pursuant to section 112A of the 2009 Act, prior to submitting a proposal to the Secretary of State to seek an Order, WMCA carried out a public consultation for eight weeks, from Monday 23 June to Friday 15 August 2025 across the area of the Combined Authority.

7.2 The consultation was designed to reach a wide range of individuals and groups, including all residents of the Combined Authority area; users of its KRN; relevant campaign and community groups; and local authorities. It was published on WMCA's website[1] and hard copies were placed in community hubs such as libraries and faith centres. Throughout the consultation period awareness was raised by direct communication through mail and text messages to bus users; targeted correspondence to relevant identified stakeholders; utilising the communication channels of local authorities, key stakeholders, and community groups; and social media.

7.3 Respondents were asked to answer a single question: "Do you support amendment(s) to The West Midlands Combined Authority (Functions & Amendments) Order 2017 ('2017 order')? The amendment(s) will enable the West Midlands Combined Authority (WMCA) to use its devolved powers to change (add or remove routes from)

[1] https://www.wmca.org.uk/what-we-do/consultations/consultation-on-key-route-network-legislation/

the key route network (KRN) to better meet the needs of local people, businesses, and visitors, and to align with the powers of other combined authorities."

7.4 171 responses were received after 25 duplicate responses (based on respondent ID) were removed. 69% supported the proposed amendments, 21% were unsure and 10% did not support the proposed amendments.

7.5 The main reasons given for supporting the proposed amendments were that WMCA is best placed to make decisions regarding its KRN and that this would allow it to take a strategic approach to travel (37%), to allow WMCA to respond quickly to local changes (12%), and that the proposals seemed sensible, fairer and/or more democratic (11%). Other reasons related to better transport provision and alleviating congestion.

7.6 The main reason for being unsure was a lack of understanding and being unsure of the benefits of the proposed changes (15%).

7.7 The reasons for not supporting the proposed amendments were a lack of faith in WMCA to act in local interests (7%) and scepticism about the need for the changes and the benefits it would bring (6%). There was also concern that the changes would be used to expand "anti-car" policies (3%).

7.8 Having had regard to the proposal submitted by the area, a summary of consultation responses and other supporting materials, the Secretary of State concluded, pursuant to section 113(1)(a) and (3) of the 2009 Act, that no further consultation was necessary.

8. Applicable Guidance

8.1 This Instrument does not require guidance.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this Instrument because the measure is not in scope of the Better Regulation Framework.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this Instrument does nothing other than change the way WMCA designates its KRN.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this Instrument applies only to WMCA and its constituent councils, on whom there is no significant financial impact. A small reduction in administrative costs for the Department and WMCA is forecast when they next wish to update their KRN.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 Publishing a KRN outside legislation is normal procedure, practiced by all other combined authorities. As such, the Department does not consider it necessary to formally monitor and review this legislation. The Department continues to work closely with WMCA which will seek to agree its KRN with its constituent councils and publish it in a timely manner.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Lilian Greenwood MP, Parliamentary Under-Secretary of State for Local Transport has made the following statement regarding Human Rights:

"In my view the provisions of the West Midlands Combined Authority (Key Route Network) (Amendment) Order 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This Instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").