



## **REPORT OF THE CORPORATE DIRECTOR, PLACE**

### **REGIONAL HIGHWAY DESIGN GUIDE**

#### **Purpose of the Report**

1. To report on recent work by the 6C's Board to revise the existing 6C's Highway Design Guide and the potential implications and impacts that will have on the County Council in its role as the Highway Authority for County Roads and to make recommendations in relation to the future membership of the Board and the adoption of the revised Guide.

#### **Information**

##### **New Highways in Developments**

2. When a new development requires new roads to be constructed the developer is responsible for building them. If the developer intends that the roads are to be eventually adopted by the Highway Authority (HA) via a formal agreement under Section 38 of the Highways Act 1980 and then maintained at public expense, the roads need to be designed and constructed to the required HA standards. This is to ensure that they are safe for all road users, provide an adequate and acceptable means of movement around the development for all residents and visitors and will require minimal maintenance by the HA in the future. Even where a developer does not intend the roads in a new development to be adopted the H A will still advise the developer and the Local Planning Authority via the planning process as to whether the developer's proposals are designed to a specification that is safe and useable for all road users and residents.

##### **Highway Technical Design Guide (6C's Design Guide)**

3. Since 2009 the HA's standards for the construction of new roads in developments have been set out in the joint Highway Technical Design Guide which has become known as the '6Cs Design Guide'. The document is jointly used by the Highway Authorities in Nottinghamshire, Leicestershire and Derbyshire and the unitary city authorities within those counties. The County Council is a member of the 6C's Board which oversees the Guide and the use of the document within the County was authorised by the then Cabinet Member for Transport and Highways on the 10 March 2009.
4. Currently the Authority pays an annual subscription fee of £6,600 per annum to be part of the Board and to be able to have use of the Guide.

5. There have been a number of advantages for both the Authority and developers in the use of the 6C's Guide including a consistent approach on matters across the three counties and three cities and having access to a well-regarded document originally developed by Leicestershire County Council. The current guide continues to serve the County Council well and is also well respected by the Borough and District Councils in their roles as Local Planning Authorities within Nottinghamshire.

### **Revised Guide**

6. During the last three years, following concerns raised by the unitary authorities that modern urban designs were not being encouraged by the current 6Cs Guide, the document has undergone a redrafting by consultants hired by the 6C's Board. The current draft of the new document which is proposed to be adopted as the new Highway Design Guide by the 6Cs Board has been redrafted in a manner that relaxes design and construction standards with a view to encouraging innovative Urban Design concepts into developments. The consequence of this is that the provision of safe and suitable highway infrastructure within developments is likely to be compromised as the revised guide favours developments designed to exclude vehicles.
7. Whilst the County Council is supportive of measures that encourage a move away from car dependency and recognises that within a city environment where high density housing, mainly aimed at singles or young couples, close to amenities and frequent public transport provision means that residents can practicably live without a car, the type of developments that the County deals with are different in nature. Outside of a city environment developments tend to be aimed at families where the ownership and regular use of several vehicles is likely to be the norm and where due to the location of the development the proximity of all the required amenities and access to regular public transport provision is not as convenient as for those living in a city based development.

### **Implications on Highway Infrastructure within New Developments**

8. Whilst the County Council is in favour of encouraging innovation in creating an overall Place, the Authority has to do this within an environment where road safety and future maintenance costs are not compromised and the requirements of residents and visitors to move around the development easily is not hindered. Unfortunately, following detailed examination of the proposed revised Guide that prioritises Urban Design concepts, the HA is of the view that the relaxation of the highway design and construction standards is such that the Authority would be unable to ensure that new developments were designed to satisfactory standards to ensure road safety, the ease of movement of residents and future ease of maintenance. In addition the HA's ability to defend recommendations made on highway matters to Local Planning Authorities in its role as a Statutory Consultee would also be compromised especially if a planning decision was referred to the Planning Inspector.
9. The HA is all too aware that any failure to ensure that developments are designed and built to meet with the practical requirements of residents eventually leads to complaints from residents and the Authority having to fund any works which may be necessary with an expectation from them that the Authority is able to resolve the problems with public funds. Even if funds are available, a development designed to Urban Design principals is unlikely to have the space available to allow the introduction of measures to solve the usual parking and vehicular movement issues that residents raise in such developments.

## **Concerns within the 6C's Board**

10. The County Council is not alone in having concerns with the new document and Leicestershire County Council, who wrote the original 6C's Design Guide, have already advised the 6C's Board that they are leaving the Board in the near future citing concerns over the new guide's lack of suitable design and construction specifications. From informal discussions with Leicestershire County Council they will be developing their own guide based upon the existing 6C's document. Leicester City have also advised the Board that they will be leaving as the revised document fails to meet their needs. This will leave Nottingham City, Derby City and Derbyshire County Council as members in addition to the County Council.

## **Position of Nottinghamshire County Council**

11. Whilst it is recognised that there are clear advantages in Local Authorities working together and developing regional agreements and documents they do need to be acceptable to all those involved. Given that the revised Guide fails to provide the guidance to developers that the HA in Nottinghamshire needs in order to ensure that the highways built as part of any new developments are safe and fit for future purpose and that these views are shared by Leicestershire, the County Council is minded not to take on the new Guide.

## **Alternative Arrangements**

12. If the County Council chooses not to adopt the new guide there are viable alternatives that will ensure that the Authority still has the necessary highway guidance for developers and the Local Planning Authorities in place as well as ensuring that roads within new developments are safe and fit for purpose.

13. As a Board member the Authority has the option available in the Terms of Reference to leave the Board but to continue to use the current version of the Guide. Any reference within the Guide to it being the 6C's Guide would need to be removed and the document would need to be rebranded as the 'Nottinghamshire County Council Highway Design Guide'. These requirements are simple editing tasks which are reasonably easy and quick to carry out. The Authority could also carry out its own bespoke updates and revisions in line with any needs that may arise from changes in local circumstances or as a result of new national legislation or guidance. There exists within the Highway Authority the necessary expertise to do these and if necessary the annual saving of the membership fee of £6,600 could be used to pay for any additional resource if required. It is also possible that the Authority may get a proportionate refund of the existing surplus held by the 6C's Board. The refund might be in the region of £15,000 to £20,000.

14. The Authority would need to host the Guide on its public facing website .

## **Potential Future Development of a Highway Design Guide**

15. Whilst the retention of the existing document by the County Council is the preferred initial option should the Authority leave the 6C's Board, there are other longer term options that would be worth investigating. These include the possibility of working in collaboration with Leicestershire County Council and the Midlands Highway Alliance (MHA) to further develop the current 6Cs Guide so that it allows both innovation where feasible and practicable, but ensuring standards in road safety and highway construction are not compromised. This would ensure that future developments are attractive, meet the aspirations of those living in them but are not a burden on the Council and its future budgets.

## **Other Options Considered**

16. Consideration has been given to the County Council adopting the new revised Guide but as explained earlier in the report this document would not be suitable to safeguard the highway interests of the County Council or residents living in new developments

## **Reason/s for Recommendation/s**

17. The HA needs to be able to provide guidance for developers which enables the construction of highways within new developments that are safe, allows for the ease of movement by residents and visitors and will not be a burden to the public purse in terms of future maintenance liabilities. The 6C's revised Highway Design Guide that the 6C's Board are due to adopt will not give the County Council the guidance document that it needs to ensure the above. This can only be achieved by retaining the existing Guide which necessitates resignation from the 6C's Board and in the future seeking collaboration with other like minded authorities and organisations in developing further guidance that seeks to protect the interests of the Authority and residents of new developments.

## **Statutory and Policy Implications**

18. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Financial Implications**

19. By resigning from the 6C's Board the County Council would save its annual membership fee of £6,600. In retaining the existing document the Authority would need to edit it so that it removes reference to the 6C's and this could be done as a one off task at no additional cost using existing resources within the Planning Group.
20. If additional resources were required by the Authority to carry out further technical updates to the document then these would be minimal in nature and would be carried out by officers already within the County Council and therefore no additional costs would be envisaged. However if there was a need to use external resources these would be kept to a minimum and kept within the £6,600 that the Authority already spends on membership fees.
21. If the County Council wishes to work in collaboration with other authorities or organisations in the future it is envisaged that this would be done with existing resources within the authority with no additional third party costs.
22. If there were a need to fund any work beyond the existing £6,600 then funding would need to be identified and approval sought from Committee to spend it.
23. At best the recommendations of this report save the County Council £6,600 in direct costs and at worst are cost neutral.

## **Implications for Service Users**

24. In maintaining a Highway Design Guide that recognises the importance of ensuring road safety, the needs of residents and visitors and the ease of future maintenance, users of highway infrastructure within new developments would benefit from a network that takes better account of all their needs as well as ensuring that future funding for highways was not being spent on correcting deficiencies created by a Highway Design Guide that prioritised Urban Design concepts.

## **RECOMMENDATION/S**

It is recommended that Committee:

- 1) Grant the Corporate Director Place delegated authority to make the necessary arrangements to resign the County Council's membership of the 6C's Board including refund of any surplus held by the 6C's Board.
- 2) Approves that the Authority continues its use of the existing 6C's Highway Design Guide following resignation (rebranded as the 'Nottinghamshire County Council Highway Design Guide).
- 3) Grant the Corporate Director Place delegated authority to investigate and initiate opportunities to work in collaboration with Leicestershire County Council and the Midlands Highway Alliance on the development of a revised Highway Design Guide

**Adrian Smith**  
**Corporate Director, Place**

**For any enquiries about this report please contact:** Clive Wood, Team Manager Highway Development Control, Tel: 0115 9774585

## **Constitutional Comments [SLB 23/03/2018]**

25. Communities and Place Committee is the appropriate body to consider the content of this report.

## **Financial Comments [RWK 22/03/2018]**

26. The financial implications are set out in paragraphs 19 - 23 of the report.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Current Highway Design Guide
- Draft revised Highway Design Guide as proposed by the 6C's Board.

## **Electoral Division(s) and Member(s) Affected**

- All