

**Portfolio: Environment, Sustainability and Transport**

**Housing Planning and Transport Committee**

**24<sup>th</sup> March 2010**

**Highway Works Developer Guidance**

**Report by: Director of Strategic Housing, Planning and  
Transportation**

**Director of Technical Services  
Environment and Regeneration**

**Ward Implications: All**

For Decision

**1. Purpose of the report**

- 1.1 This report sets out four documents; Street Design Guide, Design and Construction of Roads and Accesses to Adoptable Standards Guide, S278 Agreement Guide and S38 Agreement Guide and the respective full feedback report following public consultation.

The package of documents results in developers and agents being provided with clear highways information at the earliest opportunity and better outcomes for the City Council, developers and residents.

**2. Recommendations**

- 2.1 Committee is recommended to:

Approve the following developer guidance documents :

- Street Design Guide
- Design and Construction of Roads and Accesses to Adoptable Standards
- Section 278 Agreement Guide
- Section 38 Agreement Guide

**3. Introduction and background**

- 3.1 It is important that developers are encouraged to invest in the City. Development brings investment into the local economy, can improve the local environment and make the City a more attractive place to live, work

and visit. New development often necessitates significant changes to the highway network and it is important that developers are made aware of the processes and obligations they will be faced with at the earliest opportunity.

Following approval of the Interim Planning Guidance on Transport Assessments, Travel Plans and Parking in April 2010 a suite of four documents has been produced to further aid developers and key stakeholders as part of the development management process.

Appendix 1 sets out the documents and full feedback reports following consultation, and once adopted the documents will be a useful tool in providing developers with a complete view of the Councils requirements for highway design and the delivery of highway works resulting from new development.

#### **4. Current position and proposals**

4.1 Communication and process issues exist with regard to the delivery of highway outcomes as a result of new development. The development process can cover a diverse range of alterations / improvements to the highway to facilitate the development and mitigate its impacts.

A more comprehensive approach to development management is proposed which will result in closer working between different disciplines within the council and better relationships with our customers. The intention is to provide improvements to processes and procedures which will deliver much better highway and transportation outcomes for developers, members, residents and the council as a whole. The highway related developer guides form part of this.

The suite of developer documents provide clear guidance to developers relating to how highway outcomes can be met and the services the City Council provide. The guides are relevant to all new development that results in work on either existing or new highway. The information contained within the documents is intended to operate collectively rather than individually, although not all issues will be relevant to every development proposal.

A brief summary of the proposed guides is set out below;

- **Street Design Guide**

The Street Design Guide provides details of how to approach street design to create places where people want to live and spend time. It aims to reduce the impact of vehicles on streets through proactive street design and gives a high priority to pedestrians, cyclists and users of public transport.

- **Design and Construction of Roads and Accesses to Adoptable Standards Guide**

The purpose of this document is to provide a practical guide that details the adoptable standards the City Council requires in relation to the design and construction of highway works. This will be of great assistance to developers who wish to enter into Section 278 or Section 38 agreements with the City Council.

- **S278 Agreement Guide**

An agreement with a developer under Section 278 of the Highways Act 1980 is required when work on the existing public highway is needed as a consequence of development. The purpose of this document is to help developers through the process of establishing a Section 278 Agreement with the City Council. This document sets out what developers can expect from the City Council and what the City Council expect from developers.

- **S38 Agreement Guide**

An agreement with a developer under Section 38 of the Highways Act 1980 is required when a developer wishes the City Council to take over and maintain at public expense (i.e. adopt), roads and footpaths. The purpose of this document is to help developers through the process of establishing a Section 38 Agreement with the City Council. This document sets out what developers can expect from the City Council and what the City Council expect from developers.

## **5. Reasons for the decision**

- 5.1 It is essential that parties wishing to develop in the City are provided with the best guidance possible in relation to the requirements of the City Council. Delivering the best development outcomes is important for everyone concerned and a clear understanding of the requirements relating to the highway is an essential element of this. Whilst the four documents form part of a broader Development Management review, their adoption should help to reduce concerns felt by developers, members and the public. It is also hoped that Council officers involved with highway related development will be able to operate more efficiently.

## **6. Alternative Options**

- 6.1 There are no alternatives for the authority in this instance. It is clear that change is required and all stakeholders need to be fully engaged at the earliest point of the development process.

## **7. Corporate implications**

### **7.1 Financial**

There are no direct financial implications of the Developer Guides to the authority.

The consultation has resulted in discussion around the payment of energy charges for street lighting columns and illuminated traffic signs, during the statutory 12 month maintenance period on a S.38 development. This has been raised verbally by Taylor Wimpey to NCC and the House Builders Federation. NCC has not received a formal response from Taylor Wimpey or the House Builders Federation during the consultation. Legal Services have been informed but until an official approach is made by the HBF they

see no need to comment. The issue has been acknowledged and fully considered.

The document sets out the basis for collection of commuted sums when development increases NCC future maintenance liability. Actual commuted sums will be looked at on a case by case basis

### **7.1.1 Any additional comments from the Director of Finance and Resources**

The Director of Finance and Resources has been consulted on this report. The financial implications associated with the progression of specific developments, in line with these guides, would be subject to separate approval. There are therefore no direct financial implications for the City Council associated with the recommendations in this report.

### **7.2 Legal**

The Head of Commercial Law has been consulted on the report. There are legal implications in respect of the guidance which is set out within the documents. The developer guidance is compliant with human rights legislation

### **7.3 Consultation and scrutiny**

The guidance has been subject to consultation with officers from Strategic Housing Planning and Transportation and Technical Services.

A period of public consultation was carried out from 21st September 2010 and ran until 10<sup>th</sup> November 2010, with documents available online. The following response rates are as set out below:

	Number of consultations distributed	Number of responses received	Response rate
Street Design Guide	225	12	5.33%
Roads to Adoptable Standards Guide	225	6	2.66%
S278 Guide	225	5	2.2%
S38 Guide	225	7	3.1%

Following requests from developers during consultation, a Developers workshop was held on 27<sup>th</sup> January 2011. 13 people attended representing house builders, consultants and sustainable transport groups.

A member workshop was held on 28<sup>th</sup> January 2011 and two members attended.

NCC has taken away a number of useful points from the workshop sessions and has incorporated them into the guides where appropriate.

The relevant Scrutiny Panel is Quality Places Overview and Scrutiny Panel

#### **7.4 Risk management**

The authority has previously not produced developer guidance on Street Design, S278 Agreements and S38 Agreements. In addition, the guidance relating to adoptable highway standards is out of date.

The documents are an opportunity to improve stakeholder satisfaction and enhance our reputation by providing information at the earliest opportunity,

If the documents are not approved then uncertainty remains for developers and agents who seek guidance on development proposals. In addition it may unnecessarily extend consideration and dialogue both at planning and project implementation stages.

#### **7.5 Equality**

The suite of documents seeks to formalise the Councils approach to managing highways and transportation outcomes as a result of the planning process. The documents are part of the Councils efforts to meet the needs of all its residents

Any development proposals, master planning exercises or planning applications will be subject to public consultation exercises; therefore any engagement strategy will be inclusive and in accordance with the Community Engagement Strategy.

An Equality Impact and Needs Assessment (EINA) will be carried out where appropriate, as development or other sources of funding come forward. . The suite of documents does not change any existing Council policy relating to equality.

#### **7.6 Environmental sustainability**

The delivery of improved outcomes through co-ordinated management of the development process relating to the highway will assist the Councils environmental policy commitments and sustainable transport infrastructure.

It is beyond the remit of the document to include detailed information on the use of Sustainable Urban Drainage (SUDS). The development of a separate detailed guide is to be explored.

#### **7.7 Partnership**

No partnerships are being created as part of the guidance documents. However early provision of information is intended to strengthen partner arrangements.

## 7.8 Community safety

No significant community safety issues have been identified as a consequence of the introduction of the developer guides. The Street Design Guide acknowledges community safety and its importance when thinking about places and how people use space. Surveillance and security are important features of good street design and the guide encourages developers to consider how the design of a street can contribute to improved community safety.

All development proposals are now subject to consultation with Community Safety Officers and Police Architectural Liaison Officers

The Community Safety Officer has responded pleased to see the acknowledgement of good design and how it can contribute to community safety.

## 7.9 Other Implications

No other implications have been identified from the suite of documents. There are no amendments to policy or affects on property.

## 8. What happens next

- 8.1 Consultees will be notified of the documents adoption. Documents will be posted on the Newcastle City Council Website. The documents will be reviewed and updated on a regular basis and if it is appropriate the revised documents will be brought before members for consideration.

## 9. Background papers

N/A

## 10. Contact officers

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