

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Economy, Transport and Environment
<b>Date:</b>	17 September 2019
<b>Title:</b>	Road Agreements Supplementary Policy Guidance
<b>Report From:</b>	Director of Economy, Transport and Environment

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### Purpose of this Report

1. The purpose of this paper is to update the Executive Member for Economy, Transport and Environment following engagement with stakeholders on a draft policy on Road Agreements, and to seek formal adoption of the finalised supplementary policy guidance document.

### Recommendations

2. That the Executive Member for Economy, Transport and Environment notes the outcome of industry engagement on the initial draft of the Road Agreements policy.
3. That the Executive Member for Economy, Transport and Environment approves the adoption of the Road Agreements Supplementary Policy Guidance, attached to this report as Appendix 1, that will have the status of "Supplementary Policy Guidance" and will sit under Policy HW6 (New Infrastructure), of the Highways Maintenance Management Plan.

### Executive Summary

4. This paper seeks to update the Executive Member for Economy, Transport and Environment following engagement with stakeholders on a draft policy on Road Agreements, as was authorised by a previous decision on 25 September 2018.
5. Following completion of industry engagement, and having taken feedback received into account, this paper seeks formal adoption of a finalised Supplementary Policy Guidance document, which can be published and made available to the development industry.
6. This paper also seeks to set out the feedback that was received from industry, and how this informed further development of the draft Supplementary Policy Guidance document.

## Contextual information

7. A previous, related decision was taken at Executive Member for Environment and Transport Decision Day on 25 September 2018, that set out the approach for development of this policy.
8. The decision report set out the wider context for the Road Agreements Improvements Programme and the challenges that are faced, highlighted elements of the work done to date, and identified further aims and aspirations.
9. It then set out the implications for setting out a clear policy position on road adoption and provided an initial draft Supplementary Policy Guidance document that sought to achieve this aim, before seeking and receiving authorisation to engage with industry and local planning authorities on the content of the draft document.
10. The proposed approach, as agreed by the Decision taken, was to undertake industry engagement and ensure that any findings were reflected in an updated Supplementary Policy Guidance document, in anticipation of then developing a further report and seeking formal agreement of the document ahead of final publication.
11. Following on from that Decision, a small amendment was made to the draft Supplementary Policy Guidance document, in response to a comment offered by Councillor Jackie Porter, who was in attendance for the Decision. Specifically, this was to note that where a developer wishes for a development of between six and ten dwellings to be adopted, the County Council would consider adoption subject to specific criteria being met.
12. Industry engagement was then undertaken over an eight-week period commencing on 18 January 2019. A small number of responses were received, and details of how they influenced further development of the Supplementary Policy Guidance document are set out in both the “Consultation and Equalities” section of this document and Appendix 2 of the report.
13. However, the fundamental elements of the document remain unchanged, in that it:
  - establishes that in most circumstances, working with developers to agree adoption of new estate roads is the preferred option, even though there is no legal duty for the County Council to take this approach;
  - addresses residential estate roads where there is a desire for these to remain private in perpetuity by requiring evidence of a management company having been set up to facilitate maintenance arrangements for the long-term benefit of residents; and
  - sets out that a formal Advanced Payment Code (APC) process will be applied to developments, but with an updated threshold of ten dwellings or more for application of the process, in line with the status of ‘major developments’ in related statutory documents including the Town and Country Planning Act, the National Planning Policy Framework and the Flood and Water Management Act, as well as with the practice of some other local authorities.

## **Finance**

14. There is a financial implication associated with new estate roads becoming part of the County Council's Highways asset for ongoing maintenance, albeit the cost of any structural maintenance required can be partly offset by capital grant funding received from the Department for Transport.
15. Dependent upon the design of estate roads, the County Council will also seek to offset maintenance costs via receipt of commuted sums, which the developer will be expected to pay in line with the Council's commuted sums policy guidance.
16. There is also a financial implication associated with application of the Advanced Payment Code (APC) process. It is the duty of the County Council to serve the APC notice, and the duty of the developer to pay the required bond surety. Securing a bond offers protection to frontagers, so as in the event that the developer fails to complete construction of the estate road, there is finance available to them to support the make-up of the road.

## **Performance**

17. This Supplementary Policy Guidance is intended to act in support of Hampshire County Council's four strategic aims, namely:
  - Hampshire maintains strong and sustainable economic growth and prosperity;
  - People in Hampshire live safe, healthy and independent lives;
  - People in Hampshire enjoy a rich and diverse environment; and
  - People in Hampshire enjoy being part of strong, inclusive communities.
18. Specifically, it intends to support these by both setting out a preference to adopt new estate roads where they meet required technical standards, and to achieve this via a collaborative approach, and also setting out a mechanism whereby roads can be agreed as remaining private.
19. This approach both offers surety to residents that roads will be kept in acceptable condition in the long term and supports the wide-ranging programme of housebuilding in Hampshire through to 2030 and beyond, which in turn supports economic growth and prosperity in the county.

## **Consultation and Equalities**

20. The County Council contacted representatives of the development industry, providing a copy of the draft Supplementary Policy Guidance document and inviting comment upon it, for an eight week period between 18 January and 13 March 2019.
21. A large number of organisations were contacted at the start of the process, with follow up contact made at a later date. Only a small number of responses were received, and the key overarching themes were as follows:
  - requests for clarification which have been addressed by amendments to the document text;

- challenge to elements of the policy which are acknowledged, but which, following careful consideration, did not lead to a change in the position set out by the Supplementary Policy Guidance document; and
- wider comments on the Road Agreements process, which while not specifically addressed by the Supplementary Policy Guidance, have been taken on board as part of the wider Road Agreements Improvement Programme.

22. A more detailed analysis of feedback from industry and the Council's response to it is attached as Appendix 2.

23. Additionally, the policy was presented to Local Planning Authorities at the Hampshire and Isle of Wight Planning Officers Group (HIPOG) on 30 January 2019.

24. Following completion of an Equalities Impact Assessment it is considered that the proposal will have a neutral impact on groups with protected characteristics, as the proposed change is at a policy/procedural level, relating to how the County Council and the development industry interact, at high level only. There is no immediate impact upon service users.

### **Next Steps**

25. Following adoption and publication of the policy, the County Council will undertake ongoing review of the document in conjunction with its status under Policy HW6 (New Infrastructure) of the Highways Maintenance Management Plan (HMMP).

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u> Road Agreement Process  <a href="http://democracy.hants.gov.uk/documents/s23222/Decision%20Record.pdf">http://democracy.hants.gov.uk/documents/s23222/Decision%20Record.pdf</a>	<u>Date</u> 25 September 2018
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

It is considered that the proposal will have a neutral impact on groups with protected characteristics, as the proposed change is at a policy/procedural level, relating to how the County Council and the development industry interact, at high level only. There is no immediate impact upon service users.