

# Cabinet

## Dorset County Council



Date of Meeting	18 July 2018
<p><u>Cabinet Member(s)</u> Daryl Turner – Cabinet Member for Natural and Built Environment</p> <p><u>Lead Director(s)</u> Mike Harries – Corporate Director for Environment and the Economy</p>	
<b>Subject of Report</b>	<b>Proposal to amend Adopted Highway Policy</b>
Executive Summary	<p>Developments that require amendments or improvements to the existing highway network are controlled using a “Section 278 Agreement” in reference to the relevant section with the Highways Act 1980.</p> <p>This report seeks approval to amend the current Adopted Highway Policy so that it clearly sets out revised delivery options for such works.</p> <p>The proposed policy amendment will provide additional delivery options to current practice and will provide Dorset County Council with the choice to design and/or construct highway improvements under specific conditions.</p>
Impact Assessment:	<p><b>Equalities Impact Assessment:</b></p> <p>An EqlA has been completed and was reviewed by the E&amp;E Diversity and Inclusion Group on 23<sup>rd</sup> May 2018.</p> <p>There are no identified negative impacts on any groups of people with protected characteristics. This policy amendment relates to delivery and process and the net effect on the end user, the travelling public of Dorset, will be nil.</p> <p>Potential positive impacts were identified for a number of groups with protected characteristics particularly where DCC elects to undertake designs of highway improvements. The Council’s in-house design team’s familiarity with national design standards and guidance for inclusive mobility and the Designers Public Sector Equality duty will ensure that the needs of all users are considered and accommodated.</p> <hr/> <p><b>Use of Evidence:</b></p> <p>A consultation seeking the views of over 50 Developers, Local Planning Authorities, Statutory Utility Companies, Housing Associations and Emergency Services (a group represent a range of interests and service users) was carried out to investigate the impact of this proposed policy</p>

	<p>amendment. 8 responses were received, which included four general themes as follows</p> <ul style="list-style-type: none"> <li>• Guarantees / control of cost;</li> <li>• Competitive procurement of works;</li> <li>• Control of delivery timeframes; and</li> <li>• Collaborative Working</li> </ul> <p>Following a review of consultation responses, an additional delivery option was added to allow the Council to design a scheme and the developer to procure and deliver the works. Further text was included to reinforce the intention of the County Council to continue to work collaboratively with developers to ensure that these types of highway improvement schemes are delivered effectively and efficiently for the benefit of all.</p> <p><b>Budget:</b></p> <p>Normally, all costs associated with Developer-related highway improvement schemes will be met by the Developer. However, where DCC elect to design and/or build a scheme of works, it is reasonable that they give the Developer assurances as to timeframes and fees.</p> <p>There is therefore, a manageable risk that DCC may have to contribute towards costs where a scheme is delayed for reasons within our control or additional works are required due to poor materials or workmanship etc.</p> <p>These increased costs can be mitigated to some extent where DCC appoint a contractor to build the works by ensuring that the appointed contractor is liable to DCC for these costs.</p> <p>No VAT implications have been identified.</p> <p><b>Risk Assessment:</b></p> <p>Having considered the risks associated with this decision, using the County Council’s approved risk management methodology, the overall level of risk has been identified as:</p> <p>Current: Medium Residual: Medium</p> <p><b>Other Implications:</b></p> <p>None</p>
<p><b>Recommendation</b></p>	<p>That the Committee recommend to Cabinet that the proposed amendment to the Adopted Highway Policy be implemented subject to the views of the Shadow Executive on 20 July 2018.</p>
<p><b>Reason for Recommendation</b></p>	<p>The proposed policy amendment offers the Council, acting as Local Highway Authority, the discretion to choose from a number of clearly stated delivery options to improve the efficiency, effectiveness and safety of developer-led improvements to the existing highway network. The end result will have a nil impact on end users (i.e. residents of Dorset and the travelling public) as this proposal relates to delivery and process only.</p> <p>However, the implementation of schemes should be quicker, more cost effective and more effectively controlled.</p>

Appendices	A. Adopted Highway Policy (with proposed additional text in purple) B. Summary of Consultation responses.
Background Papers	Consultation responses are held on file in the Environment and Economy Directorate and are available to be viewed during office hours, and will be available in the Members Room prior to the committee meeting.
Officer Contact	Name: Neil Turner Tel: 01305 225374 Email: n.c.turner@dorsetcc.gov.uk

## 1 Background

1.1 Section 278 of the Highways Act 1980 provides that a Highway Authority may enter into an agreement with a developer for the execution of highway improvement works associated with a new development if they are satisfied it will be of benefit to the public and on terms that the developer pays the whole, or part of the costs of the works. Construction works are delivered under the provisions of an agreement commonly referred to as a “Section 278 Agreement”.

1.2 Dorset County Council currently offer developers a limited choice of how to deliver these type of improvement schemes:

- For the developer to be appointed as the Council’s agent, and for them to both design and construct the whole of the works; or
- For the developer to design the works and for the Council to construct the works.

DCC allows the developer to select either option and neither delivery options are specified within the Adopted Highway policy.

1.3 Both current delivery options can present challenges which potentially obstruct or delay the implementation of the works including the following:

- With both options, the Council are required to assess and approve the detailed design for the works. This is an iterative process of appraisal, amendment and resubmission which can regularly be time consuming, sometimes taking years to complete, and ultimately delays the implementation of the physical works.
- Quite a significant proportion of the advice and guidance that is provided to external design consultants and developers during this iterative technical approval process is related to equality and inclusivity. Common areas include provision of tactile paving at uncontrolled crossing points and ensuring that there is adequate pedestrian provision through a scheme with footways that are of an adequate width, gradient and material.
- Where developers are appointed as the Council’s agents to deliver construction works there can be issues with quality, communication and public relations.
- Works that have a substantial effect on the existing highway network and/or which impact upon the Strategic Road Network can cause unnecessary disruption to the expeditious movement of traffic if not properly controlled.

[Note: As DCC must approve all schemes before they can be implemented, the end result for highway network users will be the same both currently and under the proposed amended delivery options].

1.4 In 2017 a working group was convened to review this process and to identify any ways in which Developer-related highway improvement schemes could be delivered more efficiently, effectively and with minimal disruption to the existing road network.

1.5 As a result of the consultation, investigation and work undertaken by the working group it is proposed to amend the existing Adopted Highways policy to provide the Council with an option to review and deliver in-house any schemes that are likely to be challenging to design, construct and/or manage.

- 1.6 The additional text below would be inserted on page 4 of the policy at the end of the section entitled 'Adopted Highway / Amendment to Existing Highway'.

Agreements Under Section 38 & 278 of the Highways Act (1980)

Where the scope of the proposed works is minor in nature and does not involve amending the horizontal or vertical alignment of the existing highway, the use of a Minor Works Agreement will be considered.

Where minor works in the existing highway are associated with a Section 38 agreement permission to undertake the works within the existing highway may be included within the Section 38 agreement as this minimises costs and streamlines the approval and construction processes.

Where the extent of the proposed works within the existing highway is substantial, potentially disruptive to the expeditious movement of traffic, includes traffic signals and/or impacts upon the Strategic Road Network, a separate Section 278 agreement will be required. In this instance Dorset County Council will review the proposals and determine whether it will require:

1. the developer to submit an agreed sum of money to the Council for it to design, procure and construct the works via existing highway maintenance arrangements;
2. the developer to submit a detailed design for the works to the Council for approval and deposit an agreed sum of money with the Council for it to procure and construct the works; or
3. the developer to be appointed as the Council's agent to both design and implement the works.

No works will be permitted on the public highway without an appropriate agreement being in place.

- 1.7 A full copy of the proposed amended policy is contained within Appendix 1. Note that the proposed additional text is coloured purple for ease of reference.

## **2 Consultation**

- 2.1 The working group consulted a number of other Highway Authorities through the Association of Public Sector Excellence in order to establish whether any other authorities delivered services in a similar manner to that proposed. In total, 9 responses were received of which 4 authorities preferred to design section 278 works in-house, and 3 preferred to construct section 278 works.
- 2.2 Members of the working group met with officers from Cornwall Council who construct section 278 works to discuss the associated process, risks and benefits.
- 2.3 A 28-day consultation exercise was undertaken, based upon the following questions:
1. Does the proposed policy statement provide sufficient explanation of the Council's intended approach in the three areas referred to above?
  2. Is the approach set out by the Council suitable, considering the diversity of schemes that need to be delivered in this way?
- 2.4 The consultation sought the views of over 50 Developers, Local Planning Authorities, Statutory Utility Companies, Housing Associations and Emergency Services who represent a range of interests and service users.
- 2.5 8 responses were received, which included four general themes as follows
- Guarantees / control of cost;
  - Competitive procurement of works;
  - Control of delivery timeframes; and
  - Collaborative Working
- 2.6 None of the responses received raised issues or concerns for any groups of people with protected characteristics.
- 2.7 The response rate was approx. 15% suggesting that this is not a priority issue for 85% of those consulted.

- 2.8 A summary of the consultation responses is set out in Appendix B.
- 2.9 Following a review of consultation responses, an additional delivery option was added which facilitates the Council undertaking the detailed design of a scheme and the Developer procuring and implementing the works.

4. The Council completes the detailed design for the works and the Developer to be appointed as the Council’s agent to procure and implement the works.

- 2.10 Further to this, additional text was included to reinforce the intention of the council to continue to work collaboratively with developers to ensure that these types of highway improvement schemes are delivered effectively and efficiently for the benefit of all.

The Council will endeavour, at all times, to work in a partnering and collaborative manner with developers and any appointed consultants and contractors. This approach to collaborative working is enshrined in the contracts and the working culture that Dorset County Council has with its strategic partners. However, the Council will retain absolute discretion to decide upon the most appropriate form for delivery of any proposed improvement works in the unlikely event that agreement cannot be reached.

### 3 Law

- 3.1 Section 278 of the Highways Act (1980) requires that a highway authority may, if they are satisfied it will be of benefit to the public, enter into an agreement with any person—
  - (a) for the execution by the authority of any works which the authority are or may be authorised to execute, or
  - (b) for the execution by the authority of such works incorporating particular modifications, additions or features, or at a particular time or in a particular manner,

on terms that that person pays the whole or such part of the cost of the works as may be specified in or determined in accordance with the agreement.

- 3.2 The Council’s Legal & Democratic Services have confirmed that in their opinion, and subject to the proposed policy amendment being agreed by members, it is acceptable in principle for Dorset Highways to introduce a policy whereby the council has an option of first refusal to design and construct S278 schemes in the stated circumstances.

### 4 Council’s Corporate Aims and Priorities

- 4.1 The proposed policy amendment concurs with the Council’s Corporate Aims in ensuring that all schemes are designed to be as **safe** and as inclusive as possible.
- 4.2 In addition, these schemes will be delivered in the most expedient manner to ensure ensuring that any associated development (such as housing) can proceed as quickly and efficiently as possible assisting economic growth and **prosperity** within Dorset.

### 5 Risk Assessment

- 5.1 The risks associated with the current delivery method of section 278 highway improvement works was assessed using the County Council’s approved risk management methodology, and the level of risk has been identified as follows:

	Financial	Strategic Priorities	Health & Safety	Reputational	Criticality of Service
HIGH					
MEDIUM				<b>X</b>	
LOW	X	X	X		X

- 5.2 A medium risk to the reputation of the authority was identified with the current delivery method as Developers are permitted to design, procure and implement the works with limited input from DCC leading to a risk that decision making is focussed primarily on cost and quality of workmanship and effective scheme delivery can vary.

5.3 The risks associated with the proposed delivery methods were assessed in the same manner:

	Financial	Strategic Priorities	Health & Safety	Reputational	Criticality of Service
HIGH					
MEDIUM				X	
LOW	X	X	X		X

5.4 Where DCC decide to design and/or build schemes there may be an increased risk of challenge/litigation as well as reputational risk to DCC from developers who disagree with DCC’s design, cost estimates or who are concerned that their development is being delayed. Some of these increased risks will be mitigated or avoided through drafting changes to the section 278 agreements and contracts with any contractor used by DCC but it may not be possible to remove them altogether. In these circumstances DCC will also take on additional responsibilities under the Construction (Design and Management) Regulations to the same extent that it does for its own schemes.

5.5 On the other hand, the Council will be able to determine the most effective way in which to deliver schemes where the extent of the proposed works within the existing highway is substantial, potentially disruptive to the expeditious movement of traffic, includes traffic signals and/or impacts upon the Strategic Road Network.

## 6 Resources Implications

6.1 Dorset Highways will be required to ensure that adequate and sufficiently trained resources are available to undertake the design and implementation of section 278 works.

## 7 Conclusion

7.1 In consideration that:

- The proposed policy amendment is sound in law;
- There are no procurement issues affecting the delivery options proposed;
- The proposed policy amendment clarifies delivery options which are currently not stated in policy; and
- The proposed policy amendment will have a nil impact on the end user but will allow the Council to consider how best to deliver all schemes in terms of efficiency, efficacy and safety.

It is recommended that the Economic Growth Overview and Scrutiny Committee recommend that Cabinet approve the proposal to amend PoIDH5003 Adopted Highway Policy as proposed by this report. A full copy of the proposed policy is contained in Appendix A.

**Mike Harries**  
**Corporate Director for Environment and the Economy**  
 July 2018

**APPENDIX A  
PROPOSED AMENDED POLICY**

[Note: Proposed additional text in purple font for ease of reference]

Authorised for use:	TITLE:	Adopted Highway Policy
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Dorset County Council

## Dorset Highways

### Adopted Highway Policy



#### Policy Statement

Dorset County Council, as the Highway Authority, will manage the Highway, ie roads and footways which are to be maintained at public expense. This includes adoption of new roads and footways, modifying or extinguishing existing highway rights and responding to enquiries about the current status of roads and footways.

Fees will be charged by the County Council to cover their reasonable costs in administering, approving, inspecting and enforcing agreements relating to the adoption of new roads and footways or changes to the existing roads and footways.

**Policy Authorised by:**

**Date of Authorisation:**



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## Policy Objectives

- To ensure that the County Council's policy is clear to both members and the public and is communicated effectively.
- To ensure that the County Council's policy is applied consistently, in accordance with legislation and for the greater benefit of the Dorset public.

## Key Influences

### Highways Act 1980

The creation of adopted highway, status enquiries and the extinguishment of highway rights.

### Town & Country Planning Act 1990 (Section 247)

The extinguishment of highway rights in conjunction with building development.

## Definitions and Scope – Inclusions and Exclusions

### Inclusions

- The publicly maintainable highway within the administrative area of Dorset County Council.

### Exclusions

- The trunk road (A31, A303 and the A35 west of Bere Regis), which is managed by the Highways Agency or their agents.
- Private roads or military roads.

## Outline of Processes

### Status Enquiries

The Highway Authority is obliged to keep and maintain a register of roads maintainable at public expense – the List of Streets. The register will be made accessible to members of the public at all reasonable times.

However, the list does not record the limits of the highway, nor does it include roads which are not "highways maintainable at public expense". (see exclusions)

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### Extinguishment of Highway Rights

Where areas of public highway are considered by the Highway Authority to be surplus to highway requirements, the public rights of way can be extinguished by an Order made by Magistrates. An application has to be made to the Magistrates' Court by the Highway Authority on behalf of an applicant.

When considering requests for the extinguishment of highway rights the Council shall apply the following criteria in determining whether the land is considered to be surplus to highway requirements.

- Is the land required to retain adequate sight lines for all traffic including pedestrians, equestrians and cyclists?
- Could the land be required for any future improvement scheme?
- Could the extinguishment and disposal of the land result in a change to the character of the street scene?
- Could the extinguishment and disposal of the land result in a perceived loss of amenity value if transferred from public to private ownership, including environmental considerations?
- Could the extinguishment and disposal of the land result in perceived gain to the applicant but to the detriment of local residents: for example, to secure private parking on land which previously enjoyed and demonstrated general access or utility?
- If the land is owned by Dorset County Council does it need to be retained for other purposes?

When highway rights are extinguished, ownership reverts to the owner of the land. It will therefore be necessary to locate the owner and negotiate for them to acquire it.

If there is no known owner, there is a presumption in common law that the land reverts to the adjoining owner.

If you are the adjoining owner, you can apply to the Land Registry to have the land included in your title, but experience has shown that they do not often register areas of former highway that have been acquired under this common law presumption.

### Adopted Highway / Amendment to Existing Highway

The Highway Authority shall establish that the area under consideration will serve a useful highway function if adopted. For example, the Highway Authority would probably not consider adopting a road that did not serve more than 5 houses.

The area of adoption shall include margins as required to achieve the necessary visibility standards or maintenance of the infrastructure. The adopted areas shall include any specific design features such as regulatory signs, street lighting and speed restraint points.

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The adopted area may include margins to accommodate apparatus owned by Statutory Undertakers such as water, electric or gas companies.

Generally, verges where the sole purpose is landscaping, screening or amenity use will not be adopted. It is recognised that trees and shrubs have an important environmental role and may relate to particular highway features. However, in themselves, the areas of land incorporating such landscaping features seldom warrant the status of 'Highway' and conveyed highway rights. Such areas shall primarily be the responsibility of the District Council or, in certain situations, the developer or landowner. Any such arrangements shall be subject to consultation and agreement of the Highway Authority prior to the granting of detailed planning permission and approval of the layout.

Remote footways forming separate access to an individual or small group of properties shall not normally be adopted and shall be subject to discussion and agreement with the Local Planning Authority or Housing Association.

Separate areas allocated for vehicle parking and/or access to remote garages, parking areas and drives to individual or small groups of properties shall not be adopted and shall be subject to discussion and agreement with the Local Planning Authority or Housing Association.

There is scope for external bodies to manage and maintain planted and landscaped areas of designated highway subject to agreement and licence arrangements with the Highway Authority and Local Planning Authority.

Any new road or associated area forming part of a new development site shall be constructed in accordance with guidance provided by the County Council.

#### Agreements Under Section 38 & 278 of the Highways Act (1980)

Where the scope of the proposed works is minor in nature and does not involve amending the horizontal or vertical alignment of the existing highway, the use of a Minor Works Agreement will be considered.

Where minor works in the existing highway are associated with a Section 38 agreement permission to undertake the works within the existing highway may be included within the Section 38 agreement as this minimises costs and streamlines the approval and construction processes.

Where the extent of the proposed works within the existing highway is substantial, potentially disruptive to the expeditious movement of traffic, includes traffic signals and/or impacts upon the Strategic Road Network, a separate Section 278 agreement will be required. In this instance Dorset County Council will review the proposals and determine whether it will require:

1. the developer to submit an agreed sum of money to the Council for it to design, procure and construct the works via existing highway maintenance arrangements;
2. the developer to submit a detailed design for the works to the Council for approval and deposit an agreed sum of money with the Council for it to procure and construct the works; or
3. the developer to be appointed as the Council's agent to both design and implement the works.
4. the Council completes the detailed design for the works and the Developer to be appointed as the Council's agent to procure and implement the works.

No works will be permitted on the public highway without an appropriate agreement being in place.

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The Council will endeavour, ~~at all times~~, to work in a partnering and collaborative manner with developers and any appointed consultants and contractors. This approach to collaborative working is enshrined in the contracts and the working culture that Dorset County Council has with its strategic partners. However, the Council will retain absolute discretion to decide upon the most appropriate form for delivery of any proposed improvement works in the unlikely event that agreement cannot be reached.

### Charging

Fees will be charged by the County Council to cover their reasonable costs in administering, approving, inspecting and enforcing agreements relating to the adoption of new highways or changes to the existing highway. To prevent the County Council incurring abortive and non-redeemable costs prior to the formal agreement of any works, an initial fee will be charged which will be deducted from the fees charged when formal agreement is reached.

Developer contributions will be levied to cover any increased maintenance liability on the County Council. Guidance is provided on when these charges will be made.

### Related Documents

Related documents are available on the County Council's website [www.dorsetforyou.com/roads](http://www.dorsetforyou.com/roads)

### Measures of Effectiveness

Measures providing information on how the County Council will respond to questions about status enquiries, extinguishment of highway rights, adoption of new highway and amendments to the existing highway. (eg average end to end time for completion of enquiries).

**APPENDIX B**  
**SUMMARY OF CONSULTATION RESPONSES**

### SUMMARY OF CONSULTATION RESPONSES

											ADDRESSED FOLLOWING REVIEW OF RESPONSES	
CONSULTEE	TYPE	NAME	DATE	Q1	Q2	SUPPORT	OPPOSE	COMMENTS	NCT COMMENTS		Collaborative Working	Delivery Option 4
1	Level 3 Communications Ltd. / Century Link	Utility Company	JJ Van Graan	01/02/2018	---	---	✓		Support on the basis that the final outcome does not affect their assets within the Public Highway or it Statutory Rights to access it's network or assets or future Rights to install new network or assets.	Utility Co. assets will not be unduly affected by the proposed policy amendment.		
										No Util. Co. Statutory rights or access will be affected		
2	C.G.Fry & Son Ltd.	Developer	Mr K. Murch	05/02/2018	YES	NO		✓	As you know we currently adopt option A and both design and construct the whole of the works. We believe that this is by far the most efficient and effective way to deal with these works with minimal disruption to the existing road network. We would much rather see these types of works stay under our control.	We believe that a Council led design process should be more efficient and effective than the present process.		
3	Zero C Holdings Ltd.	Developer	Mr P. Houston	10/02/2018	YES	NO		✓	ZeroC feel the existing method gives developers the choice to deliver these works and maintain control over times and costs, the proposed amendment does not seem to guarantee this arrangement and may result in us having less control on the delivery.	Where DCC elect to design and build a scheme, or are appointed to do so by a developer we believe that the process will be quicker due to DCC's in-house expertise, in particular for schemes involving traffic signals.  A new 'design and/or build' section 278 agreement will be drafted with a view to providing developers with assurances as to costs and timescales.		
4	Bloor Homes Ltd.	Developer	Mr S. Benfield	20/02/2018	YES	NO		✓	Whilst either of the approaches could be suitable dependant on the schemes the major concern for Bloor Homes would be certainty of delivery should the Council elect to procure and construct the works. As most s278 works will be subject to a Planning Condition that may restrict occupations or even commencement of a housing development we would need either guarantees of delivery and potentially financial penalties for non-delivery or the ability to dis-associated the works from the planning requirements. We would also like clarification on whether this would be a unilateral decision by the Council or whether this would be agreed through discussion with the developer.	Where the stated conditions are met the decision as to the appropriate delivery option will be DCC's.  Every effort will be made to work collaboratively with developers and assurances will be given as to timings and costs.  It is hoped that efficiencies in new process would reduce time (and as a result costs) to deliver scheme as a whole.		
5		Developer	Mr K. Endersby	23/02/2018	---	---	---	---	<b>DO NOT OPPOSE IN PRINCIPAL BUT DOES NOT PROVIDE CERTAINTY OF TIMEFRAME, FEES OR COSTS</b>	DCC will provide the Developer with assurances as to timeframe, fees and costs.		

										Timeframes for designs and construction delivery will vary for each individual project;		
										Timeframes for technical audits of detailed designs are already published;		
										Construction costs will vary for each individual project.		
									Would like more clarity on timeframes and fee structures	Fees for administrative charges will need to be reviewed if new policy adopted.		
									Would expect either a fixed fee or fixed percentage	See above		
									Want fixed timescales for responses from DCC as construction / occupation can be linked to delivery of s278 construction works	See above		
									Fixed and reasonable timeframes for DCC to make a decision on delivery option	See above		
									Opportunity to challenge delivery decision	DCC should retain absolute discretion as Highway Authority		
									fixed timeframes for production of quotations for construction works	See above - this will vary per project due to the scale and complexity of the scheme to be costed.		
									Works need to be competitively tendered as this can affect the viability of a development	DCC will deliver the project by using in-house resources or by appointing competitively tendered contractors.		
									Ability to review/challenge developer contributions and commuted sums if DCC are leading on design decisions	DCC will be completing the detailed design for a scheme, not the planning layout. It is likely that most features requiring commuted sums will be set at the planning stage.  Commutated sums are calculated using the ADEPT (Association of Directors of Environment, Economy, Planning and Transport) formula for calculating commuted sums, a formula used by many highway authorities throughout the Country.  Developer's right to challenge is unaffected by proposed policy amendments.		
6	Dorset Councils Partnership	Local Planning Authority	Mr M. Pendleberry / Mr R. Lennis	23/02/2018	NO	NO	---	✓	Q1: Our concern is that the design element of these works in all three options as part of any Agreements under Section 38 and or 278 of the Highways Act (1980) should be approved in association with Dorset Councils Partnership. This is to ensure that there is no conflict with any related planning permission and conditions attached thereto. It is also our concern that the environmental / urban design quality of schemes with planning approval might subsequently be compromised without a 'joined up'	DCC ensure that All s38 and s278 schemes comply with approved planning layouts and this is generally condition by the LPA who control discharge of conditions.  No detailed design consultation mechanism exists statutorily, and this is not currently carried out.		

									<p>approach at the Section 38 and or S278 stage of the process, without mutual agreement.</p>	<p>The proposed policy amendment would not change the status quo in this respect.</p>		
									<p>Q2: For the same reasons outlined above we feel there needs to be a collaborative approach to ensure there is no conflict with any related planning permission and to ensure implementation of the agreed highway works to a mutually agreed appropriate environmental / urban design standard, particularly when considering conservation areas/listed buildings.</p>			
									<p>Given our concerns outlined in points 1. &amp; 2. above, we request that the wording of the policy be amended to ensure a collaborative approach between DCC Highways and DCP Development Services to 'signing off' such highway agreements</p>			
									<p>It would have helped the consultation if you had provided a 'tracked changes' version of Policy PoIDH5003 so we could easily identify the detailed changes proposed. Without this we have based our response on the assumption you are just inserting / modifying that section in italics on page 4 &amp; 5 "Agreements Under Section 38 &amp; 278 of the Highways Act (1980)</p>	<p>This was clearly set out in the consultation letter (..'Note: Additional text in purple / italics'..)</p>		
									<p>Finally, we think it would also help clarify matters if the policy explained / made reference to how it relates to other national guidance e.g. Manual For Streets 1 &amp; 2, NPPF as well as DCC Highways own extant guidance</p>	<p>This is outside of the scope of the current consultation.</p>		
7	Purbeck District Council	Local Planning Authority	Mr A. Davies	02/03/2018	---	---	✓	---	<p>From a development management perspective, I would welcome proposals that have the opportunity to encourage the speedy implementation of development proposals.</p>			
									<p>My only concern is that any increased cost on the developer has the potential for them to seek to renegotiate the numbers of affordable housing on site and any off site contribution to affordable housing. I hope this concern can be noted, factored into any financial discussions and taken into account when coming to a decision whether to implement the proposed changes, as whilst this may not be concern to the County Council as Highways Authority, you will understand that it will be of concern to the Districts who have the responsibility of providing much needed affordable housing.</p>	<p>The proposed amendment provides options for delivery of works which include the current method (Option A). It is being proposed to introduce options for delivery that should assist in reducing design costs (e.g. for traffic signal schemes) as DCC will design the scheme once and the developer will avoid iterative technical audits. This will also provide some certainty re: timescales for design delivery which does not currently exist.</p>		



8	Betterment Properties (Weymouth) Ltd.	Developer	Mr J. Loosemore	02/03/2018	NO	NO	---	✓	We do not agree with the changes being proposed, particularly if they are to be taken out of the developers control. Developers are in the business of constructing roads and sewers as well as dwellings or commercial property and would prefer as much of any project to be within their own physical and costs control.	The policy proposals take advantage of the Council's in-house expertise to implement a more efficient process for delivery of particular highway improvements.		
									We do not believe it is for DCC to be undertaking work for private developers. There will be the unknown costs for the works, who will deal with unforeseen problems which do regularly occur. We just do not see this aspect as part of the DCC Highways remit.	DCC are the highway authority are therefore extremely experienced at delivering highway improvement schemes.		
									Projects of this nature are already notoriously slow and anything further passed to a public body which takes no risk and has no performance targets should be avoided at all costs.	The new 'design and build' section 278 will account for unforeseen problems and costs so far as is possible.		
									If DCC have the manpower available and could costs at competitive rates we have no objection to being offered that arrangement alongside normal contractors developers use, as another option.	The proposed amended policy should speed up delivery of s278 works in the stated circumstances.		
									The four delivery options detailed will be available to developers at their discretion on all schemes where the stated conditions are not met.			