

Appendix 3 – Details of proposed changes to policies

Policies to be rescinded			
POLICY and DESCRIPTION	LAST UPDATED	ISSUES and RECOMMENDATIONS	IMPACT OF POLICY CHANGE
<p>Transport Asset Management Plan - Maintenance management policy documents (TAMP)</p> <p>- sets out the County Council's approach to Highway maintenance, including details of the maintenance hierarchies, maintenance standards, inspection frequencies and defect classification.</p>	<p>Lead Member for Transport and Environment : 19 November 2018</p>	<p>A new approach to highway maintenance and inspection has been set out in the Highway Asset Management Strategy (approved by Lead Member in November 2018) and the proposed Highway Asset Inspection Manual. These documents are intended to replace TAMP and it is therefore recommended that TAMP is rescinded if the Highway Asset Inspection Manual is approved.</p> <p>Recommendation: To rescind the Transport Asset Management Plan - Maintenance management policy documents (TAMP)</p>	<p>Rescinding TAMP and transferring the relevant information to the Inspection Manual will mean all the policy information on each subject is in one place and make the Council's policy on these subjects clearer.</p>
<p>Cycling Policy</p> <p>- sets out the measures to be taken to help ensure that cyclists can use the highway network safely.</p>	<p>Highway and Transportation Committee: 5 October 1988</p>	<p>The Cycling Policy was last updated by the Highways & Transport Committee in October 1988 following consultation with the public and cycling organisations.</p> <p>However, in 2003 a new Cycling Strategy was approved. This was incorporated into Chapter 4 of the third Local Transport Plan 2011-2026 and aligned with the Plan's Vision and Objectives. The cycling strategy provides a framework which informs and coordinates all policies and programmes of action, which can help to promote cycling in East Sussex.</p>	<p>No changes to current practice.</p>

TAMP also includes a cycleway maintenance hierarchy which is included in the new Highway Inspection Manual and the proposed risk based approach to inspection and defect repair will allow for the needs of cyclists to be taken into consideration.

Recommendation: The Local Transport Plan and Highway Inspection Manual supersede the Cycling Policy and therefore it is recommended that the Cycling Policy is rescinded to avoid potential contradiction and confusion.

Maintenance of Footways - Materials Policy

- sets out the standards for maintenance of footways in Conservation Areas

Lead Member for Transport and Environment : 15 October 2007

The current approach to highway maintenance in conservation areas focuses resources on a very limited number of priority streets. The current policy partially reflects best practice, but where resources are limited, it is considered that a more flexible policy would better meet the recommendations.

Recommendation: It is recommended that a new policy (Highway Maintenance - Consideration of Character) replaces the current PS7.3 Maintenance of footways – materials in appendix 1. This will be a new policy as it will also incorporate conservation elements from the Street Lighting Policy. See ‘New Policies’ section below for details.

No financial implications, maintenance schemes in Conservation Areas will be assessed on a case by case basis rather than all resources spent on a limited number of streets.

Policies to be updated			
POLICY and DESCRIPTION	LAST UPDATED	ISSUES and RECOMMENDATIONS	IMPACT OF POLICY CHANGE
Street lighting policy - Sets out the standards for maintenance of street lighting	Lead Member for Transport and Environment : 16 October 2017	<p>Section 2 of the Street Lighting Policy includes details on the approach to street lighting maintenance in Conservation Areas. This approach reflects that of footway maintenance.</p> <p>To ensure we have a joined up approach to maintenance for all assets in Conservation Areas, a new 'Highway Maintenance in Conservation Area policy' has been created.</p> <p>Recommendation: To remove section 2 from the existing PS10.1 Street Lighting policy and include it in the new policy on Highway Maintenance - Consideration of Character. See 'New Policies' section below for details.</p>	No financial implications, maintenance schemes in Conservation Areas will be assessed on a case by case basis rather than all resources spent on a limited number of streets.
Highway Asset Inspection Manual - sets out the approach to inspections and response to defects	Lead Member for Transport and Environment : April 2016	<p>The Well Managed Highways Infrastructure Code of Practice (the Code) recommends a risk based approach for highway infrastructure maintenance. It recommends that this approach should be used to set levels of service, inspections, responses, resilience, priorities and programmes.</p> <p>The County Council already considers risk within its current inspection regimes and approaches for prioritising highway maintenance work. In May 2016 the Lead Member approved a recommendation that all safety defects (e.g. potholes) would be repaired within either 2 hours, 5 or 28 days irrespective of road type. The proposed new Highway Inspection Manual has been updated to demonstrate how the Council's approach to highway maintenance aligns with the Code.</p> <p>If the update to this policy is approved, amendments will be made to the contract to allow for a more flexible risk based approach to determining defect response times.</p>	<p>The Council will be able to clearly demonstrate how it complies with the Code.</p> <p>The Highways contractor will have more flexibility to allow them to make better decisions about appropriate defect response times in order to keep the highway safe and serviceable for all users.</p>

		<p>As recommended by the Code, the contractor will be permitted to consider other factors, such as location, as well as the defect category in determining response time. This will mean that, subject to risk assessment, they will be able to reduce or increase the usual response time if deemed appropriate. However, all safety defects will continue to be fixed within a maximum of 28 days.</p> <p>It should be noted that the Highway Contractor carries the liability for this and therefore has responsibility for defence of their decisions in the case of legal action relating to defect categorisation and response times.</p> <p>E.g. a category 2 pothole at the back of the pavement under a bench will present a low risk hazard for pedestrians and therefore could safely be repaired within 28 days rather than the usual 5 days for the size of the defect.</p> <p>Appropriate competencies for staff have been assessed in line with the UK Roads Liaison Group's Asset Management Competence Framework and a programme of suitable training developed to ensure the relevant officers are fully competent in their roles ahead of implementation of this policy.</p> <p>Recommendation: It is recommended that the updates to the Highway Asset Inspection Manual are approved.</p>	
<p>Highway Asset Inspection Manual – appendix 1: investigatory levels</p> <p>- details the defect definitions and impact categories for common defects and the approach to determining impact category for other defects.</p>	<p>Lead Member for Transport and Environment : April 2016</p>	<p>The Inspection Manual appendix was last updated in April 2016 just before the start of the current Highway Contract. Experience of implementing the policy over the last three years has led to some recommendations for changes to defect definitions and categories either:</p> <ul style="list-style-type: none"> - to clarify descriptions; - to remove anomalies and ensure that similar types of defect are categorised more consistently e.g. combining all types of uneven surface defects on cycleways and creating a single set of criteria for defining these; 	<p>The amended defect definitions and categories mean that, for some defects, there will be changes to which category they fall under. This may result in differences to how quickly they are made safe or repaired. This will result in a safer and more consistent approach to rectifying</p>

		<ul style="list-style-type: none"> - following a greater understanding of impact on safety for some defects e.g. defining flooding to property as a category 1 defect - because response times were unrealistic for some defects and lower response times were not considered to have significant safety implications. E.g. downgrading silt levels in catchpits from a category 2 to a condition observation. This is because the defect is not a hazard in itself and experience has shown that it is much more effective to have a maintenance programme informed by condition observation in preventing flooding. <p>The differentiation between service observation categories 4, 5 and 6 has been removed. In practice it has been found that this distinction is unhelpful as a wide variety of factors is used in determining the best way to rectify observation level defects.</p> <p>Details of specific changes can be found in appendix F which sets out the current categories and includes a column detailing which we are proposing to update</p> <p>Recommendation: It is recommended that the updates to the appendix are approved.</p>	<p>defects.</p> <p>There are no financial implications</p>
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New policies

POLICY and DESCRIPTION	LAST UPDATED	ISSUES and RECOMMENDATIONS	IMPACT OF POLICY CHANGE
<p>Highway Maintenance - Consideration of Character</p> <p>To set out the approach to maintenance of historic assets and those within Conservation Areas</p>	N/A	<p>There are a number of pieces of legislation and good practice guides regarding highway maintenance in designated Conservation Areas. The County Council's current approach to highway maintenance in Conservation Areas focuses resources on only 18 priority streets. This partially reflects best practice. However where resources are limited, it is considered that a more flexible policy allowing consideration of maintenance options on a case by case basis would better meet the recommendations.</p> <p>A full explanation of the changes to the conservation area policy is available in annex 1.</p> <p>Recommendation: It is recommended that a new Policy is created combining policy from the current PS7.3 Maintenance of footways – materials and references to street lighting in Conservation Areas from the existing PS10.1 Street Lighting policy. The new policy will have a more holistic approach and apply to all highway assets within Conservation Areas and heritage assets outside Conservation Areas. Resources will no longer be focused only on the 18 priority streets but repair to assets considered on a case by case basis in partnership with local Planning Authorities to maximise value for money.</p>	<p>The new policy will allow a more flexible approach to maximising the conservation value of highway assets ensuring improved value for money and supporting local communities to help themselves.</p> <p>Maintenance decisions will be made through the existing highway asset management processes.</p> <p>There are no financial implications as either standard materials will be used or conservation grade materials will be used if appropriate funding from boroughs or districts is available.</p>

Annex 1

Explanation of Changes to Maintenance of highway assets of particular historic interest and assets within Conservation Areas

Current policy

The current approach to highway maintenance in conservation areas focuses resources on a very limited number of priority streets. Research carried out and presented to the Lead Member for Transport and Environment in October 2007, suggested that the cost of a sympathetic replacement policy for footways and street lighting in all conservation areas would amount to £765,000/yr.

At the time a policy decision was made to carry out sympathetic repairs in the 18 streets used in the pilot study only. These streets were considered to be of more than local importance. Standard materials would be used in all other streets. However, for other streets within Conservation Areas, the local Planning Authorities would be given the opportunity to contribute funding towards non-standard materials if they wished. (See Policy 7.3 Footway Materials and PS 10.1 Street lighting.)

Best practice recommendations

There are a number of pieces of legislation and good practice guides regarding highway maintenance in designated Conservation Areas. The current policies partially reflect best practice, but where resources are limited, it is considered that a more flexible policy would better meet the recommendations.

Guidance/Legislation

Recommendations

Well Managed Highway Infrastructure, 2016	Encourages Local Authorities to take into account the character of area as well as factoring in whole life costing and sustainability. It recommends establishing a hierarchy of streets to prioritise use of more expensive materials.
Streets for All, Advice for Highway and Public Realm Works in Historic Places, 2018	Encourages a coordinated approach by organisations and communities in order to maintain local distinctiveness.
The 1949 National Parks Act and the 1995 Environment Act	Parts of East Sussex fall within the South Downs National Park. The Act sets out the responsibilities and duties of all public organisations working in a National Park. The primary purposes of the National Park are to conserve and enhance the natural beauty,

	wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Public bodies working in the National Park have a duty to have regard to these National Park purposes.
The Planning (Listed Building and Conservation Areas) Act 1990	Requires each authority to compile a list of buildings of special interest, either historic or architectural. Listed building consent is required to demolish such a structure, or to alter or extend it in a manner affecting its architectural or historic interest. Some highways structures are listed as the cobbled surface of several streets within Rye town centre. The Act also provides for the protection of conservation areas that have special historical interest, but consent from the planning authority is not required for unlisted streets within Conservation Areas.

Consultation

Consultation has been carried out with Conservation Officers from the Local Planning Authorities. They support increased collaboration with interested parties working together to develop creative solutions and target those areas, and those assets, which will benefit most from limited funds.

It is recognised that not all assets on a given street will contribute equally to the character of an area or have the same priority in terms of conservation. It is also recognised that it is often the wider streetscape that determines the character of an area and that focusing all resources on a small number of streets may be detrimental.

A flexible approach is also supported by other County Council teams including Highway Asset Management, Highway Design, Highway Strategic Economic Infrastructure, Archaeology and Transport Development Control Teams.

Policy Recommendations

Rather than automatically focusing the majority of available funding on the 18 pilot study streets, a more flexible and collaborative approach within Conservation Areas is recommended focusing on:

- Preserving and re-using materials where appropriate.

- Considering the conservation value of all assets within conservation areas not just street lights and footways.
- Making decisions on the materials used for all highway assets in Conservation Areas on a case by case basis instead of automatically focusing all resources on the 18 pilot study streets.
- Working more closely with local planning authorities regarding priorities.
- Using their local knowledge to inform decision making and to find solutions that make the best use of limited resources.
- Continuing to provide opportunities for local communities to supply additional funding for the use and subsequent maintenance of non-standard materials in Conservation Areas.

Financial impact

There are no financial implications to this recommended policy change. Maintenance decisions will be made through the existing highway asset management processes.