

# **Leicestershire Highway Design Guide**

## **Part 4a: Highway adoption overview, policy, pre-submission advice and health and safety**

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## Part 4a: Policy, pre-submission advice and health and safety

### 1. Overview

1.1 This section comprises the council's requirements where it is the developer's intention to construct new highway, suitable for adoption and therefore maintainable at public expense, including:

- the process for seeking adoption of highway under Section 38 of the Highways Act, including the technical approval of the design.
- the council's Advanced Payment Code Procedure for roads that are both to be adopted or remain private.
- approval of works to existing public highway under Section 278 of the Highways Act.
- managing the Network and the council's permit scheme.
- the [Traffic Regulation Orders](#) process.
- the council's standard conditions relating to all works that are intended to become highway maintainable at public expense.
- the developer's responsibility for health and safety of their proposals.
- How commuted sums are calculated that ensure there is a mechanism by which the highway authority can recover costs from the developer for the maintenance of adopted "extra over" assets and areas.
- How and when to apply for an agreement under Section 184 of the Highways Act.

1.2 Please also refer to Department for Transport's Advice Note "[Highways Adoption](#)".

1.3 'The Act' as mentioned in this Section, refers to the Highways Act 1980 unless otherwise stated.

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## 2. Highway adoption policy

- 2.1 The council will consider the following policy when assessing the quality and suitability of new roads that are submitted for adoption.

### LHDG Policy 5 highway adoption

- 2.2 The council encourages proposals for adoption of new, highway that is designed and constructed in accordance with the relevant policies, guidance and standards, including the Leicestershire Highway Design Guide.**

### Implementing policy 5

- 2.3 The council will adopt new roads that:
- directly link to an existing adopted street (proposed Section 38 agreements will be reviewed if they connect to an existing road that is subject to a Section 38 agreement)
  - directly serve/front a minimum of 6 residential dwellings
  - serve employment and commercial sites with more than one building or a single commercial building with multiple occupancy employment
  - accord with local and national policy, guidance and standards relating to environmental sustainability of new highway proposals. The Local Highway Authority may consult with planning, forestry and environment services at the council during the assessment of proposals.
  - meet the requirements of the council's [Surface Materials Palettes](#) document, [Specification](#) for Highway Works and Standard Drawings. Proposals for the use of alternative materials to those within the Materials Palettes must be agreed with the council.
  - have been demonstrably designed and constructed to an adoptable standard, as defined in the LHDG
  - are not linked by through private roads
  - have associated legal agreements signed by all relevant parties; and

- are acceptable in all other highways and transportation respects in accordance with LHDG, other the council policies and national planning policy and guidance.

### **Green infrastructure**

- 2.4 Trees and other green infrastructure provide a valuable service to communities, creating attractive places that benefit biodiversity, help mitigate and adapt to climate change and encourage participation in active travel. NPPF states that “Planning policies and decisions should ensure that new streets are tree-lined”. Developers and local planning authorities should work with highways officers and tree officers at the council to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 2.5 The council promotes the use of its [Value of Trees](#) toolkit to ensure the good design and implementation of tree planting within highway.
- 2.6 Legislation has strengthened the duty on local authorities to not only protect but enhance the natural environment through the planning process (including biodiversity net gain). Developers are strongly encouraged to consider how highway can help deliver environmental benefits through design layouts, the choice of materials and construction methodology.

### **Environmentally sustainable materials**

- 2.7 The use of environmentally sustainable materials is strongly encouraged, where it meets LHDG policy requirements. The materials included in the council’s Materials Palettes have been selected using criteria relating to their sustainability and performance. Where new or innovative materials are proposed, evidence must be provided by the developer that these same criteria are met.

### **Asset management and maintenance**

- 2.8 In accordance with the [National Design Guide](#), consideration should be given to the character of a location during the design process and selection of materials. The Materials Palettes document has been developed to assist with this process and includes guidance on how new or innovative

materials can be approved for use by the council within new highway to be adopted.

2.9 Designers should refer to asset management best practice during scheme development including the council policy and strategy and must:

- Contribute to high-quality developments that can be efficiently maintained using cost effective practices. Whole-life costs should be considered when materials and methods of construction are considered.
- Encourage development layouts to be built to an adoptable standard wherever possible to safeguard the interests of future residents. Where appropriate, the council will seek payment from the developer for future maintenance of new adopted highway by acquiring monies through [Commuted Sums](#). Commuted Sums allow greater flexibility to adopt non-standard materials and other items when development increases future maintenance liability.

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### **3. Pre-submission technical advice service**

- 3.1 On request, and following the LPA's resolution to approve planning permission, LCC can provide a pre-submission technical advice (PSTA) service to help accelerate the development process. This service is subject to a non-refundable [charge](#) to cover additional work and risk. The initial charge only covers for pre-submissions.
- 3.2 At the conclusion of this service an agreement in principle can be provided for the design work. However, technical approval can only be issued following granting of full planning permission. An agreement in principle does not guarantee technical approval and is subject to planning conditions or design changes. PSTA is not a priority service and is dependent on resource availability.
- 3.3 Any work undertaken at this stage will not prejudice comments from the Local Highway Authority as statutory consultee to the planning process.
- 3.4 The PSTA does not nullify the requirement for completion of the Section 38 and/or Section 278 application forms and compliance with all guidance under the LHDG.

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## **4. Health and safety and section 278 and section 38 works**

### **The construction (design and management) (CDM) regulations**

- 4.1 All construction projects must comply with the Construction (Design and Management) Regulations to ensure that no-one is harmed during the works and that all completed works are safe for use.
- 4.2 The Health and Safety Executive (HSE) is responsible for the enforcement of Health and Safety regulations and legislation and further information about their role and CDM regulations can be found on the [HSE website](#).
- 4.3 The council will not adopt works under a Section 278 or Section 38 agreement until written confirmation is provided that the Health and Safety Executive has been informed, in writing, of the appointment of the client for the works for the purposes of the 'Construction (Design and Management) Regulations' (CDM Regulations).
- 4.4 As stated in the CDM Regulations, the "client" as defined is responsible for meeting the requirements of the Regulations and ensuring that the works are appropriately designed and constructed. It is not the council's responsibility to verify or otherwise agree information in relation to CDM.
- 4.5 The developer must comply with all aspects of the latest Construction (Design and Management) Regulations and the council will be indemnified by legal agreement against all claims, liabilities and actions for any failure to do so.

### **Notification of construction project**

- 4.6 Depending on the scale of the construction works HSE may need to be notified by the completion of an [F10 Notification of Construction Project form](#).

### **Traffic management**

- 4.7 Developers are also required to submit full details of any traffic management proposals for the construction of the road works for approval by the authority.

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