

Environment and Regeneration Overview and Scrutiny

Date of Meeting: 15 October 2018

Report Title: Well Managed Highway Infrastructure Public Consultation Feedback

Portfolio Holder: Cllr Don Stockton - Environment

Senior Officer: Executive Director - Place

1. Report Summary

- 1.1. This report outlines outcomes and progress following the Well Managed Highway Infrastructure consultation. The updated approach to the delivery of highway maintenance will produce a policy framework in accordance with 'Well Managed Highway Infrastructure (WMHI) – A code of Practice' published by the UK Road Liaison Group (UKRLG).
- 1.2. From the 2nd July to 27th August 2018, Cheshire East Council consulted on a number of draft policies and documents in relation to Highway Safety Inspections and Winter Service activities. This report outlines the key outcomes from the consultation.
- 1.3. The move from the prescribed maintenance regimes developed under the previous UKRLG Code of Practice 'Well Maintained Highways' to the risk based approach set out in WMHI marks a step change in the way the industry manages and maintains the highway network. The approach set out under WMHI allows Councils to better prioritise maintenance activities on the network to deliver efficiency savings and better outcomes from finite budgets.
- 1.4. The WMHI consultation sought the views of residents and stakeholders on the following key documents:
 - The Draft Highway Inspection Policy
 - The Draft Code of Practice for Highways Safety Inspections
 - Examples of the old and proposed inspection process
 - The Draft Winter and Adverse Weather Policy

- The Winter and Adverse Weather Plan Consultation

1.5. The Well Managed Highway infrastructure consultation was advertised through the Cheshire East Council website and through Social Media. It was predominantly online; however, paper copies were made available at all Cheshire East Libraries and key contact centres. Key consultees were contacted directly via email and asked to participate in the consultation.

2. Recommendation/s

2.1. The Overview and Scrutiny committee is recommended to:

2.1.1. Note the outcomes of the consultation which will be used in the formulation of the Council's response to WMHI Code of Practice.

2.1.2. Agree any observations that the Committee wishes the Portfolio Holder to consider in relation to the WMHI code of practice.

3. Reasons for Recommendation/s

3.1. The response to the consultation will be taken into account in the final development of the response to Well Managed Highways Infrastructure Code of Practice.

4. Other Options Considered

4.1. There are no other options to consider.

5. Background

5.1. The Highways Act 1980 covers the legal elements of the management and operation of the road network within England and Wales and as such sets out the statutory duties of highway authorities. This includes the identification and rectification of defects and the provision of winter and adverse weather services. Further duties that the Highway Authority must address are covered under The Railways and Transport Safety Act 2003 and the Traffic Management Act 2004.

5.2. In order to address the duties relating to network safety and winter service, the Council has a Code of Practice for Highway Safety Inspections and a Winter Service Policy with an associated Adverse Weather Plan. Both these documents have been informed by the UKRLG Code of Practice '*Well Maintained Highways*'. This was superseded in October 2016 by a new Code of Practice '*Well Managed Highway Infrastructure*' (The Code).

5.3. The Code marks a step change in the industry from specific guidance and recommendations to a risk based approach which is determined by each authority in order to set local levels of service and identify the requirement

for local resilience. The new code of practice further promotes the adoption of an integrated asset management approach, helping the move away from ad hoc and temporary repairs to better planned programmes of work.

- 5.4. In the interest of cross boundary consistency, the new guidance promotes closer collaborative working between highway authorities.
- 5.5. The Code was commissioned by the DfT, It is not a statutory requirement to comply with this Code. However it is recommended that the Code is adopted into the Council's practice for the following reasons:
 - 5.5.1. It would strengthen the Council's defence against third party claims under Section 58 Highways Act and would enable the Council to demonstrate that it is meeting its obligations relating to winter service under Section 41(1A) of the Highways Act 1980 (as amended by Section 111 of the Railways and Transport Safety Act 2003).
 - 5.5.2. At recent industry forums the DfT have indicated that future maintenance funding will be linked in part to compliance with this new Code.
 - 5.5.3. Not adopting the Code could result in financial risk to the Council. The new contractor for highways would be responsible for the management of all aspects of third party claims and will indemnify the Council against all third party claims that arise out of a failure to provide a service. However, should the recommendations of code not be adequately adopted by the Council, it could by default, be responsible for all claims.

5.6. Consultation Findings

- 5.6.1. The consultation asked a number of key questions and allowed the consultees to leave comments, details of this can be found in the Cheshire East Council Well Managed Highway Consultation Summary of Results in Appendix 1 of this report.
- 5.6.2. The approach to community engagement was guided by the Council's Research and Consultation Team.
- 5.6.3. In total 93 responses were received from a range of consultees and stakeholders. Details of these consultees can be found in Appendix 2 of this document.

5.6.4. Highway Inspection Code of Practice and Policy

- 5.6.4.1. The respondents were generally split around the Council's proposed approach to risk based highway inspections; however, respondents were largely in favour of the principles of prioritising defects based on the risk they pose to the public and taking longer to repair defects in order to achieve higher quality repairs.
- 5.6.4.2. From analysis of the respondents' comments it can be seen that they were split into three main themes: repair of defects, catering for all highway users and consideration of local roads.

5.6.5. Winter and Adverse Weather

- 5.6.5.1. Respondents were strongly in support of a risk based approach to winter service and the principle of treating roads on the network based upon usage, local risks and surrounding amenities.
- 5.6.5.2. The respondents also showed support for mixing traditional communication channels with social media to keep residents informed of road conditions in extreme weather.

5.6.6. Resilient Highway Network

- 5.6.6.1. In response to the extreme weather experience over the winter of 2013/14 the Department for Transport (DfT) published the Transport Resilience Review. A key recommendation was that Local Highway Authorities identify a 'resilient network' to which they will give priority, in order to maintain economic activity and access to key services during extreme weather.
- 5.6.6.2. The existing Cheshire East Resilient Network largely aligns with the network identified in the Adverse Weather Plan for winter service. The advent of WMHI and the associated review of the Network Hierarchy has presented an opportunity to refresh the Resilient Network to better suit the needs of the residents of the Borough.
- 5.6.6.3. A specific stakeholder group was identified separately to that of the WMHI consultation and steps were taken to engage with this stakeholder group. Further details can be found in Appendix 2 of this document.

5.6.6.4. A limited response to the Resilient Network consultation was received, with only 3 responses received through the consultation web page. However further to a meeting held with the Lead Emergency Planning Officer comments were received from the NHS and Cheshire Constabulary.

5.6.6.5. Further work is on-going to identify the needs of partner organisations and local businesses.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. There is no statutory duty to consult on proposals to change the way in which a local authority carries out its duties but there is an expectation enshrined in case law that any local authority making decisions affecting the public will do so fairly and in a way that cannot be said to be an abuse of power.

6.1.2. It is therefore important to test the fairness of the Council's approach by way of consultation on any changes which would have the effect of withdrawing existing services available to residents. Such consultation should involve those affected directly by such changes together with the relevant representative groups. The responses to the consultation will need to be conscientiously taken into account when Cabinet makes any future decisions on the Council's approach to WMHI.

6.2. Finance Implications

6.2.1. The service area is presently undertaking an assessment of the financial implications of implementing the guidance in the Code.

6.3. Policy Implications

6.3.1. The Introduction of the Code requires the revision of highway's policies, in particular the Highway Inspection Policy and the Winter and Adverse Weather Policy.

6.4. Equality Implications

6.4.1. An initial Equality Impact Assessment has been undertaken; this will be continually developed as the approach evolves.

6.5. Human Resources Implications

6.5.1. There are no human resource implications specifically relating to the consultation.

6.6. Risk Management Implications

- 6.6.1. A Project Board has been established chaired by the Head of Highways and Parking to ensure appropriate project governance and strategic direction is in place.
- 6.6.2. A project risk register is to be maintained detailing risk and mitigation measures.

6.7. Rural Communities Implications

- 6.7.1. 57% of the Cheshire East highway network is classed as rural serving over half of our population. The rural highway network is vital to the economy of the Borough.
- 6.7.2. The risk based approach to highway maintenance will see resources prioritised by road usage, risk and nature and as such lesser used low risk routes may receive lower prioritisation than busier high risk main routes.

6.8. Implications for Children & Young People

- 6.8.1. The new code of practice will consider levels of service where facilities serving children and young people are located.

6.9. Public Health Implications

- 6.9.1. The new code of practice will consider key infrastructure needs to promote sustainable modes of travel.

6.10. Ward Members Affected

- 6.10.1. All wards and all ward members are affected by the implications of WMHI

7. Consultation & Engagement

- 7.1. An 8 week consultation has been undertaken to engage affected stakeholders.

8. Access to Information

- 8.1. The background papers relating to this report can be inspected by contacting the report writer.

9. Contact Information

- 9.1. Any questions relating to this report should be directed to the following officer:

Name: Paul Traynor

Job Title: Head of Highways and Parking

Email: paul.traynor@cheshireeast.gov.uk

Appendix 1 – The Cheshire East Council Well Managed Highway Consultation Summary

Appendix 2 – Consultation Information

Consultee List

The WMHI consultation consulted with the following:

- Elected Members
- Parish Councils
- The LEP
- Transport for the North
- Local Transport Operators
- The wider public via website and public libraries
- Neighbouring Authorities (including Highways England)
- Cheshire East Claims Handlers and Insurers
- The Emergency Services
- Manchester Airport
- Network Rail
- HS2
- Local Bus Operators
- The Road Haulage Association
- Freight Transport Association
- Sustrans
- Local Cycling Groups
- NHS and Health Service Providers

The Resilient Network consultation consulted the following:

- Local Transport Operators
- Neighbouring Authorities (including Highways England)
- The Emergency Services
- Transport for the North
- The LEP
- The Local Chamber of Trade
- Manchester Airport
- Network Rail
- HS2
- Local Bus Operators
- The Road Haulage Association
- Freight Transport Association
- Utility Operators
- The NHS and Health Service Providers

- Council Delivery Partners (ie Ansa and TSS etc)
- Compass Minerals
- HS2

