

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Cabinet

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 3 May 2016
Please ask for : Rob Hooper, 01392 382300

Email: rob.hooper@devon.gov.uk
:

CABINET

Wednesday, 11th May, 2016

A meeting of the Cabinet is to be held on the above date at 10.30 am in the Committee Suite, County Hall, Exeter to consider the following matters.

P NORREY
Chief Executive

AGENDA

PART I - OPEN COMMITTEE

- 1 Apologies for Absence
- 2 Minutes

Minutes of the meeting held on 13 April 2016 (previously circulated).
- 3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.
- 4 Chairman's Announcements
- 5 Petitions
- 6 Question(s) from Members of the Council

FRAMEWORK DECISION

None

KEY DECISIONS

- 7 Highways Safety Policy (Cabinet Minute *403/14 October 2015) (Pages 1 - 52)

Report of the Head of Highways, Capital Development and Waste (HCW/16/39) on a proposed revised Highway Safety Policy reflecting the outcomes of trial policy changes previously authorised by the Cabinet, attached

Electoral Divisions(s): All Divisions

STANDING ITEMS

- 8 Question(s) from Members of the Public

- 9 Minutes (Pages 53 - 56)

County Farms Estate Committee – 28 April 2016, attached

[NB: Minutes of County Council Committees are published on the Council's Website at:
<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>]

- 10 Delegated Action/Urgent Matters (Pages 57 - 58)

The Registers of Decisions taken by Cabinet Members under the urgency provisions or delegated powers will be available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. A summary of such decisions taken since the last meeting is appended to this Agenda.

- 11 Forward Plan

In accordance with the Council's Constitution, the Cabinet is requested to review the list of forthcoming business and to determine which items are to be defined as key and/or framework decisions and included in the Plan from the date of this meeting.

[NB: The Forward Plan is available on the Council's website at:
<http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0&bcr=1>]

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

None


MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Notice of all items listed above have been included in the Council's Forward Plan for the required period, unless otherwise indicated. The Forward Plan is published on the County Council's website at <http://www.devon.gov.uk/cma.htm>

Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution. The Minutes of this meeting will be published on the Council's website, as indicated below, as soon as possible.

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

| |
|--|
| Membership |
| Councillors J Hart (Chairman), B Parsons, S Barker, R Croad, A Davis, A Leadbetter, J McInnes, J Clatworthy and S Hughes |
| Cabinet Member Remits |
| Councillors Hart (Policy & Corporate), Barker (Adult Social Care & Health Services), Clatworthy (Resources & Asset Management), Croad (Community & Environmental Services), Davis (Improving Health & Wellbeing), S Hughes (Highway Management & Flood Prevention), Leadbetter (Economy, Growth and Cabinet Liaison for Exeter), McInnes (Children, Schools & Skills) and Parsons (Performance & Engagement) |
| Declaration of Interests |
| Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item. |
| Access to Information |
| Any person wishing to inspect the Council's / Cabinet Forward Plan or any Reports or Background Papers relating to any item on this agenda should contact Rob Hooper on 01392 382300. The Forward Plan and the Agenda and Minutes of the Committee are published on the Council's Website. |
| Webcasting, Recording or Reporting of Meetings and Proceedings |
| The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/ |
| In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening. |
| Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above. |
| Questions to the Cabinet / Public Participation |
| A Member of the Council may ask the Leader of the Council or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility. Any member of the public resident in the administrative area of the county of Devon may also ask the Leader a question upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Office of the Chief Executive Directorate by 12 noon on the fourth working day before the date of the meeting. For further information please contact Mr Hooper on 01392 382300 or look at our website at: http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/ |
| Emergencies |
| In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so. |
| Mobile Phones |
| Please switch off all mobile phones before entering the Committee Room or Council Chamber |
| If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD. |
|  Induction loop system available |

HCW/16/39

Cabinet
11 May 2016

Highway Safety Policy

Report of the Head of Highways, Capital Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendations:

- (a) the Highway Safety Policy presented in Appendix A be approved;
- (b) Delegated authority is given to the Head of Highways, Capital Development and Waste in consultation with the County Solicitor and the Cabinet Member for Highway Management and Flood Prevention to approve further minor amendments to the Highway Safety Inspection Policy prior to a full review in September, 2018.

1. Summary

This report seeks approval of the Devon County Council Highway Safety Policy, version 6, May 2016. The proposed Policy is to enable Devon to meet its statutory duty to maintain a safe highway network taking reasonable care in all the circumstances to ensure the highway is not dangerous for highway users.

The proposed Policy takes account of guidance provided in the National Code of Practice (Well Maintained Highways) and the subsequent draft update of the National Code of Practice (Well-managed Highway Infrastructure).

The proposed Policy takes account of the results of some trials of policy changes introduced in accordance with the previous resolution of Cabinet.

The main change from the previously agreed policy (Highway Safety Inspection Policy Version 5.3 (December 2015)) is the introduction of a risk matrix to assess the impact of a defect and the probability/likelihood of interaction with highway users in determining an appropriate response to a defect that meets investigation criteria.

The proposed Policy is to enable defect repairs to be focussed on the highest priorities, maintaining a safe network in accordance with the requirement of the appropriate legislation, improving network resilience and enable more efficient working.

2. Background

Section 41 of the Highways Act, 1980, imposes a statutory duty upon Highway Authorities such as Devon County Council to maintain the highway network at public expense.

Almost all claims against highways authorities relate to an alleged breach of Section 41. Section 58 of the act provides for a defence against such claims on the grounds that the authority "had taken such care as in all the circumstances was reasonably required to secure that part of the highway to which the action relates was not dangerous for traffic."

Agenda Item 7

The statutory duty placed on the Highway Authority means that it should have policies agreed for the inspection of the highway and for reasonable actions be taken to maintain a safe highway.

The Highways Safety Policy defines how we classify highway safety defects and how we respond when a defect that meets the investigation criteria is found. It specifies the frequency and nature of highway inspections. The policy sets out how safety defects identified during highway inspections will be dealt with, including signing, guarding or repairing defects to make the network safe. Defects may be reported by the public, in which case they are evaluated to enable them to be dealt with in accordance with the Highway Safety Policy.

Publication of the policy enables highway users to understand what constitutes a safety defect and what they should reasonably expect in terms of the reasonable action planned by the Highway Authority when defects are found.

At its meeting on 14th October, 2015, Cabinet considered a report on Highway Safety Inspection Policy. It resolved that approval be given to high level principles for trialling of policy changes to inform the development of a revised Policy.

At its meeting on 7th March, 2016, Place Scrutiny considered a report on Highway Safety Inspection Policy that provided an update on trial policy changes. Scrutiny Members welcomed the flexible approach to highway maintenance and noted that following the outcome of the trials a report would be presented to Cabinet in May, 2016.

The drivers for policy change at this time are:

- The draft revision of the National Code of Practice renamed 'Well-managed Highway Infrastructure' that recommends highway authorities adopt a risk-based approach in accordance with local needs, priorities and affordability when developing policy.
- The Devon Highway Strategy that includes for improving efficiency in the delivery of the highway service. This is in the interest of improving the Asset Management approach adopted by the Devon, to get the most out of the available funding, by, where ever possible providing lasting repairs and by improving the resilience of the network.

3. Proposal

A draft Highway Safety Policy is presented for approval in Appendix A. It will replace the current policy; Highway Safety Inspection Policy version 5.3 (December 2015).

The key change proposed in the draft Policy is the introduction at Section 5 of a risk matrix. Once a defect that meets the investigation criteria set out in the policy has been identified, the risk matrix will be used to determine the appropriate response.

The risk matrix allows an assessment to be made on the likely impact of a defect and the probability or likelihood of the defect interacting with a highway user. The response to the defect depends on this assessment. For example, a pothole defect on a very minor road will have a lower risk rating than a pothole defect on a very busy road. So the responses will be different and will reflect the risk of the defects causing danger or serious inconvenience to highway users. This is reflected in the current policy (version 5.3) in that there are different response times for potholes that meet the intervention criteria in different category roads.

In a similar way, the example described below at the Place Scrutiny meeting on 7th March, 2016 illustrates how an appropriate response would be determined using the risk matrix for footway defects. The location of a footway defect will influence the response. If the defect is located under a bench or other street furniture, it will have a different risk rating to a defect on the main areas of footfall on a busy footway. The former would be noted and scheduled for repair as part of a future programme of works, the latter would be the subject of immediate action to guard the area affected or repair the defect by the end of the next day.

Appendix 1 of the proposed Highway Safety Policy details various defects affecting highway assets, including footways, cycleways, roads, walls and embankments, lining and signing, vegetation, street furniture.

Although it is not a part of the Highway Safety Policy, it is worth noting the process for developing programmes of capital maintenance work which make use of the data collected in operating the above policy. For example, prolonged flooding on the highway is classified as a defect. The appropriate action may be to sign the defect in the interest of highway user safety. Further action may be appropriate to clear debris from the drainage system. However, the problem may reoccur at times of heavy rainfall. In such cases, data on sections of road that have frequent flooding defects will be used to prioritise capital investment to address an underlying drainage issue.

Similarly, with footway defects, a capital funded programme of footway works is developed using information of footway defect frequency captured as part of the implementation of Highway Safety Policy. The data is used along with data on footfall and highway claims to prioritise a programme of works. The programme includes for different footway treatments to be considered so that alternative treatments can be used in the interest of a more resilient solution.

This further aligns Devon County Council with the recommendations in both the National Code of Practice (Well Maintained Highways) and the subsequent draft update of the National Code of Practice (Well-managed Highway Infrastructure).

The new Policy is presented in draft form so that any changes recommended by Cabinet or any other minor policy changes, which are compatible with the principles previously agreed by Cabinet, can be incorporated.

It is proposed that the Head of Highways, Capital Development and Waste following consultation with the County Solicitor and Cabinet Member for Highway Management and Flood Prevention be allowed to make minor amendments to the policy and that a formal review of the Policy is undertaken and reported to Cabinet in September, 2018. This would avoid the need for reporting to Cabinet to agree minor amendments or changes, which would be considered at a subsequent formal review in September 2018.

4. Feedback on Policy Trials

Following the resolution passed by Cabinet on 14th October 2015 a number of trial changes to the Highway Safety Inspection policy were agreed by the Head of Highways, Capital development and Waste in consultation with the Cabinet Member for Highway Management and Flood Prevention and the County Solicitor.

In addition, whilst operating the current Policy, a comparative exercise has been carried out to establish the impacts of applying the risk matrix for identified defects in accordance with the proposed new policy.

Agenda Item 7

Trial changes started on the 7th December 2015. Details of the trials are shown in Appendix B.

To date, no negative impacts have been observed. No apparent increase in highway insurance claims has been observed or an increase in complaints specifically relating to the time taken to undertake repairs.

Feedback from the Term Contractor, which we will continue to monitor and validate shows:

- Repeat visiting to footway defects have reduced,
- Average cost per defect have been largely unaffected,
- More significant footway defects are being completed to give a more lasting, resilient, repair.

5. Benchmarking

Highway Safety Inspection manuals from the following authorities have been reviewed and benchmarked:

- Cornwall Council
- Torbay Council
- Somerset County Council
- Dorset County Council
- Gloucestershire County Council
- Leicestershire County Council
- Essex County Council
- South Gloucestershire County Council
- Cumbria County Council
- Norfolk County Council
- Staffordshire County Council
- Swindon Borough Council.

A risk based approach has been used by other authorities nationally to different degrees.

The proposed Policy uses a modified version of a risk matrix and response table currently used by Staffordshire County Council.

6. Consultation

Prior to trials taking place the general theme of a risk based approach and the challenges associated with dealing with highway safety defects were discussed as part of the annual Devon Highways Town and Parish Conferences in the Autumn, 2015. Feedback received included the desire to see more focus on solving underlying problems, permanent repairs and in some instances changing the materials/method used in repair. Examples included, where appropriate, the replacement of paving slabs with a bituminous material to provide a more resilient repair. Also use of spray injection patching to minimise the duration of a road closures to enable works to be safely carried out.

Throughout the project, consultation has been undertaken with the County Solicitor, Devon's insurers and solicitors Browne Jacobson, in addition to various officers within Devon Highways including our Term Maintenance Contractor.

7. Financial Considerations

The policy changes are expected to have a neutral or slight downward impact on the revenue funded reactive repair budget. This is because, where longer response times are used for low risk defects, the work can be gathered into more viable packages, enabling more efficient use of the works gangs.

Also, in time, where data on repeat defect correction is used to justify capital investment, a more resilient repair will be achieved thus reducing the demand on the revenue funded reactive maintenance budget.

However, cost savings are not the driver for policy change. The policy remains focussed on delivering the Statutory Duty to maintain the network and is based on the guidance provided in the National Code of Practice governing highway maintenance.

8. Environmental Impact Considerations

The recommendations contained in this report have no negative environmental implications.

9. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective.

An Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available alongside this Report on the Council's website at: <https://new.devon.gov.uk/impact/>, which Members will need to consider for the purposes of this item.

It is recognised that, even when the National Code of Practice on highway maintenance is followed, some defects will, from time to time, expose users of the highway to risks. This is mitigated by the facility for the public to report defects, which may result in them being detected and responded to, before a scheduled highway authority safety inspection.

Minor defects that do not meet the policy investigation criteria and also national guidance in the Code of Practice on defect classification may cause a problem for some highway users.

Agenda Item 7

However, the proposed policy changes should not change this situation, and the potential the new policy provides for more resilient repairs should be beneficial.

10. Legal Considerations

Highway Safety Policy is a key document in meeting the Highway Authorities duty to maintain the public highway.

It establishes a reasonable regime of highway inspection and actions to maintain a safe network taking account of all of the circumstances.

Following the guidance provided in the existing and emerging Nation Code of Practice provides assurance on the reasonableness of the Policy.

The requirements in the Policy for recording of Defects will provide evidence that the Highway Authority can use in defending itself against claims. Section 58 of the Highways Act 1980 (England and Wales) states that if the authority can prove that it had in place adequate policies and procedures to maintain the highway and the policies and procedures are properly executed and there was no prior knowledge of the defect before an incident date, a claim can be repudiated.

The authority's County Solicitor, Insurance Manager and the County Council's insurers, solicitors Browne Jacobson have been consulted and support a risk based approach.

11. Risk Management Considerations

This report and the associated recommendations are designed to bring a measured and effective response to highway defects using evidence gained during recent policy trials relating to repair response times and amendments to some defect descriptions.

The risk matrix proposed has been adapted from processes used by other highway authorities, recommendations detailed in the current National Code of Practice and align with the emerging revised National Code of Practice.

The risks to Devon County Council have been mitigated by consulting the authority's Insurance Manager, its insurers, solicitors Browne Jacobson and with legal services. This is further supported by best practice adopted by neighbouring authorities in the South West.

12. Public Health Impact

The proposals in this report enhance the management of highway safety and should, in conjunction with other highway programmes improve the overall condition of the network to the benefit highway users.

13. Discussion

Reviewing and updating Policy is important to ensure alignment with current best practice and an appropriate response to current drivers for change.

14. Options/Alternatives

An alternative would be to not change from the current policy. This would not align Devon's approach with current best practice and the emerging Code of Practice.

More fundamental changes could be made to defect classifications, but this would not align with current best practice or the emerging Code of Practice. This would increase the level of risk to the Highway Authority.

15. Reason for Recommendation/Conclusion

It is considered that the proposed Highway Safety Policy aligns Devon County Council with the recommendations of the National Code of Practice and with the emerging revised National Code of Practice.

David Whitton
Head of Highways, Capital Development and Waste

Electoral Divisions: All

Cabinet Member for Highway Management and Flood Prevention: Councillor Stuart Hughes

Strategic Director, Place: Heather Barnes

Local Government Act 1972: List of Background Papers

Contact for enquiries: Matthew Scriven

Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

| Background Paper | Date | File Reference |
|-------------------|------------|---|
| Impact Assessment | April 2016 | https://new.devon.gov.uk/impact/ |

ac260416cab Highway Safety Policy
hk 04 290416



DEVON COUNTY COUNCIL

HIGHWAY SAFETY POLICY vers 6.0

DRAFT

Contents

| | |
|--|---|
| Section 1 - Introduction | 3 |
| Section 2 - Legislation | 3 |
| Section 3 - Purpose of Safety Inspections | 4 |
| Section 4 – Training and Qualifications | 4 |
| Section 5 - Safety Inspection Regime | 4 |
| Section 6 - Defect Investigatory Criteria | 5 |
| Section 7 – Safety Inspection Routes and Frequencies | 5 |
| Section 8 – Safety Inspection Delivery | 6 |
| Section 9 – Recording of Defects | 6 |
| Section 10 – Investigatory Action and Repair of Actionable Defects | 7 |
| Section 11 – Special Requirements | 7 |
| Appendix 1 – Defect Investigatory Criteria | 9 |

Agenda Item 7

Section 1 - Introduction

- 1.0 This Highway Inspection Policy supersedes the Highway Safety Inspection Manual version 5.3 published in December 2015 and all previous versions.

Defects that may create a danger or serious inconvenience to highway users are defined in Appendix 1, using the criteria for each type of defect and are referred to as investigatory criteria. These defects are identified and managed through a system of inspection.

- 1.1 Using a risk assessment matrix, defects that meet a defined investigation criteria are assessed to determine the degree of risk they may pose to a highway user and what is an appropriate and reasonable response.
- 1.2 This policy has been developed based on experience of maintaining the highway in Devon and following extensive trials and testing. The following documents have been used in developing the Highway Safety Policy:
- Highways Act 1980
 - Well Maintained Highways – Code of Practice for Highway Maintenance Management (July 2005) updated 18 September 2013 National Code of Practice (NCoP)
 - Highway Risk and Liability Claims – A Practical Guide to Appendix C of the Code of Practice for Highway Maintenance Management (November 2005)
 - Better Together Devon 2014 – 2020
 - Kindred Associations Guidance on Highway Liability Claims

Section 2 - Legislation

- 2.1 The Highways Act 1980 sets out the duties of a highway authority in England and thus Devon County Council. In particular Section 41 imposes a duty to maintain the public highway.
- 2.2 The majority of claims against authorities relating to the use of the highway functions arise from the alleged breach of Section 41.
- 2.3 Section 58 of the Act provides for a defence against action relating to an alleged failure to maintain, on grounds that the authority has taken such care as in all the circumstances was reasonably required to secure that the part of the highway in question was not dangerous for the appropriate type of traffic.

The following shall be taken into account:

- The character of the highway and the traffic which was reasonably expected to use it
- The appropriate standard of maintenance
- The of repair a reasonable person would expect
- Whether the Highway Authority knew or could reasonably have been expected to know

Section 3 - Purpose of Safety Inspections

3.1 The principle purpose of a Highway Safety Inspection is:

- To meet the statutory obligation of Devon County Council to maintain the highway in a safe condition
- To identify defects that are likely to create a danger or serious inconvenience to highway users or the wider community
- To determine the degree and timing of repairs
- To provide condition data of the network to the Asset Management Team assisting in the management of the highway network and future maintenance programmes
- To provide a defence against highway claims

Section 4 – Training and Qualifications

- 4.1 All personnel involved in safety inspections must be competent and have successfully completed the UK Highway Inspectors training and certification scheme approved by the UK Roads Board in 2010 or any subsequent revision.
- 4.2 It is desirable that all personnel involved in safety inspections should be included on the National Register of Highway Inspectors currently held by the Institute of Highway Engineers.
- 4.3 All personnel undertaking a safety inspection must demonstrate competency in the current Chapter 8 safety at street works and road works.

Section 5 - Safety Inspection Regime

- 5.1 The NCoP recommends the use of a risk assessment to determine the degree of risk a defect which meets an investigation criterion impacts upon highway users. The result of this assessment defines an appropriate response from immediate to no further action. Table 1.0 below and the response category definitions have been developed following consultation with Safety Inspectors, Insurance Manager, County Solicitor and other Stakeholders.

| | | PROBABILITY / LIKELIHOOD OF INTERACTION WITH HIGHWAY USER | | | | |
|---------------|----------------|---|--------------|--------------|------------|--------------------|
| | | Rare (1) | Unlikely (2) | Possible (3) | Likely (4) | Almost Certain (5) |
| LIKELY IMPACT | None (1) | 1 | 2 | 3 | 4 | 5 |
| | Negligible (2) | 2 | 4 | 6 | 8 | 10 |
| | Minor (3) | 3 | 6 | 9 | 12 | 15 |
| | Moderate (4) | 4 | 8 | 12 | 16 | 20 |
| | Serious (5) | 5 | 10 | 15 | 20 | 25 |

| | | | |
|---|---|---|---|
| Category 4 (Low Risk) Consider an appropriate response including no further action/monitor | Category 3 (Medium Risk) Repair within 28 days | Category 2 (High Risk) Make safe or repair within 7 days | Category 1 Make safe or repair by end of the next working day |
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Agenda Item 7

Note:

Defects identified that pose a threat to life are considered an emergency and must be responded to, normally within 2 hours and made safe or repaired urgently.

Section 6 - Defect Investigatory Criteria

- 6.1 The purpose of a safety inspection is to identify defects within the highway that are likely to create a danger or serious inconvenience to highway users or the greater community. In order to provide clear guidance, minimum investigatory criteria has been developed using a risk and evidence based approach, benchmarking with other Highway Authorities and the NCoP.
- 6.2 Detailed descriptions of defects and the defined investigatory criteria are provided in Appendix 1.

Section 7 – Safety Inspection Routes and Frequencies

- 7.1 Safety Inspections will be undertaken on the following highway elements:
- Carriageways with maintenance categories 3 to 11
 - Footways with maintenance categories F1 to F4
 - Urban metalled Public Rights of Way
 - Cycleways with maintenance categories A, B & C
 - Park and Ride sites maintenance category P1
 - Devon County Council maintained Picnic Sites (as carriageway)
- 7.2 The frequency of safety inspection assigned to each maintenance category is detailed in the Table 2.0 below.

| Carriageway | | |
|----------------------|-------------------------|---------------|
| Maintenance Category | | Frequency |
| 3 | National Primary route | 1 month |
| 4 | County Primary route | 1 month |
| 5 | Secondary County route | 1 month |
| 6 | Local distributor | 6 month |
| 7 | Collector road | 6 month |
| 8 | Minor collector road | annual |
| 9 | Service road | annual |
| 10 | Minor service road | annual |
| 11 | Minor lane | every 2 years |
| Footway | | |
| F1 | Primary walking route | 1 month |
| F2 | Secondary walking route | 3 month |
| F3 | Link footway | 6 month |
| F4 | Local access footway | annual |
| | Urban metalled PROW's | Every 3 years |

| | | |
|-------------------|-------------------------|----------------|
| Cycleway | | |
| A | Part of carriageway | as carriageway |
| B | Remote from carriageway | 6 month |
| C | Cycle trails | annual |
| Park & Ride Sites | | |
| P1 | Park & Ride | 6 month |

- 7.3 The tolerance on the period between inspections will be as detailed in Table 2.1 below. Where days are stated they will be working days.

| Inspection Frequency | Tolerance |
|----------------------|--------------------------------------|
| 2 weekly | + 3 days or any time before due date |
| Monthly & 3 monthly | +10 days or any time before due date |
| 6 monthly | +15 days or any time before due date |
| annually | +30 days or any time before due date |
| every two years | +45 days or any time before due date |
| every three years | +45 days or any time before due date |

Section 8 – Safety Inspection Delivery

- 8.1 Highway safety inspections should not be carried out during the hours of darkness/dusk or under conditions of poor visibility e.g. snow, fog, heavy rain. Periods of peak traffic flows should be avoided where possible.
- 8.2 Footway inspections will be walked. Cycleway inspections can be walked or cycled.
- 8.3 Carriageway and cycleway inspections can be undertaken on foot if appropriate for practical reasons or if the associated footway is being inspected at the same time.
- 8.4 Driven inspections will be undertaken by two people with the passenger being a qualified inspector.
- 8.5 Dual carriageway inspections and sections of three lane carriageway will be undertaken in each direction of travel.

Section 9 – Recording of Defects

- 9.1 Defects that meet the investigation criteria are recorded on a data capture device using an inspection route loaded on the device prior to beginning the inspection. In the unlikely event of a catastrophic IT failure inspections will be recorded manually at the time of inspection and the system updated when made available.

Agenda Item 7

- 9.2 When possible the use of a Global Positioning System device will be used so that a trace can be produced for evidence that an inspection has taken place on the date and time recorded and also allow for a more accurate positioning of defects.
- 9.3 When identified as a defect requiring investigation the risk assessment process will determine the appropriate action. Where this is deemed a Category 4 defect a more detailed rationale for the chosen action will be provided.
- 9.4 Defects associated with a Statutory Undertaker will be recorded and the Section 81 procedure started by the end of the next working day. Where possible any associated costs should be charged to that undertaker.

Section 10 – Investigatory Action and Repair of Actionable Defects

- 10.1 The standards and specification of the defect repair will be as detailed in the contract document in use at the time the defect is found and an order issued (where appropriate).
- 10.2 Where a safety defect is made safe by means of temporary signing or repair, arrangements will be made to ensure the continued integrity of the signing or repair until a permanent repair can be completed.

Section 11 – Special Requirements

- 11.1 At times defects identified within an area of carriageway will require the investigatory criteria of a footway defect to be applied.

They are as follows:

- The width of a defined pedestrian crossing point identified by tapered and dropped kerb units, often accompanied by tactile paving
 - Light controlled crossings
 - Zebra crossings
 - Carriageways that are closed to all motorised vehicles as pedestrianised areas for specific periods of the day.
- 11.2 For the purpose of safety inspection a metalled carriageway, footway or cycleway is one where the surface consists of a hard, bound material such as asphalt, concrete or clay paving / pavements. An unmetalled carriageway, footway or cycleway is one where the surface material is unbound.
 - 11.3 Many highways have been dedicated and adopted with historic features that would not be acceptable in a current highway design. This might include steps, cellar openings or drainage arrangements that present potential trip situations worse than the intervention levels suggested in this document. These should not be recorded as defects, as in law the highway has been adopted with these encumbrances and the public must take appropriate care.
 - 11.4 Carriageways, cycleways and footways and other highway features between the STOP road markings; the traffic warning lights, barriers & associated signs; & railway boundary & vehicle restraint systems are the responsibility of Network Rail or the private rail operator (for preservation lines and The Seaton Tramway). Although the County Council is not responsible for safety inspections between the STOP markings, any potential safety defect identified

during safety or any other inspections must be immediately reported to Network Rail or the private rail operator.

- 11.5 Bridges and retaining walls will be subject to a superficial inspection during the carriageway, footway or cycleway inspection. Any surface defects that meet the investigatory criteria will be assessed according to the relevant carriageway defect.

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Agenda Item 7

Appendix 1 – Defect Investigatory Criteria



A1.0 The following defect descriptions are used to determine what defects within the highway network requires investigation.

A1.1 The criteria has been developed using a mixture of best practice, risk assessment and benchmarking.


A1.2 Defects take into account policies of neighbouring highway authorities and where possible similar parameters have been adopted to ensure consistency.



A1.3 Defects are listed below and will be applied to the appropriate element of the highway regardless of position. A more detailed description of each defect and the position within the highway is provided defect by defect.

- 1.1 Pothole
- 1.2 Standing/running water
- 1.3 Embankment or bank slips
- 1.4 Spillages
- 1.5 Obstructions
- 1.6 Overriding
- 1.7 Defective high friction surface
- 1.8 Dangerous or obstructing trees
- 1.9 Obscured visibility and overgrown hedges & bushes
- 1.10 Defective road markings
- 1.11 Defective ironwork
- 1.12 Defective cattle grids
- 1.13 Defective overhead cables
- 1.14 Defective roadworks signing
- 1.15 Missing pre-formed modules
- 1.16 Obstructions - materials, goods, equipment & signs
- 1.17 Cracks and gaps
- 1.18 Abrupt level differences/Trip
- 1.19 Rocking flag
- 1.20 Damaged road restraint systems
- 1.21 Defective boundary fences
- 1.22 Streetlights, Illuminated or Variable Message Traffic Signs & Illuminated Bollards
- 1.23 Defective road traffic signs
- 1.24 Defective traffic signals
- 1.25 Damaged steps
- 1.26 Damaged handrails
- 1.27 Defective escape lanes/arrester beds
- 1.28 Cracking/Defective surfacing joints
- 1.29 Defective traffic calming features
- 1.30 Damaged kerb
- 1.31 Depressions and humps



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| 1.1 POTHOLE | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| An area of material loss resulting in a vertical edge depression. | | |
| Minimum dimension where applicable | | |
| Carriageway & Unmetalled Cycleway | 40mm deep and 300mm in any horizontal direction | |
| Footway & Cycleway | 20mm deep and 50mm in any horizontal direction | |
| Sample Photograph | | |
| Carriageway | Footway/Cycleway | |
|  |  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close road/footway/cycleway to make safe. 3. Repair pothole according to the pothole repair policy. | | |
| Notes | | |
| <p>At certain times it may be necessary for the Contractor to carryout preliminary inspections where only potholes that meet the investigation criteria will be identified and repaired.</p> <p>The footway investigatory criteria will be applied to a carriageway at defined pedestrian crossing points or where pedestrians are encouraged to cross or where there is a marked cycle lane on the carriageway.</p> | | |



Agenda Item 7

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| 1.2 STANDING/RUNNING WATER | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| Standing or running water on carriageways is applied where a speed limit of 40mph or above is in force and where highway users can reasonably travel at 40mph or above to minimise the risk of aquaplaning. | | |
| Minimum dimension where applicable | | |
| Carriageway | if after 24 hours from when rain has ceased, the road is impassable, or it is forcing vehicles, cyclists or pedestrians away from the nearside of the carriageway by more than 1m, or if vehicles have to cross the centreline marking. | |
| Footway & Cycleway | N/A | |
| Sample Photograph | | |
|  | | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. Attempt to clear standing water if appropriate 3. If unable to clear water, use flood sign or guard area or close road to make safe. 4. Investigate permanent solution. | | |
| Notes | | |
| During prolonged heavy rain standing / running water will not be treated as a defect requiring investigation. Consultation will be required with adjacent landowner/occupier where appropriate. | | |


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| 1.3 EMBANKMENT OR BANK SLIPS | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| An embankment or bank slip obstructing a highway surface or leaving the haunch exposed or unsupported. | | |
| Minimum dimension where applicable | | |
| Carriageway | when the road is obstructed; or it is forcing vehicles, cyclists or pedestrians away from the nearside of the carriageway by more than 1m; or if vehicles have to cross the centreline marking; or if cyclists have to cross a cycle lane boundary marking. | |
| Footway & Cycleway | A slip is a safety defect when either material has deposited on the footway so that it is blocked, pedestrians are forced off of the footway, or leaving the footway foundation exposed or unsupported. | |
| Sample Photograph | | |
| Carriageway | Footway/Cycleway | |
|  |  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. Sign and guard area or close road/footway/cycleway to make safe. 3. Consider other traffic management requirements until obstruction removed and any underlying problems are resolved | | |
| Notes | | |
| Consultation will be required with adjacent landowner/occupier where appropriate. Where washout /slips occur frequently the procedures for powers under section 151 of the Highways Act should be followed. | | |


Agenda Item 7

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| 1.4 SPILLAGES | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| Spillages include: hazardous liquid, effluent, diesel, oil, petrol & mud. Minor spillages do not require investigation. | | |
| Minimum dimension where applicable | | |
| Carriageway | Spillages of an area greater than 0.5 m ² | |
| Footway & Cycleway | Spillages of an area greater than 0.5 m ² | |
| Sample Photograph | | |
| Carriageway | Footway/Cycleway | |
|  |  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close road to make safe. 3. Treat spillage with appropriate material and sweep surface if necessary | | |
| Notes | | |
| Where a spillage is, or could be, of a hazardous nature, remedial action must be undertaken strictly in accordance with the Health & Safety Manual to protect operatives and road users. | | |


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| 1.5 OBSTRUCTIONS | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| <p>Debris on the carriageway is a defect. Examples include: fallen trees or tree limbs, excessive surplus surface dressing chippings, debris dropped from vehicles, excessive mud, sand, soil or slurry.</p> <p>Standing water is a defect on a footway or cycleway requiring investigation if present 24 hours after the rain has ceased and meets the criteria described below.</p> | | |
| Minimum dimension where applicable | | |
| Carriageway | <p>Standing water is a defect if after 24 hours from when rain has ceased, the road is impassable, or it is forcing vehicles, cyclists or pedestrians away from the nearside of the carriageway by more than 1m, or if vehicles have to cross the centreline marking.</p> | |
| Footway & Cycleway | <p>Standing water is a defect if after 24 hours from when rain has ceased, the footway/cycleway is impassable, or it is forcing pedestrians/cyclists into the carriageway or the width of a pedestrian crossing is reduced to 500mm by water.</p> | |
| Sample Photograph | | |
| Carriageway | Footway/Cycleway | |
|  |  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close road/footway/cycleway to make safe. 3. Clear obstruction and investigate a permanent solution if required. | | |
| Notes | | |
| <p>Isolated incidents may be removed to an appropriate temporary location for removal later. Legislation on mud and slurry is included in Devon Bylaw 22 and section 148 of the Highways Act. Some items of debris will be removed by the depositor or the adjacent landowner/occupier. Dead animals should be moved to the adjacent verge and the District Council contacted to arrange removal.</p> | | |


Agenda Item 7

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| 1.6 OVERRIDING | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| An area of verge immediately adjacent to the carriageway generally rutted below the level of the carriageway. | | |
| Minimum dimension where applicable | | |
| Carriageway | More than 100mm below the carriageway | |
| Footway & Cycleway | N/A | |
| Sample Photograph | | |
| Carriageway |  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close road to make safe. 3. Fill verge with suitable material. | | |
| Notes | | |
| Material for verge fill must be in accordance with the requirements of the Roadside Verge Management Policy. | | |

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| 1.7 DEFECTIVE HIGH FRICTION SURFACING | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| A loss of aggregate or fatting up within a high friction surface or slippery covers within a high friction surface. | | |
| Minimum dimension where applicable | | |
| Carriageway | More than 0.5m ² | |
| Footway & Cycleway | N/A | |
| Sample Photograph | | |
| Carriageway | | |
|  | | |
| Response | | |
| <p>Undertake risk assessment to determine response.</p> <ol style="list-style-type: none"> 1. Erect slippery road signs. 2. Repairs up to 1m² are undertaken by the term maintenance contractor. 3. 4. Areas in excess of 1m² are added to the High Friction Surfacing programme. | | |
| Notes | | |
| <p>Permanent action to be undertaken in accordance with the Council's skidding policy.</p> <p>All slippery covers within high friction surfacing should be treated with the exception of fire hydrants, which should only be treated when they are considered to be a high risk following a safety audit.</p> | | |

Agenda Item 7

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| 1.8 DANGEROUS OR OBSTRUCTING TREES Version 6.0 – 5th September 2016 | |
| Investigatory Criteria A tree requires investigation when it is: obviously diseased, leaning precariously towards the highway (especially if the inspector considers it to have moved towards the highway since the last inspection), or it is damaged or has damaged or dead limbs which could fall directly onto the highway user. | |
| Minimum dimension where applicable | |
| Carriageway | The minimum vertical clearance over the carriageway needs to take account of the traffic using the route. |
| Footway & Cycleway | Obstructing the clear passage of pedestrians/cyclists forcing them off the footway/cycleway, or it reduces the vertical clearance above the footway to less than 2.1m or 2.5m on a cycleway. |
| Sample Photograph | |
| Carriageway  | Footway/Cycleway |
| Response <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. Remove or close road/footway/cycleway to make safe. 3. Apply the Devon County Council dangerous tree policy for permanent action. | |
| Notes The minimum vertical clearance over the carriageway needs to take account of the traffic using the route. It should be noted that permanent obstructions lower than 5.03m (16' 6") (such as bridges) require the appropriate warning signs (Chapter 4 Traffic Signs Manual). Responsibilities for landowners/occupiers with trees adjacent to the highway, and the powers of the County Council in this respect, are contained in section 154 of the Highways Act. Where possible the landowner/occupier should be given the opportunity to undertake the appropriate remedial work and retain ownership of any waste material. When a dangerous or damaged tree is identified as a safety defect the tree must be marked and actioned according to the Highway Tree Policy as an imminently dangerous tree – inspection and subsequent action and the information must be recorded in the dangerous tree action log (ELMS). | |

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| 1.9 OBSCURED VISIBILITY AND OVERGROWN HEDGES & BUSHES | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria Obscured visibility due to overgrown vegetation overhanging the highway is a defect. Overgrown vegetation that obscures the end of a bridge parapet jutting into the footway is a defect. Traffic signal heads which are obscured by vegetation and therefore not visible to highway users are a defect. A street light lamp, regulatory/warning traffic sign or bollard that is obscured by vegetation is a defect. | | |
| Minimum dimension where applicable | | |
| Carriageway | Overhanging in sight lines at bends, junctions or laybys is a defect. Overgrown hedges and bushes are a defect when obstructing the highway user; or obstructing the clear passage of the highway user or it is forcing vehicles, cyclist or pedestrians away from the nearside of the carriageway by more than 1 m; or vehicles have to cross the centreline marking; or if cyclists have to cross a cycle lane boundary marking. | |
| Footway & Cycleway | Overhanging in sight lines at locations where pedestrians/cyclists are encouraged to cross the carriageway; or it is overhanging the highway and obstructing the clear passage of pedestrians/cyclists forcing them off the footway/cycleway, or it reduces the vertical clearance above the footway to less than 2.1m or 2.5m on a cycleway. | |
| Sample Photograph | | |
| Carriageway | Footway/Cycleway  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. Cut back overgrowth or if required close road/footway to make safe. 3. Initiate DCC noticing procedure for overgrown vegetation if appropriate. | | |
| Notes | | |
| Responsibilities for landowners/occupiers with hedges, trees & bushes adjacent to the highway, and the powers of the County Council in this respect, are contained in section 154 of the Highways Act. Where possible the landowner/occupier should be given the opportunity to undertake the appropriate remedial work and retain ownership of any waste material. | | |

Agenda Item 7

1.10 DEFECTIVE ROADMARKINGS

Version 6.0 – 5th September 2016

Investigatory Criteria

Any roadmarking detailed in the notes below requires investigation when missing or worn/obscured by more than 70% on point markings and 70% over an 18m length on longitudinal lines or the road marking is illegible.

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph

Carriageway



Footway/Cycleway



Response



1. Undertake risk assessment to determine response.
2. Use road marking warning signs to make safe.
3. Remark lining.

Notes

Diagram numbers: 1001 STOP at signals, 1001.2 STOP with cycle lane, 1001.3 STOP & zig zags at crossing, 1002.1 STOP at junction, 1003 GIVE WAY junction, 1003.1 GIVE WAY roundabout, 1003.3 GIVE WAY mini roundabout, 1003.4 mini roundabout, 1010 Edge of carriageway at lay-by, 1012.1 Edge of Carriageway Marking (where road width is insufficient to have centre line) 1012.2 & 1012.3 Vibraline Edge Marking, 1013.1, 1013.3 & 1013.4 Solid Centrelines, 1014 Solid centreline arrows, 1022 STOP, 1023 GIVE WAY triangle, 1024 SLOW, 1024.1 Path to be taken by high vehicles, 1026 Keep clear, 1027.1 zig zag at school, 1029 Direction pedestrians should look for approaching traffic, 1040, 1040.2, 1040.3, 1040.4 & 1040.5 lines to hatching, 1041 & 1041.1 Chevron lining systems, 1042 & 1042.1 Solid lines to hatching, 1046 NO ENTRY, 1049 Bus Lane/Cycle Lane boundary marking, 1062 Cushion/Hump Solid Triangle, 1065 speed roundel on carriageway surface (all 20mph limits and 40mph within in National Parks).

Roadmarkings with diagram numbers 1003 and 1023 where on an urban residential estate road and not part of a junction with a local distributor and where the markings are not essential for highway safety reasons, shall not be maintained.

Inspectors should contact the Highway Co-ordination Team during office hours to report the defect and a Highway Enforcement Officer will then issue a section 72 notice if the defect relates to a Statutory Undertaker.

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| 1.11 DEFECTIVE IRONWORK | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| <p>A missing or broken cover to any chamber/box is a defect. A collapsed or collapsing chamber is a defect. A high or low cover or frame is a defect when the cover within the frame or the frame itself, is above or below the immediate surrounding carriageway level by 40mm or greater. A rocking cover is a safety defect when the rocking is greater than 40mm.</p> <p>A grating where the slots run parallel to the carriageway edge without lateral infill members is a defect. A slippery cover within an area of high friction surfacing is a defect.</p> | | |
| Minimum dimension where applicable | | |
| Carriageway | High/low or rocking cover +/- 40mm | |
| Footway & Cycleway | High/low or rocking cover +/- 20mm | |
| Sample Photograph | | |
| Carriageway | Footway/Cycleway | |
|  |  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close road/footway/cycleway to make safe. 3. Instigate Section 81 procedure if related to a statutory undertaker. | | |
| Notes | | |
| <p>Rocking covers in urban areas that move less than 40mm but under traffic cause noise levels unacceptable to persons living in the vicinity, are not a safety defect but should be rectified as soon as possible, using the S.81 notice if appropriate. All slippery covers within high friction surfacing should be treated with the exception of fire hydrants, which should only be treated when they are considered to be a high risk following a safety audit.</p> | | |

Agenda Item 7

1.12 DEFECTIVE CATTLEGRIDS

Version 6.0 – 5th September 2016

Investigatory Criteria

Any damage to the cattle grid panel or structure or a loose panel, rendering it dangerous; or damage to the associated fence or gate rendering it dangerous or not stock proof or when the voids between the bars are clogged up with debris to the point that stock can walk across without impediment.

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph

Carriageway





Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road to make safe.
3. Arrange for a permanent repair

Notes

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| 1.13 DEFECTIVE OVERHEAD CABLES | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| Low cables across carriageways, footways and cycleways | | |
| A supporting pole or structure that is damaged or leaning dangerously, adjacent to the highway that could fall on to it or affect the cable it is supporting across the highway. | | |
| Minimum dimension where applicable | | |
| Carriageway | vertical clearance to lower than 5.03m (16' 6") | |
| Footway & Cycleway | Footway - vertical clearance to lower than 2.1m (6' 10") Cycleway - vertical clearance to lower than 2.5m (8' 2") | |
| Sample Photograph | | |
| Carriageway | Footway/Cycleway | |
| | | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. Contact Statutory Undertaker 3. If required sign and guard area or close road/footway/cycleway to make safe. | | |
| Notes | | |
| The height of a cable should be estimated & under no circumstances should it be actually measured by highway inspectors. | | |

Agenda Item 7

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| 1.14 DEFECTIVE ROADWORKS SIGNING | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| Any roadworks signing (including DCC or Statutory Undertakers works, or at scaffold or skips sites) that is not in accordance with Chapter 8 | | |
| Minimum dimension where applicable | | |
| Carriageway | N/A | |
| Footway & Cycleway | N/A | |
| Sample Photograph | | |
| Carriageway | Footway/Cycleway | |
|  |  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. Inform site manager/foreman | | |
| Notes | | |
| Inspectors should contact the Highway Co-ordination Team during office hours to report inadequate signing or guarding. A Highway Enforcement Officer will attend site and determine if a section 65 notice is required. | | |

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| 1.15 MISSING PRE-FORMED MODULES | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | |
| The void from missing or sunken preformed flags, slabs, channels or paviours | |
| Minimum dimension where applicable | |
| Carriageway | Void is greater than 40mm deep and 300mm in a horizontal direction or rocking modules greater than 40mm |
| Footway & Cycleway | Void is greater than 20mm deep and 50mm in a horizontal direction or rocking modules greater than 20mm |
| Sample Photograph | |
| Carriageway | Footway/Cycleway |
|  |  |
| Recommended Action | |
| Response | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close road/footway/cycleway to make safe. 3. Repair modules as appropriate. | |
| Notes | |
| | |

Agenda Item 7

1.16 OBSTRUCTIONS - MATERIALS, GOODS, EQUIPMENT & SIGNS

Version 6.0 – 5th September 2016

Investigatory Criteria

Materials, goods, canopies, equipment or illegal signs that impede or obstruct pedestrians/cyclists, or restrict visibility

Minimum dimension where applicable

Carriageway

Vertical clearance to permissible overhanging signs or banners of less than 5.03m

Footway & Cycleway

Vertical clearance to overhanging signs or banners on a footway of less than 2.1m or 2.5m on a cycleway

Sample Photograph

Footway/Cycleway



Response

1. Undertake risk assessment to determine response.
2. Discuss with sign owner and or remove to the side of the highway.

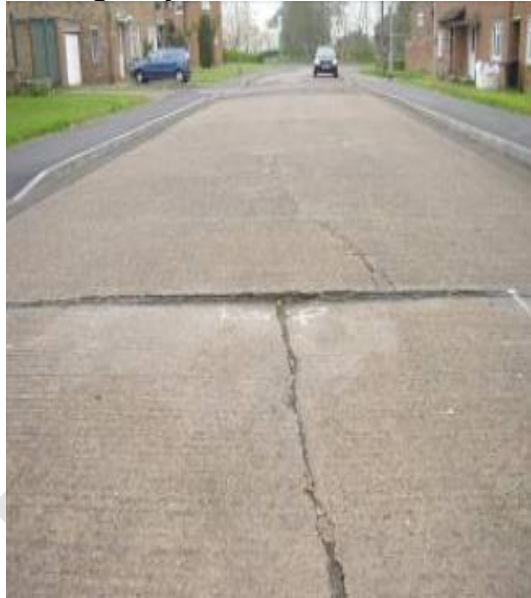

Notes

It is the County Council's policy to allow some signs & goods up to 450mm wide immediately adjacent to commercial premises, provided that it leaves a clear width of 1.5m and does not obscure visibility and this is not considered to be a defect.

Where a notice is required a Section 148 depositing anything whatsoever on the highway notice must be issued. Banners over the highway must be authorised under the 'Conditions for Erection of a Banner over the Public Highway'.


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| 1.17 CRACK AND GAPS | Version 6.0 – 5th September 2016 |
| Investigatory Criteria A crack or gap meeting the dimension criteria below | |
| Minimum dimension where applicable | |
| Carriageway | See defect 1.28 |
| Footway & Cycleway | Greater than 20mm wide and 20mm deep |
| <p style="text-align: center;">Sample Photograph</p> | |
| <p style="text-align: center;">Footway/Cycleway</p> | |
|  |  |
| Response <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close footway/cycleway to make safe. 3. Repair as appropriate. | |
| Notes | |
| <p>This defect does not apply to a kerb, for defects relating to kerbs see defect 1.30 Damaged Kerb.</p> <p>This defect is usually caused by the loss of mortar or the movement of flags, & pedestrians may catch their heel or toes in the void. This defect also applies to marked pedestrian crossing points within the carriageway e.g. pedestrian crossings & pedestrian phase signalled crossings.</p> | |


Agenda Item 7

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| 1.18 ABRUPT LEVEL DIFFERENCE/TRIP | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| <p>An abrupt level difference in the carriageway will be classed as a defect when it has a vertical displacement.</p> <p>A sharp edged defect on a footway/cycleway with a vertical deviation is a defect - This defect does not apply to a kerb, for defects relating to kerbs see defect 1.30 Damaged Kerb.</p> | | |
| Minimum dimension where applicable | | |
| Carriageway | Greater than 40mm over a width greater than 300mm. | |
| Footway & Cycleway | Greater than 20mm from the adjacent surrounding area. | |
| Sample Photograph | | |
| Carriageway | Footway/Cycleway | |
|  |  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close road/footway/cycleway to make safe. 3. Ramp level difference on carriageway to make safe. 4. Repair as appropriate on footway/cycleway | | |
| Notes | | |
| <p>Examples of this defect include: uneven or broken flags, blocks, paviments; channels or edgings; damaged steps.</p> <p>The footway minimum dimensions will be applied to marked pedestrian crossing points within the carriageway e.g. pedestrian crossings & pedestrian phase signalled crossings.</p> | | |

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| 1.19 ROCKING FLAG | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| A moving flag, paviour, block, kerb or channel where one edge rises or falls defect. | | |
| Minimum dimension where applicable | | |
| Carriageway | N/A | |
| Footway & Cycleway | Greater than 20mm | |
| Sample Photograph | | |
| Footway/Cycleway | | |
|  | | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close footway/cycleway to make safe. 3. Relay rocking flag. | | |
| Notes | | |
| Any defect of this nature less than 20mm is not a defect but should be repaired as soon as possible under a serviceability defect as deterioration of the situation maybe rapidly progressive. | | |

Agenda Item 7

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| 1.20 DAMAGED ROAD RESTRAINT SYSTEMS | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| A length of vehicular restraint system or safety fence, pedestrian guardrail or bridge parapet or retaining wall parapet with obvious impact damage; or missing, loose or obvious time expired components, is a defect. | | |
| Minimum dimension where applicable | | |
| Carriageway | N/A | |
| Footway & Cycleway | N/A | |
| Sample Photograph | | |
| Carriageway | Footway/Cycleway | |
|  |  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. Sign and guard area until permanent action undertaken. 3. Investigate permanent repair | | |
| Notes | | |
| <p>The maintenance category refers to the carriageway, footway and/or cycleway the road restraint system protects. Vehicle restraint systems at railway level crossings and railway bridges must be inspected regardless of ownership and any defects reported to Network Rail as appropriate.</p> <p>When damage has been noted to a bridge or retaining wall parapet the inspector should contact the Bridges and Structures section or HOCC (outside office hours) for action.</p> <p>When testing the stability of pedestrian guardrails and railings the inspector should apply gentle pressure.</p> | | |

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| 1.21 DEFECTIVE BOUNDARY FENCES & WALLS | Version 6.0 – 5th September 2016 |
| Investigatory Criteria A length of boundary fence or wall with impact or other damage that would render it dangerous, or ineffective for stock proofing; is a defect. A fence with an exposed length of tubular metal rail is a safety defect. | |
| Minimum dimension where applicable | |
| Carriageway | N/A |
| Footway & Cycleway | N/A |
| Sample Photograph | |
|  | |
| Response <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close road/footway/cycleway to make safe. 3. Arrange for livestock to be removed from highway immediately. 4. If private fence/wall inform owner. 5. If DCC fence/wall arrange repair. | |
| Notes <p>This defect also applies to a boundary hedge where the stock is straying on to the highway. The maintenance category refers to the carriageway, footway and/or cycleway the boundary fence protects.</p> <p>Ownership of the boundary wall should be determined and in the case of a private wall reported to the relevant District Council building control department. If a highway wall, report damage to Bridges and Structures section or HOCC (outside office hours) for action.</p> | |

Agenda Item 7

1.22 STREETLIGHTS, ILLUMINATED OR VARIABLE MESSAGE SIGNS & ILLUMINATED BOLLARDS

Version 6.0 – 5th September 2016

Investigatory Criteria

Any damage to a streetlight, externally and internally illuminated sign or bollard, or variable message sign, or any other item of illuminated street furniture; where the electricity supply is exposed, or the column or lamp is unstable is a defect. An externally or internally illuminated sign or bollard where the illumination does not work is a defect.

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph





Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road/footway/cycleway to make safe.
3. Inform street lighting section.
4. Repair undertaken in accordance with current street lighting maintenance contract.

Notes

Under no circumstances should the highway inspector attempt to affect a repair. Any damage to the road traffic sign that is part of an illuminated or non-illuminated bollard should be noted as a damaged road traffic sign.

| | | |
|--|--|--|
| 1.23 DEFECTIVE ROAD TRAFFIC SIGNS AND POSTS | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| Any regulatory/mandatory sign or hazard/warning sign that has been damaged, or is missing. Any regulatory sign or hazard/warning sign that is obscured; obviously faded; or covered in dirt or algae is a safety defect. Any type of sign that is damaged so as to be a danger to road users is a safety defect. Any damaged or obviously missing reflector on the end of a bridge parapet is a safety defect. Any verge marker post using No.561 reflectors that is damaged, missing or not upright is a safety defect. Any badly corroded or obviously damaged sign post or bollard. Any Wolf Eye (deer warning markers) that is damaged, rotten or not upright. | | |
| Minimum dimension where applicable | | |
| Carriageway | N/A | |
| Footway & Cycleway | N/A | |
| Sample Photograph | | |
| Roadside | | |
|  |  | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area to make safe. 3. Replace post is appropriate 4. Clean sign or arrange permanent repair | | |
| Notes | | |
| Care should be taken during grass cutting operations to upright any verge marker or wolf eye knocked over during the operation. Where numerous wolf eyes are missing a site specific audit should be undertaken to assess any future replacement. | | |

Agenda Item 7

1.24 DEFECTIVE TRAFFIC SIGNALS

Version 6.0 – 5th September 2016

Investigatory Criteria

Any defect on any type of traffic signal is a defect. Traffic signal heads which are out of alignment and therefore not visible to highway users are a defect. Electrical or control boxes that are open or tampered with are a defect.

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph




Response


1. Undertake risk assessment to determine response.
2. If required sign and guard area to make safe.
3. Arrange repair in accordance with traffic signal maintenance contract.

Notes

Traffic signal types include those at road junctions and pedestrian and cycle crossings. Defects include signals that are not illuminated and Some collision damage to signalised systems may require specialist equipment and expertise which may lead to a longer repair time'

| | | |
|---|-------------------|--|
| 1.25 DAMAGED STEPS | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | | |
| A sharp edged defect with a vertical deviation from the adjacent surrounding area is a defect. | | |
| Minimum dimension where applicable | | |
| Carriageway & Cycleway | N/A | |
| Footway | greater than 20mm | |
| Sample Photograph | | |
| Footway | | |
|  | | |
| Response | | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area to make safe. 3. Repair as appropriate | | |
| Notes | | |
| If damage to steps is excessive an emergency closure of the steps may be required. | | |

Agenda Item 7

| | |
|---|--|
| 1.26 DAMAGED HANDRAILS | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | |
| A loose or broken handrail is a defect. | |
| Minimum dimension where applicable | |
| Carriageway | N/A |
| Footway & Cycleway | N/A |
| Sample Photograph | |
| Footway/Cycleway | |
|  | |
| Response | |
| <ol style="list-style-type: none">1. Undertake risk assessment to determine response.2. If required sign and guard area to make safe.3. Repair as appropriate | |
| Notes | |
| If damage to handrails is excessive an emergency closure of the steps may be required. | |

1.27 DEFECTIVE ESCAPE LANES/ARRESTER BEDS

Version 6.0 – 5th September 2016

Investigatory Criteria

Any obstruction in the vicinity of the lane is a defect. Weeds are a defect as they will affect the arresting capability of the material. Any compacted, uneven or contaminated material is a defect. Any damage to the associated signs is a defect and must be dealt with as defective road traffic signs.

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph




Response


1. Undertake risk assessment to determine response.
2. Repair as appropriate

Notes


Inspectors should refer to the escape lane/arrester bed policy in the highway maintenance manual. During the winter service period consideration must be given to applying salt to the arrester bed material to prevent freezing.

Agenda Item 7

| | |
|--|--|
| 1.28 CRACKING/DEFECTIVE SURFACING JOINTS | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | |
| Cracking to the carriageway surface including surfacing joints are a defect. | |
| Minimum dimension where applicable | |
| Carriageway | When at least 20mm wide and 300mm in any horizontal direction and 40mm deep. |
| Footway & Cycleway | Refer to defect 1.17 Cracks and Gaps |
| Sample Photograph | |
| Carriageway | |
|  | |
| Response | |
| <ol style="list-style-type: none">1. Undertake risk assessment to determine response.2. If required sign and guard area to make safe consider road closure if necessary.3. Repair as appropriate | |
| Notes | |
| | |

| | | |
|---|---|--|
| 1.29 DEFECTIVE TRAFFIC CALMING FEATURES | | Version 6.0 – 5th September 2016 |
| Investigatory Criteria Missing or loose sections or missing or proud bolts within a modular traffic calming feature is a defect. This defect also includes constructed calming features. | | |
| Minimum dimension where applicable | | |
| Carriageway | N/A | |
| Footway & Cycleway | N/A | |
| Sample Photograph | | |
| Carriageway |  | |
| Response <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close road to make safe. 3. Repair as appropriate | | |
| Notes | | |
| Consideration may be given to constructing traffic calming feature using alternative materials. | | |

Agenda Item 7

| | | |
|---|--|--|
| 1.30 DAMAGED KERB | | Version 6.0 - 5th September 2016 |
| Investigatory Criteria | | |
| A crack, gap or trip is a safety defect when greater than 20mm at designated crossing points on all footways and cycleways. | | |
| A crack, gap or trip of greater than 30mm on maintenance category F1 is a safety defect at any location. | | |
| A kerb protruding into the Carriageway with a vertical displacement of 20mm and or a horizontal displacement of 50mm. | | |
| Minimum dimension where applicable | | |
| Carriageway | N/A | |
| Footway & Cycleway | As above | |
| Sample Photograph | | |
| Footway/Cycleway | | |
|  | | |
| Response | | |
| 1. | Undertake risk assessment to determine response. | |
| 2. | If required sign and guard area to make safe. | |
| 3. | Repair as appropriate | |
| Notes | | |
| Cracks, gaps and trips in kerbs are not defects requiring investigation unless at designated crossing points on all but maintenance category F1 footways. | | |
| Permanent repair may include dealing with the causation of the defect for example trees. | | |

| | |
|---|--|
| 1.31 DEPRESSIONS AND HUMPS | Version 6.0 – 5th September 2016 |
| Investigatory Criteria | |
| A rapid change of footway profile | |
| Minimum dimension where applicable | |
| Carriageway | N/A |
| Footway & Cycleway | Greater than 50mm and extending in a horizontal direction of less than 300mm |
| Sample Photograph | |
| Footway/Cycleway | |
| <p>The diagram illustrates two types of footway/cycleway defects: a depression and a hump. Depression: A cross-sectional view showing a downward curve. A vertical double-headed arrow indicates a minimum depth of 50mm from the original level to the lowest point. A horizontal double-headed arrow indicates a maximum width of 300mm. Hump: A cross-sectional view showing an upward curve. A vertical double-headed arrow indicates a minimum height of 50mm from the original level to the highest point. A horizontal double-headed arrow indicates a maximum width of 300mm.</p> | |
| Response | |
| <ol style="list-style-type: none"> 1. Undertake risk assessment to determine response. 2. If required sign and guard area or close footway/cycleway to make safe. 3. Repair as appropriate | |
| Notes | |
| | |

**Appendix B
To HCW/16/39**

Proposed Trial changes to Policy following the principles agreed by Cabinet on 14th October 2015

| | Reference | Change/Amendment | Policy | Notes | Risks | Benefits | Measure of success (compared to 2014/15) |
|---|--|---|--------|---|--|--|---|
| 1 | 2.17 Footway cracks and gaps 2.18 Footway trip on F1 | Amend policy to define that cracks, gaps and trips on kerb joints are not safety defects unless >30mm or at designated crossing points. | Yes | Current defect description applies a 20mm gap or trip to all areas of a footway including kerbs. Amendment to be applied to the kerb defect 2.30 for clarification. | Potential increase in third party negligence claims and associated administration. This risk is mitigated as the probability of an incident is lower as most users of the footway normally use the centre of a footway and do not walk along kerb edges. | 30% reduction in recorded footway defects supported by a reduction in the required resource to undertake repairs. | Immediate reduction in recorded defects relating to footway trips, cracks and gaps. Recorded defects will be compared to corresponding months from previous years and kerb defects will be recorded as kerbs rather than cracks, gaps or trips on footways. |
| 2 | 2.17 Footway cracks and gaps 2.18 Footway trip on F2, F3 & F4 | Amend policy to define that cracks, gaps and trips on kerb joints are not safety defects except at designated crossing points. | | Current defect description applies a 20mm gap or trip to all areas of a footway including kerbs. Amendment to be applied to the kerb defect 2.30 for clarification. | | | |
| 3 | 1.10 Defective roadmarkings or roadstuds | Amend defect description so that a road marking is a safety defect when missing or worn/obscured by more than 70% on point markings and 70% over an 18m length on longitudinal lines. | Yes | Current defect description does not clearly define what constitutes a safety defect road marking. | Low risk in an increase in third party negligence claims. Potential for an increase in customer contact which will need the management of customer expectations. This can be achieved through good communication and publicity. | Reduction in the unnecessary remarking of lines that do not constitute a danger or serious inconvenience using the safety defect budget. | Immediate reduction in recorded defects and reduction in lining costs. Recorded defects will be compared to corresponding months from previous years. |

| | Reference | Change/Amendment | Policy | Notes | Risks | Benefits | Measure of success (compared to 2014/15) |
|---|--|--|--------|--|---|--|---|
| 4 | 1.10 Defective roadmarkings or roadstuds | Amend permanent action response time to 28 days | Yes | Current response time for permanent action is to arrange the repair within 7 working days. Response time used by Dorset County Council in most circumstances. Allows for delays in repairs due to inclement weather. | Limited risk as current policy does not stipulate a response time for the line to be physically remarked. A fixed response time provides a good service level when using S58 as a defence against third party claims. | Better clarity on when the permanent repair must be completed by. | Monitor completion dates of recorded defects and ensure full compliance with the 28 day response time. |
| 5 | 4.23 Defective road traffic signs | Where wolf eyes are missing a site specific audit should be undertaken before replacement to assess the future requirement | Yes | Current policy includes missing wolf eyes but does not allow for consideration to be given if the wildlife affected has moved on to a new location or that natural screening has improved. | Limited risk as site audit will determine if required. There is no evidence of an increase in deer strikes within Devon where posts may be missing. | Ensure wolf eyes are only installed where a current need exists | Immediate reduction in recorded defects. Recorded defects will be compared to corresponding months from previous years. |
| 6 | Permanent action response times on footways F2, F3 & F4. | Revise response times on footway defects as follows. F2 – 7 days F3 & F4 – 28 days | Yes | Current response time for F2 is next day, F3 & F4 is 7 days. Response time used by Somerset. | Potential increase in third party negligence claims and associated administration. Defects may remain at the location for longer periods than currently experienced. Potential increase in customer contact whilst defects remain unrepaired. | Enables a permanent repair to be undertaken first visit. Reduction in repeat defects and customer contact. Potential to reduce required resource when overall reduction in defects starts. | Immediate reduction in recorded defects due to repeat visits. SWH will provide detailed a more breakdown on what repair has been undertaken and materials used. |

| | Reference | Change/Amendment | Policy | Notes | Risks | Benefits | Measure of success (compared to 2014/15) |
|---|---|--|--------|--|--|--|--|
| 7 | Section 5.6 of Safety Inspection Manual | Amend delivery of inspection of urban metalled PROW's to PROW team and amend frequency of inspection to 3 years from annual | Yes | Inspections would be undertaken by Wardens to the same footway defect interventions included in F4 as described in the SI Manual | Potential increase in third party claims and associated administration due to reduced inspection frequency and the possibility of defects remaining insitu for longer periods of time. This risk is lowered as DCC would still respond to customer reports of defects within the network. PROW wardens will require some training on safety inspections due to differences in inspection criteria. | Consistent delivery of safety inspections on the PROW network by PROW officers eliminating duplication of resource used. | Immediate reduction in recorded defects. No further increase in reported third party claims. |
| 8 | Permanent action response times to potholes on carriageways 8 to 10 | Amend response time for permanent action to 28 days | Yes | Current response time for c/w 8 to 10 is 7 days. Response time used by Somerset and Dorset County Council. | Potential increase in claims and associated administration. Defects may remain for longer periods than currently experienced. Potential increase in customer contact whilst defects remain unrepaired. | Potential to reduce required resource through more efficient working and scheduling. Reduction in dead mileage incurred by repair teams. | Reduction in reactive costs and the ability to use a capital budget for permanent repairs. Works undertaken from capital budgets could be planned resulting in cheaper repair costs. |
| 9 | Section 4.4 of Safety Inspection Manual | Remove reference to cycleways promoted by the County Council as cycle routes will be inspected to the appropriate maintenance category of a cycle route. | Yes | Removal necessary to avoid confusion as designated cycle routes are inspected in their own right. | Potential challenge over interpretation and possible third party liability claims. | Better ability to defend breach of Section 41 claims as cycleway defects only apply to clearly designated cycle paths on carriageways, | No immediate measure over time an ability to repudiate claims with a clear definition of what constitutes a cycle route included in the safety inspection |

| | Reference | Change/Amendment | Policy | Notes | Risks | Benefits | Measure of success (compared to 2014/15) |
|----|----------------------|---|--------|---|---|---|--|
| | | | | | | footways and trails. | manual. |
| 10 | 2.16 Obstructions | Remove reference to canopies on shop frontages. | Yes | Canopies under 2.1m from the ground are deemed a safety defect. The actual maintenance responsibility rests with the owner. | Low as liability rests with the premises owner. There are no records of public liability claims to support inclusion in the policy. Canopies may be deemed historic features. | Reduced administration and potential conflict with shop owners. | No further letters or notices to be issued, can be included in DCC's policy on A boards and goods. |

FARMS ESTATE COMMITTEE

28 April 2016

Present:-

County Councillors

Councillors C Chugg (Chairman), G Gribble (Vice-Chair), J Brook, A Dewhirst, R Julian and R Rowe

Co-opted Members:-

C Latham (Tenants Representative)

Apologies:-

Councillors J Berry

* **1** Minutes

RESOLVED that the minutes of the meetings held on 19 and 22 February be signed as correct records.

* **2** Pollinators and Neonicotinoids (Cabinet Minute *13, 13 April 2016)

(Councillor Hook attended in accordance with Standing Order 25(2) and spoke to this item in support of the action now proposed).

The Committee noted that the Cabinet had on 13 April 2016 asked this Committee for its view on prohibiting *'the use of neonicotinoids on land under the control or ownership of the County Council including existing and new tenants of the County Farms Estate'* as part of a wider Pollinators Action Plan, the production of which had been agreed, in principle, with a decision on the final content of the Plan to be determined by Cabinet in light of this Committee's views.

The Committee also considered the Joint Report of the Head of Planning Transportation and Environment and Head of Business Strategy and Support (PTE/16/22) setting out the relevant issues appertaining to the Farms Estate in more detail.

Whilst there might be practical implications of using alternative insecticides, including costs, the Tenants' Representative confirmed that to the best of his knowledge there was limited use, if any, of neonicotinoids within the Estate. Its use in the main was on oil seed rape and maize which was not, in the case of the former, grown by any of the current tenants. Maize was grown on the Estate particularly by dairy tenants. These insecticides were, apparently, only available under licence which he further understood was not easily obtained, presumably in light of current concerns nationally. Overall he felt that prohibiting the use of neonicotinoids would make little difference to the operation of the Estate but agreed it was important to undertake the pending consultation so that a better understanding of the facts could be ascertained before any decisions on the future use or otherwise of currently legally permitted neonics is made.

The Head of Business Strategy and Support reminded the Committee of the legal arrangement that existed between the County Council and existing tenants noting that the County Council could not unilaterally and retrospectively prevent existing tenants from using otherwise legally available insecticides including neonics.

Agenda Item 9

2

FARMS ESTATE COMMITTEE
28/04/16

It was **MOVED** by Councillor Dewhirst, **SECONDED** by Councillor Brook and

RESOLVED

(a) that a tenants' survey be undertaken, urgently, to better understand the use of neonicotinoids on the County Farms Estate and while the survey is being carried out the opportunity be taken to gain up-to-date information that may help inform a stage 1 feasibility study into the potential for anaerobic digestion energy production on the Estate;

(b) that the results of the survey be submitted to the next meeting of this Committee to be held now on Tuesday 28 June 2016 at 10.00am (instead of 26 July 2016) in order that the future use of legally permitted neonicotinoids on the Estate can be discussed and a response made to the Cabinet at its meeting on 13 July 2016;

(c) that potential positive opportunities be explored to address pollination issues on the County Farms Estate through the Pollinators Action Plan for presentation to Cabinet, in line with the objectives of the Farms Estate Strategic Review.

* 3 **Revenue Budget 2015/16 (Provisional Outturn) and 2016/17 Budget**

The Committee received the Report of the County Treasurer (CT/16/46) on the County Farms Estate Revenue Monitoring (Provisional Outturn) Statement 2015/16 and draft Revenue Budget 2016/17, noting that:

(a) the target surplus for 2015/16 was now set at £337,000, with provisional outturn figures showing a net surplus of £325,000; and

(b) the draft budget for 2016/17 included a revised target surplus of £362,000.

* 4 **Capital Monitoring 2015/16 (Provisional Outturn) and draft Capital Programme 2016/17**

The Committee received the Report of the County Treasurer (CT/16/47) on the County Farms Estate Capital Monitoring 2015/16 (Provisional Outturn) and draft Capital Programme 2016/17, noting that:

(a) the provisional outturn stood at £1,284,000, out of a capital programme for 2015/16 of £2,074,000;

(b) there was a net underspend of £19,000, **after** allowing for slippage to 2016/17 of £771,000;

(c) the approved Capital Programme for 2016/17 included schemes totalling £1,671,000.

* 5 **Management and Restructuring Issues**

The Committee considered the Report of the Head of Business Strategy and Support (BSS/16/06) on County Farms Estate management and restructuring issues.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Gribble and

RESOLVED

(a) Land at Combefishacre Farm, Ipplepen

that 11.18 hectares or thereabouts of land at Combefishacre Farm, Ipplepen be advertised to let in internal competition between the tenants of Bulleigh Elms Farm, Ipplepen; Lomans Farm, Broadhempston; Fairfield Farm, Denbury; Coppa Dolla Farm; Denbury and Buckridge

Farm, Denbury on a five year Farm Business Tenancy commencing 25 March 2017, subject to terms being agreed;

(b) Higher Leigh Farm, Churchstow

(i) that the house buildings and 86.14 acres or thereabouts of land comprising Higher Leigh Farm, Churchstow be advertised to let to new entrants in the open market on a seven year Farm Business Tenancy commencing 25 March 2017 and terminating 25 March 2024 and as a mixed livestock enterprise expressly precluding the milking of dairy cows, subject to terms being agreed; and

(ii) that the additional 23.13 acres of adjoining land known as Part Combe Royal be let to the new tenant of Higher Leigh Farm under a consecutive series of 12 month Farm Business Tenancy Agreements, subject to terms being agreed, until such times as any development potential can be realised;

(c) Lower Chitterley Farm, Bickleigh

(i) that the tenant's early surrender of his Farm Business Tenancy of Lower Chitterley Farm, Bickleigh, effective 25 March 2017, be accepted by the landlord;

(ii) that in the first instance the house buildings and 149.91 acres or thereabouts of land comprising Lower Chitterley Farm, Bickleigh be advertised to let internally to existing tenants as a potential progression opportunity on a Farm Business Tenancy for a term of up to fifteen years commencing 25 March 2017, subject to terms being agreed; and

(iii) that should no existing tenants apply for or be offered a tenancy of Lower Chitterley Farm, Bickleigh the house buildings and 149.91 acres or thereabouts of land be advertised to let to new entrants in the open market on a seven year Farm Business Tenancy commencing 25 March 2017 and terminating 25 March 2024, subject to terms being agreed;

(d) Lomans Farm, Broadhempston

that the offer from a neighbouring special purchaser be accepted and that 0.012 ha of Part OS 4115 be declared permanently surplus to the operational requirements of the Estate and sold.

* **6** **Actions taken under delegated powers**

The Committee noted the actions taken by the Chairman of the Cabinet and the Head of Business Strategy and Support, in accordance with Part 3 of the County Council's Constitution.

* **7** **Exclusion of the Press and Public**

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which was likely to reveal the identity of, tenants and information relating to the financial or business affairs of tenants and the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

* **8** **Holdings and Tenancies etc.**

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such

Agenda Item 9

4

FARMS ESTATE COMMITTEE
28/04/16

consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

The Committee considered the Report of the Head of Business Strategy and Support (BSS/16/07) on requests for landlord's consent to tenants' proposed improvements.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Gribble and

RESOLVED

(a) New Form Farm, Rockbeare

that landlord's consent be granted for a 60' x 30' and 12' to eaves painted steel portal framed general purpose shed with stoned apron for machinery and general storage at New Ford Farm, Rockbeare subject to the physical improvement being written down in value to £100 on a straight line basis over a life expectancy of 25 years;

(b) Topshayes Farm, Aylesbeare

that landlord's consent be granted for a 105' x 30' and 14' to eaves painted steel portal framed general purpose storage and calf rearing shed to replace two life expired tenants' timber frame and clad buildings at Topshayes Farm, Aylesbeare subject to the physical improvement being written down in value to £100 on a straight line basis over 10 years (this shortened write down period being a direct requirement of the head landlord).

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 3.15 pm

| SCHEDULE OF CABINET MEMBER DECISIONS TAKEN SINCE PREVIOUS MEETING | | |
|--|--|-----------------------|
| Cabinet Remit/Officer | Matter for Decision | Effective Date |
| Resources & Asset Management | Approval to change in name of the purchasing entity agreed in the original Cabinet approval for the sale of land at Monkerton, Exeter | 13 April 2016 |
| | Approval to variations in the 2016/17 Capital Programmes and contract matters | 29 April 2016 |
| Children, Schools & Skills | Approval to consultations on enlarging Ellen Tinkham School, from 131 to 155 places with effect from Autumn 2016 and to [publication of Notices if no materially significant objections are received | 25 April 2016 |
| Highway Management & Flood Prevention | Approval to consolidation of Civil Parking Enforcement Traffic Regulation Order | 12 April 2016 |
| | Approval to agreed route for the Ruby Way between Hatherleigh and Halwill Junction, | 26 April 2106 |

The Registers of Decisions will be available for inspection at meetings of the Cabinet or, at any other time, in the Democratic Services & Scrutiny Secretariat, during normal office hours. Contact details shown above.

In line with the Openness of Local Government Bodies Regulations 2014, details of Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>

