

# Impact Assessment



Assessment of: **Proposed Amendments to Highway Safety Policy Vers 6.0**

Service: **Highways, Infrastructure Development & Waste**

Head of Service: Meg Booth

Version / date of sign off by Head of Service: 26/11/20

Assessment carried out by (job title):

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## 1. Description of project / service / activity / policy under review

The current [Highway Safety Policy](#) was reissued as version 6.0 on 5th September 2016 following a major review and the adoption of a risk-based approach to managing highway safety defects. A further review has been undertaken benchmarking the current policy with that of neighbouring authorities in the South Western peninsular. As a result, several amendments to the policy are being proposed, which should see greater clarity and improved ease of defect identification and categorisation.

## 2. Reason for change / review

The current policy is considered to be robust and as such the County Council has a good record in defending itself against claims. It has been agreed, however, that the policy should be reviewed periodically and where applicable amended to ensure it continues to be fit for purpose. Also through the benchmarking process with other local authorities in the South West, parity between authorities has been considered further strengthening the policy and the authorities ability to defend claims.

## 3. Aims / objectives, limitations and options going forwards (summary)

- to remove the duplication of defect types
- to ensure the policy delivers a safe highway network whilst bringing parity with neighbouring authorities policies
- the need to improve efficiency in the delivery of highway works and, in the interest of efficiency, to improve network resilience

## 4. People affected and their diversity profile

Anyone who travels on the public highway in Devon, whether that is on foot, cycle, horse or using motorised transport. The public highway in Devon consists of 12,820km of road, 2895km of footway, 845km of cycle routes and 3500 bridges & 5400 km of Public Rights of Way (PROW).

## 5. Stakeholders, their interest and potential impacts

Stakeholder	Their Interest	Potential Impacts
Term Maintenance Contractor	Contractually responsible for identifying and repairing defects against the Highway Safety Policy.	No adverse impacts identified.

DCC Staff	How changes to the policy may result in other workstreams being affected.	Largely unaffected. Defect item 1.10 'Defective Road Markings' proposes a reduced intervention criterion, in line with neighbouring authorities. All road markings not covered under this policy would need to be repaired and prioritised under planned works.
County Solicitors Office Claims Manager	The highway safety inspection regime forms a key aspect of the Council's strategy for managing liabilities and risks. The authority will need to demonstrate that its actions or decisions were reasonable. For example, inspection and repair policies are following national guidelines are based on rational consideration of local circumstances and evidence.	No adverse impacts identified.  The authority's County Solicitor's Office, Insurance Manager and our insurers' solicitors have been consulted and support the proposed changes.

## 6. Research used to inform this assessment

Where necessary, research has been undertaken regarding revised defect intervention criteria. Highway Safety Inspection manuals and best practice from other local authorities have been reviewed and benchmarked for this purpose.

## 7. Description of consultation process and outcomes

A formal change request consultation process has been undertaken with all appropriate stakeholders along with continued dialogue and sharing of best practice with other Highway Authorities. Where changes to specific defect criteria have been proposed a benchmarking exercise has been undertaken against other South West Authorities or technical data/report referred to. All other proposed changes are administrative and therefore not benchmarked.

## 8. Equality analysis

### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief. This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).
- The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:
  - Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
  - Proportionate (negative impacts are proportionate to the aims of the policy decision)
  - Fair
  - Necessary
  - Reasonable, and
  - Those affected have been adequately consulted.



Characteristics	Potential or actual issues for this group.	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary.</li> <li>advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <u>DCC Equality Policy</u>?</p>
All residents (include generic equality provisions)	<ul style="list-style-type: none"> <li>communication of the Highway Safety Policy on the DCC website</li> <li>clarity around safety defect definitions</li> <li>ease of reporting defects</li> </ul>	<p>The proposed policy has been prepared as an accessible document for publication on the DCC public website.</p> <p>The proposed amendments to the policy seek to simplify and consolidate defect categorisation so that it can be interpreted and applied more easily by all.</p> <p>Aside from employed highway safety inspectors, who refer to this document on a day to day basis in their duties, it is also particularly important for members of the general public who may refer to the policy when reporting highway defects. By giving a clearer indication of what does and does not constitute a safety defect we are further empowering the public to make accurate and useful reports through promoting better understanding.</p>
Age	<ul style="list-style-type: none"> <li>old people and people with mobility impairments are more vulnerable to trips on the highway</li> </ul>	<p>Through providing better information we should see increased first-time resolution and longer-lasting repairs meaning that potential hazards should be fewer and further between in their frequency. This is particularly important to more vulnerable users of the highway, e.g. the elderly and disabled, to whom such defects e.g. footway trips, can be a real concern.</p>

Characteristics	Potential or actual issues for this group.	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary.</li> <li>advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <u>DCC Equality Policy</u>?</p>
Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people	<ul style="list-style-type: none"> <li>access to the Highway Safety Policy on the DCC website</li> <li>use of plain English and technical jargon can be misleading or confusing</li> </ul>	<p>The proposed policy has been prepared as an accessible document for publication on the DCC public website. The document will be reviewed regularly and updated when necessary to ensure compliance.</p> <p>Use of clear and concise language and terminology, reducing down unnecessary information and avoiding jargon and acronyms where possible should make the policy more accessible to those who may not have English as their first language or, as above, may have difficulties with reading or understanding information. All defect categories contain clear, corresponding images to support this, with further clarity on some of these proposed (e.g. 1.1 'Potholes').</p>
Culture and ethnicity: nationality/national origin, ethnic origin/race, skin colour, religion and belief	None identified	

Characteristics	Potential or actual issues for this group.	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary.</li> <li>• advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <u>DCC Equality Policy</u>?</p>
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)	None identified	
Sexual orientation and marriage/civil partnership	None identified	



Characteristics	Potential or actual issues for this group.	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary.</li> <li>• advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p><b>Are you complying with the <u>DCC Equality Policy</u>?</b></p>
<p>Other relevant socio-economic factors such as family size/single people/lone parents, income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban</p>	<p>Accessibility to the Highway Safety Policy on the DCC website</p>	<p>The proposed policy has been prepared as an accessible document for publication on the DCC public website. The document will be reviewed regularly and updated when necessary to ensure compliance.</p>

## 9. Human rights considerations:

It is not anticipated that the proposed amendments will have any impact on human rights.

## 10. Supporting independence, wellbeing and resilience. Give consideration to the groups listed above and how they may have different needs:

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?

We are further empowering people, be it individuals or on a community level, to work alongside the authority by helping us to help them through identification of potential highway defects. Collectively striving for a safe highway network for all.

In what way can you help people to be safe, protected from harm, and with good health and wellbeing?

By enhancing the safety inspection regime we should in turn be providing a safer highway network for all highway users. This should help promote outdoor exercise and activities that make use of our extensive and diverse highway network.

In what way can you help people to be connected, and involved in community activities?

A safer network should provide greater confidence for all of its users and allow for people to stay more easily connected.

## 11. Environmental analysis

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties. The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please mark X in the relevant box below and proceed to the 4c, otherwise complete the environmental analysis table):

Devon County Council's Environmental Review Process	
Planning Permission	
Environmental Impact Assessment	X
Strategic Environmental Assessment	

	<b>Describe any actual or potential negative consequences. (Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).</b>
Reduce, reuse, recycle and compost:	None identified	
Conserve and enhance wildlife:	<p>Missing Wolf Eyes removed from defect 1.15. While there is evidence to suggest that Wolf Eyes do prevent deer crossing roads <i>at night</i> (when traffic counts are lower) a forestry commission study has revealed that this results in "a worrying increase in early morning accidents" between 7am and 9am.</p> <p>New Scientist. (n.d.). <i>Eyes in the night keep deer off the road</i>. [online] Available at: <a href="https://www.newscientist.com/article/mg14419571-700-eyes-in-the-night-keep-deer-off-the-road/">https://www.newscientist.com/article/mg14419571-700-eyes-in-the-night-keep-deer-off-the-road/</a> [Accessed 27 Oct. 2020].</p>	As Wolf Eyes merely alter the time that deer potentially cross the road (rather than preventing it) amending the policy to remove them as a defect should not negatively impact the number of deer hit by vehicles.
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	None identified	
Conserve and enhance Devon's cultural and historic heritage:	None identified	
Minimise greenhouse gas emissions:	By clarifying the defect classification, the accuracy of inspector reports will increase and, in turn, reduce the number of visits by operatives to effect repair defects on the network.	Reduced visits will reduce the number of miles travelled per defect and reduce overall greenhouse gas emissions.

Minimise pollution (including air, land, water, light and noise):	Noise coming from rocking covers has been added to the Highway Safety Policy under section 1.8 when previously a 40mm displacement was required to be deemed a defect.	Change to the Safety Policy means that noise pollution caused by covers will now be repaired when previously they would not have been recorded or actioned under scheduled inspections.
Contribute to reducing water consumption:	None identified	
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	None identified	
Other (please state below):	Defect 1.6 Spillages – removal of petrol from defect description.  Unlike diesel, petrol evaporates. Small spills that are attended by our contractor are not still present by the time they arrive on site.  Large spills are attended by the Fire service. Our contractor will assist in these cases to protect watercourses.	Reduced visits will reduce the number of miles travelled per defect and reduce overall greenhouse gas emissions.  This balances the negative impact of allowing small petrol spills to evaporate in situ.  By not attending spillages that need little or no intervention means that there is extra capacity for the contractor to deal with higher risk (both to life and the environment) defects.
	Defect 1.4 Overriding – Better clarity on the identification of the defect and subsequently the material that can be used as verge fill material.	Ensuring a “like for like” repair means damaged verges will be replaced with a suitable verge fill material and that no additional bituminous material is used. Additionally, this will ensure that verges, as a habitat, are not lost.

	Defect 1.7 Defective Road Markings – reduction in the lining types that are deemed a defect means a reduction in reactive works and an increase in programmed works.	Works carried out under programme are more efficient in terms of travel and potential waste from unused material. By coming in line with neighbouring authorities and carrying out the majority of remarking the efficiencies of planned works, over-reactive, can be realised.
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## 12. Economic analysis

	<b>Describe any actual or potential negative consequences. (Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).</b>
Impact on knowledge and skills:	None identified	Dedicated inspectors and those involved in the highway safety inspection process will be able to refer to a clearer, more comprehensive set of inspection criteria.  Increased public awareness and a better understanding of what is considered highway safety issues.
Impact on employment levels:	None identified	Not applicable.
Impact on local business:	None identified	Local business and the travelling public, in general, should benefit from more efficient end to end handling of defect repairs through a reduction in repeat visits and therefore reduced highway disruption.

### 13. Describe and linkages or conflicts between social, environmental and economic impacts (Combined Impacts):

It is not anticipated that there should be any notable conflicts as a result of implementing the proposed changes. The overarching aims of the amendments and the policy as a whole seeks to ensure a safe and serviceable highway network for residents and visitors to Devon for all usage purposes.

### 14. How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?

See 13. The changes relate to policy already in place and will further inform the existing term maintenance contract.

### 15. How will impacts and actions be monitored?

Budget and performance monitoring will continue to be undertaken through KPI's and routine auditing of works, monitoring volumes and types of highway claims and delivery of inspections. These results are regularly presented to the senior management team.