

**TITLE OF REPORT:**       **Design of section 278 highway works**

**REPORT OF:**               **Paul Dowling, Strategic Director, Communities and Environment**

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### **Purpose of the Report**

1. To seek approval to enable the Council to carry out the design of section 278 highway works in-house ('s278 works').

### **Background**

2. New development often requires alterations to the existing adopted highway network, for example in the need for new or altered road junctions. Such works to the existing adopted highway network are known as 's278 works'..
3. Although led by developers, s278 works ultimately become a part of the Council's highway asset. As a result, although the developer has the immediate interest in ensuring works are completed, the long term liability for ongoing maintenance reverts to the Council.
4. Previously developers have been responsible for the design and construction of s278 works. The Council has undertaken this role on occasion, but only when requested specifically. Usually the Council's role to date has been in checking designs and inspecting works.
5. These arrangements can be problematic. Agreeing the design of schemes and ensuring they are consistent with the relevant planning approvals can be a costly and time consuming process.

### **Proposal**

6. This report proposes that the Council will in future require s278 works to be designed in-house. While initially this would cover only the design of the works, the intention eventually would be to consider extending this to include their construction as well.
7. It is not anticipated that all s278 works would be designed in this way. Before taking on any such work it will be important to ensure internal resources are available to allow this, so that development is not delayed unnecessarily. This will be determined on a case by case basis.
8. The new approach should allow a more effective use of available resources. It will also help to ensure that design standards are maintained and that new or

modified road layouts do not impose unnecessary future maintenance liabilities. It should reduce officer time currently spent on negotiating a suitable design, and could reduce developer costs by simplifying the design process.

### **Recommendations**

9. It is recommended that Cabinet approve the option of requiring the design of s278 work to be carried out in house.

For the following reason:

To ensure the effective design of s278 highway works.

## Policy Context

1. The proposals are in line with the Council Plan. They also support the aims and objectives of the Tyne and Wear Local Transport Plan 3 and the Gateshead Highway Asset Management Plan.

## Background

2. New development often requires alterations to the existing highway network, for example in the need for new or altered road junctions. Such works are known as 'S278 works' after the relevant provision in the Highways Act 1980.
3. Although led by developers, s278 works ultimately become a part of the Council's highway asset. As a result, although the developer has the immediate interest in ensuring works are completed; the long term liability for ongoing maintenance reverts to the Council.
4. Previously developers have been responsible for the design and delivery of s278 works. The Council has undertaken this role on occasion, but only when requested specifically.
5. These arrangements can be problematic. Agreeing the design of schemes and ensuring they are consistent with the relevant planning approvals can be an extensive process. Developers have provided feedback that the time taken to negotiate highway agreements such as s278 is one of the most difficult parts of the development process.
6. The potential advantages of requiring the design of s278 works associated with planning applications to be undertaken in house are:
  - For the Highway Authority, that it ensures standard and consistency of design and removes the need for separate checking of submitted designs;
  - It will ensure consistency in the public consultation process between s278 works and other highway schemes;
  - It will allow for more effective internal co-ordination with other internal processes including planning and Traffic Regulation Orders;
  - For the developer, it reduces the risk of delays due to negotiations over designs, removes the need to pay a separate design checking fee, and removes the risk of additional consultancy costs due to amendment or re-design of schemes.
7. Potential drawbacks are:
  - Ensuring the Highway Authority has the necessary capacity to provide the service within the timescales required by developers;
  - The need to ensure clarity between the Council's role in designing works and related planning or other procedural matters;
  - The lack of potential competition in suppliers for developers.

8. While the disadvantages are recognised it is considered that, overall, the advantages to the proposed new arrangement outweigh these.

### **Consultation**

9. The Cabinet member for Environment and Transport has been consulted on the proposals, and is satisfied with them.

### **Alternative Options**

10. The alternative option would be to allow the current process of checking the developer's design of the s278 works to continue. This has already been identified as problematic, and it is considered the proposed approach set out in the report will lead to the more effective design and delivery of such schemes and is the most cost-effective solution.

### **Implications of Recommended Options**

11. **Resources:**
  - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that any additional financial cost to the Council will be recouped from developers.
  - b) **Human Resources Implications** – none.
  - c) **Property Implications** – No property implications have been identified.
12. **Risk Management Implications** – the risk of inconsistency between s278 and planning requirements will be reduced.
13. **Equality and Diversity Implications** – none.
14. **Crime and Disorder Implications** – none.
15. **Health Implications** – none.
16. **Sustainability Implications** – none.
17. **Human Rights Implications** – none.
18. **Area/Ward Implications** – All wards will be affected.

### **Background Information**

19. None.