



# **HS2 Phase One Planning Forum – Highways Subgroup**

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Meeting #5

March 2015



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# Information Papers – update

Richard Adam

# Information Papers – update

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Extended:

- Information Paper E14 *'Highways and Traffic during Construction – Legislative Provisions'*

New:

- Information Paper E28 *'Future Highway Maintenance Responsibilities'*

# Information Paper E14 *'Highways and Traffic during Construction – Legislative Provisions'*

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Information Paper E14 has been extended to provide further clarity on the following topics:

- Ownership of highways to be stopped-up permanently
- Meaning of the term 'temporary stopping up'
- Future highway maintenance responsibilities – reference to new Information Paper E28
- Powers to take action against any person depositing mud on a road without lawful authority or excuse (Highways Act 1980, Section 161)
- Application of New Roads and Street Works Act 1991, Sections 54, 55, 64 and 75
- Meaning of the term 'lorry ban orders'
- Recovery of expenses due to extraordinary traffic (Highways Act 1980, Section 59)

Publication on GOV.UK is pending

# Information Paper E28 '*Future Highway Maintenance Responsibilities*' (1)

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New draft Information Paper **E28 '*Future Highway Maintenance Responsibilities*'** has been approved for discussion with the Highways Sub-group

Key points :

- Describes maintenance responsibility for new highway assets created, or existing highway assets altered, by the HS2 Phase One works
- Covers both roads and public rights of way
- Expands on summary of legislative provisions regarding maintenance of permanent highway works authorised by hybrid Bill, as outlined in Information Paper E14
- Primarily intended as an aid to discussions between nominated undertaker and each highway authority

# Information Paper E28 '*Future Highway Maintenance Responsibilities*' (2)

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Provides more detail than given in Information paper E14 on the following topics:

- General hybrid Bill requirement – Schedule 4 Part 3 paragraph 14(2)
- List of assets for which highway authority will be responsible for
- Issues specific to overbridges
- Issues specific to viaducts & underbridges
- Issues specific to tunnels
- Winter maintenance
- Maintenance agreements
- Road restraint systems
- Highway maintenance costs
- Possible retention of temporary traffic management measures

# Information Paper E28 '*Future Highway Maintenance Responsibilities*' (3)

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Next steps:

- Hard copies of Information Paper E28 will be available to take away
- A .pdf version will be e-mailed to all Highway Sub-group members
- Suggested that:
  - A collator be nominated by Highway Sub-group members
  - Members provide comments for collation by an agreed date
  - Comments to be collated and distributed prior to next pre-meeting
  - Members agree a combined response at next pre-meeting
- HS2 and DfT can then consider the combined response
- Progress will be reported back to Select Committee
- Finalised information paper to be published on GOV.UK



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# Permanent highway works

Richard Adam



# Permanent highway works

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## Hybrid Bill provisions:

- Schedule 4 – Highways
  - Part 3 – Construction and maintenance of highways
    - ▶ Paragraphs 10 and 11
- Schedule 31 – Protective provisions
  - Part 1 — Highways and traffic
    - ▶ Paragraphs 1 to 7
- Certain aspects also covered by Schedule 16 — Conditions of deemed planning permission

# Schedule 4 – Highways (1)

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## Part 3 – Construction and maintenance of highways - paragraph 10

*(1) Where under this Act the nominated undertaker—*

*(a) constructs a new highway, or*

*(b) alters a highway, otherwise than by carrying out street works within the meaning of Part 3 of the New Roads and Street Works Act 1991, the construction or alteration must be completed to the reasonable satisfaction of the highway authority.*

*(2) Where work mentioned in sub-paragraph (1) has been completed to the reasonable satisfaction of a highway authority, it must certify that fact in writing to the nominated undertaker.*

*(3) If the nominated undertaker requests a highway authority to issue a certificate under sub-paragraph (2) and the highway authority does not before the end of the period of 28 days beginning with the date on which the request was made—*

*(a) issue a certificate under that sub-paragraph, or*

*(b) notify the nominated undertaker of its decision to refuse to issue such a certificate, it is to be treated as having issued such a certificate at the end of that period.*

*(4) Any dispute with a highway authority under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.*

# Schedule 4 – Highways (2)

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## Part 3 – Construction and maintenance of highways - paragraph 11

*(1) Sub-paragraph (2) applies where under this Act the nominated undertaker—*

- (a) constructs a new highway which is constituted by or comprises a carriageway, or*
- (b) realigns a highway which is constituted by or comprises a carriageway.*

*(2) The construction or realignment must be carried out in accordance with plans, sections and specifications approved by the highway authority at the request of the nominated undertaker; and such approval is not to be unreasonably withheld.*

*(3) Any dispute with a highway authority under sub-paragraph (2) must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.*

*(4) If, on application by the nominated undertaker for the approval of plans, sections or specifications under sub-paragraph (2), the highway authority fails to notify the nominated undertaker of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having approved the plans, sections or specifications as submitted.*

# Schedule 31 – Protective provisions (1)

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## Part 1 — Highways and traffic - paragraph 1

*(1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker and the highway authority concerned.*

*(2) In this Part—*

*"plans" includes sections and specifications;*

*"property of the highway authority" means any apparatus of the highway authority affixed to or placed under any highway.*

*(3) Part 3 of the New Roads and Street Works Act 1991 does not apply in relation to any matter which is regulated by this Part.*

# Schedule 31 – Protective provisions (2)

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## Part 1 — Highways and traffic - paragraph 2

*Wherever in this Part provision is made with respect to the approval or consent of the highway authority, that approval or consent must be in writing and subject to such reasonable terms and conditions as the highway authority may require, but must not be unreasonably withheld.*

## Part 1 — Highways and traffic - paragraph 3

*In exercising the powers conferred by this Act in relation to any highway the nominated undertaker must—*

- (a) have regard to the potential disruption of traffic which may be caused, and*
- (b) seek to minimise such disruption so far as is reasonably practicable.*

# Schedule 31 – Protective provisions (3)

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## Part 1 — Highways and traffic - paragraph 4

- (1) This paragraph applies to the construction of any tunnel, subway or other structure authorised by this Act under and within 8 metres of the surface of any highway which comprises a carriageway.*
- (2) The nominated undertaker must not, without the consent of the highway authority, carry out works to which this paragraph applies except in accordance with plans submitted to, and approved by, the highway authority.*
- (3) If, within 28 days after such plans have been submitted, the highway authority has not approved or disapproved them, it is deemed to have approved the plans as submitted.*
- (4) This paragraph does not apply to street works within the meaning of Part 3 of the New Roads and Street Works Act 1991..*

## Part 1 — Highways and traffic - paragraph 5

- In the construction of any part of the works to which paragraph 4 applies under a highway no part of it may, except with the consent of the highway authority, be so constructed as to—*
- (a) interfere with the provision of proper means of drainage of the surface of the highway, or*
- (b) be nearer than two metres to the surface of the highway.*

# Schedule 31 – Protective provisions (4)

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## Part 1 — Highways and traffic - paragraph 6

*(1) The provisions of this paragraph have effect in relation to, and in relation to the construction of, any new bridge, or any extension or alteration of an existing bridge, which carries—*

- (a) any part of the works authorised by this Act over a highway, or*
- (b) a highway over any part of those works.*

*Any such new bridge, or (as the case may be) any bridge so extended or altered, is referred to in this paragraph as “the bridge”.*

*(2) Before commencing the construction of, or the carrying out of any work in connection with, the bridge which involves interference with a highway, the nominated undertaker must submit to the highway authority for its approval plans, drawings and particulars (in this paragraph referred to as “plans”) relating to the work, and the bridge must not be constructed and the works must not be carried out except in accordance with the plans submitted to, and approved by, the highway authority.*

*(3) If, within 28 days after the plans have been submitted, the highway authority has not approved or disapproved them, it is to be deemed to have approved the plans as submitted.*

*(4) If the bridge carries any part of the works authorised by this Act over any highway—*

- (a) it must be constructed in such manner as to prevent so far as may be reasonably practicable the dripping of water from the bridge, and*
- (b) the highway authority may, at the cost of the nominated undertaker, provide and place such lamps and apparatus as may from time to time be reasonably necessary for efficiently lighting any highway under or in the vicinity of the bridge.*

# Schedule 31 – Protective provisions (5)

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## Part 1 — Highways and traffic - paragraph 7

*The nominated undertaker must—*

*(a) secure that so much of the works authorised by this Act as is constructed under any highway must be so designed, constructed and maintained as to carry the appropriate loading recommended for highway bridges by the Secretary of State at the time of construction of the works, and*

*(b) indemnify the highway authority against, and make good to the highway authority, the expenses which the highway authority may reasonably incur in the maintenance or repair of any highway, or any tunnels, sewers, drains or apparatus in the highway, by reason of non-compliance with the provisions of this paragraph.*



## Future agenda items

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- Content of 'plans, sections and specifications' submissions under Schedule 4, including
  - Technical approval of highway structures
  - Road Safety Audits (stages 2 and 3)
  - Departures from standards

*Common approach required, as envisaged in the Terms of Reference for the Highways Sub-group*



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# Feedback on the HS2 Rural Road Design Criteria

James Fearnley

# Summary of comments

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- 93 individual comments
- Summary of type of comments given in following slides
- Many comments related to issues relevant to all roads, not just rural roads
- Some comments relate to topics proposed to be covered in future agenda items, including:
  - Departures
  - Non-motorised user audits and road safety audits

# Rural Road Design Criteria - general

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- Aimed at all rural roads that aren't trunk roads or motorways
- Intends to provide a safe, consistent and proportionate approach to help ensure that the character and distinctiveness of such routes is retained as far as is reasonably practical.
- Caters for:
  - high-speed roads (through the adoption of DMRB design standards); and
  - Lower-speed roads (through appropriate design values based on Manual for Streets / Manual for Streets 2)

# Examples of rural roads

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Source: [geograph.co.uk](http://geograph.co.uk) and [wikipedia.org](http://wikipedia.org) (acknowledge David Antiss, Phil Williams, Shaun Ferguson and Stephen McKay)

# Status of Rural Road Design Criteria

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- Design basis for rural roads
- Hybrid Bill gives the deemed permission to construct the highway which has similarities to outline planning permission
- Schedule 4 requires highway authority approval for new highways and realignments comprising the carriageway.
- Schedule 16 approvals (planning conditions) may also be required for HS2 works, for example, such as earthworks/permanent lighting/sight noise or dust screens which are integral to the design of the highway works. But this would not capture the technical approval of the 'highway' itself.

# Local design considerations

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- Rural Road Design Criteria gives requirements and guidance applicable for all rural roads designed to that design basis.
- Local factors can be taken into account as part of Schedule 4 (paragraph 10/11) plans and specification submission.

# Pavement design life

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- Design life for permanent pavements – 20 years
  - Consistent with HD26/06 for less heavily-traffic roads
- Design life for temporary works
  - Consider amending based on comments received



# Fencing

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- Fencing adjacent to highway typically accommodation fencing (landowner's)
- HS2 security fencing provided for security of railway

# Width

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- Single-track roads
  - Considering greater guidance about applicability of when single-track versus two-lane roads
- Two-lane roads – should generally match existing, subject to minimum width of 5.5m to allow for two cars to pass in safety at low speed
- Hardstrips – considering amending to allow hardstrips where required for continuity

# Structures

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- Overbridges and underbridges with single-track roads
  - 5.5m wide carriageway (between kerbs), with road markings to give a centred 3.5m running lane, to discourage unsafe overtaking.
- Verges – considering amending to give additional clarity about verges continuing through structures
- Clearance to abnormal height routes

# Alignment

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- Source of values
  - DMRB – higher-speed roads
  - Manual for Streets / Manual for Streets 2 – lower-speed roads
- Comments about consistency of different elements of alignment (horizontal alignment, vertical alignment, superelevation, etc.) at design speeds of 50km/hr and 60km/hr
- Additional guidance proposed for:
  - Determining design speed in the absence of 85<sup>th</sup> percentile data
  - Calculating the length of transitions for low-speed roads

# Junctions

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- Ghost-islands not available as an option for low-speed roads
  - Considering amending to allow this option where appropriate

# Kerbs and drainage

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- Provision of kerbing on rural roads
  - Planning authorities are expected to show an interest in avoiding kerbing on rural roads
- Avoid specification of proprietary systems for gullies in running carriageway

# Road restraint system and road lighting

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- Assessment for need of road restraint system
  - RRRAP versus risk assessment process
- New road lighting systems
  - Consider environment and safety
  - Only where economically justified



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# Planning Forum Forward Plan



# Document Route Map - March 2015

Title	Engagement	1 <sup>st</sup> Draft	2 <sup>nd</sup> Draft	3 <sup>rd</sup> Draft	4 <sup>th</sup> Draft	Final
<b>Environmental Minimum Requirements</b>						
<b>General principles</b>	NEF, Planning Forum	Autumn 2013	Nov 2013	May 2015	End of HoC	Royal Assent
<b>Environmental Memorandum</b>	NEF, Planning Forum	Autumn 2013	Nov 2013	May 2015	End of HoC	Royal Assent
<b>Planning Memorandum</b>	Planning Forum	Sept 2013	Nov 2013	April 2015	End of HoC	End of HoL Select Committee
<b>Heritage Memorandum</b>	EH and Planning Forum	Autumn 2013	Nov 2013	April 2015	End of HoC	Royal Assent
<b>CoCP</b>	NEF, Planning Forum	Autumn 2012/ May 2013	Bill deposit	July 2015	End of HoC	Royal Assent
<b>U&amp;As register</b>	TBC	During parliamentary process				Royal Assent
<b>Other</b>						
<b>Planning Regime (Principles)</b>	Planning Forum	April 2013	Sch 16 of the Bill subject to petitions and Select Committee. Discussion on common issues – Planning Forum			Royal Assent
<b>Statutory Guidance</b>	Planning Forum	April 2013	July 2015		End of HoC	Post Royal Assent
<b>Construction arrangements class approval</b>	Planning Forum	July 2014	July 2015		End of HoC	Post Royal Assent
<b>Pre-submission funding</b>	Planning Forum	Agreement in principle -April 2014	Discussion on funding and mechanisms - Planning Forum			End of HoL Select Committee
<b>Fee Regulation</b>	TBC	TBC				Post Royal Assent*

\*This does not preclude earlier discussion on additional funding, eg during the Bill process



Action with LPAs



Action with HS2/DfT

# Forward Programme – March 2015

2015	Phase One Planning Forum	Sub-group: Environmental Health	Sub group: Highways	Sub group: Heritage
February			25 <sup>th</sup> Draft CoCP – Section 14 Permanent Highways Maintenance Forward Programme	
March	4 <sup>th</sup> /5 <sup>th</sup> HS2/DfT feedback on draft Statutory Guidance LPA feedback on HS2/DfT response on Planning Memorandum	26 <sup>th</sup> LEMP and CoCP Update Ground Investigation Update	25 <sup>th</sup> Permanent Works Permanent Highways Maintenance	
April	22 <sup>nd</sup> /23 <sup>rd</sup> HS2/DfT feedback on CoCP and class approval Planning Memorandum – 3 <sup>rd</sup> Draft			20 <sup>th</sup> Heritage Memorandum (3 <sup>rd</sup> Draft) Feedback on Generic Written Scheme of Investigation
May			6 <sup>th</sup> Local Traffic Management Plans Procedures for temporary works consultation, consent and notifications Protective Provisions Highway Conditions Surveys	
June	3 <sup>rd</sup> /4 <sup>th</sup> HS2/DfT feedback on CoCP and class approval General Principles – 3 <sup>rd</sup> Draft Environmental Memorandum – 3 <sup>rd</sup> Draft		17 <sup>th</sup> Technical Standards Feedback Permanent Works Signal Works Agreements Information Paper E28	
July	15 <sup>th</sup> /16 <sup>th</sup> Code of Construction Practice – 3 <sup>rd</sup> Draft Class approval – 3 <sup>rd</sup> Draft	2 <sup>nd</sup> Update on LEMP development HS2/DfT feedback on CoCP	22 <sup>nd</sup> Route Wide Transport Management Plan HS2/DfT feedback on CoCP	TBC HS2/DfT feedback on CoCP
September	TBC		9 <sup>th</sup> Green Bridges Route Wide Traffic Management Plan Early works (pre-Royal Assent) Works outside Act limits	