

HMMP Review October 2010

New Policy Documents and Policy Documents Subject to Major Change

Highway Maintenance Management Plan

Foreword

Hampshire has been at the forefront in developing a systematic and consistent approach to the management and maintenance of the highway network and has been involved in the development of various national codes of practice including the currently recognised suite of documents including "Well Maintained Highways a Code of practice", "Well-Lit Highways" and "Maintenance of Highway Structures"

In line with national recommendations Hampshire County Council introduced its initial Highway Maintenance Management Plan (HMMP) in 1986. Since that time, advances in technology, maintenance techniques, legislation and environmental awareness have led to the need to update the format and amend the document to reflect current practices as outlined in the national standard, Highway Maintenance 'A Code of Good Practice' published in July 2001 and more recently Well Maintained Highways published in July 2005. The existence of, and adherence to, a developed HMMP better equips the Authority for the future challenges in managing, maintaining and protecting the valuable highway asset for the benefit of the travelling public.

Councillor Mel Kendal

Executive Member for Environment 2010

Introduction

The Highway Maintenance Management Plan (HMMP) outlines Hampshire County Council's approach to Highway Maintenance within a legislative, corporate and financial framework.

The HMMP defines the Highway Maintenance Strategy of the County Council which is based on the recommendations made in the latest relevant national codes of practices: Well Maintained Highways (July 2005), Well-Lit Highways (Nov 2004) and The Management of Highway Structures (Sept 2005)

The document sets out the Policies, Standards and Network hierarchy of the County Council and their implementation by designated procedures, which are also contained within the HMMP.

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Background

Following the publication of the Marshall report in 1970, the County Council introduced a systematic approach in managing highway maintenance condition assessment and developed and implemented the County Council Highway Assessment of Maintenance Priorities system (HAMP).

The Local Authorities Association publication 'Highway Maintenance, A Code of Good Practice' first published in 1983 advocated a systematic approach to highway maintenance and this led to the further development of specific maintenance intervention criteria and standards.

In response to this, the County Council introduced formalised policies and procedures contained within the first version of its Highway Maintenance Management Plan (HMMP) which was endorsed by the Planning and Transportation Committee in 1986. The HMMP has been updated periodically to reflect changes in legislation and/or standards and still remains the relevant source document for practitioners working in the organisation. Other developments within the Authority and the Environment Department however have led to the need to revise and reshape the format of the document so that it continues to fit well within the other Corporate plans and procedures of the both the Authority and the Department. It is intended that the HMMP shall remain the primary source document on the policies, standards and procedures for highway maintenance activities.

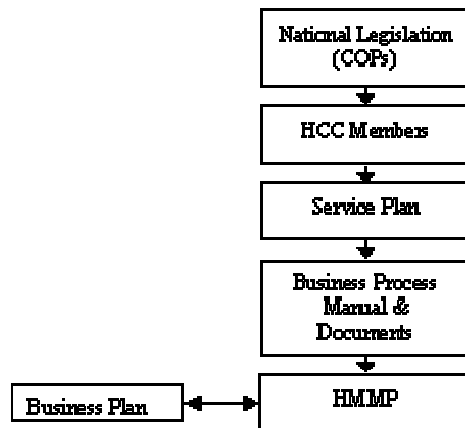
It is recognised that the HMMP will require updates annually or as required to ensure it continues to align with the necessary legislation and standards, with a further fuller review on a three year cycle to enable updates to be issued in a controlled way.

The Highway Maintenance Management Plan (HMMP)

The HMMP contains the key elements of the Highway Maintenance Strategy.

The HMMP is intended to be a document for members as well as a working document for maintenance staff.

The HMMP is integrated and linked to the Service Plan, Business Plan and Quality procedures of the County Council.



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Highway Maintenance Objectives

The objective is to meet the County Council's statutory duty as the Highway Authority in managing the Highway network.

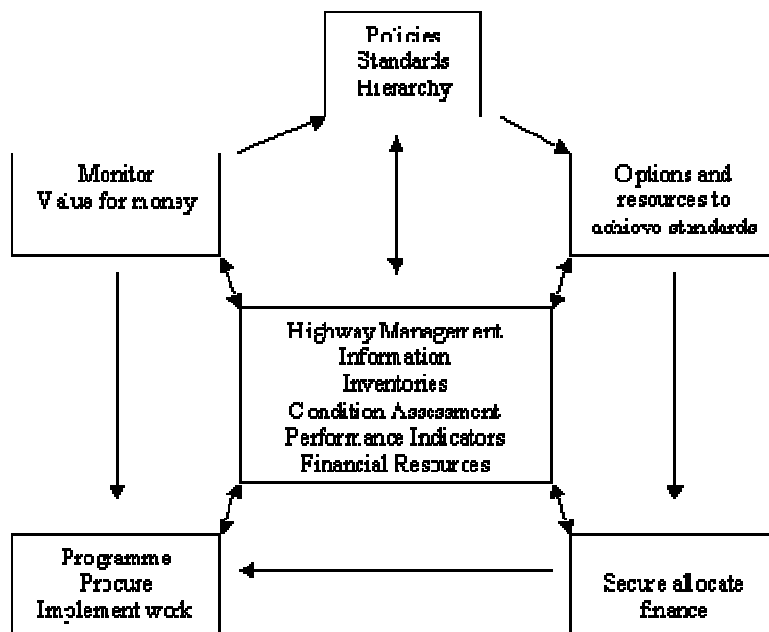
In addition to a general duty of care the County Council, as the Highway Authority, has a mandatory duty to maintain the highway network ensuring that the highways are safe and that the public can use them without obstruction. The County Council has a duty under the Highways Act 1980 to protect the rights of the public to use and enjoy the highway as well as duties under legislation such as the New Roads & Street Works Act 1991 and the Traffic Management Act 2004.

Highway Maintenance Strategy

The Highway Maintenance Strategy introduced to achieve the County Council's objective is summarised as follows:

- To provide a clear statement of Highway Maintenance policies and procedures.
- To provide a defined network that is categorised to meet the reasonable demands of all highway users.
- To maintain a systematic approach to decision making within a consistent framework of policies, standards and procedures.
- To provide a uniform and common basis for assessing the maintenance need and resource requirements.
- To assist in the effective allocation of resources.
- To regularly review policies, procedures and monitor the effectiveness of maintenance programmes.
- Embrace the Best Value and asset management philosophy for Highway Maintenance.

Highway Maintenance Strategy Flow Chart



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Policy Documents Subject to Major Change

(Paragraph 2.6)

Link to Street Lighting Policy Document (4th Edition) 2nd Draft PDF

Changes to the Street Lighting Policy have already been approved and can be found here:

<http://www3.hants.gov.uk/street-lighting-policy-100930.pdf> (Hold Ctrl and click link to open)

Maintenance of Existing Highway Drainage Systems

1. Introduction

1.1 Drainage systems for the sole purpose of accepting surface water run-off from the highway are the responsibility of the Highway Authority unless they have been specifically adopted by the Drainage Authority.

1.2 Highway drainage systems are installed to capture surface water run-off to alleviate flooding and protect the fabric of the road.

1.3 Many open ditch drainage systems are historic and are normally the responsibility of the adjoining landowner for maintenance. The Highway Authority has powers to cleanse and restore the profile of these ditches as appropriate.

2. Relevant Legislation

2.1 Section 41 of the Highways Act 1980 imposes a duty upon the Highway Authority (Hampshire County Council) to maintain those roads which are maintainable at public expense.

2.2 Section 100 of the Highways Act 1980 empowers the Highway Authority (Hampshire County Council) to construct, maintain or cleanse drainage systems in the highway or on adjoining/nearby land, for the purpose of drainage or prevention of surface water on the highway.

2.3 The Floods and Water Management Act 2010 imposes a duty on the County Council, as Lead Local Flood Authority, to manage surface water flood risk under a collaborative approach with other key Agencies. The Flood Risk Regulations transpose the EU Floods Directive into UK law and were introduced on 10 December 2009. These confirm the lead local flood authority role for the County Council.

3. Policy

3.1 The County Council as the Highway Authority shall identify through a system of regular inspections and flood risk assessments existing drainage systems that require maintenance.

3.2 Surface Water Management Plans and local Flood Risk Assessments will form the basis of managing and prioritising the need for the planned maintenance and improvement of drainage systems.

3.3 Routine and reactive maintenance (repairs) identified through the regular inspection regime or from other sources will be carried out as resources and other network priorities permit.

3.3 The County Council shall arrange for cyclic maintenance (inspection and/or cleansing) to be carried out at a minimum frequency described in table 1. The need for cyclic maintenance will be determined from routine inspections, local flood risk assessments and specific inspections following reports received from third parties.

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Maintenance of Existing Highway Drainage Systems Appendix

Table 1

Frequency of Ordinary and Cyclic Maintenance – inspection and/or cleansing

Drainage Mechanism	Minimum Frequency of Maintenance
Gullies, Catchpits & Interceptors.	Annually as a guide but also based on assessed flood risk. In lower risk areas the frequency of cleansing may be reduced.
Soakaways	Based on assessed flood risk but inspected at least every 5 years and cleansed where necessary.
Gully Connections	Based on assessed flood risk.
Piped Drainage Systems	Based on assessed flood risk but up to 10 years in lower risk areas. Cleansed where necessary.
Piped Grips / Kerb Offlets	Based on assessed flood risk but annually as a guide. In lower risk areas the frequency may be reduced.
Grips (intercepting ditches)	Based on assessed flood risk. Cleared where necessary.
Filter Drains, Fin Drains	Based on assessed flood risk.
Roadside (Highway) Ditches	Based on assessed flood risk. Cleared where necessary.
Culverts	Based on assessed flood risk but every 3 years as a guide and up to 5 years in lower risk areas.
Balancing Ponds	Based on assessed flood risk and/or health and safety risk but inspected annually as a guide.
Sluices, Tidal Flaps etc	Based on assessed flood risk but inspected every 3 years as a guide.
Pumps and Other Specialised Equipment	In accordance with manufacturer's instructions.
Oil Interceptors	Inspected and/or cleansed annually.

Environmental Factors

1. Introduction

1.1 Hampshire County Council assesses its environmental footprint as part of its wider sustainability performance framework, a bespoke methodology using the Aalborg Commitments which has received national recognition by the IDeA as best practice.

1.2. The County Council demonstrated its strong commitment to sustainability by voluntarily signing up to the Aalborg Commitments in June 2004..

1.3 These commitments provide a framework for the County Council to put sustainability at the heart of its business and services and look at social, economic and environmental issues together.

1.4 In summary, sustainable development implies the following principles which can be adopted for highway maintenance operations:

- A reduction in the consumption of natural resources, including energy. Non renewable resources should be substituted with renewable resources.
- Waste should be reduced, reused or recycled.
- Biodiversity should be preserved or enhanced.
- Valuable natural and physical assets and amenities should be preserved and protected.

1.5 Environmental factors for consideration include;

- Water
- Carbon production
- Noise
- Biodiversity
- Natural and physical assets and amenities

2. Policy

2.1 Hampshire County Council, as the Highway Authority, shall consider environmental factors whenever designing a maintenance scheme or planning a maintenance operation. The choice of materials and processes that preserve or enhance the environment should have due regard to health and safety.

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Management of Highway Verges

1. Introduction

1.1 The highway verge comprises the generally unmetalled parts of the highway within the limits of the defined highway.

1.2 Highway verges are generally untrafficked although they may be used by pedestrians and equestrians for passage.

1.3 Highway verges contain street furniture and signing, as well as trees and shrubs.

1.4 The primary maintenance obligation is to ensure the safety of the highway user by ensuring that visibility is not restricted and verges are free from obstructions and without defects which would be detrimental to the user. Protection and enhancement of biodiversity - it is also recognised that verges are important sites for rare flora and fauna and some areas are identified as having special interest and receive special treatments.

1.5 To achieve these objectives the County Council has adopted the following policies.

2. Relevant Legislation

2.1 The maintenance of the highway verge and regard to nature conservation is associated with satisfying the County Council's statutory obligations primarily under Sections 47, 58, 71, 96 & 130 of the Highways Act 1980.

3. Policy

- 3.1 Inspection of Highway Verges
- 3.2 Embankments and Sides of Cuttings
- 3.3 Siding Out
- 3.4 Vehicle Overrun
- 3.5 Biodiversity
- 3.6 Trees, Shrubs & Hedges
- 3.7 Grass Cutting

3.1 Inspection of Highway Verges

Highway verges shall be inspected in accordance with the frequencies outlined in the Policy for Highway Inspections.

3.2 Embankments and Sides of Cuttings

Highway verge slopes shall be maintained to preserve their stability and prevent damage by erosion.

Where signs of erosion, slope failure slides and falls have been identified through the Highway Inspection system, they should be prioritised and regularly monitored until the remedial action has been completed.

3.3 Siding Out

Highway verges shall be maintained to prevent the encroachment of verge soil and growth onto the carriageway and footway.

Where siding out has been identified this shall be carried out under cyclic maintenance at a frequency not greater than once every three years. Siding out shall also be carried out as required before routine maintenance works such as surface dressing, edge lining and special maintenance schemes.

3.4 Vehicle Overrun

From time to time, accident damage and vehicular overrun may cause rutting and erosion to the highway verge.

Where verge damage has been identified this shall be prioritised prior to remedial works being carried out.

3.5 Biodiversity

The County Council recognises that highway verges can support habitats and species of nature conservation value. Some areas are specially designated for their biodiversity and can be protected by environmental legislation.

Advice will be sought from the County's Ecology Group when any of the following sites are likely to be affected by maintenance works.

- Sites of Special Scientific Interest (SSSIs)
- Sites of Importance for Nature Conservation (SINCs) and
- Road Verges of Ecological Importance (RVEIs).

Consent from Natural England will be obtained before undertaking any works which are likely to damage the special interest feature of an SSSI. Specific agreements between Natural England and the County Council for maintenance works within particularly sensitive sites such as the New Forest shall be followed.

3.6 Trees, Shrubs and Hedges

3.6.1

The County Council as the Highway Authority shall attend to trees, hedges and shrubs on the highway to abate a statutory nuisance or a hazard or to carry out remedial work to make good damage or decay or deformed growth. Such work should be carried out in accordance with the Procedure 'Arboricultural Works'.

3.6.2

The County Council will carry out proactive arboricultural inspections of a prioritised portion of the network programmed over a period of time in keeping with current codes of practice. This is to be reviewed in line with current industry and risk management guidelines.

3.6.3

Where a tree, hedge or shrub comprises a significant local amenity, and is considered as requiring removal for any reason, other than an emergency, this should be referred to the Arboricultural Officer for advice, taking into account its amenity value.

3.6.4

Where a tree identified as a potential hazard is considered likely to support bats or other protected mammals or birds advice from the County's Ecology Group will be sought before works start.

3.6.5

The County Council will carry out other work such as pruning to reduce shade or to remove branches overhanging adjacent property only in exceptional circumstances.

3.6.6

The County Council shall cut back all hedges and shrubs that are the responsibility of the Highway Authority to ensure appropriate visibility and sight lines and that road signs are not obscured. Hedge cutting shall be undertaken a minimum of once per annum on rural roads, This comprises of the classified and unclassified road network (maintenance hierarchy class 2,3A,3B,4A,4B) The hedge cutting shall be undertaken in the late autumn or winter to accord with the Wildlife & Countryside Act 1981 (as amended)

3.6.7

No hedge or shrub "growing in, or adjacent to, any common land, protected land, or land used for agriculture or forestry or keeping of horses, ponies or donkeys" shall be removed without

seeking the consent of the Local Planning Authority (LPA), in accordance with The Hedgerow Regulations 1997

3.6.8

Where an obstruction to a sight line, street light, road sign etc or a potential hazard (as defined in the appropriate Procedure) has been identified these shall be prioritised to allow works to be undertaken as part of the cyclic maintenance programme.

3.6.9

The County Council may, in exceptional circumstances, consent to additional maintenance of a limited number of ornamental beds in high profile public places. Maintenance shall include weed control and pruning.

3.6.10

Any person(s) responsible for the design of a new planting scheme on highway land shall seek the approval of the County Council's Arboriculture Officer and the appropriate Local Highway Office.

3.7 Grass Cutting

The County Council as the Highway Authority shall cut highway verges to prevent obstruction of sight lines ensuring the adequate visibility of traffic signs and oncoming traffic at junctions.

3.7.1 Urban Grass Cutting

This section includes roads and footways designated as urban including village roads that are urban in character. The cutting regime shall be organised so that the grass does not exceed 150mm in height.

3.7.1.1 Carriageways and Footways

All verges adjacent to the edges of urban carriageways and footways shall be cut over their full width a minimum of five times per annum for the purposes of maintaining safety, preventing obstructions of sight lines, inhibiting the growth of injurious weeds, maintaining a tidy appearance and to prevent encroachment.

3.7.1.2 Strimming

The cutting of highway verges adjacent to the edges of urban carriageways and footways shall include strimming around all street furniture and trees a minimum of five times per annum commencing concurrently with each cut and completed within the same cutting period.

3.7.1.3 Removal of Clippings

The cutting of urban highway verges shall include the removal of clippings from all metalled surfacings commencing concurrently with each cut and complete within the same period.

3.7.2 Rural Grass Cutting

3.7.2.1 For the purpose of this policy, rural roads shall include routes that are not urban. The cutting regime shall be organised so that the grass does not exceed 260mm in height above the adjacent carriageway level.

3.7.2.2 Carriageways

All verges adjacent to the edges of rural carriageways and footways shall have a 1 metre swathe cut a minimum of two times per annum for the purposes of maintaining safety, preventing obstructions of sight lines, inhibiting growth of injurious weeds, to prevent encroachment by overhanging vegetation and to provide a pedestrian refuge and conserve the natural habitat and plant species.

3.7.2.3 Rural Footways

All rural footways shall have a 1 metre swathe immediately adjacent to either edge of the footway cut a minimum of two times per annum to ensure that the available footway width is not reduced by overhanging vegetation.

3.7.2.4 Wide Flat Verges to the Back of the Fence/Hedge Line including Ditches

Over a three year cycle all remaining verge areas to the edge of rural carriageways and footways shall be cut back to the highway boundary (i.e. fence or hedge lines) a minimum of once in that period to prevent them from becoming overgrown.

3.7.2.5 Significant Slopes

All significant slopes (greater than 2 metres in height or a gradient of 1 in 2) within the highway shall have a 2 metre swathe cut immediately adjacent to the carriageway. The swathe shall be cut a minimum of two times per annum to prevent encroachment by overhanging vegetation.

3.7.2.6 Junctions and Bends

At all junctions in rural roads where the verge widths permit, an additional area shall be cut on either side of the junction a minimum of two times per annum to ensure that minor road drivers have adequate sight lines in each direction to see oncoming major road traffic in time for them to manoeuvre safely. Sight lines may require additional cuts during June/July.

The area cut shall be a triangle from the edge of the carriageway to a distance of 4.5 metres, on 'A' & 'B' class roads, 2.5 metres on all other roads where the width permits, along the centre of the minor road tapering to the edge of the carriageway at a distance 200m on 'A' and 'B' roads, 100m on all other roads preceding and proceeding the junction.

Where the verge width is less than 4.5 metres, the offset from the edge of the carriageway may be reduced accordingly.

On the inside of all bends, where verge widths permit a 3 metres swathe on 'A' and 'B' class roads and 1 metre swathe on all other roads over the length of the bend additional area shall be cut a minimum of two times per annum to ensure that adequate sight stopping distances are maintained. Sight lines may require additional cuts during June/July.

3.7.2.7 Road Signs

On the approach to all road signs, an additional area shall be cut a minimum of two times per annum to ensure that adequate sight lines are maintained in accordance with TD 42/95. Sight lines may require additional cuts during June/July.

The area cut shall be from the edge of the carriageway to the signpost furthest from the carriageway tapering to the edge of the carriageway at a distance of 150 m on 'A' and 'B' class roads and 75m on all other roads preceding the sign.

3.7.3 Private Drives

At the request of the owner/occupier the need to cut grass in the vicinity of private drives shall be considered by the Local Highway Unit. Where there is a significant risk to owners, an additional area may be cut on either side of the driveway a minimum of two times per annum to ensure that adequate sight lines are maintained in each direction to see oncoming major road traffic.

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New Policy Documents

(Paragraph 2.7)

Enforcement and Prosecution

1. Enforcement Generally

Hampshire County Council has adopted the Enforcement Concordat agreed between a range of national bodies including the Local Government Association and the Cabinet Office.

The principles of good enforcement are:

- i) the setting of standards
- ii) openness
- iii) helpfulness
- iv) proportionality
- v) consistency
- vi) the provision of a system of complaints against the service

2. Our Services

The Highways and Transport Branch enforces the law in relation to use of public highways under the Highways Act 1980, the New Roads and Streetworks Act 1991, The Traffic Management Act 2004 and other applicable legislation.

We hold regular meetings with utilities companies who carry out the vast majority of works on the highway and skip-hire companies.

We provide relevant information for inclusion in Parish Council newsletters.

We will occasionally publicise changes in the law, where the need to be widely known about.

Our other policies detail the County Council's powers for enforcement in relation to the particular subjects they cover.

3. Action we take if the law is breached

If we find a breach of the law, in most cases we try and resolve the matter without recourse to formal action by reporting the breach to the person responsible and requesting that they take remedial action.

However in more serious cases we can take a variety of actions, including:

- the service of notices requiring remedial action and taking relevant action should the notice fail to be complied with
- verbal or written warning
- formal caution
- prosecution

Before any legal action is taken there will be an opportunity to discuss the case, where this is appropriate.

4. Taking legal action

In deciding which action to take, a number of factors will be taken into consideration including:

- the seriousness of any alleged offence and the impact on the highway network
- the affect of the alleged offence on the public safety and the environment
- the previous history of the offender
- action taken to prevent any recurrence
- any explanation offered and the circumstances and attitude of the offender
- what course of action will best serve the public interest

Prosecution is the last resort and only taken in cases that involve repeated or serious offences relating to safety, accessibility and preservation of the highway network.

The decision to prosecute is taken:

- in accordance with the Code for Crown Prosecutors
- without any unnecessary delay
- and in accordance with statutory requirements

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Licensing and Consents

1. Introduction

Groups or individuals, other than the Highway Authority, may have a requirement to place street furniture, or carry out activities, on the highway. Without the presence of special powers or authorisation these persons shall require the consent of the Highway Authority. This would be granted in the form of a licence or consent for which a fee shall be payable.

2. Relevant Legislation

The following legal statements define the various activities for which a licence or consent would be applicable:

Highways Act 1980

Section 139	Builders skips on the highway.
Section 142	Planting/cultivation on the highway.
Section 169	Scaffolding or structures on the highway.
Section 171	Temporary excavations in the highway.
Section 171	Temporary deposition of materials on the highway.
Section 172	Hoardings on the highway.
Section 178	Banners over the highway.
Section 178	Cables over the highway.
Section 178	Decorative lights over the highway.
Section 179	Vaults or cellars in the highway.
Section 180	Openings or windows to vaults or cellars in the highway.

New Roads and Street Works Act 1991

Section 50	Licence to place apparatus in the highway.
Section 50b	Licence to excavate for apparatus placed in the highway.

3. Policy

The Highway Authority will consider the issue of licences or consents, where relevant legislation exists, whilst ensuring that consideration is given to the following:

- i Highway safety.
- ii Obstructions and nuisance on the highway.
- iii Following any necessary consultation with emergency services etc.
- iv Consideration of the needs of disabled or other potentially vulnerable groups.
- v Need to limit the proliferation of street furniture and/or other activities.

vi Adherence to any required national standards.

vii Obstruction of access to statutory undertakers plant.

It is the policy of the Highway Authority to charge a fee for the issue of licences and consents.

The required level of Public Liability Insurance for all licences is currently £10 million.

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Policy Statement and Protocol in Gating Orders

Policy

The County Council's statutory duty as the Highway Authority is to keep the highway passable and safe. The Council also has duties under the Traffic Management Act 2004 to prevent unnecessary disruption of traffic.

Section 2 of the Clean Neighbourhoods and Environment Act 2005 introduced new powers for County Councils to make gating orders to restrict public rights of way in respect of a highway that is facilitating high and persistent levels of crime and anti-social behaviour.

These powers were inserted into the Highways Act 1980 (Section 129A) with effect from 1 April 2006.

Under the Crime and Disorder Act 1998 the County Council has a duty to embed crime and disorder prevention into service planning, delivery and decision making and so reduce crime and the fear of crime in all our communities.

Highways provide accessibility between destinations and a gating order may restrict access for highway users, often pedestrians, at all times or for such times during part of a day that may be specified in the order. It is therefore necessary to weigh the inconvenience to highway users and those properties accessed from the highway that would be caused by the closure against the potential reduction in crime and the fear of crime. Consideration may also be given to the dispersal of crime and anti-social behaviour to adjoining areas if a gating order is made.

The County Council has to consider what other measures have been implemented or discounted to try and reduce levels of crime and anti-social behaviour before a gating order can be progressed.

The promoting body will need to provide the necessary data to demonstrate that gating is justified and an analysis of the likely impacts for the areas to be gated as well as the surrounding area.

Protocol

The County Council requires the promoting body to provide an analysis of crime and anti-social behaviour incidents, both in the area to be gated, the adjoining area and the background levels of crime in the area. This information needs to include an analysis of types of crime and time of day at which the crimes occur. Where possible, trend data should be included. The request should contain an assessment of why closing the street or footpath is expected to reduce the incidence of crime and what alternative measures have been considered and rejected.

The promoting body will normally be the Crime and Disorder Reduction Partnership (CDRP). Where the CDRP is not the promoting body, the Partnership should be used to consider the crime analysis for the location and a copy of its advice should be included with the submission.

Information should be provided on the use of the routes and what properties or services they link, eg shops, schools, bus stops and what alternative routes are available to the public. The County Council will assess the accessibility implications, if the crime analysis suggests that a gating order would have a significant benefit in reducing crime and the fear of crime.

If there is a demonstrable case for a gating order the County Council will then hold a meeting with the promoting body to discuss funding and management arrangements, including:

- (i) public consultation and scheme promotion costs;
- (ii) capital costs of the gates and their installation;
- (iii) maintenance costs and responsibilities;
- (iv) operational responsibilities; and
- (v) public liability.

In order for a scheme to progress, the support of the community must be demonstrated at all consultation stages. A minimum support level of 66% will normally be required. This will give the County Council reassurance that there is a reasonable level of public support for gating.

If there is a strong case for a gating order being made, the Council will contribute on a 50/50 basis to the scheme promotion costs and, if the scheme goes ahead, 50% of the capital cost of the gates. All other costs, liabilities and operational arrangements, eg long term maintenance, opening and closing of gates, must be met by the local promoting body. An appropriate agreement will be drawn up for signature by the responsible body.

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Parking on Grass Verges, Footpaths and Pavements

Policy Statement

1. Verges, footpaths and pavements are, like roads, all part of the highway. It is the statutory duty of the County Council and its duly authorised agents to keep all highways clear and free from obstructions and to ensure safe and expeditious movement of traffic, including pedestrians. The public has a legal right of way to pass along such highways in travelling from place to place but has no legal right to park vehicles on the highway. The County Council does not have any responsibility to provide parking spaces and is committed to reducing dependency on motor vehicles and improving travel choices for the residents of, and visitors to, Hampshire. The primary responsibility for finding acceptable parking spaces rests with vehicle owners/keepers.

2. The County Council is aware that demand for parking space often exceeds availability of off-street facilities and believes that it is appropriate to accept a degree of parking on the highway where this is safe, does not cause an obstruction and does not damage the highway or any services buried within the highway. Nevertheless the County Council will always prefer motorists to provide or to find off-street parking space wherever this is possible.

3. The parking of vehicles on grass verges, footpaths and pavements is increasingly widespread and creates significant problems in many areas for residents, highway users and for the Council itself. The circumstances of each case vary widely and thus it is extremely difficult to identify a single solution that can be applied universally. The County Council therefore has adopted a flexible approach to the problem, with a view to addressing each complaint as it arises.

4. The County Council invites members of the public to report problems directly to its contact centre, Hantsdirect, giving as much information as possible to describe the nature and extent of the problem, its location and its consequences. This information, along with any other information collected, will then help the County Council to analyse the cause of the problem and will inform the categorisation and prioritisation (Annex 1) process required before problems can be addressed. The highest priority problems are those most likely to receive treatment.

5. The County Council has determined that the treatment of verge parking needs to take into consideration road safety, the expeditious movement of traffic, the effect on the street scene, and the available resources. Depending on the prevailing conditions and community views, the Environment Department will work with partners where necessary to determine the course of action, if any, to be taken from a raft of possible measures (Annex 2).

6. Solutions will be considered on a neighbourhood by neighbourhood basis focusing on areas of greatest need and will be dependent on a consensus of support from the local community and from partner agencies. The introduction of legally enforceable parking controls to deal with verge, footpath and pavement parking problems will need to have the support of the Police (or civil parking enforcement authority, where applicable).

7. Members of the public will have the opportunity to update themselves on the progress of each complaint through the Council's website. The length of time to resolution will be dependent on prevailing conditions, the action to be taken and the availability of funds.

Criteria for Prioritising Complaints

1. Safety - established casualty problem
2. Safety - potential casualty risk to vulnerable highway users (eg children, elderly, those with mobility impairment)
3. Safety - potential casualty risk to other highway users
4. Obstruction - to vehicular traffic used for passenger transport
5. Obstruction - to commercial traffic (including loading/unloading)
6. Obstruction - to other vehicular traffic
7. Obstruction - to highway users with mobility impairment
8. Damage* - to buried services
9. Obstruction - to pedestrians
10. Obstruction - to private accesses
11. Obstruction - to highway maintenance works (including street cleansing and verge maintenance)
12. Obstruction - to visibility (not included in safety above)
13. Damage* - to fabric of highway (footway or carriageway surface, drains, kerbs etc)
14. Damage* - to highway trees and tree roots
15. Damage* - to other highway planting
16. Damage* - to highway grass verges in conservation areas
17. Damage* - to other highway grass verges

* Either immediate or cumulative damage

Treatment Options

This annex outlines some of the options/treatments that are available to address the problem of parking on verges, footpaths and pavements. It also highlights the advantages, disadvantages and potential risks for each.

Provide additional parking spaces

Benefits

Satisfies public demand for secure, convenient parking.

Controls the location and manner of parking.

Reduces environmental damage.

Disbenefits

Reduces the 'green' environment.

Reduces 'non-vehicular' public space.

Increases run-off of surface water.

Works are very expensive (costly to undertake if done properly; costly to maintain if not done properly).

Does not promote County Council policy of reducing dependency on motor vehicles.

Risks

May increase demand for parking space, which then is never satisfied.

May lead to increase in vehicle maintenance activities.

May require extensive diversion of buried utility services.

May discourage residents from providing off-street parking.

May overload existing drainage system.

May be difficult to justify selection of limited number of high priority sites for treatment.

Prohibit verge parking

Benefits

Controls the location and manner of parking.

Reduces environmental damage.

Encourages residents to provide off-street parking where possible.

Disbenefits

Requires bye-law or traffic regulation order (TRO) to be made and enforced.

Requires traffic signs and yellow lines.

Does not satisfy demand for parking.

Risks

May not be enforceable.

May displace parking problem to other locations.

May lead to obstruction of the carriageway or footways

May restrict access to local services (eg letter/telephone box, cash machine or convenience store).

Exclude verge parking

Benefits

Controls the location and manner of parking.

Reduces environmental damage.

Encourages residents to provide off-street parking where possible.

Disbenefits

Requires extensive use of dragon's teeth, posts, railings or planting.

Causes difficulties for verge maintenance operations.

Does not satisfy demand for parking.

Risks

May displace parking problem to other locations.

May lead to obstruction of the carriageway or footways.

May restrict access to local services (eg letter/telephone box, cash machine or convenience store).

Allow verge parking and strengthen verges

Benefits

Reduces environmental damage.

Disbenefits

Works are moderately expensive.

Does not control the location and manner of parking.

Does not promote County Council policy of reducing dependency on motor vehicles.

Risks

May require diversion of buried utility services.

May discourage residents from providing off-street parking.

Allow verge parking and undertake periodic repairs

Benefits

Inexpensive.

Easy to manage.

Disbenefits

Does not reduce environmental damage.

Does not control the location and manner of parking.

Does not promote County Council policy of reducing dependency on motor vehicles.

Risks

May discourage residents from providing off-street parking.

May lead to further abuse of highway land.

May appear to suggest a lack of care.

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Adopted Highway, Status Enquiries and Extinguishment of Highway Rights

1.1.0 Introduction

The Highway Authority has a responsibility to manage the processes required for the creation of publicly maintainable highway, the recording of its extent and the extinguishment (stopping-up) of highway rights.

1.1.1 Adopted Highway

These are sections of the highway network for which the Highway Authority is responsible for maintenance at public expense.

Publicly maintainable highway can be created in a number of ways

- i By historic precedent if it was highway prior to 1835.
- ii By formal dedication or conveyance to the Highway Authority for highway purposes.
- iii By formal adoption as public highway.
- iv By acquisition, if usage by the public for a period of at least 20 years can be demonstrated.

1.1.2 Status Enquiries

Hampshire County Council, as the Highway Authority, are obliged to keep and maintain a register of roads maintainable at public expense – the List of Streets. The register is made accessible to members of the public at all reasonable times via inspection at its offices or on the Hampshire County Council website.

1.1.3 Extinguishment of Highway Rights

Where areas of public highway are considered by the Highway Authority to be surplus to highway requirements, the public rights of way can be extinguished by an Order made by Magistrates. An application has to be made to the Magistrates' Court by the Highway Authority on behalf of an applicant.

1.2.0 Relevant Legislation

The following legal statements define the relevant issues pertinent to the creation of adopted highway, status enquiries and to the extinguishment of highway rights:

1.2.1 Adopted Highway

Highways Act 1980

Section 24	Creation of a new road by the Highway Authority.
Section 31	Creation of a public highway through 20 years of uninterrupted public use.
Section 36(2)	Adoption of highways pursuant to Part V of the Housing Act 1957.
Section 36(6)	Requirement to keep a register of highways maintainable at public expense.
Section 37	Offer to dedicate a highway by a landowner.

Section 38	Agreement to adopt highway between the landowner and the Highway Authority.
Section 228	Adoption by the Highway Authority where there is no known landowner.
Section 239	Powers for the Highway Authority to acquire land for highway purposes.
Section 258	Exchange of land for highway improvement purposes.
Section 278	Agreement to adopt highway works constructed by a third party.

1.2.2 Status Enquiries

Highways Act 1980

Section 36(6)	Requirement to keep a register of highways maintainable at public expense.
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1.2.3 Extinguishment of Highway Rights

Highways Act 1980

Section 116	Powers for the Highway Authority to seek an extinguishment of highway rights.
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Town & Country Planning Act 1990

Section 247	Extinguishment of highway rights in conjunction with building development.
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1.2.4 Policy

1.3.1 Adoption Policy

- i Highway rights are conveyed on any area that is adopted by the Highway Authority under Section 37 or 38 of the Highways Act 1980.
- ii The Highway Authority shall establish, prior to adoption, that the area under consideration will serve a useful highway function by having the status of 'Highway'.
- iii Any road, footway, footpath, cycle track or verge that has been constructed in accordance with the Highway Authority's specification and is to be used routinely on a regular basis by pedestrians, cycles or vehicles shall be designated as highway and adopted as such.
- iv The area of adoption shall include margins as required to achieve the necessary visibility standards or maintenance of the infrastructure. The adopted areas shall include any specific design features such as regulatory signs, street lighting and speed restraint points.
- v The adopted area may include margins to accommodate Statutory Undertakers' apparatus.

- vi It is recognised that trees and shrubs have an important environmental role and may relate to particular highway features. In themselves, the areas of land incorporating such landscaping features seldom warrant the status of 'Highway' and conveyed highway rights. There is a presumption against the adoption of verges where the sole purpose is landscaping, screening or amenity use. Such areas shall primarily be the responsibility of the District Council or, in certain situations, it may be appropriate for the developer or landowner to assume the responsibility. Any such arrangements shall be subject to consultation and agreement of the Highway Authority prior to the granting of detailed planning permission and approval of the layout.
- vii Remote footways forming separate access to an individual or small group of properties shall not normally be adopted and shall be subject to discussion and agreement with the Local Planning Authority or Housing Association.
- viii Separate areas allocated for vehicle parking and/or access to remote garages, parking areas and drives to individual or small groups of properties shall not be adopted and shall be subject to discussion and agreement with the Local Planning Authority or Housing Association.
- ix There is scope for external bodies to manage and maintain planted and landscaped areas of designated highway subject to agreement and licence arrangements with the Highway Authority and Local Planning Authority.
- ix There is scope for external bodies to manage and maintain planted and landscaped areas of designated highway subject to agreement and licence arrangements with the Highway Authority and Local Planning Authority.
- x Any new road or associated area forming part of a new development site shall be constructed in accordance with HCC's Companion Document to Manual for Streets.

1.3.2 Status Enquiries

The Highway Authority shall provide information with regard to the extent of the publicly maintainable highway upon payment of a fee. The highway extent shall be researched with reference to the following information sources:

- i Enclosure and tithe maps from the 19th century.
- ii Historic Ordnance Survey maps.
- iii Local Government Handover Maps 1929.
- iv Highway Deeds.
- v Highway Maintenance Records.
- vi Other relevant information.

1.3.3 Extinguishment of Highway Rights

When considering requests for the extinguishment of highway rights the Council shall apply the following criteria in determining whether the land is considered to be surplus to highway requirements:

- i Is the land required for sight line purposes, forward visibility splays for all traffic including pedestrians, equestrians and cyclists?
- ii Is the land required for any future highway improvement scheme?

- iii Could the extinguishment and disposal of the land result in a change to the character of the street scene?
- iv Could the extinguishment and disposal of the land result in a perceived loss of amenity value if transferred from public to private ownership, including environmental considerations?
- v Could the extinguishment and disposal of the land result in perceived gain to the applicant but to the detriment of local residents: for example, to secure private parking on land which previously enjoyed and demonstrated general access or utility? Local residents are consulted in the course of all applications.
- vi If the land is owned by Hampshire County Council does it need to be retained for other purposes?

Where areas of publicly maintainable highway are affected by new development an application should be made to the Secretary of State for the 'stopping up' of such areas under Section 247 of The Town and Country Planning Act 1990.

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Roadside Memorials

1. Introduction

1.1 It is common today for families and friends to place memorials on the highway in memory of loved ones who have died in road accidents. The County Council recognises and respects the wish of the bereaved to mark road deaths in this way but has a duty to keep the public highways safe. The County Council therefore has to balance the wishes of the bereaved with public safety. The distraction of motorists and the safety of those placing or maintaining memorials are the overriding safety issues in the consideration of road side memorials.

1.2 The Highways Act 1980 has no express provision to licence or permit memorials on the highway.

1.3 Notwithstanding the above, a number of Highway Authorities have been criticised in the media for insensitive intervention and handling of the situation by insisting that all types of memorials are removed after a short time. The Scottish Authorities produced a procedure for managing the demand for roadside memorials and Hampshire County Council has adopted a policy which follows a similar line. It is Hampshire County Council's aim that all situations such as this are dealt with in a sympathetic, understanding and sensitive way and that, where and when appropriate, staff will liaise with those who wish to place memorials on the highway via the Hampshire Constabulary Roads Policing Unit, family liaison officer.

1.4 The Hampshire Constabulary Roads Policing Unit endorses the approach outlined.

2. Relevant Legislation and Documentation

2.1 Highways Act 1980 Section 132

2.2 Traffic Signs Regulations and General Directions 2002

2.3 RoadPeace. The national charity for road crash victims - web site address www.roadpeace.org

3. Policy

3.1 Low key memorials such as the discrete placing of a small floral tribute or small soft toys at certain times of the year and for limited durations at the roadside may be acceptable provided that there is no significant risk of driver distraction or undue risk to the individual visiting the location. Any items should be placed clear of any locations where highway maintenance is likely to be undertaken, e.g. grass cutting. They should also be placed away from locations that are hazardous to access, such as carriageway central reservations, roundabout central islands and other road junctions.

3.2 Permanent monuments will not be permitted on the highway and should be removed on safety grounds.

3.3 In these situations the bereaved should be contacted and encouraged to accept an alternative memorial such as appropriate planting of a shrub or tree in keeping with the location. Contact shall be made through the Hampshire Constabulary Road Policing Unit family liaison officer.

3.4 The Hampshire Constabulary Road Policing Unit family liaison office has been made aware of this policy and has been asked to encourage assistance by relaying details of this policy to the family and friends of the bereaved.

4. RoadPeace 'Remember Me' signs

4.1 RoadPeace has promoted the placing of small memorial signs saying 'remember me' to mark road accident fatalities. The signs presently have no official sanction with the Department For Transport (DfT) and hence there is no current authority or guidance for the County Council to approve the placing of these signs on street furniture. They are therefore not authorised until further advice is received from the DfT.

These signs are usually put up instead of roadside flowers or memorials and may in future provide a low maintenance and a more acceptable alternative should they be approved by the DfT. There are concerns however about the potential proliferation of these signs should they be widely used and promoted.

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