



Economy, Transport and Environment Department

Technical Guidance Note TG17 - Departures from Standard

Revision	Date of Issue	Amendment Description	Prepared By	Approved/ owned by
0	14/6/18	Initial Publication for Comment	Kathie Murray	David Devenish
1	19/5/19	Links updated	Kathie Murray	Jamie Roan
2	14/06/21	Details of language used in TGs added and reference to BD2 updated to CG300	Kathie Murray	Andrew Tiffen

Amendments are indicated by a bar in the left hand margin

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1. Policy / Approach

- 1.1. Throughout HCC's Technical Guidance Notes the following verbs have been used to detail the requirements (following the same verb usage as in the Design Manual for Roads and Bridges – Refer to GG 101).
- The verb 'must' indicates a statutory or legislative requirement – these cannot be departed from.
 - The verb 'shall' indicates a requirement of Hampshire County Council – if these are not complied with a Departure from Standard is required.
 - The verb 'should' indicates advice expressed as a recommendation – these should be followed wherever possible.
 - The verb 'may' indicates advice expressed as a permissible approach.
- 1.2. If a design does not comply with the Design Standards as required/detailed in the Technical Guidance Notes (this includes any cross reference to DMRB or other published standards), then a Departure from Standard is to be sought for each element of the design that does not comply. The Technical Guidance Notes take precedence.
- 1.3. There is also a range of national highway design guidance such as Local Transport Notes and Traffic Advisory Leaflets which are guidance and do not constitute a standard. These are useful reference documents and provide good guidance on how to approach different situations, but these are “guidance” and as such any design that does not comply fully with such guidance does not require an associated Departure from Standard Approval (unless elements of such guidance are expressly made a requirement within HCC's TGs). Such wider guidance may provide suitable reasoning/justification for the departure from a particular standard when considering site specific constraints and should be detailed in the mitigating evidence when applying for a departure.
- 1.4. Please note: Approval of a Departure from Standard **does not** remove any duties or responsibilities under the Construction (Design and Management) Regulations (CDM). The risks associated with the design, construction, maintenance and operation of the design must be fully considered by the Designer under the CDM Regulations. The Design Organisation retains responsibility for the quality of the design incorporating the Departure, including user safety, buildability, maintainability, compliance with the CDM Regulations and environmental legislation.
- 1.5. The Designer must consider whether the proposed Departure can be constructed safely and in accordance with Health and Safety legislation. The CDM Regulations require the application of foresight to consider what hazards exist and to ensure, as far as is reasonably practicable, that these are either eliminated or managed effectively through the process of risk assessment. Non-compliance with the CDM Regulations by organisations or individuals is a criminal offence.

- 1.6. Design Organisations are reminded that it is their duty to ensure that Departure applications are complete, and that responsibility for any errors or omissions remains with them.
- 1.7. For Departures relating to Highway Structures the Designer shall also follow the process laid out in CG 300 Technical Approval of Highway Structures (DMRB).

2. Definitions and Abbreviations

CDM	The Construction (Design and Management) Regulations.
Departure from Standard (Departure or DfS)	A non-compliance with a Mandatory Requirement of a Standard, as set out in HCC's Technical Guidance Notes or other policy/standard document cross-referred to from the Technical Guidance Notes.
Design Organisation	Any organisation, including in-house HCC resources, undertaking the design of works that affect any part of the HCC highway network. Such works include private works being put forward for adoption and public highway works.
Determination	HCC's formal decision to approve, approve with comments or reject an application for a Departure from Standard.
DMRB	Design Manual for Roads and Bridges - The Stationery Office publication containing current standards, advice notes and other guidance documents relating to the design, maintenance, operation and improvement of motorways and trunk roads but also adopted by local Highway Authorities for use on the local Highway Network.
HCC	Hampshire County Council
Legal Requirement	A statement in a standard that is associated with the words "must" or "must not". Legal requirements cannot be departed from or relaxed.
Mandatory Requirement	A statement in a standard that is associated with the words "shall" or "shall not"
MfS	Manual for Streets - Means both Manual for Streets (published by Thomas Telford Publishing) and Manual for Streets 2 (published by CIHT).
Relaxation	A permitted variation from the recommendation of a Standard, as set out in the Technical Guidance Notes or other policy/standard document cross-referred to from the Technical Guidance Notes.
Technical Guidance Notes (TG's)	A suite of notes detailing what the adoptable standards are for HCC's Local Highway Network.

3. Process

- 3.1 A Departure from Standard (DfS) approval is to be sought for any design proposal that does not meet the required Design Standard (ie HCC's Technical Guidance Notes). If you are unsure whether a DfS is required, please speak to the Design Audit Engineer for your Road Agreement (if you are a Developer/Developer's Consultant) or your line manager (if you are within HCC).
- 3.2 To seek a DfS, complete the "Request for a Departure from Standard" form. On the form the following are required:
- Detail the reasons why the standard cannot reasonably be achieved,
 - Detail what other options were looked at and dismissed (including why they were dismissed),
 - Provide a fully detailed case including an assessment of the risks involved in adopting such proposals,
 - Detail the mitigation measures proposed and/or mitigating site specific circumstances (eg cul-de-sac location, low traffic speeds etc),
 - Detail any other DfSs or Relaxations in the vicinity of the DfS being requested.
- You are also to supply:
- A Road Safety Audit covering the proposed design (the Road Safety Audit Brief must have identified the DfS or if the DfS was not identified at the audit stage then a separate signed report/covering letter from the Auditors must be supplied),
 - Measured traffic speeds and 85%ile assessment where it is on the existing highway network,
 - Accident History (including analysis) for the previous 5 year period where it is on the existing highway network.
- 3.3 The "Request for a Departure from Standard" form is to be completed and submitted in MS Word format. The word version is located at <https://www.hants.gov.uk/transport/developers/section-278>
- 3.4 If you are a Developer or Developer's Consultant, the completed "Request for a Departure from Standard" form is to be submitted to the HCC Design Audit Engineer dealing with your scheme. The HCC Design Audit Engineer will then submit the form (and any supporting documentation) to the relevant HCC Delegated Officer (Head of Highways or Chief Engineer) for consideration and will feedback to you the outcome. See 3.7.
- 3.5 Officers internal to HCC or in Districts are to submit the form (together with a General Arrangement Drawing and any supporting documentation) to

the relevant HCC Delegated Officer. The Delegated Officer may request a meeting to review the request in more detail.

- 3.6 HCC Delegated Officers and Design Audit Engineers will not devote time endeavouring to decipher poor submissions. Where a DfS application is found to be incomplete or inaccurate, inadequately prepared or with insufficient justification, it will be returned to the applicant for revision.
- 3.7 In considering the DfS application, the relevant Delegated Officer will either;
- a. Approve the DfS application (Approve in Principle for DfS requests at pre-planning or preliminary stages of design),
 - b. Approve the DfS application with comments, or
 - c. Reject the DfS application.
- 3.8 If the DfS application is Approved with Comments, the comments shall be taken on board by the applicant and if necessary incorporated into the design proposal.
- 3.9 If the DfS application is Rejected, the applicant will be informed and recommendations on the way forward provided.

4. Further Support

- 4.1 Should you have a specific query or feedback about any of the content of this Technical Guidance Note, please send an email to Technical.Guidance@hants.gov.uk with the start of the email title as "TG17 – " .
- 4.2 Should you have a query about applying this to your particular project, please contact:
- the Design Audit Engineer dealing with your S278 or S38 application (if you are a Developer or Developer's Consultant)
 - the Technical Guidance Note Specialist(s) (if you are a working within Hampshire County Council)