

Public Document Pack

**North Yorkshire County Council
Business and Environmental Services - Executive Members & Corporate Director Meetings -
Department**

Friday, 25 March 2022 / 2.00 pm

A G E N D A

1 **Apologies for Absence**

2 **Declarations of Interest**

3 **Exclusion of the public from the meeting during consideration of item(s) # on the grounds that it/they each involve the likely disclosure of exempt information as defined in the paragraph(s) # of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006**

4 **Community Transport Funding** Dianne Pottage

Items for Executive Member decision

5 Local Transport Authority Capacity Grant (Pages 3 - 12) Louise Neale

Items for Corporate Director decision

6 Highways Design Guide Commuted Sums and Highway Drainage Supplementary Guidance (Pages 13 - 72) Emily Mellalieu

7 York and North Yorkshire Resilience Innovation Project Update (Pages 73 - 84) Emily Mellalieu

8 Update on Highway Grass Cutting (Pages 85 - 98) James Gilroy

9 Highways Capital Programme 2022-23 (Pages 99 - 110) James Gilroy

10 Marage Path and Whitby Swing Bridge (Pages 111 - 126) Philip Richardson

11 Opposed Public Path Order to divert a Bridleway at Oak House Hawnby (Pages 127 - 134) Penny Noake

12 DEFRA Consultations on the Introduction of Mandatory Digital Waste Tracking and the Reform of Waste Carrier Broker Dealer Registration in England (Pages 135 - 186) Peter Jeffreys

Circulation:

Executive Members

Derek Bastiman
Don Mackenzie

Officer attendees

Karl Battersby
Jane Connolly

Presenting Officers

Emily Mellalieu
Louise Neale
James Gilroy
Phil Richardson
Dianne Pottage

Penny Noake
Peter Jeffreys

North Yorkshire County Council

Business and Environmental Services

Executive Members

25 March 2022

Local Transport Authority Capacity Grant

Report of the Assistant Director – Highways and Transportation

1.0 Purpose Of Report

- 1.1 To seek approval from the Business and Environmental Services (BES) Executive Member for Access in consultation with the BES Corporate Director, the Corporate Director Strategic Resources and the Assistant Chief Executive Legal and Democratic Services to authorise the Corporate Director Strategic Resources to accept the offer of £178,571.43 of revenue funding from the Local Transport Authority Capacity Grant from the Department for Transport.

2.0 Background

- 2.1 On 21 March 2022 the Department for Transport (DfT) notified Local Transport Authorities (LTA) of their revenue funding allocations for 2021/22 under the new Local Authority Capacity Fund with NYCC receiving an allocation of £178,571.43.
- 2.2 The grant is being provided primarily for the preparation for the launch of the new Local Transport Plan (LTP) guidance and to encourage LTAs to update their LTPs in line with guidance by the end of this parliament.
- 2.3 While the grant is being allocated in the financial year 2021/22, NYCC does not need to spend the money in that timeframe, which will make it possible to align spend with the development of our LTP in the 2022/23 financial year. The grant offer Memorandum of Understanding states that it is expected that the money will be spent, and the new LTP in place, by the end of this Parliament.
- 2.4 The intended use of the grant is:
- Recruitment of additional LTA staff to undertake the preparatory work.
 - Training of new and existing staff to boost their capabilities on local transport planning and delivery.
 - Commissioning local transport studies.
 - Commissioning other work to build the evidence base for LTP preparation, including environmental and carbon emissions assessment.
 - Stakeholder engagement and public consultation activities.
- 2.5 The grant can also be used to develop a pipeline of local transport schemes where there is no need for preparation costs or there are no upfront costs for LTP development, because a new LTP is already in place.
- 2.6 The Department for Transport will collate information on the use of this grant, and reserve the right to use that information to inform any future LTA capacity funding.

2.7 The Transport Planning team had already begun reviewing the NYCC LTP in advance of the announcement of this funding and a further report will be submitted in 2022/23 detailing the proposed way forward, including the tasks involved and a timeline for completion of the LTP update.

2.8 Officers are currently considering the potential options available in terms of review of the LTP, and will make recommendations to BES Executive Members once the implications are better understood.

3.0 Next Steps

3.1 The grant acceptance forms must be signed and returned to the DfT no later than 25 March 2022. Grant payments are expected to be made shortly after.

4.0 Equalities

4.1 Consideration has been given to the potential for any equality impacts arising from the recommendations. It is the view of officers that at this stage the recommendations do not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010. A copy of the Equality Impact Assessment screening form is attached as Appendix 1

5.0 Finance

5.1 The Capacity Fund is additional revenue funding of £178,571 to be used as set out in section 2.4 above in line with the grant conditions. It is anticipated to be spent during the 22/23 financial year. No additional match funding is required from NYCC. Any additional funding required to meet the development of the LTP will be met by existing Transport Planning budgets.

5.2 There is a risk that any additional costs must be met by NYCC funds which is being managed by the service.

6.0 Legal

6.1 On the basis that approval pursuant to paragraph 6 (b) of the Executive Members Delegation scheme has been sought, there are no legal implications arising from the acceptance of the Grant nor its expenditure pursuant to the Procurement and Contract Procedure Rules. However, any expenditure of this Grant must comply with the Council's Procurement and Contract Procedure Rules and where relevant the Public Contracts Regulations 2015.

7.0 Climate Change

7.1 A climate change impact assessment has been carried out, see Appendix 2. There is no negative impact of accepting the funding

8.0 Recommendations

8.1 It is recommended that the BES Executive Member for Access in consultation with the BES Corporate Director, the Corporate Director, Strategic Resources and the Assistant Chief Executive (Legal and Democratic Services) to authorise the Corporate Director Strategic Resources:

- i. To accept £178,571.43 of revenue funding from the Local Transport Authority Capacity Grant from the Department for Transport.

BARRIE MASON
Assistant Director – Highways and Transportation

Author of Report: Louise Neale

Background Documents: None

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	Submit a response to the DfT to enable NYCC to access Capacity Funding in 2021/22		
Officer(s) carrying out screening	Louise Neale		
What are you proposing to do?	Accept Capacity Funding for 2021/22		
Why are you proposing this? What are the desired outcomes?	DfT have allocated an amount to each Local Authority for 2021/22 and have requested NYCC submit their acceptance forms to access this allocation. This funding is intended to be used to update the Local Transport Plan		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
<p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
NYCC additional characteristics			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	

Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No.			
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No			
Decision (Please tick one option)	EIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full EIA:	<input type="checkbox"/>
Reason for decision	No adverse impact on any of the protected characteristics.			
Signed (Assistant Director or equivalent)	Barrie Mason			
Date	24 03 22			



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Capacity Funding
Brief description of proposal	Accept Grant Funding from DfT for Capacity Funding 2021/22
Directorate	BES
Service area	Highways and Transportation
Lead officer	Louise Neale
Names and roles of other people involved in carrying out the impact assessment	
Date impact assessment started	24/03/2022

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The Capacity fund has been awarded to all Local Transport Authorities that are responsible for Local Transport Plans. NYCC were already planning to review and update the current Local Transport Plan and so this funding has freed up NYCC revenue for other projects

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

There will be an increase to council budgets of £178,571.43.

How will this proposal impact on the environment? N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.		Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel		*				
	Emissions from construction		*				
	Emissions from running of buildings		*				
	Other		*				
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic			*				
Reduce water consumption			*				
Minimise pollution (including air, land, water, light and noise)			*				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		<p>*</p>				
<p>Enhance conservation and wildlife</p>		<p>*</p>				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		<p>*</p>				
<p>Other (please state below)</p>		<p>*</p>				

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

N/A

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Accepting the recommendation to accept the funding will have no climate change impact.

Accepting the funding will have no direct climate change impact. Delivery of initiatives associated with the completed LTP should encourage increased use of sustainable travel modes which should in turn have a positive impact on climate change.

Sign off section

This climate change impact assessment was completed by:

Name	Louise Neale
Job title	Transport Planning Team Leader
Service area	Highways and Transportation
Directorate	BES
Signature	Louise Neale
Completion date	24/03/2022

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 24 03 22

North Yorkshire County Council
Business and Environmental Services
Executive Members

25 March 2022

**Highways Design Guide, Commuted Sums and Highway Drainage Supplementary
Guidance Notes**

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 To seek the approval of the Corporate Director, BES in consultation with the BES Executive Member for Access for the publication and commencement of use of the revised highway drainage and Commuted Sums Design Guidance, from the 01 April 2022.

2.0 Background to the report

- 2.1 North Yorkshire County Council (NYCC), in its capacity as Local Highway Authority (LHA), is statutory consultee to the planning process on highways matters.
- 2.2 Following planning approval, NYCC works with developers (charging a superintendence fee for the service, as a percentage of the total calculated bond value for highway works), to ensure that roads are designed and constructed to a standard which enables it to confidently adopt the new road and accept it as highway maintainable at the public expense.
- 2.3 It is critical to this process that the advice given by the local highway authority when undertaking its duties as statutory consultee to the planning process is impartial, being technical in nature and involving a consideration of the evidence provided by developers to the local planning authority, in line with national and local guidance, to enable the LHA's substantive response.
- 2.4 Robust, up to date technical design guidance is therefore critical to support officers in arriving at a recommendation to the Local Planning Authority.
- 2.5 In March 2020, the Corporate Director, BES in consultation with the BES Executive Member for access approved the commencement of work to revise the existing guidance and specification documents which support NYCC Officers in both undertaking its role as statutory consultee to the planning process and in the subsequent adoption process.
- 2.6 The last time the NYCC Highways Design Guidance Documents were comprehensively updated was in 1994. Ensuring all aspects of the guidance are robust and in line with present national standards and policy is therefore a significant workstream for the Development Management Team.
- 2.7 The Manual for Streets 2, the national standard document for residential development has been under review for the duration since it was agreed to progress the revision of the NYCC design guidance in March 2020. It is presently expected in the Spring of this year.

- 2.8 The outcome of the review may have significant implications for some aspects of local NYCC guidance with an extra focus on, for example, the prioritisation of sustainable travel and reduced focus on private car use.
- 2.9 Whilst it is imperative that local guidance reflects national standards, the necessity to update the NYCC guidance at the earliest opportunity is nevertheless clear; its age and the relevance of its application are frequent concerns raised by the developer community.
- 2.10 The stipulation of officers based on present guidance are subject to recurrent challenge by those acting for developers. This issue is increasing over time, given the present guidance reduces the opportunity for other desirable planning requirements. These include, for example, the use of trees within the highway curtilage and use of sustainable drainage options for highway water.
- 2.11 Consequently, work to progress all chapters has continued over the last two years. Some design chapters will however not feel an immediate impact from the revision of the Manual for Streets 2, with policy influences being drawn from a wider area of guidance documents. These chapters include the Highway Drainage and Commuted Sums Guidance.
- 2.12 These chapters are therefore brought to the BES Executive meeting in advance of the revision of the Manual for Streets, so that their use can begin and opportunities are not missed.

3.0 Highway Drainage Chapter

- 3.1 The highway drainage chapter has been revised to better reflect today's standards and the range of drainage options available and their appropriate use for draining the highway. For example the chapter gives design guidance for the use of sustainable drainage techniques, such as incorporation of soakaways, which at present are viewed on a case-by-case basis, often with support from term consultants to provide technical input.
- 3.2 This technical support has become less required since closer working between the LHA and LLFA on planning recommendations commenced, however the guidance document offers developers the appropriate information to develop acceptable design and offers officers a design framework to apply to the auditing of submissions when reviewing and reflects the planning requirements of both LHA and LLFA functions.
- 3.3 The chapter is included as Appendix A of this report. It is intended that for any "extra-over" design features, the commuted sums chapter would be referenced to ensure there is no additional cost from these atypical design features to the LHA.
- 3.4 The design guidance will continue to be refreshed, typically in line with amendments to the North Yorkshire Sustainable Drainage Guidance, which in turn would relate to amendments to national best practice documents.

4.0 Commuted Sums for Maintaining Infrastructure Assets in Association with Section 278 and Section 38 Highway Agreements Chapter

- 4.1 The commuted sums chapter seeks to bolster and develop the application of values to "extra-over" design features. This includes for example, the basis of calculation of soakaways for highway drainage purposes, a value to cover the maintenance of the life cycle of trees and vegetation planted within higher specification paving and other materials.

- 4.2 It is reflective of existing commuted sum guidance relating to traffic signals. The draft chapter is included as Appendix B
- 4.3 The robust application of commuted sums will permit a wider design palette to be utilised in development in North Yorkshire, whilst protecting the public purse from any associated maintenance costs that are higher than typical specification.

5.0 Consultation process

- 5.1 Both chapters have been circulated in draft to relevant internal and external representatives for comment to ensure its use is applicable and does not have implications outwith the NYCC highways development management team.
- 5.2 NYCC consultees have included representatives from Highway Operations, Traffic Engineering, Bridges and Structures, Economic Growth, Public Health and Climate Change.
- 5.3 Comments have been received from Highway Operations, Bridges and Structures, Traffic Engineering, Public Health and Climate Change. Suggestions have been incorporated where possible, with explanation offered where comments offered are not able to be incorporated into the guidance.
- 5.4 Externally, all Local Planning Authorities within the NYCC boundary have been invited to comment. In addition City of York Council has been approached, to permit consistency of approach within the county area.
- 5.5 National Highways has also been invited to comment and the guidance has been offered to developer representatives.
- 5.6 It was not surprising that limited external feedback was received from external parties, given the technical nature of both chapters, which does not necessarily impact on wider planning processes. External feedback was however received from Craven District Council, which reported no concerns with the approach and Ryedale District Council (RDC).
- 5.7 RDC was concerned about the impacts of the commuted sums approach on site viability across the authority, given there is no viability assessment which explores the implications of this from some different housing scheme typologies across the North Yorkshire area.
- 5.8 This was something that NYCC officers had already recognised and explored. Response given to RDC explained that this sum is for “extra-over” design features only and does not impact on the use of typical highway construction materials or features. In addition, commuted sums are already collected by NYCC, so it does not seek to alter the status quo and instead the new document aims to make the calculation of sums more accessible to developers and robust in its application.
- 5.9 Commuted sums are a typical tool used by local authorities to cover the risk to the public purse from expensive design features incorporated into any areas of the site they wish to be adopted. Of course, if a developer does not wish for infrastructure or the access network within a site to be adopted that remains at their discretion. Notwithstanding this, developers should be aware that a commuted sum would be applicable which would be agreed to during the drafting of an agreement under s38 or 278 of the Highway Act (1980).

- 5.10 RDC also raised concerns over the 30 years commuted sum period, given that smaller builders are less likely to be in operation within that time period. Sums would however be collected upfront, held by NYCC for maintenance use as and when required over the lifespan of the infrastructure. Ultimately, the cost and the quantity of materials used as extra-over features is fixed and therefore its application protects the public purse from the higher maintenance costs of the feature.
- 5.11 This rationale has been explained to the commenting officer at RDC and it has withdrawn the concerns.
- 5.12 It is considered, that given the age of previous guidance it is vital to introduce the document at the first opportunity, particularly given that it reflects a process which is already occurring, but at present one which is dealt with on a case-by-case basis with developers. Notwithstanding that, the document would not be introduced without a commitment to reviewing it following a year of operation to ensure its use has not resulted in unforeseen issues and also it may be considered pertinent to undertake a review at an appropriate point following LGR.
- 5.13 It will in any case, be necessary to review the commuted sums charges annually in line with commercial fluctuations. This will be linked to the annual review of the fees and charges schedule.

6.0 Financial implications

- 6.1 The revision of the guidance seeks to reduce the financial risks to the authority from the adoption process and ensure there is no additional strain placed on the public purse, from either poor design or extra-over design features. The commuted sum chapter in particular will permit a value to be available for the maintenance of extra-over design features, during the design lifespan.

7.0 Legal implications

- 7.1 North Yorkshire County Council Local Highway Authority and as such, in a two tier authority area is a statutory consultee to the planning process, as set out in Article 22 of the Development Management Procedure Order. Consultees are under a duty to provide a “substantive response” (as defined in the Article).
- 7.2 Local planning authorities must provide such consultees with information that will enable them to provide a substantive response.
- 7.3 The substantive response should include reasons for the consultee’s views so that where these views have informed a subsequent decision made by a local planning authority the decision is transparent.
- 7.4 New and existing roads can be adopted by highway authorities so that they become maintainable at public expense, pursuant to Section 38 of the Highways Act (1980).
- 7.5 This report concerns the introduction of revised NYCC guidance to enable the substantive response to the planning process and to enable subsequent adoption of the roads, delivered to an acceptable standard, in accordance with the legislation above.
- 7.6 The statutory authority for commuted sum payments derives from Sections 38 and 278 of The Highways Act 1980, with both section of the Act containing enabling powers for authorities to secure contributions (commuted sums) from third parties for the future maintenance of highway assets.

- 7.7 Section 38 applies to new roads constructed on private land which the developer, upon completion, wishes to be adopted by the highway authority as highway maintainable at the public expense, and;
- 7.8 Section 278 Agreements provide developers with a mechanism to either fund works, or undertake works themselves, to the existing public highway. The works are often termed 'off site works' as they are usually separate from the developer's site and the works are necessary to provide improved access to, or mitigate the effects of, the new development.
- 7.9 A court of appeal decision known as "the Redrow case", confirms that it is appropriate for authorities to use these powers to seek commuted sums for all elements of future highway maintenance after adoption.

8.0 Equalities implications

- 8.1 There are no equalities implications arising from this report. The initial equality impact assessment screening form is included as Appendix C accordingly.

9.0 Climate Change Implications

- 9.1 A climate change assessment form is included as Appendix D. There are no adverse climate change implications arising from the report, in fact both chapters, in places encourage more sustainable construction techniques and more opportunity for sustainable drainage options for the highway and incorporation of trees into the highway curtilage without additional cost to the authority.

10.0 Recommendations

- 10.1 It is recommended that;
- i) the Corporate Director, BES, in consultation with the BES Executive member for Access approve the publication and use of the revised drainage and commuted sums chapters from 1st April 2022.
 - ii) a further report is provided on the commuted sums chapter following a year of operation to ensure its use has not resulted in unforeseen issues.

BARRIE MASON
Assistant Director
Highways and Transportation

Author of Report: Emily Mellalieu

Background Documents:
Design Manual for Roads and Bridges (DMRB)
Manual for Streets 2

Highway Drainage Chapter (incorporating Sustainable Drainage Systems)

16.1_ General

16.1.1 Highway Authorities have the powers to construct, adopt, and maintain highway drainage infrastructure. This guidance aims to provide a foundation for consistency of highway drainage design to current standards which developers must follow to ensure that systems are satisfactorily designed and constructed.

16.1.2 The new guidance moves away from design specifications to a modern philosophy of source control and performance specification. For instance, high return period design storms must now be simulated, and flood flow paths examined as part of the design of highway drainage, as it no longer matters to the public whether a pipe surcharges or a manhole floods, but rather that flooding causes nuisance, inconvenience, damage or health and safety risks.

16.1.3 North Yorkshire County Council (NYCC) as the Local Highway Authority (LHA) is responsible for the adoption of surface water drainage systems serving highway areas as part of its statutory legal duty to effectively drain the public highway.

16.1.4 In order to ensure that the LHA is able to fulfil this duty, the highway drainage system will only accept surface water received from adopted areas of highway following agreement with the LHA. Additionally, the Water Authority must have indicated that it is prepared to accept and adopt any connection to a sewer system to which they have a controlling interest. Therefore it is important that any highway put up for adoption includes an appropriately designed highway drainage system.

16.1.5 This Chapter should be read in conjunction with 'North Yorkshire County Council's SuDS Design Guidance 2018' produced in the Council's capacity as the Lead Local Flood Authority (LLFA).

16.1.6 The use of a positive drainage system should be provided for all roads to be offered for adoption as part of S38 agreements, and where possible discharging to a sustainable drainage systems (SuDS) where infiltration to the ground, large waterbody and/or controlled discharge into a system or watercourse can take place. A watercourse being a ditch or stream (not a field gutter), should be maintained / inspected on a regular basis. It shall be free flowing and capable of taking all the site water.

16.1.7 The Building Regulations Part H and CG 501 (DMBR – Design of Highway Drainage Systems) recommend the following order of priority for dealing with surface water runoff:

- a) Discharge into the ground (infiltration)
- b) Discharge to a surface water body
- c) Discharge to a surface water sewer (with the agreement of the Water Authority)¹
- d) Discharge to a combined sewer (with the agreement of the Water Authority)¹

¹Note – The LHA will only accept surface water from the development highway into a LHA maintained highway drain. Surface water from open land and watercourses are not accepted.

16.1.8 When designing infiltration systems, one of the greatest uncertainties is future performance. Over time, infiltration rates can reduce, particularly if little or no effective pre-treatment is included in the design or the system is poorly maintained. To account for this, a factor of safety is introduced into the design procedure. Factors of safety are based upon engineering judgement and depend upon the consequences of failure. The SuDS Manual C753 suggests suitable Factor of Safety values, but NYCC reserves the right to apply stricter

regulation to ensure that development has a positive, rather than just neutral impact on flood risk.

16.1.9 A commuted sum will be required to cover maintenance/replacement of all ground infiltration systems. Specific guidance on the use of soakaways is offered in section 16.20.

16.2_ Water Authority Consent

16.2.1 Where the discharge of surface water through SuDS features may not be possible, particularly in more urban areas, then normal practice would be to provide highway gullies that discharge directly into a public surface water sewer, with any new connection being subject to a Section 106 agreement under the Water Industry Act (1991) with the Water Authority. As a last resort, the Water Authority may, subject to agreement, allow surface water discharge into a combined sewer. The use of pumps to drain the public highway will only be considered at the discretion of the Water Authority.

16.2.2 The Water Authority must provide Section 104 agreement certification before the Council agrees to adopt the highway layout under the provisions of a Section 38 agreement. Where complications are envisaged on a development it is recommended that the Developer seeks Section 104 approval at an early stage.

16.3_ Connecting to an Existing System or Watercourse

16.3.1 Where a new highway drainage system is reliant upon the existing highway network for an effective surface water outfall, there will be a requirement to prove its capacity in order to receive the additional flows and that the outfall is in a satisfactory condition before any connection approval takes place.

16.3.2 Any works that require the use of an existing drainage systems will be subject to carrying out CCTV surveys accompanied by a technical report with any associated improvement works undertaken at the Developers expense.

16.3.3 The right to discharge surface water from a highway drain into any ditch or watercourse must be agreed in writing by the issue of a permit or consent form from the Environment Agency (for a main river), or, an Internal Drainage Board (IDB) for non-main river within an internal drainage district. Where a watercourse is not within the applicant's land ownership, in addition to the relevant permits, an agreement is generally required in the form of a deed of covenant giving permission from the Riparian Landowner to discharge water must also be provided. NYCC will accept no liability for any failure to seek such agreements, which rest outside of the planning process.

16.3.4 Where there is a requirement that a drain is located outside of the limits of the highway, for example the outfall to a watercourse, then a 'Deed of Grant of Easement' will be required, the responsibility for which rests with the Developer to obtain.

16.3.5 Where a highway system discharges to a watercourse the connection should be made in line with the direction of flow and at an angle no less than 65 degrees to the bankside. A detailed headwall design should be submitted to include appropriate erosion/scour protection for the bankside. The design should incorporate flap valve(s)/no return valve(s) as standard. Confirmation must also be received from the LLFA on whether consent under Section 23 of the Land Drainage Act 1991 (as amended) (Land Drainage Consent) is required for the outfall headwall structure.

16.3.6 Only in exceptional circumstances will elements of a highway drainage system be permitted within an area of public open space requiring the written approval of the Planning Authority. Where such circumstances do arise, the landowner (the Developer) will be required to provide a Grant of Easement giving the Highway and Lead Local Flood Authority right of access at all times for repair and maintenance purposes.

16.4_ Discharging Surface Water to SuDS

16.4.1 Where a drainage system serving the public highway discharges to a SuDS feature then this must be put up for adoption and be located within the highway boundary or forming an integral part of the road being offered for adoption. The adoption of SuDS components that are “off line” or remote from the highway are unable to be adopted and thus this should be fully considered early in the design process. Designs should be in accordance with the CIRIA SuDS Manual and the Councils SuDS Design Guidance.

16.4.2 There may be circumstances where a SuDS system is constructed within the highway boundary and the system takes proportionally more ‘non-highway runoff’ in which case the system would not be adopted under a S38 agreement and future maintenance for the lifetime of the development would need to rest with a management company.

16.4.3 Due to the bespoke nature of SuDS systems, the adoption of each feature will be dependent on the agreement and provision of an appropriate commuted sum to secure the ongoing maintenance of the feature. It is recommended that the Engineer is contacted at an early stage to seek agreement in principal for adoption. The use of Commuted Sums is covered in Chapter 28.

16.5_ Design Criteria

16.5.1 The rate of discharge from a new highway scheme must not exceed the greenfield rate for all events up to a 1 in 100 year design storm, plus an appropriate allowance for urban creep (where applicable) and future climate change allowance in accordance with current 30% (20% Commercial) guidance from the Environment Agency.

16.5.2 Highway drainage system designs should include a hydraulic model of the proposed highway network with the modelling parameters being in accordance with NYCC’s design guidance.

16.5.3 Hydraulic modelling calculations (MicroDrainage or similar) shall include a design criteria summary, contributing area summary, full network details table, pipeline schedule, control/storage structure details and a results summary.

16.5.4 The drainage network must be designed and demonstrate, that unless an area is designed to hold and/or convey water:

- Surface water flows are contained within the proposed drainage pipes without surcharge for up to a 1 in 2 year flood event;
- Flooding does not occur on any part of the site for a 1 in 30 year rainfall event, with all development surface water flows remaining within the proposed drainage system;

- Flooding does not occur during a 1 in 100 year rainfall event (+CC) in any part of a building (including basement) or in any utility plant susceptible to water (e.g. pumping station or electric substation) within the development.

16.5.5 The following principles should be considered when defining the catchment areas for the road drainage system:

- Areas to be drained are identified, including whether they are permeable (grassed areas) or impermeable (surfaced).
- All high and low points on the longitudinal gradients of the road are identified.
- Crossfall or Camber on the road at all locations, and in particular identify locations where the direction of crossfall or the camber changes. The Design should avoid the creation of flat areas.
- As part of any longitudinal design care should be taken in respect of hog curves created at the top of the vertical curve which can flatten to well below the desirable minimum gradient.
- Confirm the direction that surface water will flow from all other areas.
- Confirm outfall locations.
- Identify any obstacles which will split catchments.

16.5.6 Pollution prevention methods should be incorporated in designs to prevent polluted run-off. The incorporation of SuDS may prevent the need for oil separators. Refer to Pollution Prevention Guidelines (PPG's). The requirements for oil separators should be confirmed with the Environment Agency.

16.5.7 The Hydraulic model must be referenced to a schematic site layout plan with all pipes, manholes, drainage and ancillary features clearly numbered.

16.6_ Designing for Exceedance

16.6.1 The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

16.2.2 Typically, areas designated to hold or convey water will be an appropriately designed public open space within the development. Where the designated area is off site on land or into watercourses owned by a third party then evidence of approval will be required as part of any submission.

16.6.3 Safe and appropriate flow routes as a result of blockage and exceedance of the drainage system must be evaluated, and the potential effects of flooding assessed. An exceedance plan drawing is required to show exceedance areas and overland flow routes during an extreme flood event, exceeding the capacity of the proposed drainage system.

16.6.4 Site design must be such that when SuDS features are exceeded due to failure caused by blockages or when the system is overwhelmed by excessive flood flows, the exceedance flows do not cause flooding of properties or infrastructure on or off site. This is achieved by designing suitable flood pathways.

16.6.5 The use of the highway for exceedance flows may not be suitable in all locations, particularly in steeper catchments. Designers should consider the impacts of the velocity of exceedance flows on traffic, pedestrians and adjacent structures.

16.7_ Designing for Urban Creep

16.7.1 Urban creep is defined as future development expansion creating impermeable areas within a development site through activities such as building extensions, paving gardens and creating driveways which often rest outside of the development control processes. As such, an allowance of 10% is required for this increase in the impermeable area of a development.

Design Requirements

16.8_ Highway Gully Specification

16.8.1 Gully gratings and frames shall be class D400 and installed to BS EN124 with a minimum width of 450mm in accordance with the requirements of BS 7903. The use of slot drains on the adoptable highway will not be permitted. All road gully gratings are to be hinged and a minimum of 100mm deep on estate roads and 150mm deep in all locations of block paving. Cycle / Pedestrian friendly grates shall be provided on all Shared Space road layouts.

16.8.2 Emergency accesses, footpaths and cycletracks that are remote and not adjoining the carriageway should be positively drained. Surface water runoff from adoptable footpaths and cycleways that discharges across other footways or carriageways or discharges into adjoining private property and private areas, including gardens, is not acceptable. Particular care should be taken when a footway or cycleway is constructed in cutting, as surface water will be channelled to its lowest point leading to ponding.

16.8.3 For footways and cycleways gully gratings and frames shall be to class C250 with a minimum opening of 350mm x 310mm x 75mm with a captive hinge and cycle/pedestrian friendly grate.

16.8.4 Gully pots should be specified as plastic or pre-cast concrete units with a minimum diameter of 450mm and a minimum depth of 900mm. Brick built gully pots will not normally be accepted unless it can be demonstrated that these are required due to engineering difficulties.

16.8.5 The minimum allowable pipe diameter for gully connections to either the public sewer or a main highway carrier drain is 150mm.

16.8.6 Gullies are to be connected into a catchpit or manhole where reasonably practicable.

16.8.7 Gully spacing should be calculated in accordance with DMRB. The drained area for road gullies should not exceed an area of 150m². With the maximum gully spacing not exceeding 35m.

16.8.8 Gullies shall be positioned away from areas of regular vehicle overrun, including the wheel tracked areas of junction bell mouths, driveways, formal and informal pedestrian crossing points and potential informal pedestrian desire lines.

16.8.9 Where it is not possible to meet the above requirements the Council will in exceptional cases accept the use of kerb type drainage systems (beany blocks) in short stretches where it can be demonstrated that kerb drainage can be effectively maintained. The use of kerb drainage should be agreed with the Engineer at an early stage in the design process and will be subject to securing a Commuted Sum.

16.8.10 Standing and running surface water at junctions, transitions, pedestrian crossing points, bus stops and cycle lane entries should be minimised by installing a gully on the upstream side.

16.8.11 The use of Linear Drainage Channels / Slot drains / Aco drains should be carefully considered due to maintenance liability and often still require a positive outlet and therefore their use shall be agreed early in the design stage with the Engineer if required to overcome a particular problem that cannot be addressed by conventional drainage solutions.

16.8.12 New carriageways to be put up for adoption should be designed to avoid the creation of flat areas. Where the development will utilise an existing highway where flat areas are already present, the introduction of false flats should be considered, i.e. reshaping the road surface profile into peaks and troughs between gullies to achieve minimum gradients.

16.8.13 Channels should be used on carriageways where gradients are shallower than 1 in 80 in order to prevent future ponding. Alternatively, the use of combined kerb/drainage systems may be considered in certain circumstances, but with the prior approval of the Engineer due to maintenance liability and will be subject to a commuted sum calculation.

16.8.14 Where possible footways should be designed to fall towards the carriageway. Where backfall is unavoidable and if there is significant longitudinal fall then a 'dish' should be formed in the surfacing and directed such that the water flows off into the channel. At times where this is not possible, a gully will be required within the footway. The use of dished channels should be avoided where possible as they can present a tripping hazard and thus the use of fluted channels is generally more acceptable.

16.8.15 A pair of gullies are required at all low points along a road channel, or at locations where a single blocked gully has the potential to create ponding and subsequent exceedance. Each gully should have an independent connection to the carrier drain unless agreed with suitable reasoning offered at the design stage with the Engineer. The independent connections to the carrier drain must be at least 1m apart to ensure the carrier drain is not weakened.

16.8.16 To assist with the checking of the road layout / drainage designs as part of any Technical Approval for S38/278 works, the application submission should include a road layout/drainage plan overlaid with 100mm contour heights/flow arrows.

16.9_ Pipework

16.9.1 Desirable minimum cover to any highway pipework should be 1200mm where trenches are backfilled with suitable granular material. The absolute minimum cover with the exception of the connection to the road gully should be 600mm, where this occurs all drains must be laid on a bed of, and surrounded by, 150mm of ST2 mix concrete protection with flex cell expansion joints on all bends and every 3m of length.

16.9.2 All pipework should be designed to be self-cleansing with a minimum velocity of 1.0m/sec or an absolute minimum of 0.75m/sec. Any main carrier drain running in the highway should have a minimum diameter of 225mm.

16.9.3 Pipework up to and including under 900mm diameter must comply with Series 500 of the MCHW, and for the avoidance of doubt plastic pipes up to 300mm are acceptable to use, as long as they are twin wall approved for highway use. Plastic pipes greater than 300mm dia are subject to agreement with the Engineer, being CE marked and will be subject to suitable specification for bedding and encasement.

16.9.4 Where;

1. Pipework exceeds 900mm diameter or clear span or
2. Combinations of pipe where combined span is in excess of 0.9m, and the distance between two pipes is less than that of the larger of the two spans.

Then these will be treated as structures requiring a Technical Approval submission and will not be permitted under the highway by NYCC.

16.4.5 The current NYCC Technical Approval Procedures document can be made available upon request.

16.4.6 For further requirements refer to the Structures Chapter of this Design Guide.

16.10_ Culverts

16.10.1 NYCC is, in general opposed to the culverting of watercourses and has recently published a 'Culverting Works and Drainage Maintenance Protocol 2019'.

16.10.2 Culverts must be designed so they do not cause a restriction to flow and this must be demonstrated through the submission of supporting evidence. Culverts must not increase the risk of flooding or prevent maintenance of the adjacent open watercourse. Consideration must also be given to overland flow paths in the event of a culvert becoming obstructed or overloaded. It should also be demonstrated that flows will not affect property or cause unreasonable nuisance or harm.

16.10.3 The responsibility for future maintenance and clearance of a culvert must be agreed and details of those responsible submitted with the consent application. The responsibility for the maintenance of a culvert lies with the riparian landowner or the owner of the culvert unless otherwise arranged.

16.10.4 All culverts that are to be adopted by NYCC shall be supervised on-site during the construction phase activities. No works shall start until the Technical Approval and any Section 38/278 agreements have been entered into with consent under the Land Drainage Act 1991 (watercourses) or an Environmental Permit (EA Main River) having been issued by the appropriate bodies.

16.10.5 A technical approval submission will be required for all structures defined as being greater than 900mm diameter or clear span.

16.11_ Catchpits

16.11.1 Catch pits with a minimum clear opening of 675mm x 675mm should be constructed with a minimum sump of 300mm and should be located at every change of direction, at any change of diameter, and where any system joins the main line (Single gully connections may be permitted without the construction of a catch pit with agreement of the Engineer). Changes of direction of more than 90 degrees in catch pits will not be permitted.

16.11.2 Refer to the NYCC Technical Approval Procedures for all manholes with a diameter greater than 1250mm

16.12_ Manhole Chambers

16.12.1 Manhole chambers will be required at a maximum spacing of 90m for systems that run for a long distance without any incoming connections to allow access for jetting. All manhole covers on the adoptable network are to be 150mm deep EN124 D400 ductile iron bedded using a proprietary mortar/polymer resin based product or 100mm deep EN124 C250 in the case of footpaths or verges.

16.12.2 All covers in footpaths and shared surface areas that are to be trafficked for maintenance purposes e.g. access required by tanker, jetter, gully emptier, street lighting hoist shall be fitted with BS EN124 D400 cover and frames.

16.12.3 Manholes must not straddle centrelines/ lane lines, and be kept clear of vehicle wheel tracks with pipework being a minimum of 1.0m from a kerb line, and any manhole being a minimum of 500mm from a kerb line in order to minimise disruption during future maintenance work. Sub-surface drainage will be required where the water table is within 600mm of the formation

16.12.4 Refer to the NYCC Technical Approval Procedures for all manholes with a diameter greater than 1250mm

16.13 Flow Control Chambers & Oversized Attenuation Pipes

16.13.1 Flow control chambers and oversized attenuation pipes constructed to control surface water discharge rates to the existing drainage network should be situated outside of the adopted carriageway extents to avoid disruption to the highway during any future maintenance.

16.13.2 It is acknowledged that in some small/medium size developments it may not be viable to provide surface water attenuation tanks and pipes outside the confines of the highway. Appendix CH 16-1 provides an example of a permitted surface water attenuation pipe arrangement within the adoptable highways for smaller development sites where other SuDS options cannot be accommodated. A departure from NYCC standards must be negotiated with both the highways engineer and structures engineer.

16.13.3 Large chambers (>3.0m diameter) will not be permitted within the carriageway without consideration of all maintenance activities and safeguarding the movement of members of the public during any works, including the replacement of a chamber cover slab. Where chamber cover slabs are bespoke, a structural design will need to be submitted for approval.

16.13.4 Where pipes/culverts larger than 900mm clear span or diameter are agreed within the highway, they will be classed as structures for the purpose of systematic structural inspection and will require a technical approval submission.

16.13.5 NYCC will accept the use of vortex control devices as a method of flow control on a highway system, and will also permit the use of orifice plates with a minimum internal diameter of 75mm for vortex control valves and 100mm for orifice plates. Throttle pipes shall be 150mm and should be less than 15m in length. Should this requirement detailed above not be approved then the Applicant is exposed to the risk of the site not being adopted.

16.14_ Cellular Storage Systems

16.14.1 The use of below ground cellular storage systems for surface water attenuation is becoming more common and are permissible where it can be demonstrated that all other options have been considered and dismissed for technical reasons.

16.14.2 The approval of a cellular storage system will be subject to the submission and approval of a detailed design.

16.14.3 The construction of a cellular storage system constructed directly under a carriageway will not be permitted.

16.14.4 As such, any system put forward for adoption must be located in an adjacent area of adopted public highway, preferably in verge area and must be suitable for vehicular trafficking and certified accordingly

16.14.5 The design of the specified system must allow jetting along the entire length of the feature. A plan identifying access arrangements for maintenance should be submitted. It must be demonstrated that the chosen system permits the inspection of the entire tank with conventional CCTV apparatus.



16.14.6 Crates with solid internal walls will not be accepted. Any storage tank must be appropriately vented and include a sump catch pit at the main inlet and adjacent to, or constructed as part of, the outfall/flow control structure to allow the jetting of the entire feature and the removal of sediment. On large systems it is likely that the use of two catchpits could be needed, with flow split between the two catchpits.

16.15_ Subsoil Drainage

16.15.1 An adequate system of subgrade drainage to maximise longevity of the pavement construction and its associated earthworks shall be constructed to the Engineers satisfaction where:

- the winter height of the water table is within 600mm of formation level; or
- the sub-soil is saturated; or
- there is a likelihood of water running from or out of adjacent ground; or
- springs, land drains, leats or other watercourses are encountered; or
- the subgrade is likely to be altered due to groundwater.

16.15.2 The designer should also refer to TRL report PPR341 Drainage of Earthworks Slopes. Future maintenance of drainage systems must be a principal factor in the design and for this reason, fin drains should not be used.

16.16_ CDM Regulations

16.16.1 Under the CDM Regulations, the designer must take full account of the general principles of prevention, with the aim, as far as reasonably practicable, of eliminating foreseeable risks. In this respect, Surface Water attenuation tanks are deemed to be a 'confined space' structure when undertaking systemic future inspections and maintenance, due primarily to the potential build-up of toxic and contaminated material, harmful gases and

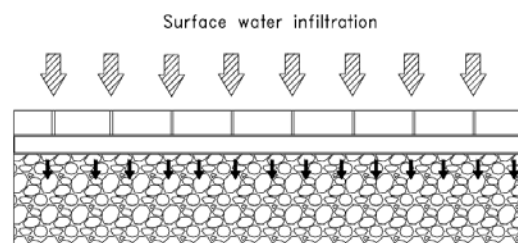
water risks. It is expected that the CDM Health and Safety File will include all details to enable future inspection and maintenance.

16.16.2 All relevant information forming the Health and Safety File shall be submitted to the LHA in CD format prior to S278/38 Final Certificates being issued. The Local Highways Area Office will be required to store this information or future reference.

16.17_ Permeable Paving

16.17.1 The use of permeable paving has the potential to both store and treat highway water without the land take of conventional sustainable drainage features. Engagement with the highway authority into the use of permeable paving is encouraged at an early stage in the design process.

16.17.2 At present, NYCC are not willing to adopt permeable paving on the adopted highway. The construction of permeable paving within private highways, shared parking areas and private drives is permitted subject to the submission of a detailed design, maintenance plan and future ownership details at the planning stage. A reduction for the use of permeable paving shall not be made in the site drainage design for private driveways as homeowners may replace their drives with cheaper impermeable material in the future.



16.17.3 Any permeable paving systems should be designed in line with the most up to date version of permeable paving design guidance. The use of loose gravel or similar unbound material will not be permitted by NYCC as a permeable paving solution, as typically, weed growth takes place; the material gets tracked onto the adjacent highway which can lead to road safety concerns and potential damage to highway surfaces. Additionally, unbound materials can create problems for users of wheelchairs, mobility scooters and pushchairs.

16.17.4 The approval of permeable paving designs being reliant upon infiltration will be subject to infiltration testing undertaken by a UKAS accredited laboratory. This testing will determine if full, partial or no filtration is achievable, which in turn determines if a piped outfall and an impermeable geo-textile layer is required.

16.17.5 Permeable paving to be offered for adoption will require a positive drainage outfall and a commuted sum for the future maintenance. In the circumstance there is no other suitable solution available the use of permeable paving out falling via infiltration will need to be discussed at the early stages of site design with the Engineer

16.18_ Private Area Drainage

16.18.1 The drainage of private areas must be considered as part of the technical approval submission. No private drainage element will normally be permitted within the area offered for adoption. Surface water run-off from private driveways, courtyards and footways should be positively drained and thus intercepted by linear channels and private drains and discharged into the private domestic surface water network associated with the proposed dwellin1 in 80g/private structure.

16.18.2 Conversely, the drainage design should ensure that no surface water runoff from the proposed adoptable highway area enters areas in private ownership. Private culverts/structures will not be permitted within areas offered for adoption. This issue should be addressed as early as possible during the design stage.

16.18.3 Private connections not forming part of the adoptable sewer system within the highway limits, are the responsibility of the Developer and his successors, but shall be constructed in accordance with NYCC's specification. Any private apparatus located within the adopted public highway will be subject to the provisions of a Section 50 licence.

16.19_ Use of Management Companies

16.19.1 It must be demonstrated to the Local Planning Authorities satisfaction that maintenance of private surface water drainage assets will be assured for the lifetime of the development.

16.19.2 To assist with the maintenance of private areas and private drainage assets that come under the control of a Management Company, it is expected that the Local Planning Authority and the nominated Management Company will be provided with a 'SuDS Scheme Operation and Maintenance Manual' document forming part of the CDM Health and Safety File enclosing all pertinent information.

16.19.3 The SuDS Scheme Operation and Maintenance Manual is to be provided as part of any submission at Full Planning and Approval of Reserve Matters planning stages, as well as for any Draft Section 38 Highway and SuDS Adoption Agreement. As a minimum, this file should contain:

- The Management Companies name, address, email address and contact number. (Where this is not known during the planning stage then full details must be submitted as part is part of the Health and Safety File at S278/38 Final Certificate Stage);
- A description of the site and construction details;
- A brief summary of the design intent, how the SuDS components work, their purpose and potential performance risks;
- An explanation of the objectives of maintenance that is proposed and potential implications of not meeting those objectives split into planted and hard elements;
- Visual indicators that will trigger maintenance plus depth of silt and of oil separators etc. that will trigger requirement for removal;
- A plan of the site that identifies surface water run-off sub-catchments, SuDS components, critical water levels, control structures, flow routes (including exceedance routing) and outfalls;
- A plan clearly showing the extent of the un-adopted area along with easements and rights of way for access to enable maintenance. If other parties are responsible for different parts of a scheme, this should be clearly shown on the plan;
- The access that is required to each management component for maintenance purposes and a plan for the safe and sustainable removal and disposal of waste periodically arising from the drainage system;
- A maintenance schedule (see example in Appendix CH 16-3) itemising the tasks to be undertaken and the frequency at which the tasks should be performed so that the long term performance of the asset is secured. This schedule can then be priced, checked on site and form the basis of an inspection log. It is expected that the schedule would

be a living document and will be subject to change where inspections advise that changes are necessary to the maintenance requirements;

- A maintenance specification detailing the materials to be used and the standard of workmanship required. The specification should describe how the work should be carried out, health and safety requirements and should contain clauses giving general instructions to the nominated Contractor;
- Details of how future residents will be made aware of their responsibilities and obligations where these rest outside of the Management Companies remit.
- An action plan for dealing with accidental spillages of pollutants;
- Details of who to contact in the event of pollution or the system is not working;
- Advice on what to do if alterations are to be made to a development, or if service companies need to undertake excavations or similar works that could affect the SuDS.

Highway Soakaways

16.20_ General

16.20.1 When designing infiltration systems, one of the greatest uncertainties is future performance. Over time, infiltration rates can reduce, particularly if little or no effective pre-treatment is included in the design or the system is poorly maintained. To account for this, a factor of safety is introduced into the design procedure. Factors of safety are based upon engineering judgement and depend upon the consequences of failure. The SuDS Manual C753 suggests suitable Factor of Safety values, but NYCC reserves the right to apply stricter regulation to ensure that development has a positive, rather than just neutral impact on flood risk.

16.20.2 NYCC is generally opposed to the use of highway soakaways due to siltation and future maintenance liabilities and therefore where they are proposed, all other infiltration surface water discharge options should have been considered and discounted.

16.20.3 Where standard soakaway designs and deep borehole soakaways are the proposed method of highway drainage, and are being offered for adoption as part of the S38 Agreement, it is essential that the design is approved at an early stage by NYCC.

16.20.4 Evidence that sufficient rates of infiltration are present to effectively drain the highway are required.

16.20.5 For the avoidance of doubt, NYCC will not accept soakaways being installed within areas forming the carriageway / footway that will be offered for adoption.

16.21_ Infiltration Test Specification

16.21.1 In order to ensure that infiltration rates are representative of the site ground conditions, infiltration tests should be undertaken on site as close as possible and within 20m for uniform subsoil conditions and in the location of the soakaway for non-uniform subsoil conditions and within the same depth range as the proposed soakaway.

16.21.2 The infiltration tests are to be carried out by a UKAS accredited laboratory in accordance with BRE365 'Soakaway Design' taking into consideration anticipated groundwater levels, ensuring a working filtration zone is achievable. All designs should take into consideration the requirements of HA118/06.

16.21.3 Trial pit logs are to be provided with each test pit, logged in accordance with as EN 1997-2:2007. A minimum of three fillings should be conducted in each test pit. Any submissions with less than 3 tests will be automatically refused.

16.21.4 If it is not possible to carry out a full depth soakage test then the soil infiltration rate calculations should be based on the time of the fall of water from 75% to 25% of the actual maximum water depth achieved in the test.

16.21.5 The Engineer or his Representative shall be advised when infiltration testing is being undertaken allowing the opportunity of superintendence.

16.22_ Soakaway Design Criteria

16.22.1 Soakaways should be designed using the slowest infiltration rate from one of the three tests in each pit. A minimum of a 1 in 100+CC year return period should be used for design purposes. Soakaways must be designed in accordance with the BRE365 method (2016 or any subsequent update) or the Bettess method (1996). The applicant must apply a suitable safety factor, as referenced in CIRCA C753 Table 25.2 if using the Bettess (1996) method.

16.22.2 It is appreciated that conventional highway drainage systems can only convey a limited volume of water during short duration high intensity events i.e. up to 30 minutes. For this reason, the temporary flooding of the highway during storms above the 1 in 30 year event would be accepted in short duration events, as long as it can be demonstrated that this exceedance volume will be completely contained within the adopted highway or other designated exceedance storage areas, taking into account a total footpath height of 75mm above carriageway level. The flooding of 3rd party land or property curtilages would not be permitted.

16.22.3 Adoptable soakaways should be constructed using either preformed plastic crates or perforated rings being a minimum of 1500mm diameter and installed in accordance with the manufactures instructions. All soakaways put up for adoption must be suitable for use in trafficked areas and certified accordingly.

16.22.4 All soakaways and filter drains are to be encased in a suitable geotextile, in the case of a soakaway laid between the chamber and the filter material to prevent fines being washed away. All soakaways should be designed with a suitable access point at each point of connection to allow future cleansing of the system in the event that it becomes silted.

16.22.5 If plastic crates are utilised, the design of the specified unit type must allow jetting along the entire length of the feature. Crates with solid internal walls will not be accepted and the feature must be appropriately vented. On larger soakaways additional inspection chambers should be provided to allow future cleansing of the system.

16.22.6 If more than one soakaway is planned, they are to be linked by a 225mm diameter pipe, and where possible, the soakaway should incorporate an overflow link (minimum 225mm diameter) to an existing highway drain/outfall system.

16.23_ Highway Soakaway Location

16.23.1 The position of the soakaways should be considered early in the design process. They **must not be located beneath the adopted highway** or areas subject to regular HGV traffic. They should be situated not less than 3m from the edge of the carriageway (or any other area subject to highway vehicular loading) in private car parking or areas of public open space with the agreement of the LPA and the completion of a legal Deed of Easement with the landowner (the Developer).

16.23.2 Designs where highway soakaways are proposed in inaccessible areas for example, between plots will not be accepted. They must not be located directly beneath the adopted highway and the bottom of the soakaway should not extend below a line drawn at 45 degrees from the edge of the carriageway or any structure or boundary.

16.23.3 Soakaways should be situated not less than 5m from any building, wall, or retaining structure and a 3m easement from any property curtilage or the edge of the carriageway should also be provided. Fences shall also be kept a reasonable distance from the soakaway.

16.23.4 No permanent structures, play equipment, steps or significant landscaping should be placed on or adjacent to the soakaway or within the easements.

16.23.5 When determining the location of the soakaway, due consideration should be given to future maintenance. Provision must be made for pedestrian and vehicular access from the adopted highway to the whole of the soakaway and associated drainage runs without significant changes in ground level.

16.23.6 Gradients within the easements should not normally be steeper than 1:20 across grassed or landscaped areas without suitable reinforcement. Easements are required for any drainage outside of the adoptable highway and these should be a minimum of 3m around a soakaway and 3m either side of the centre of any pipe. Additional areas for access may be required.

16.23.7 Soakaways and any other form of surface water ground infiltration will not be permitted under any circumstances in the Ripon area of Harrogate Borough, as Ripon sits on a layer of gypsum at a relatively shallow depth. Gypsum is a water soluble rock where dissolution can result in the creation of underground cavities which can lead to sink holes developing. A map showing the central bend of Ripon depicted by the enclosing lines of C-C is included in Appendix CH 16 - 2.

16.24_ Soakaway Design

16.24.1 When submitting a soakaway design for approval (this will normally be approved by the LLFA) the following information must be provided to ensure that the design can be promptly checked and subsequently approved:

- Impermeable drainage area assumed in the calculations.
- Infiltration rate assumed for design purposes based on BRE365 testing
- Confirmation that a 100 year +30% CC return storm period has been used in the calculations.
- BRE365 should be used as the design method or Bettess (1996) method
- Confirmation of the Factor of Safety assumed in the design
- Soakaway dimensions proposed and construction detail
- Proposed invert level and effective drainage depth
- Porosity of proposed drainage medium.
- Location plan(s), indicating the position of the infiltration test(s) with respect to the location of the proposed soakaway(s)
- Location plan(s) showing proposed easement details
- The design submission must provide evidence that contaminated land does not exist, or that the construction of the drainage system will not harm the environment. Where appropriate, the design submission must provide

evidence that the effects of past mining/quarrying activity has been considered and addressed

- Ground water levels

Further Information on Sustainable Drainage Systems (SuDS)

16.25_ General

16.25.1 As advocated above, NYCC promotes the use of Sustainable Drainage Systems for the treatment, attenuation and disposal of surface water runoff from new and retrofitted developments, including the runoff from highways.

16.25.2 SuDS provide a sustainable approach to drainage, mitigating the impacts of developments on flood risk and climate change whilst promoting flood resilience plus they can provide amenity and environmental benefits.

16.25.3 SuDS look to manage surface water runoff from rainfall near to where it falls, in other words 'at source' and water not collected for use must be discharged to one or more of the following in the order of priority shown in accordance with the Building Regulations Part H:

- a) Discharge into the ground (infiltration) – Note - in the Ripon Area – See Section 16.23.7
- b) Discharge to a surface water body
- c) Discharge to a surface water sewer (with the agreement of the Water Authority)
- d) Discharge to a combined sewer (with the agreement of the Water Authority)

16.25.4 There are various SuDS components that are particularly suitable for dealing with surface water runoff, these include permeable surfaces, detention basins, ponds, swales, rainwater gardens, wetland systems and attenuation storage.

16.26_ Location of SuDS Features

16.26.1 When determining the location of the SUDs features, due consideration should be given to future maintenance. Provision must be made for pedestrian and vehicular access from the adopted highway to the whole of the SUDs feature and associated drainage runs without significant changes in ground level.

16.26.2 SuDS features should be situated away from any building, wall or retaining structure in accordance with best practice, with a 5m easement being provided around the SuDS feature with a 2.5m easement either side (5m) of any connecting pipework.

16.27_ Water Quality

16.27.1 The adopted highway network has the potential to generate a significant volume of surface water during storm conditions. Due to vehicle traffic this water can often carry pollutants and have a high sediment loading. It is therefore important that highway surface water is properly attenuated and treated before it reaches a receiving watercourse or other water body. Any new highway drainage system put up for adoption must therefore pass through a minimum of 2 levels of surface water treatment prior to discharging to any outfall.

16.27.2 These levels of treatment can either be provided as part of the design of the highway drainage system or as part of the wider "site wide" drainage design. Features such as highway

gullies and catch pits are familiar to Highway Engineers and can provide some pre-treatment and form an effective method for sediment removal, however these do not have the capability to provide any treatment of dissolved pollutants meaning they will not be considered as a level or surface water treatment.

16.27.3 The design of SuDS can incorporate various mechanisms that retain pollutants or prevent the pollution of controlled waters through one or more of the following techniques:

- Sedimentation – *whereby suspended solids are settled out of solution by reducing the velocity of flow through the SuDS component. The design should take into account the risk of re-suspension of solids during extreme rainfall events.*
- Filtration – *where pollutants conveyed with sediment are trapped either within the soil or gravel media matrix, or on geotextile layers that form part of the SuDS construction.*
- Biodegradation – *provides a biological process that allows the creation of microbial communities to be established within the soil or gravel media to degrade organic pollutants including hydrocarbons.*
- Adsorption – *occurs when pollutants attach themselves or bind to soil, gravel media particles or to other media.*
- Uptake by vegetation – *provides a mechanism for removal of nutrients such as phosphorous and nitrogen.*

16.27.4 Attenuation and treatment of highway water can be achieved through the use of filter strips, infiltration trenches/soakaways, swales, rainwater gardens and other sustainable drainage features located in wide adoptable highway verges.

16.27.5 Where larger highway SuDS features are required these should preferably be located in adoptable areas or in exceptional cases located with public open space land with the written approval of the Planning Authority and a legal Grant of Easement by the Landowner (the Developer). The required number of treatment stages can be accommodated in site wide SuDS features if the highway is being designed as part of a wider residential or commercial development.

16.28_ Side Slope Gradients

16.28.1 The gradient of side slopes for swales and other attenuation features should not exceed 1 in 5 (20%) when constructed adjacent to high speed roads, with maximum depths of water not exceeding 200mm. Side slopes should not exceed 1 in 3 (33%) in residential areas, however more shallow gradients are preferred in all locations to permit easier maintenance.



16.29_ Surface Water Management During Construction

16.29.1 Damage caused during construction operations has the potential to prevent SuDS functioning as required. As such, appropriate planning must be applied to surface water management during the construction phase.

16.29.2 A statutory duty requires that surface water quality and quantity is managed throughout construction to prevent the adverse impact of surface water off-site.

16.29.3 The following details should be provided as part of a Construction Management Plan:

16.29.4 Method Statements and plans/drawings detailing surface water management proposals including:

- Temporary drainage systems, including for any dewatering;
- Measures for managing pollution / water quality and protecting controlled waters and watercourses, including emergency control measures;
- Measures for managing any on or off site flood risk associated with construction;
- Required consents, e.g. Land Drainage Act, Environmental Permit (if required);
- Construction management, maintenance and remediation schedule.

16.30_ Commuted Sums

16.30.1 Commuted Sums will be applied to Non-Standard drainage assets and SuDS features that are within the adoptable extent of the public highway to cover future maintenance associated with routine inspection, general maintenance and repair, the risk of the system failing, risk of subsidence induced by the system and reduced performance as a result of siltation. Commuted Sum values for S38/278 works will be derived in accordance with NYCC policy and practice utilising the guidance document 'Commuted sums for maintaining infrastructure assets' produced by the County Surveyors Society (known now as ADEPT). For further guidance on Commuted Sums see NYCC Design Guide Chapter 28.

16.30.2 Commuted sums will be applied to the following Non-standard drainage assets and SuDS features:

- Underground storage incl. oversized pipes, cellular storage and/or in-situ storage tanks, petrol interceptors)
- Above ground storage incl. (swales, ditches, rainwater gardens, dry and wet ponds)
- Precast Concrete Ring Soakaways / Trench Soakaways
- Weirs, Flow Control Devices, Hydro-brakes / Flow Control (vortex) Chambers
- Filter Strips / Filter Drains
- Slot Drains / Aco Drains
- Combined Kerb Drainage Systems (beanie blocks)
- Concrete Bagwork Headwalls (Precast units will not be subject to a Commuted Sum)
- Permeable Paving (if subject to adoption agreement)

16.31_ Construction Records

16.31.1 All works associated with S278/38 legal agreements require 'as-built' drawings to be supplied to NYCC as part of the Health and Safety File in digital format (preferably on CD) to enable all new highway assets to be logged and added to maintenance records.

16.32_ Inspections

16.32.1 CCTV surveys and reports are to be provided by the developer for all adoptable highway drainage including all gully connections, catchpits, inspection chambers, soakaways and headwalls.

16.32.2 If as a result of the CCTV and as-built surveys it is found that the constructed drainage differs significantly to the original designs provided, then a full set of revised calculations reflecting all the changes are to be resubmitted to demonstrate that the drainage system remains satisfactory.

16.32.3 Inspection Reports are to include:

- As built plans identifying the runs surveyed with catchpit, gully and pipe line references.
- Sizes of all pipes surveyed
- Cover levels and invert levels of all pipes entering catchpits, together with the size of all the catchpits
- A video in .AVI format of all drainage runs with reports identifying all defects and their locations with relevant '.JPG picture stills' taken from videos being provided where required.
- PDF copies of the report, all plans, notes and defect sheets.

16.33_ Further Design Guidance

16.33.1 Unless otherwise indicated, highway drainage shall be designed in accordance with the Design Manual for Roads and Bridges, and the latest design manuals and guidance notes published by The Construction Industry Research and Information Association (CIRIA).

16.33.2 Construction details should conform to Highway Construction Details in the MCHW, unless an equivalent detail exists in North Yorkshire County Council's Standard Details. Reinstatement should be in accordance with NYCC's Standard Details and the NRSWA Specification for the Reinstatement of Openings in Highways (DfT/HAUC ACoP).

16.33.3 Designers are also referred to the National Planning Policy Framework which sets out Government policy on development and flood risk.

16.33.4 Different sites will present different opportunities for sustainable highway drainage systems therefore early engagement with NYCC's Development Management Engineer and the LLFA is advised.

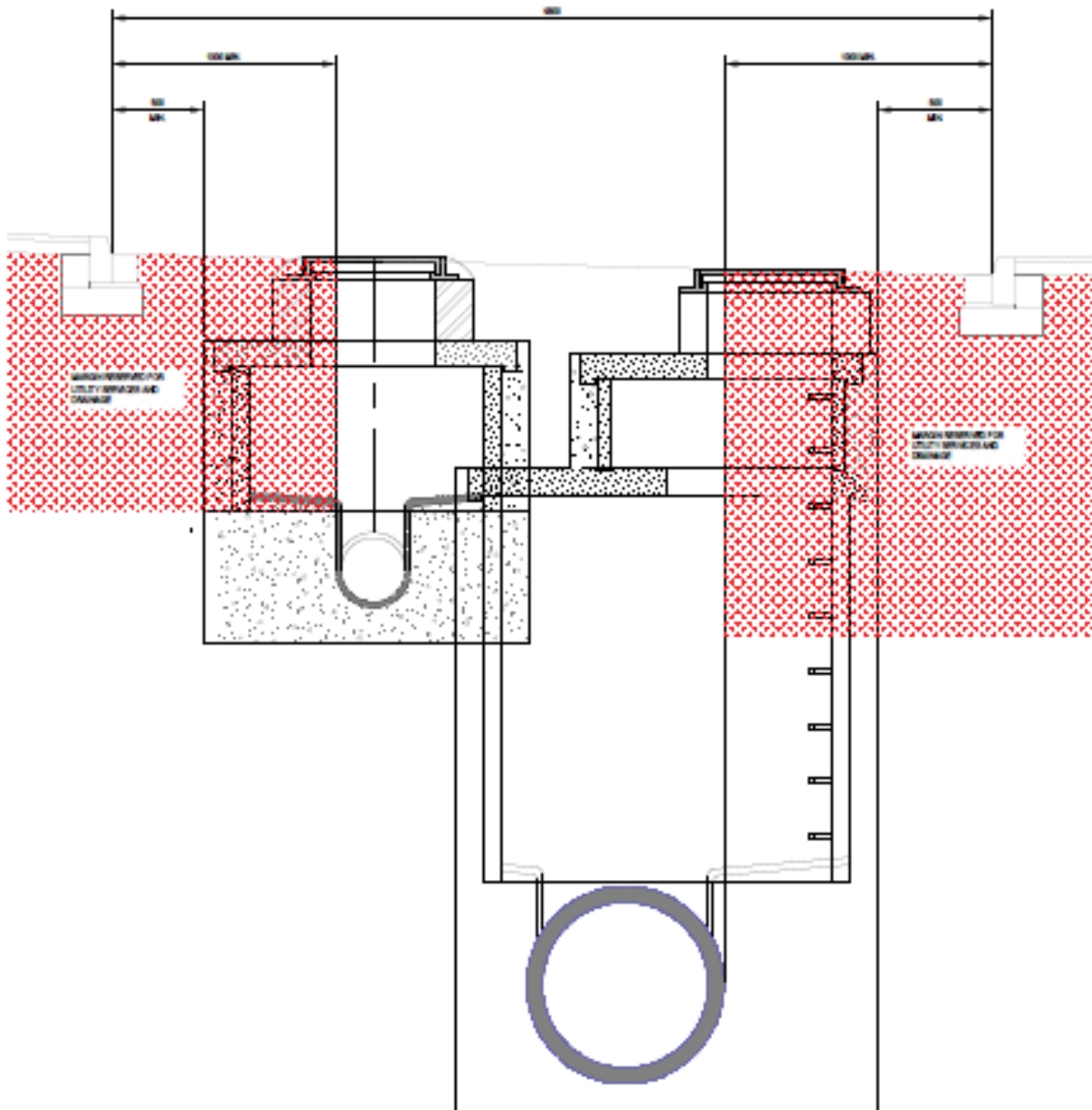
16.33.5 There is a range of guidance available on the design and construction of sustainable highway drainage systems which should be adhered to as part of any drainage system serving the adoptable highway.

- The SuDS Manual C753
- Specification for housing and Industrial Estate Roads and Private Street Works – 3rd Edition
- North Yorkshire County Council SuDS Design Guidance 2018
- Rainfall Runoff Management for Developments
- Susdrain the community for sustainable drainage
- UK SuDS Tools Web site – HR Wallingford
- BS8582:2013 Code of Practice for Surface Water Management for Development Sites
- Building Regulations 2010 Section H3 Rainwater Drainage 2015 Edition
- DEFRA Non-Statutory Technical Standards for Sustainable Drainage Systems
- Local Authority SuDS Officer Organisation (LASOO) Non-Statutory Technical Standards for Sustainable Drainage Practice Guidance
- Culvert Design Manual, Ciria168
- NYCC Culverting Works and Drainage Maintenance Protocol 2019

Recommended Highway Drainage Design Parameters

Design Consideration	Comments / Value
Minimum Slope / Gradient	1 in 300
Roughness Value (K) – manning “n” should only be used for open channels	0.6mm
Minimum System Velocity	1.0m/sec or an absolute minimum of 0.75m/sec
Maximum System Velocity	5m/sec (if >5m/sec suitable pipe & bedding combinations should be based on manufacturer Spec)
Climate Change	30% (20% Commercial)
Additional Flow – Urban Creep (where applicable)	10%
Minimum pipe run distance from kerb line	1.0m
Minimum Rainfall	Usually capped at 50mm/hour for AutoDesign
Volumetric Run-off Coefficient (Summer/Winter)	1.0 (unless peak flow rates are derived from impermeable area only)
Percentage Impermeable Area (PIMP)	100% for compliance with SfA 100% permeable areas 50% grassed areas & verges
Private impermeable areas	Areas greater than 6m ² to be positively drained into the private surface water system
Acceptable Infiltration Rates	Greater than $\times 10^{-6}$ m/sec
Margin for Flood Risk Warning	300mm
Area Reduction Factor	1
Time of Entry	3 – 8 minutes
Return Period	1, 30, 100 years as a minimum
Maximum Drained Area per Gully	150m ²
Maximum Spacing between Gullies	35m
Minimum pipe run distance from kerb line	1.0m
Maximum length of Gully Lead	20m (15m desirable)
Minimum pipe run distance from kerb line	1.0m
Minimum Manhole distance from kerb line	500mm
Maximum Manhole Spacing	Max 90m and at all changes in direction
Gully Grating and Frame and gully pot details	D400 Gully Grating and Frame 900 x 450mm gully pot
Manhole Covers in Carriageway	150mm deep EN124 D400 ductile iron bedded on a proprietary mortar/polymer resin based product.
Manhole Covers in Footway/verge	100mm deep EN124 C250 ductile iron
Minimum Pipe Depth	1.2m for all highway pipework (Absolute minimum 0.6m with concrete surround)
Minimum Pipe diameters	150mm gully connections 225mm carrier drains
SuDS Scheme Operation and Maintenance Manual	To be provided with Full Planning or at Approval of Reserve Matters planning Stage
Soakaway/Swales and other Infiltration Features – Minimum Distance from any building, wall, structure	Not less than 5m
Soakaway/Swales and other Infiltration Features – Minimum Distance from carriageways	Not less than 3m
Soakaway – Easement Distances	6m diameter easement around any soakaway 3m either side of the centre of any pipe (6m overall)
Soakaway – Gradients within Easement	Not Steeper than 1 in 20

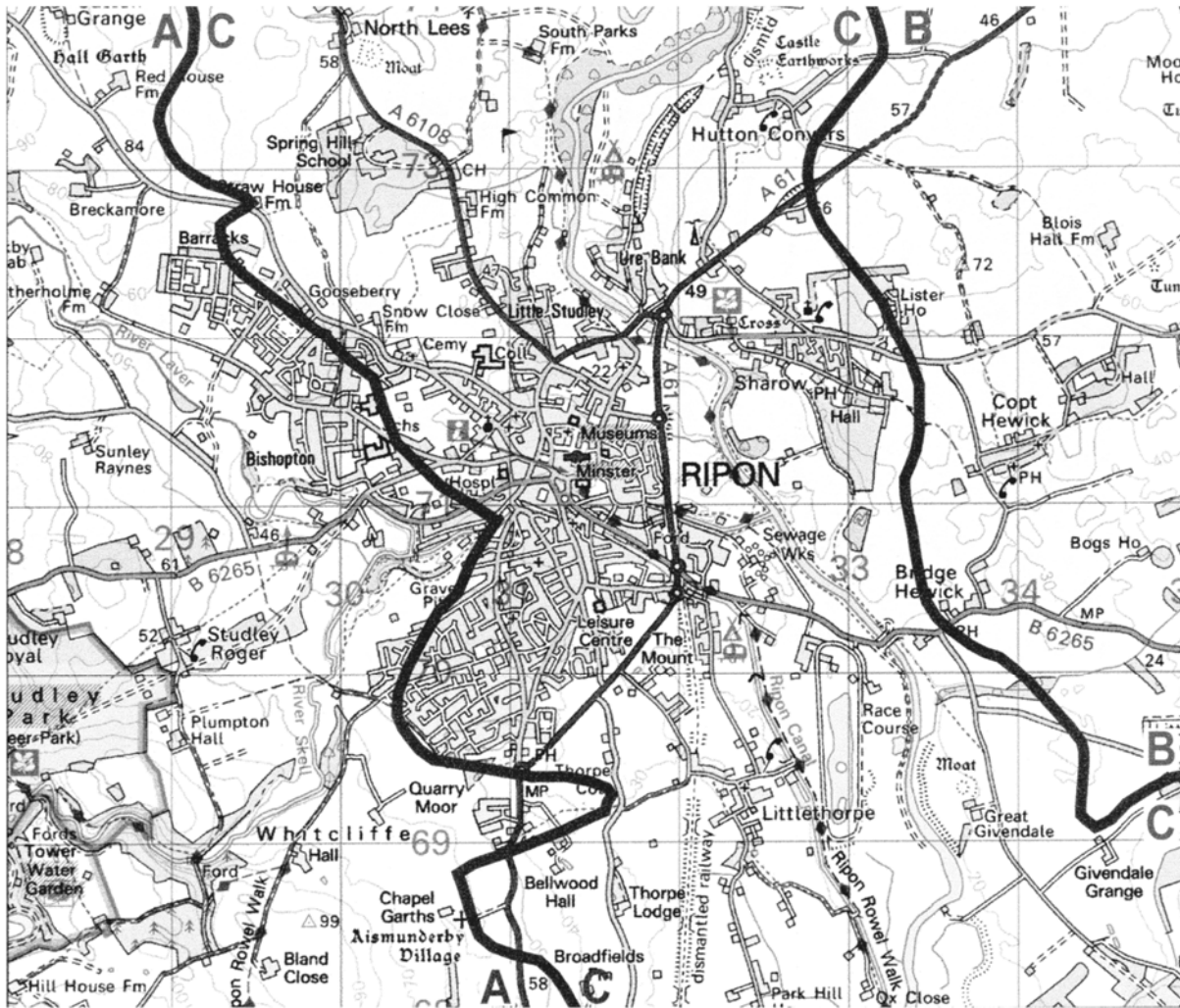
Appendix CH 16 - 1 – Permitted surface water attenuation pipe arrangement in adoptable highways for smaller development sites where other SuDS options cannot be accommodated.



Typical Cross Section showing single 900mm diameter attenuation pipe and foul system within a 4.8m wide carriageway width
(NYCC Highways Standard Detail Drawing available upon request)

Appendix CH 16 - 2

DEVELOPMENT GUIDANCE MAP: POTENTIAL SUBSIDENCE ARISING FROM GYPSUM DISSOLUTION IN RIPON



Key:
DEVELOPMENT CONTROL AREAS

- A** No known gypsum present
- B** Some gypsum present at depth
- C** Gypsum present and susceptible to dissolution

Geological details represented on this map are based upon an interpretation of data partly obtained from existing publications of the British Geological Survey and partly from other sources as described in the Symonds Travers Morgan technical report to the DoE: 'Assessment of Subsidence Activity Arising from Gypsum Dissolution (with particular reference to Ripon)'

The map is intended to be used only as a general guide and should not be relied upon to provide detailed information at specific sites.

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Lagoons / Ponds / Swales are to be designed to minimise the requirements for ongoing maintenance and to ensure that the pond does not cause nuisance to nearby properties.

It is expected that off line ponds will be grassed utilising a slow growing grass mixture that will tolerate the prevailing conditions and will be cut at a frequency of 6 cuts per year.

Planting of trees and shrubs will be such that falling leaves branches and root systems will not have an adverse impact on the pond.

Maintenance Schedule	Required Action	Frequency
Regular Maintenance	Litter and debris removal	Monthly
	Grass cutting – access route	Monthly during growing season, or as required
	Grass cutting – in and around basin	Half yearly Spring (before bird nesting season) and Autumn
	Manage other vegetation and removal of nuisance plants	Monthly during growing season (then as required)
	Tidy all dead growth before start of growing season	Annually
	Remove sediment from inlet and outlet	Annually (or as required)
	Flow control device cleaning	
Occasional Maintenance	Re-seed areas of poor vegetation growth	Annually (or as required)
	Prune and trim trees and remove cuttings	3 years (or as required)
Remedial Actions	Repair of erosion or other damage by re-seeding or re-turfing	As Required
	Repair / Rehabilitation of outlet	As Required
	Re-level uneven surfaces and reinstate design levels	As Required
Monitoring	Inspect outlet for blockages and arrange clearance if required	Monthly / after large storm event
	Inspect bank sides, structures, pipework etc for evidence of physical damage	Monthly / after large storm event
	Inspect facility surface for silt accumulation and establish appropriate silt removal frequencies	Half Yearly
	Check flow control device and arrange clearance/maintenance if required	Monthly / after large storm event

Suggested Maintenance requirements based on Table 16.1 CIRIA C697 ‘ The SuDS Manual’

Commuted Sums for Maintaining Infrastructure Assets in Association with Section 278 and Section 38 Highway Agreements

1.0 Introduction

1.1 The aim of this chapter is to offer a transparent and consistent approach to commuted sums levied where new highway infrastructure is being adopted by North Yorkshire County Council (NYCC) as Local Highway Authority (LHA). This should reduce uncertainty and risk for developers so that they can consider commuted sum requirements at an early stage in the development process. This chapter is a working document that will be subject to periodic review.

1.2 Historically there has been considerable variation in approach by local highway authorities to the collection and use of commuted sums, and recognising this, the Association of Directors of Environment, Economy, Planning & Transport's (ADEPT) published guidance documentation which has been widely adopted by local highway authorities and has been broadly accepted as the national standard procedures and principles for the assessment and collection of commuted sums.

1.3 North Yorkshire County Council's approach to commuted sums will be closely aligned to ADEPT's 'accepted national standard,' but further recognises the benefits to all parties of introducing local guidance which forms the catalyst for this document.

1.4 The legal definition for the term 'Commuted Sum' in relation to the adoption of new infrastructure is:

"A payment of a capital sum by an individual, authority or company to the highway authority, local authority or other body, as a contribution towards the future maintenance of the asset to be adopted or transferred."

1.5 This guidance sets out a best practice approach for the application of commuted sums including understanding 'whole life costs' to ensure undue burdens are not placed on maintenance budgets and the public purse. However, it stresses that commuted sums should be applied in a reasonable manner that does not stifle innovation and is fair to all parties.

1.6 In the main, a commuted sum is expected to relate to a payment by a developer to the highway authority as a contribution towards the future capital maintenance of 'non-standard' and 'extra-over' features of that development.

1.7 The payment of a commuted sum discharges the responsibility of a developer of any obligations to the future maintenance of that asset following the issue of the final completion certificate (adoption). The obligation and associated risks upon adoption then lie with the highway authority to maintain the asset.

2.0 Background

2.1 The County Council, as the Local Highway Authority, has a statutory responsibility for the maintenance and management of adopted highways in North Yorkshire. This duty extends beyond the surface and includes the structure and fabric of the highway. Highway assets would typically consist of carriageways, footways, drainage systems, traffic signals, bridges, culverts, ditches, walls, fences, gates, landscaping and lighting systems and all objects legitimately located in or on the highway with the permission of the Highway Authority, and by accepting these assets, a further financial burden is placed upon the authority for their management and upkeep.

2.2 The rationale for seeking commuted sums is to ensure that highway authorities have sufficient financial resources to fund the future maintenance, associated works and, where appropriate, replacement of these additional assets, for which any funding received from Government through the Revenue Support Grant is insufficient.

2.3 Regardless of the potential offer of a commuted sum payment, the highway authority will retain discretion as to what it is prepared to adopt, particularly where a proposal may not be acceptable in principle, for example on the grounds of highway safety, or where it would be inappropriate for it to do so (e.g. street art, play areas) or where materials are considered to be of an unacceptable or inappropriate specification.

3.0 Legal Status

3.1 For highway infrastructure, the statutory authority for commuted sum payments comes from Sections 38 and 278 of The Highways Act 1980, with both section of the Act containing enabling powers for authorities to secure contributions (commuted sums) from third parties for the future maintenance of highway assets.

3.2 Section 38 applies to new roads constructed on private land which the developer, upon completion, wishes to be adopted by the highway authority as highway maintainable at the public expense, and;

3.3 Section 278 Agreements provide developers with a mechanism to either fund works, or undertake works themselves, to the existing public highway. The works are often termed 'off site works' as they are usually separate from the developer's site and the works are necessary to provide improved access to, or mitigate the effects of, the new development.

3.4 A court of appeal decision known as "the Redrow case", confirms that it is appropriate for authorities to use these powers to seek commuted sums for all elements of future highway maintenance after adoption.

4.0 Scope for Applying Commuted Sums

4.1 This guidance is equally applicable to both Section 278 and Section 38 agreements, albeit, as detailed above, they are different situations, and as far as possible, all assets will be treated on the same basis for commuted sum calculation purposes, with North Yorkshire County Council as the Local Highway Authority entering into multiple S278/38 Agreements each year with developers.

4.2 The LHA has taken the approach that commuted sums will generally be sought for all 'non-standard' assets, 'extra over areas' and 'extra over (bespoke) cost items' that place additional burdens on maintenance budgets where there are no other sources of funding available to cover on-going maintenance. For example, the Revenue Support Grant system which local highway authorities rely upon for their highway maintenance budgets recognises increased highway length within the overall grant allocation and that, as such, commuted sums for 'standard' network adoptions are not appropriate.

4.3 All new works that do not entail the creation of a new length of road and/or footway or cycleway, carried out as part of a Section 278 Agreement, are appropriate for the application of commuted sums.

5.0 Identifying Infrastructure Assets subject to Commuted Sum payments

5.1 The purpose of this guidance is to set out which assets are defined as ‘standard’ and, as such, would not attract commuted sums and which assets would be classed as ‘non-standard’ and would attract commuted sum payment for future maintenance.

6.0 ‘Standard’ Construction Assets (not liable for commuted sum payments)

6.1 The following table defines a list of ‘standard’ construction assets. These assets will not attract a commuted sum payment where they are in compliance with the LHA’s standard highway construction details, and form part of a standard new length of road which the authorities Revenue Support Grant would typically cover.

Category	Asset
Carriageway Surfacing	<ul style="list-style-type: none"> Hot Rolled Asphalt (non-pigmented binder and non-colour aggregates) Close graded macadam Asphalt Concrete Thin Coat Surfacing Concrete Block Paving – standard colours of Red, Charcoal, Brindle and 200mmx100mmx80mm
Carriageway Ancillaries	<ul style="list-style-type: none"> Pre cast concrete Kerbs Granite Kerbs Granite setts for demarcation of highway boundary PCC Channels Road Markings Road studs
Footways, Cycleway & Paved Areas (including PROW)	<ul style="list-style-type: none"> Hot Rolled Asphalt (non-pigmented binder and non-colour aggregates) Close graded macadam Asphalt Concrete Concrete Block Paving– standard colours of Red, Charcoal, Brindle and 200mmx100mmx80mm Modular Paving Tactile Paving
Footway Ancillaries	<ul style="list-style-type: none"> Vehicle Crossovers Tactile Paving PCC Edgings Timber Edgings Markings Bollards – NYCC Standard Specification
Fences & Barriers	<ul style="list-style-type: none"> Steel Safety barriers Standard Galvanised Pedestrian Guardrail
Street Lighting	<ul style="list-style-type: none"> Standard Street Lighting as per NYCC's Street Lighting Specification.
Traffic / Pedestrian Management	<ul style="list-style-type: none"> Non/Illuminated Traffic Signs Non/Illuminated Pedestrian Signs Non/Illuminated Bollards Non/Illuminated Beacons Passively safe sign posts (for road safety)
Drainage	<ul style="list-style-type: none"> Gullies Catchpits

	<ul style="list-style-type: none"> • Pipework less than 500mm dia
Verges / Landscaping	<ul style="list-style-type: none"> • Grass Verge – Required for highway purposes

7.0 Non-Standard Construction Assets (liable for commuted sum payments)

7.1 Commuted sums for future maintenance would generally be sought when satisfying the five broad situations as summarised below. This is not an exhaustive detailed list, but is intended to illustrate the basic principles.

7.1.1 Alterations to the existing highway to form an access to a development that would not have been required should the development not take place. Usually these comprise the construction of roundabouts, traffic signal controlled junctions and standard priority junctions often requiring additional street lighting, signage, road markings, highway drainage, safety fencing, landscaping, additional carriageway and footway construction over and above areas of existing highway, often in the form of dedicated turn lanes and increased lane widths.

7.1.2 'Additional' areas of carriageway, footway, landscaping etc. over and above the minimum requirements required, in the opinion of the highway authority, for the safe functioning and operation of the highway:

- *Examples can include additional areas of carriageway, such as a square surrounding a turning head or additional grassed areas not required for highway purposes to the rear of a visibility splay, the installation of Traffic Calming measures, carriageway widening to accommodate on-street parking facilities, new trees/shrubs.*

7.1.3 'Extra over' cost items such as:

- *Any street furniture not required for road safety purposes (as would normally be the situation on residential streets.)*
- *Proprietary or coloured surfacing materials not required for highway safety purposes but specified for aesthetic reasons only such as coloured high friction surfacing*
- *Any culvert, bridge, retaining wall or other structure*
- *Special features such as noise fencing, vehicle restraint barriers, pedestrian guard railing, fences, gates, traffic signals, traffic calming, safety fencing, bus shelters, intelligent warning signs or traffic systems etc.*
- *Landscaping features such as planting, trees, root protection systems, hedging, etc.*

7.1.4 Permitted alternative materials or equipment to those specified in the definition of standard construction such as:

- *The installation of specialist or 'non-standard' equipment (e.g. street lighting equipment) that is not of the authority's standard type, and/or such items as decorative luminaires, or columns with embellishments applied etc.*
- *The additional columns (and equipment) from the provision of street lighting to a standard above that which is normally provided by the authority (and indicated in its lighting policy).*

- *The use of any materials (e.g. surfacing materials), which whilst being approved will result in maintenance or replacement costs over and above the authority's 'standard' highway construction.*
- *Any other 'non-standard' construction types or materials.*

7.1.5 Sustainable Drainage Systems (SuDS) or non-standard highway drainage features such as:

- *Flow control devices and attenuation storage*
- *Sustainable drainage systems (SuDS) including maintenance of any landscaping*
- *Oil or petrol interceptors including the disposal of contaminated waste*
- *Pumping stations and their energy charges*
- *Watercourses and swales*
- *Combined kerb drainage units*
- *The utilisation of existing highway infrastructure by the proposed development, an example being the discharge of highway surface water runoff into an existing highway drain or culvert*

7.2 When proposing SUDS the developer must hold early discussions with all relevant parties (and certainly before any planning application) to agree ownership and responsibility for the infrastructure proposed.

7.3 With the national trend towards innovation, and higher quality design the highway authority are flexible in their approach to asset specification and may reduce, or waive, any commuted sums requirements if it can be proven, or experience has shown, that the specified asset will not present an undue maintenance burden when compared to the 'standard' highway assets defined in section 6.0 above.

7.4 The designer is encouraged to consider minimising the future maintenance liability of the asset as part of the design process. This could include enhanced construction (i.e. to reduce any maintenance requirements) or for the provision of higher quality materials, which could then offset all or part of the need for any commuted sum requirement.

7.5 The table below features a list of 'non-standard' assets that would attract a commuted sum payment for their future maintenance. The list is not exhaustive, but is based on the type of assets that most frequently come forward for adoption in association with S278/38 Agreements.

Category	Asset
Carriageway Surfacing	<ul style="list-style-type: none"> • High Friction Surfacing • Pigmented / Decorative Surfacing • Granite sett / Block paving to overrun Areas • Non-standard blockwork
Footways, Cycleway & Paved Areas (including PROW)	<ul style="list-style-type: none"> • Pigmented / Decorative Surfacing • Non-standard blockwork
Fences & Barriers	<ul style="list-style-type: none"> • Acoustic Fences • Non-standard pedestrian guardrails
Street Lighting	<ul style="list-style-type: none"> • Street Lighting not compliant with as NYCC's Street Lighting Specification.
Drainage	<ul style="list-style-type: none"> • Underground storage incl. oversized pipes, cellular storage and/or in-situ storage tanks, petrol interceptors) • Above ground storage incl. (swales, ditches, rainwater gardens, dry and wet ponds) • Precast Concrete Ring Soakaways / Trench Soakaways • Weirs, Flow Control Devices, Hydro-brakes / Flow Control (vortex) Chambers • Filter Strips / Filter Drains • Slot Drains / Aco Drains • Combined Kerb Drainage Systems (beanie blocks) • Concrete Bagwork Headwalls (Precast units will not be subject to a Commuted Sum) • Permeable Paving (if subject to adoption agreement) • Petrol Interceptors • Oversized Pipes >500mm
Traffic Signals	<ul style="list-style-type: none"> • Signal Controlled Junctions • Signal Controlled Crossings
Traffic / Pedestrian Management	<ul style="list-style-type: none"> • Gateway Signs • Speed Cushions • Chicanes • Wig Wag Signs • Vehicle Activated Signs
Highway Structures	<ul style="list-style-type: none"> • Bridge, buried structure, subway, underpass, culvert and any other structure supporting the highway with a clear span or internal span or internal diameter of 0.9m or greater. • Retaining wall (including pipe headwalls) with a retained height of greater than 1.0m.
Verges / Landscaping / Street Furniture	<ul style="list-style-type: none"> • Trees • Root Protection Systems • Soft Landscaping • Hedges

	<ul style="list-style-type: none"> • Seats/Benches • Planters • Grassed verges - not required for highway purposes
Other	<ul style="list-style-type: none"> • Real Time Bus Information • Bus Shelters • Automated Rising Bollard Systems • EV Charging Systems • Wildlife Accessories – i.e. Wildlife Kerbs, Newt Ladders, Tunnels.

7.6 It is acknowledged that many of the current problems experienced by developers in respect of commuted sums, and other procedures, are as a result of inadequate knowledge of the highway authority’s requirements, leading to the potential burden of costs at a very late stage in the design process.

7.7 North Yorkshire County Council actively encourage developers to establish an early dialogue with the Council’s Development Management Engineer or Area Highways Office Engineer who is/will be dealing with the Planning Application at the earliest possible stage in the process and should preferably be before a planning application is submitted.

7.8 Whilst the application of commuted sums will relate to the final scheme design and that design may not be decided on until after land has been purchased, early dialogue can remove many uncertainties. Continuous dialogue throughout the design process ensures that, as the scheme evolves, the financial implications are clearly understood.

8.0 Payment Triggers

8.1 Where commuted sums are required, they will be calculated provisionally at the detailed design stage of Section 278/38 Agreements being calculated. The sums will be identified and included in the draft legal agreements that are circulated following technical approval.

8.2 The legal Agreement will include conditions requiring the payment of commuted sums and specify when such payments will need to be made. However, as it is unlikely that the full cost implications of the site will be known by the authority at the time that the legal Agreement is entered into, the amounts specified may be 'provisional'.

8.3 The Agreement will therefore contain provision for recalculating the 'provisional' commuted sums based on the final infrastructure design, actual quantities, revised time periods to maintenance operations if appropriate, and a price fluctuation factor to adjust current costs and maintenance operations specified in the Agreement.

8.4 The time period between the Agreement and completion of the development can be quite long. As such, recalculation of the sum calculated at the time of the Agreement will be necessary to arrive at the commuted sum payable prior to the issue of the Final Certificate of Adoption.

8.5 For Section 278 Agreements (works within existing highway) the Commuted Sum is required prior to works commencing. For Section 38 Agreements (works on private land) the Commuted Sum is required prior to adoption.

8.6 To secure the provision of commuted sums in default, they should be included in the Bond required under the Agreement, unless payment is made prior to engrossment. This should be based on the 'provisional' commuted sums calculated when the Agreement is completed, and the security will be released following satisfactory completion of the maintenance period and payment of the actual commuted sum due.

8.7 Appendix 'A' of this guidance document contains S38/278 Commuted Sum example agreement clauses.

9.0 Methodology for Calculation of Commuted Sums

9.1 The commuted sum paid needs to be discounted to allow for the fact that it will be earning interest that will make up part of the maintenance payment when it is required. It is, therefore, necessary to determine the Net Present Value (NPV) of a future expense. The following formula is used to calculate the maintenance obligation:

$$\text{Net Present Value (NPV)} = \text{Mp}/(1+\text{D}/100)^{\text{T}}$$

Commuted Sum = summation of all Net Present Values for appropriate future costs.

Maintenance Cost (Mp) = Estimated future maintenance cost T years from now

The maintenance regime applied to the asset are generally based on a 'whole life costing' approach with the frequency of inspection, treatment, and/or the intervals of replacement, based on planned frequencies or historic information. It may also be appropriate to add an agreed percentage to the works costs to cover the highway authority design and supervision costs.

Therefore, the associated activities/functions that may be included in the calculation of commuted sums are as follows:

- Inspections and surveys
- Routine and cyclic maintenance
- Winter maintenance
- Energy charges
- Design and supervision fees
- Asset replacement

The maintenance unit costs are based on term maintenance contract rates and staff hourly rates as the time of calculation.

Periodic Discount Rate (D) (effective annual interest rate) (2.2%)

The County Council uses the discount rate (effective annual interest rate) of 2.2%, which is recommended in the Association of Directors of Environment, Economy, Planning and Transport (ADEPT) guidance document.

This is worked out as follows:

$$\text{D} = ((1.045 / 1.0225) - 1) \times 100 = 2.2\%$$

Where: 1.045 is the interest rate (4.5% based on long-term neutral base rate (LTNBR)) and 1.0225 is the inflation rate (2.25% based on RPI-X rate (published monthly by the office of National Statistics) that is RPI excluding mortgage payments).

The formula ensures that both the interest earned on the commuted sum, and the effect of inflation in increasing the cash sums eventually required, are taken into account.

Time Period (T) = Time period before expenditure will be incurred or cyclical period (years)

The period of 60 years is conventionally used as the life of housing and highway assets. A figure of 60 years represents a reasonable compromise between covering future costs and the uncertainties over how far into the future the assets will be required.

Therefore, 60 years has been adopted as the time period for all assets apart from traffic signals and highway structures. The latter will be calculated using 120 years as recommended by the [Bridge Management Code](#) produced by the ADEPT. A Whole Life Costing period of 30 years will be applied to traffic signal infrastructure, as it is difficult to predict the use of technology over a longer period and the potential for signals to be superseded by the likes of autonomous vehicles.

10.0 Example Calculation:

10.1 For a sum deposited in respect to a future maintenance activity, interest will be accrued up until the activity must be carried out, although over the same period inflation will tend to reduce the value of the deposit. This effect is taken into account by the use of the Periodic Discounted Rate, which represents the effective interest rate.

10.2 The calculation is based on the conversion of future expenditure, (the cost of which is known at today's prices), being converted into a Net Present Value (NPV). This is the sum, which if deposited today and invested at the Periodic Discounted Rate, would provide the sum required for the activity to be undertaken when it becomes due in 'T' years.

Worked Example - considering the costs for a typical 'Asset':

The commuted sum must include for the inspection, cleaning and replacement of that 'Asset' every 10 years.

The cost of undertaking the inspection, cleaning and replacement of the 'Asset' requires labour, materials and plant, the cost of which has been determined to be £850 at current rates. The activity will be required in 10, 20 and 30 years' time.

Using the formula:

NPV factor = $\sum 1 / (1 + D / 100)^T$ where D is the Periodic Discounted Rate calculated at 2.2% as outlined above.

$$\begin{aligned} \text{NPV factor} &= 1 / (1 + D / 100)^{10} + 1 / (1 + D / 100)^{20} + 1 / (1 + D / 100)^{30} \\ &= 1 / (1 + 2.2/100)^{10} + 1 / (1 + 2.2/100)^{20} + 1 / (1 + 2.2/100)^{30} \end{aligned}$$

$$= 0.80444 + 0.64712 + 0.52056$$

$$= 1.97211$$

Committed sum for Asset	= Current Cost x NPV factor
	= £850.00 x 1.97211
	= £1,676.30

Committed sums are rounded to the nearest pound and therefore the committed sum required would be £1,676. For ease of manual calculation, NPV factors for various periods are listed in Appendix B

A typical committed sum expenditure example based on the above 'Asset' example scenario is shown in Appendix C

The list in Appendix D reflects highway assets which attract committed sums and may be reviewed from time to time including the amount which is based on the LTNRB and RPI-X interest rates published by the Office of National Statistics.

The committed sums based upon term maintenance contract tender rates are reviewed on a regular basis and updated accordingly.

APPENDIX - A

Typical References to Commuted Sums in agreements under Section 38 and 278 Highways Act 1980

Section 278 Clauses

Definitions

Commuted Sum(s)" means the sum to be paid by the Developer to the County Council for the future maintenance of an asset which will be adopted by the Council

Financial Provisions

Pay to the County Council the [Asset Description] Commuted Sum prior to the date on which the [Asset Description] forming part of the Highway Works are commissioned by the County Council and become operative or within 7 days of the issue of the Certificate of Completion, if earlier.

Pay to the County Council within 7 days of receipt of a demand in writing from the County Council its reasonable and proper costs for maintenance of the [Asset Description] forming part of the Highway Works for the period commencing on the date on which the [Asset Description] are commissioned by the County Council to the date immediately prior to the date on which the Final Certificate for the Highway Works is issued

Pay the Commuted Sum(s) to the County Council prior to [insert timing provision] and not to permit cause or allow [insert timing provision] unless and until the Commuted Sum has been paid to the County Council

Section 38 Clauses

Definitions

"Commuted Sum(s)" means the sum of POUNDS (£) being the amount which the Developer has agreed to contribute towards the costs likely to be incurred by the Council following adoption of the road or roads for the maintenance of the (item in question)

Developer's Liability

“THE Developer shall pay the Commuted Sum to the Council on the date hereof” (hereof being the date the s.38 is signed although sometimes payment has been required on issue of Final Certificate)

Alternatively, we will add a Clause and Schedule, example as follows:

(Clause No.) Commuted Sum:

On the date hereof the developer shall pay to the Council the sum specified in the second column of Part 3 of the Schedule in respect of the future maintenance of the corresponding item described in the first column of Part 3 of the Schedule

Part 3

Item	Commuted Sum
Commuted Sum Description of the highway elements attracting the commuted sum	£(Value)

APPENDIX – B

NET PRESENT VALUE FACTORS

FORMULA = NPV Factor = $\text{Sum } 1 / (1+D\%)^T$		LTNBR = 4.5% RPI-X = 2.25% There Periodic Discount Rate (D) = 2.20% And $(1+D\%) = 1.0220$					Table 1 shall be applied to Traffic Signal Assets Table 2 shall be applied to all other Highway Assets Table 3 shall be applied to Highway Structures									
Table 1 – NPV Factors for 30 Years (Applied to Traffic Signal / Technology Assets) & with agreement (Smaller Sites)												NPV Factors for £1.00 expenditure at various intervals within a 30 Year period				
Interval	Every Year	Every 2 Years	Every 3 Years	Every 4 Years	Every 5 Years	Every 6 Years	Every 10 Years	Every 15 Years	Every 20 Years	Every 25 Years	Every 30 Years	Twice per Year	4 Times per Year	6 Times per Year	12 Times per Year	
NPV Factor $1 / (1+D\%)^T$	21.79260	10.77774	7.10671	4.24683	4.17092	3.43740	1.97211	1.24206	0.64712	0.58040	0.52056	43.58520	87.17040	130.75560	261.51120	
Table 2 – NPV Factors for 60 Years – (Applies to most Infrastructure Assets)												NPV Factors for £1.00 expenditure at various intervals within a 60 Year period				
Interval	Every Year	Every 2 Years	Every 3 Years	Every 4 Years	Every 5 Years	Every 6 Years	Every 10 Years	Every 15 Years	Every 20 Years	Every 30 Years	Every 60 Years	Twice per Year	4 Times per Year	6 Times per Year	12 Times per Year	
NPV Factor $1 / (1+D\%)^T$	33.3455	16.57194	10.80608	8.11761	6.52581	5.22677	2.99871	1.88862	1.33686	0.791545	0.27098	66.6910	133.382	200.073	400.146	
Table 3 – NPV Factors for 120 Years (Applies to Bridges and Structures)												NPV Factors for £1.00 expenditure at various intervals within a 120 Year period				
Interval	Every Year	Every 2 Years	Every 3 Years	Every 4 Years	Every 5 Years	Every 6 Years	Every 10 Years	Every 15 Years	Every 20 Years	Every 25 Years	Every 30 Years	Every 60 Years	Every 120 Years	2 Times per Year	4 Times per Year	
NPV Factor $1 / (1+D\%)^T$	41.60823	20.82921	13.73452	10.18801	8.06077	6.64317	3.81133	2.40043	1.69913	1.22626	1.00605	0.34442	0.07343	166.43291	332.86582	

APPENDIX – C

Example of Commuted Sum Expenditure

As shown in the example 'Asset' calculation given in Section 10.0:

Expenditure of £850 every 10 years

RPI-X = 2.25% (Inflation Rate)

LTNBR = 4.50% (Interest Rate)

NPV Factor = 1.97211

Commuted Sum for 30 years = £850.00 x 1.97211 = £1,676.30 or £1,676 to the nearest pound

Effect of Inflation on Maintenance Cost (RPI-X)

Years	Cost	RPIX (%)	Increase In Maint Cost	Cost of Maintenance
1	850.00	2.25	19.13	
2	869.13	2.25	19.56	
3	888.68	2.25	20.00	
4	908.68	2.25	20.45	
5	929.12	2.25	20.91	
6	950.03	2.25	21.38	
7	971.40	2.25	21.86	
8	993.26	2.25	22.35	
9	1015.61	2.25	22.85	
10	1038.46	2.25	23.37	1061.82
11	1061.82	2.25	23.89	
12	1085.71	2.25	24.43	
13	1110.14	2.25	24.98	
14	1135.12	2.25	25.54	
15	1160.66	2.25	26.11	
16	1186.78	2.25	26.70	
17	1213.48	2.25	27.30	
18	1240.78	2.25	27.92	
19	1268.70	2.25	28.55	
20	1297.24	2.25	29.19	1326.43
21	1326.43	2.25	29.84	
22	1356.28	2.25	30.52	
23	1386.79	2.25	31.20	
24	1418.00	2.25	31.90	
25	1449.90	2.25	32.62	
26	1482.52	2.25	33.36	
27	1515.88	2.25	34.11	
28	1549.99	2.25	34.87	
29	1584.86	2.25	35.66	
30	1620.52	2.25	36.46	1656.98

Interest earned on Deposited Sum (LTNBR)

Years	Deposited Sum	LTNB (%)	Interest	Deposited Sum plus interest	Expenditure	Deposited Sum + Interest Expenditure
1	1676.00	4.50	75.42	1751.42		1751.42
2	1751.42	4.50	78.81	1830.23		1830.23
3	1830.23	4.50	82.36	1912.59		1912.59
4	1912.59	4.50	86.07	1998.66		1998.66
5	1998.66	4.50	89.94	2088.60		2088.60
6	2088.60	4.50	93.99	2182.59		2182.59
7	2182.59	4.50	98.22	2280.80		2280.80
8	2280.80	4.50	102.64	2383.44		2383.44
9	2383.44	4.50	107.25	2490.70		2490.70
10	2490.70	4.50	112.08	2602.78	1061.82	1540.95
11	1540.95	4.50	69.34	1610.30		1610.30
12	1610.30	4.50	72.46	1682.76		1682.76
13	1682.76	4.50	75.72	1758.48		1758.48
14	1758.48	4.50	79.13	1837.62		1837.62
15	1837.62	4.50	82.69	1920.31		1929.31
16	1920.31	4.50	86.41	2006.72		2006.72
17	2006.72	4.50	90.30	2097.03		2097.03
18	2097.03	4.50	94.37	2191.03		2191.39
19	2191.39	4.50	98.61	2290.00		2290.00
20	2290.00	4.50	103.05	2393.05	1326.43	1066.62
21	1066.62	4.50	48.00	1114.62		1114.62
22	1114.62	4.50	50.16	1164.78		1164.78
23	1164.78	4.50	52.41	1217.19		1217.19
24	1217.19	4.50	54.77	1271.99		1271.97
25	1271.97	4.50	57.24	1329.20		1329.20
26	1329.20	4.50	59.81	1389.20		1389.02
27	1389.02	4.50	62.51	1451.52		1451.52
28	1451.52	4.50	65.32	1516.84		1516.84
29	1516.84	4.50	68.26	1585.10		1585.10
30	1585.10	4.50	71.33	1656.43	1656.90	-0.55

The above table shows that the commuted sum invested and earning interest at the LTNBR rate will be sufficient to cover maintenance costs, which will increase annually at the RPI-X rate, over a period of 30 years.

APPENDIX – D

LIST of COMMON HIGHWAYS ASSETS with indicative COMMUTED SUM AMOUNTS (2020)

Traffic Signals

Item No	Asset Type	Element Description	Quantity	Unit	Frequency of Intervention	NPV Factor	Unit Cost @ 2020 Rates	Commutated Sum Element @ 30 Years	Total Commuted Sum – 30 Years	Comments
1	Traffic Signal Junction – (Typical of a 4-Arm Crossroads)	Pole and Sockets	8	No.	1 every 15 years	1.24206	£600.00	£5,961.89	£212,914.62	To be recalculated on a site specific basis to take into consideration the number of posts and traffic signal heads etc.
		Power Supply Pillar	1	Item	1 every 30 years	0.52056	£300.00	£156.17		
		Controller / Monitoring	1	Item	1 every 15 years	1.24206	£7,000.00	£8,694.42		
		Signal Heads /Detection	8	No.	1 every 15 years	1.24206	£1,200.00	£11,923.78		
		Low voltage MVD	4	No.	1 every 15 years	1.24206	£250.00	£1,242.06		
		Stop line detector	4	No.	1 every 15 years	1.24206	£700.00	£3,477.77		
		Cabling	700	Meters	1 every 15 years	1.24206	£6.00	£5,216.65		
		Specialist Signals Operative Labour with van & equipment	250	Hours	1 every 15 years	1.24206	£95.00	£29,498.93		
		2x Civils operatives with van & equipment	140	Hours	1 every 30 years	0.52056	£100.00	£7,287.84		
		Chambers	12	No.	1 every 30 years	0.52056	£750.00	£4,685.04		
		Supply and Install pole retention socket	8	No.	1 every 30 years	0.52056	£750.00	£3,123.36		
		Ducting in footway & Reinstatement	150	Meters	1 every 30 years	0.52056	£200.00	£15,616.80		
		Ducting in carriageway & Reinstatement	50	Meters	1 every 30 years	0.52056	£700.00	£18,219.60		
		Tactile Paving & Edging	400	No.	1 every 30 years	0.52056	£100.00	£20,822.40		
		Road crossing studs	100	No.	1 every 30 years	0.52056	£20.00	£1,041.12		
		Maintenance & Testing	1	Item	1 every 1 year	21.7926	£1,200.00	£26,151.12		
		NYCC Traffic Signals Engineer refurbishment design and supervision	150	Hours	1 every 15 years	1.24206	£64.00	£11,923.78		
		Communications	1	Item	1 every 1 year	21.7926	£80.00	£1,743.41		
Electricity cost	1	Item	1 every 1 year	21.7926	£1,300.00	£28,330.38				
Decommission	1	Item	1 every 15 years	1.24206	£6,000.00	£7,452.36				

		Refresh road markings	1	Item	1 every 5 years	4.17092	£800.00	£3,336.74		

LIST of COMMON HIGHWAYS ASSETS with indicative COMMUTED SUM AMOUNTS (2020)

Traffic Signals

Item No	Asset Type	Element Description	Quantity	Unit	Frequency of Intervention	NPV Factor	Unit Cost @ 2020 Rates	Commut ed Sum Element @ 30 Years	Total Commuted Sum – 30 Years	Comments
2	Puffin Crossing	Pole & Sockets	4	No.	1 every 15 years	1.24206	£600.00	£2,980.94	£108,497.84	To be recalculated on a site specific basis to take into consideration the number of posts and traffic signal heads etc.
		Power Supply Pillar	1	No.	1 every 30 years	0.52056	£300.00	£156.17		
		Controller / Monitoring	1	No.	1 every 15 years	1.24206	£5,000.00	£6,210.30		
		Signal Heads / Detection Equipment	6	No.	1 every 15 years	1.24206	£1,200.00	£8,942.83		
		Tactile indicator / Demand Units / Audible Units / Detectors	2	No.	1 every 15 years	1.24206	£1,000.00	£2,484.12		
		Low voltage MVD	2	No.	1 every 15 years	1.24206	£250.00	£621.03		
		Cabling	200	Metr es	1 every 15 years	1.24206	£6.00	£1,490.47		
		Specialist Signals Operative Labour + Van and Equipment	40	Hours	1 every 15 years	1.24206	£95.00	£4,719.83		
		2 Civils operatives with van & equipment	60	Hours	1 every 30 years	0.52056	£100.00	£3,123.36		
		Chamber	3	No.	1 every 30 years	0.52056	£750.00	£1,171.26		
		Supply and Install pole retention socket	4	No.	1 every 30 years	0.52056	£750.00	£1,561.68		
		Ducting in footway & Reinstatement	50	Metr es	1 every 30 years	0.52056	£200.00	£5,205.60		
		Ducting in carriageway & Reinstatement	10	Metr es	1 every 30 years	0.52056	£700.00	£3,643.92		
		Tactile Paving & Edging	100	No.	1 every 30 years	0.52056	£100.00	£5,205.60		
		Road crossing studs	25	No.	1 every 30 years	0.52056	£20.00	£260.28		
Maintenance & Testing	1	Item	1 every 1 year	21.7926	£1,200.00	£26,151.12				

		NYCC Traffic Signals Engineer refurbishment design and supervision	75	Hours	1 every 15 years	1.24206	£64.00	£5,961.89		
		Communications	1	Item	1 every 1 year	21.7926	£80.00	£1,743.41		
		Electricity cost	1	Item	1 every 1 year	21.7926	£880.00	£19,177.49		
		Decommission	1	Item	1 every 15 years	1.24206	£3,500	£4,347.21		
		Refresh road markings	1	Item	1 every 5 years	4.17092	£800.00	£3,336.74		

LIST of COMMON HIGHWAYS ASSETS with indicative COMMUTED SUM AMOUNTS (2020)

Traffic Signals

Item No	Asset Type	Element Description	Quantity	Unit	Frequency of Intervention	NPV Factor	Unit Cost @ 2020 Rates	Commutated Sum Element @ 30 Years	Total Commuted Sum – 30 Years	Comments
3	Toucan Crossing	Pole & Sockets	4	No.	1 every 15 years	1.24206	£600.00	£2,980.94	£108,497.84	To be recalculated on a site specific basis to take into consideration the number of posts and traffic signal heads etc.
		Power Supply Pillar	1	No.	1 every 30 years	0.52056	£300.00	£156.17		
		Controller & Monitoring	1	No.	1 every 15 years	1.24206	£5,000.00	£6,210.30		
		Signals Head / Detection Equipment	6	No.	1 every 15 years	1.24206	1,200.00	£8,942.83		
		Tactile indicator / Demand Units / Audible Units / Detectors	2	No.	1 every 15 years	1.24206	£1,000.00	£2,484.12		
		Low voltage MVD	2	No.	1 every 15 years	1.24206	£250.00	£621.03		
		Cabling	200	Metres	1 every 15 years	1.24206	£6.00	£1,490.47		
		Specialist Signals Operative Labour + Van and Equipment	40	Hours	1 every 15 years	1.24206	£95.00	£4,719.83		
		2 Civils operatives with van & equipment	60	Hours	1 every 30 years	0.52056	£100.00	£3,123.36		
		Chamber	3	No.	1 every 30 years	0.52056	£750.00	£1,171.26		
		Supply and Install pole retention socket	4	No.	1 every 30 years	0.52056	£750.00	£1,561.68		
		Ducting in footway & Reinstatement	50	Metres	1 every 30 years	0.52056	£200.00	£5,205.60		
		Ducting in carriageway & Reinstatement	10	Metres	1 every 30 years	0.52056	£700.00	£3,643.92		
Tactiles and Edging	100	No.	1 every 30 years	0.52056	£100.00	£5,205.60				

	Road crossing studs	25	No.	1 every 30 years	0.52056	£20.00	£260.28		
	Maintenance & Testing	1	Item	1 every 1 year	21.79260	£1,200.00	£26,151.12		
	NYCC Traffic Signals Engineer refurbishment design and supervision	75	Hours	1 every 15 years	1.24206	£64.00	£5,961.89		
	Communications	1	Item	1 every 1 year	21.79260	£80.00	£1,743.41		
	Electricity cost	1	Item	1 every 1 year	21.79260	£880.00	£19,177.49		
	Decommission	1	Item	1 every 15 years	1.24206	£3,500.00	£4,347.21		
	Refresh road markings	1	Item	1 every 5 years	4.17092	£800.00	£3,336.74		

LIST of COMMON HIGHWAYS ASSETS with indicative COMMUTED SUM AMOUNTS (2020)

Traffic Signals

Item No.	Asset Type	Element Description	Quantity	Unit	Frequency of Intervention	NPV Factor	Unit Cost @ 2020 Rates	Commutated Sum Element @ 60 Years	Total Commuted Sum – 60 Years	Comments
4	Pedestrian Crossing (Zebra)	LED Flasher Unit	2	No	1 every 10 years	2.99871	£50.00	£299.87	£4,452.24	
		Globe	2	No	1 every 10 years	2.99871	£100.00	£599.74		
		Posts	2	No	1 every 20 years	1.33686	£350.00	£935.80		
		Refresh Road Markings / Studs		Item	1 every 10 years	2.99871	£500.00	£1,499.35		
		Inspection / Testing		Item	1 every 6 years	5.22677	£150.00	£784.02		
		Electricity Usage		Item	1 every 1 year	33.3455	£10.00	£333.46		

Structures

Item No.	Asset Type	Element Description	Quantity	Unit	Frequency of Intervention	NPV Factor	Unit Cost @ 2020 Rates	Commutated Sum Element @ 120 Years	Total Commuted Sum – 120 Years	Comments
5	Road Bridge (Site by Site basis)	Inspection		Item	1 every 2 years	20.82921	£250.00	£5,207.30	£76,019.75	Costs to be determined on an individual scheme basis. Figures
		Bearings		Item	1 every 60 years	0.34442	£25,000	£8,610.50		
		Expansion Joints		Item	1 every 20 years	1.69913	£15,000	£25,486.95		
		Replacement		Item	1 every 120 years	0.07343	£500,000	£36,715.00		
6	Footbridges	Inspection		Item	1 every 2 years	20.82921	£250.00	£5,207.30		

		Replacement		Item	1 every 120 years	0.07343	£100,000	£7,343.00	£12,550.30	given are guidance only
7	Retaining Structure / Wall	Inspection		Item	1 every 2 years	20.82921	£250.00	£5,207.30	£8,144.50	
		Replacement		Item	1 every 120 years	0.07343	£40,000	£2,937.20		

LIST of COMMON HIGHWAYS ASSETS with indicative COMMUTED SUM AMOUNTS (2020)

Drainage

Item No.	Asset Type	Element Description	Quantity	Unit	Frequency of Intervention	NPV Factor	Unit Cost @ 2020 Rates	Commutated Sum Element @ 60 Years	Total Commuted Sum – 60 Years	Comments
8	Culverted Watercourse	Inspection / Desilting / Cleaning per metre	1	lin. m.	1 every 5 years	6.52581	£10.00	£65.26	£65.26 per metre	
9	Combined Kerb / Drainage Units (Beaney Blocks) Slot-Drains / ACO Drains	Inspection / Desilting / Cleansing per meter	1	lin. m.	1 every 5 years	6.52581	£10.00	£65.26	£65.26 per meter	
10	Drainage Gully	Inspection / Cleansing	1	No	1 every 1 year	33.3455	£6.00	£200.07	£200.07 per gully	
11	Drainage Ditch	Inspection / Desilting / Cleaning per meter	1	lin.m.	1 every 5 years	6.52581	£35.00	£228.40	£236.69 base cost of 1sq.m & 1 lin.m	
		Grass Cutting per Sq.m	1	Sq.m	1 every 2 years	16.57194	£0.50	£8.29		
12	Soakaways	Inspection / Desilting / Cleansing per Sq.m	1	Sq.m	1 every 5 years	6.52581	£3.00	£19.57	£19.57 per Sq.metre	Based upon gross impermeable area draining to the soakaway
13	Oil Separator	Inspection		Item	1 every 1 year	33.3455	£900.00	£30,010.95	£30,010.95 + tank cubic meterage	
		Desilting / Cleansing		Cub. m.	1 every 5 years	6.52581	£6.00	£39.15		
14	Attenuation Tanks	Inspection		Item	1 every 5 years	6.52581	£900.00	£5,873.23	£19,681.95 base	

		Desilting / Cleansing		Sq.m	1 every 5 years	6.52581	£3.00	£19.57	cost per tank – figure will increase per square meter of impermeable area draining to the tank		
		Structural Inspection		Item	1 every 10 years	2.99871	£1,500	£4,498.07			
		Flow Control Inspection		Item	1 every 2 years	16.57194	£150.00	£2,485.79			
		Flow Control Maintenance		Item	1 every 5 years	6.52581	£500.00	£3,262.91			
		Flow Control Replacement		Item	1 every 30 years	0.791545	£4,500	£3,561.95			
15	Attenuation Ponds	Inspection		Item	2 every 1 years	66.6910	£150.00	£10,003.65	£70,302.67 base cost only per Pond – figure will increase per Sq.m	Based on CIRIA Report C597 Guidance, with items omitted if not applicable. Large areas of grasscutting may require commuted sum to be worked out over a 120 year period.	
		Clear Inlet / Outlet		Item	2 every 1 years	66.6910	£150.00	£10,003.65			
		Litterpicking per Sq.m	1	Sq.m	6 every 1 year	200.073	£0.01	£2.00			
		Grass Cutting / Strimming per Sq.m	1	Sq.m	6 every 1 year	200.073	£0.05	£10.00			
		Replace / Maintain Fence per metre	1	Lin m.	1 every 15 years	1.88862	£80.00	£151.09			
		Reinstate Erosion		Item	1 every 5 years	6.52581	£500.00	£3,262.91			
		Desilting / cleansing		Item	1 every 5 years	6.52581	£1,500.00	£9,788.72			
		Clear Dead Vegetation / Weedkilling		Item	1 every 1 year	33.3455	£300.00	£10,003.65			
		Prune vegetation / trees / shrubs		Item	1 every 3 years	10.80608	£500.00	£5,403.04			
		Inspect / Maintain Safety Equipment / Signage (where required)		Item	2 every 1 year	66.6910	£50.00	£3,334.55			
		Structural Inspection / Report Compilation		Item	1 every 15 years	1.88862	£800.00	£1,510.90			
		Flow Control Inspection		Item	2 every 1 year	66.6910	£150.00	£10,003.65			
		Flow Control Maintenance		Item	1 every 5 years	6.52581	£500.00	£3,262.91			
		Flow Control Replacement		Item	1 every 30 years	0.791545	£4,500	£3,561.95			
16	Flow Control Devices	Inspection		Item	2 every 1 year	66.6910	£150.00	£10,003.65	£16,828.50		
		Cleaning / Adjustment / Repairs		Item	1 every 5 years	6.52581	£500.00	£3,262.90			
		Replacement /		Item	1 every 30 years	0.791545	£4,500.00	£3,561.95			

		Refurbishment								
17	Permeable Paving	Replacement / Maintain per Sq.m		Sq.m	1 every 15 years	1.88862	£75	£141.65	£141.65	per Sq.m

Traffic Calming Measures

Item No.	Asset Type	Element Description	Quantity	Unit	Frequency of Intervention	NPV Factor	Unit Cost @ 2020 Rates	Commuted Sum Element @ 60 Years	Total Commuted Sum – 60 Years	Comments
18	Chicane			Item	1 every 20 years	1.33686	£10,600	£14,170.72	£14,170.72	Based upon indicative costs per feature
19	Speed Table			Item	1 every 20 years	1.33686	£13,900	£18,582.35	£18,582.35	
20	Speed Cushion			Item	1 every 15 years	1.88862	£1,000	£1,888.62	£1,888.62	
21	Speed Hump			Item	1 every 15 years	1.88862	£2,000	£3,777.24	£3,777.24	
22	Raising Bollard System			Item					£120,000.00	
23	Vehicle Activated Sign			Item	1 every 5 years	4.14092	£5,000	£20,704.60 (based on 30 years Whole Life Cost)	£20,704.60	TBC based on NYCC VAS Protocol (based on 30 years Whole Life Cost)

LIST of COMMON HIGHWAYS ASSETS with indicative COMMUTED SUM AMOUNTS (2020)

Street Lighting and Signage & Bollards

Item No.	Asset Type	Element Description	Quantity	Unit	Frequency of Intervention	NPV Factor	Unit Cost @ 2020 Rates	Commuted Sum Element @ 60 Years	Total Commuted Sum – 60 Years	Comments
24	Street Lighting Columns	Electricity Usage		Item	1 every 1 year	33.3455	£30.00	£1,000.37	£1,733.13	Based upon LED units
		Lantern Replacement		Item	1 every 30 years	0.791545	£160.00	£126.65		
		Inspection / Testing		Item	1 every 5 years	6.52581	£10.00	£65.26		
		Structural Testing		Item	1 every 20 years	1.33686	£60.00	£80.21		
		Column Replacement		Item	1 every 40 years	0.41876	£1100.00	£460.64		
25	Ornamental Lighting Columns	Electricity Usage		Item	1 every 1 year	33.3455	£30.00	£1,000.37	£2,374.54	Based upon LED units
		Lantern Replacement		Item	1 every 30 years	0.791545	£600.00	£474.93		
		Inspection / Testing		Item	1 every 5 years	6.52581	£10.00	£65.26		
		Structural Testing		Item	1 every 20 years	1.33686	£60.00	£80.21		
		Column Replacement		Item	1 every 40 years	0.41876	£1,800.00	£753.77		
26	Illuminated Traffic	Electricity		Item	1 every 1 year	33.3455	£5.00	£166.73		Based upon

	Sign	Inspection Testing		Item	1 every 6 years	5.22677	£10.00	£52.27	£1,422.17	LED units
		Post & Plate Replacement		Item	1 every 20 years	1.33686	£900.00	£1,203.17		
27	Illuminate d Traffic Bollard	Electricity Usage		Item	1 every 1 year	33.3455	£5.00	£166.73	£1,331.26	Based upon LED units
		Inspection Testing		Item	1 every 6 years	5.22677	£6.00	£31.36		
		Replacement Bollard		Item	1 every 15 years	1.88862	£600.00	£1,133.17		
28	Non-illuminate d Retro-reflective Traffic Bollard	Replacement Bollard		Item	1 every 20 years	1.33686	£400.00	£534.74	£534.74	
29	Bollard (standard)	Bollard	1	No.	1 every 20 years	1.33686	£200.00	£267.37	£267.37	Based on standard highway bollard
30	Non-illuminate d Single Post Traffic Sign	Inspection / Cleaning		Item	1 every 6 years	5.22677	£75.00	£392.01	£726.23	
		Post and Plate Replacement		Item	1 every 20 years	1.33686	£250.00	£334.22		
31	Non-illuminate d Advance Direction Sign	Inspection / Cleaning		Item	1 every 6 years	5.22677	£120.00	£627.21	£1,696.70	Actual Cost to be based upon Sign Design Schedule
		Post Replacement	1	No.	1 every 20 years	1.33686	£500.00	£668.43		
		Sign plate Replacement	1	Sq. m	1 every 20 years	1.33686	£300.00	£401.06		

LIST of COMMON HIGHWAYS ASSETS with indicative COMMUTED SUM AMOUNTS (2020)

Miscellaneous

Item No.	Asset Type	Element Description	Quantity	Unit	Frequency of Intervention	NPV Factor	Unit Cost @ 2020 Rates	Commut ed Sum Element @ 60 Years	Total Commuted Sum – 60 Years	Comments
32	Cantilever Bus Shelter	Shelter		Item	1 every 20 years	1.33686	£5,000	£6,684.30	£10,352.31	
		Maintenance		Item	1 every 1 year	33.3455	£100.00	£3,334.55		
		Change Time Table		Item	1 every 1 year	33.3455	£10.00	£333.46		
33	Enclosed Bus Shelter	Shelter		Item	1 every 20 years	1.33686	£7,000	£9,358.02	£13,026.03	
		Maintenance		Item	1 every 1 year	33.3455	£100.00	£3,334.55		
		Change Time Table		Item	1 every 1 year	33.3455	£10.00	£333.46		
34	Bus Stop Flag Pole	Pole, Flag & Timetable Case		Item	1 every 15 years	1.88862	£200.00	£337.72	£671.18	
		Change Timetable		Item	1 every 1 year	33.3455	£10.00	£333.46		

35	Real-time Bus Info systems	Real-time Shelter mounted		Item					£9,000	Indicative Figure given
		Real-time Post Mounted		Item					£12,500	
36	Safety Barrier (Galvanised)	Safety Barrier Replacement	1	Lin. m.	1 every 20 years	1.33686	£150.00	£200.53	£200.53 per metre	Based upon Open Box Beam RRS
37	Safety Barrier End Post	Replacement	1	No.	1 every 20 years	1.33686	£3,500	£4,679.01	£4,679.01	
38	Pedestrian Guardrail (Standard Galvanised)	Replacement	1	Lin. m.	1 every 15 years	1.88862	£100.00	£188.86	£188.86 per metre	Based on standard galvanised off the shelf pedestrian guardrail
39	Carriageway as part of a Highway Agreement as 'Additional width'	Plane and resurface	1	Sq. m.	1 every 20 years	1.33686	£20.00	£26.74		For example localised widening for traffic signals, roundabouts and ghost island right turn pockets
		High Friction Surfacing	1	Sq. m.	1 every 20 years	1.33686	£70.00	£93.58		
		Pigmented Binders / Decorative Surfacing	1	Sq. m.	1 every 20 years	1.33686	£40.00	£53.47		
		Surface Dressing	1	Sq. m.	1 every 7 years	1.085870	£10.00	10.86		
40	Road Markings as part of Highway Agreement as 'Extra-over' eg new lanes created	Refresh Markings	1	Lin. m.	1 every 10 years	2.99871	£3.00	£9.00		For example localised widening for traffic signals, roundabouts, ghost islands
		Refresh Markings (letters / numbers / arrows)	1	No.	1 every 10 years	2.99871	£20.00	£59.97		
41	Grassed / Hard Landscaped Areas as part of Highway Agreement as 'Extra Over' eg behind Visibility Splays	Grass Cutting / Strim	1	Sq. m.	6 every 1 year	200.073	£0.05	£10.00		
		Plane and resurface	1	Sq. m.	1 every 20 years	1.33686	£12.00	£16.04		
42	Soft Landscaping (Shrubs)	Maintenance /re-planting		Sq. m.	1 every 3 years	0.936855	£25.00	£23.42	£23.42 per Sq.m	
43	Seats and Benches	Replacement		Item	1 every 15 years	1.88862	£400.00	£755.45	£755.45	

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	To seek approval for the publication and application of revised highway drainage and commuted sums guidance chapters, from the 1 st April, 2022.		
Officer(s) carrying out screening	Emily Mellalieu		
What are you proposing to do?	Introduce revised design guidance for highway drainage and application of commuted sums.		
Why are you proposing this? What are the desired outcomes?	To ensure guidance and specification is fit for purpose and reflects current national guidance and practice associated with the delivery of new roads and developer funded work.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	There is no significant commitment or removal of resource associated with the decision.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
Age		No	
Disability		No	
Sex (Gender)		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
NYCC additional characteristic			
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No.		

Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No			
Decision (Please tick one option)	EIA not relevant or proportionate:	X	Continue to full EIA:	
Reason for decision	The proposal involves the revision of technical guidance so does not adversely affect any one interest group differently to another. There may however be positive benefits for place making given it is an opportunity to consider how we can improve this and also consider how we promote the delivery of more sustainable transport opportunities.			
Signed (Assistant Director or equivalent)	Barrie Mason			
Date	14/03/2022			



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Revision of NYCC highway drainage and commuted sums design guidance
Brief description of proposal	As above
Directorate	BES
Service area	Network Strategy
Lead officer	Emily Mellalieu
Names and roles of other people involved in carrying out the impact assessment	E Mellalieu, Deborah Hugill
Date impact assessment started	March 2022

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The proposal will be cost neutral. The introduction of the guidance will ensure the construction of drainage associated with new development is appropriate for maintenance and also where required a relevant commuted sum is collected to ensure there is no burden on the public purse.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>	<p>X</p>		<p>The report seeks the approval of revised design guidance relating to highway drainage and the application of commuted sums. Neither chapter would have any impact on emissions, given that it does not commit the authority to delivery of work, rather it seeks to guide the standard of delivery.</p>	<p>n/a</p>	<p>n/a</p>
	<p>Emissions from construction</p>	<p>X</p>		<p>As above</p>		
	<p>Emissions from running of buildings</p>	<p>X</p>		<p>As above</p>		
	<p>Other</p>	<p>X</p>		<p>As above</p>		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		X		<p>As above</p>		
<p>Reduce water consumption</p>		X		<p>As above</p>		
<p>Minimise pollution (including air, land, water, light and noise)</p>	X X			<p>The guidance will have the potential to minimise pollution through the incorporation of SuDS where appropriate</p> <p>The</p>		
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>	X			<p>The use of SuDS incorporated into highways drainage would have a positive impact on reducing the impact of flooding, by reducing the volume of water originating from the highway in public sewers.</p>		
<p>Enhance conservation and wildlife</p>	X X			<p>The use of SuDS would potential offer biodiversity gain.</p> <p>The</p>		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>	X			<p>The commuted sum application will encourage a wider use of construction materials and therefore will permit more bespoke development.</p>		<p>The authority will be open to characteristics in development which encourage reflection of distinctive characteristics through the application of commuted sum</p>
<p>Other (please state below)</p>		X				

<p>Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.</p>
<p>n/a</p>

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

There are no adverse climate change implications arising from the report, in fact both chapters, in places encourage more sustainable construction techniques and more opportunity for sustainable drainage options for the highway and incorporation of trees into the highway curtilage without additional cost to the authority.

Sign off section

This climate change impact assessment was completed by:

Name	Emily Mellalieu
Job title	Development Management Team Leader
Service area	H&T -Network Strategy
Directorate	BES
Signature	E Mellalieu
Completion date	07/03/2022

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 14/03/22

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North Yorkshire County Council

Business and Environmental Services

25 March 2022

York and North Yorkshire Innovation Resilience Project Update

Report of the Assistant Director –Highways and Transportation

1.0 Purpose Of Report

- 1.1 To inform the Corporate Director, BES and BES Executive Member for access of the progression of work associated with the development of the York and North Yorkshire Resilience Innovation Project, led by City of York Council, supported by NYCC.

2.0 Background to the fund

- 2.1 This report seeks to update the Corporate Director (BES), in consultation and with BES Executive Members, on the progression of work associated with the resilience innovation programme. The fund is administered by Defra as part of a national Flood and Coastal Risk Innovative Resilience Programme, which aims to use innovative approaches to managing flooding and coastal risks.
- 2.2 The last report presented to BES Executive Members on this project, dated 20 January 2021, sought approval for the submission of an expression of interest to the fund, to give cross-boundary benefits, submitted by City of York Council (CoYC) as lead authority, supported by NYCC.
- 2.3 The submitted expression of interest for a York and North Yorkshire Natural Flood Catchment project was successful. CoYC was invited to progress its outline proposals towards a full business case. The fund will see the development and delivery of c£6m of natural flood management (NFM) across the Swale, Ure, Nidd and Ouse catchments.
- 2.4 By slowing and storing runoff across such an ambitious catchment area, the project aims to benefit both local communities in North Yorkshire and urban areas downstream, including the city of York.
- 2.5 The project at its heart recognises the benefits of partnership working and on-going work is mindful that, in order to achieve the best results across such a large geographic area, it is essential to work collaboratively. Other partners including the Yorkshire Dales Rivers Trust and Yorkshire Dales National Park.
- 2.6 Natural flood management (NFM) includes a wide range of measures including soil and land management changes and features such as small earth bunds and shallow depressions to slow runoff. The project will use innovative modelling approaches to understand how these measures could benefit both local communities and downstream urban areas. Based on this understanding, the project will explore options for financing NFM measures in the upper catchments from established funding sources (including Government funding for managing flood risk) and also from downstream beneficiaries.

- 2.7 The project will work in partnership with farmers and land managers to develop NFM measures that can be implemented in a way that supports farm businesses and the wider rural economy. Agricultural subsidies, which are changing as part of the developing Environmental Land Management Schemes, are expected to be an important element of funding for NFM measures in the near future. The project will provide advice to farmers and land managers to encourage uptake of NFM measures and helps them access funding.

3.0 Next steps

- 3.1 Recognising that water does not respect authority boundaries, NYCC and CoYC propose a shared Memorandum of Understanding that enables the authorities to take a long-term approach to managing water across the catchments for the benefit of all our communities. The catchment project will implement this agreement by developing a pipeline of projects across North Yorkshire adopting an NFM approach to slow and store flood water.
- 3.2 In order to deliver against this programme of candidate NFM projects, investment choices will need to be developed. It is intended that the existing North Yorkshire Flood Risk Partnership, which includes Members from NYCC and CoYC, provides this governance and decision making forum. Utilising this existing forum is logical, as it will enable decisions to be made in a transparent way whilst also retaining linkages with the respective Executive Committees and the Regional Flood and Coastal Committee.
- 3.3 At present, the Outline Business Case for the project is in development, which will be submitted to the Environment Agency for approval to release the next phase of funding. CoYC is managing the drafting of the business case in close collaboration with partners, including NYCC. It is expected that this will be ready for submission in April 2022.

4.0 Financial implications

- 4.1 At the outline business case stage it is too early to understand the full financial implication to NYCC from the project. NYCC is not however the lead authority and CoYC is identified as accountable body for the progression of work. Consequently, this paper is for information only. Currently there are therefore no financial implications arising from this report for NYCC. The fund will nevertheless provide significant investment in NFM and bring associated benefits to NYCC communities and flood risk mitigation in NY. Any future financial decisions will be brought back to the Corporate Director, in consultation with the Executive Member for Access, for consideration.

5.0 Legal implications

- 5.1 There are no legal implications arising from this update report. It is however acknowledged that there will be legal implications arising from the development of a formal agreement or memorandum of understanding. Appropriate approval will be sought for this and as the project progresses, there may be further considerations to be brought to the Corporate Director (BES) in consultation with the BES executive member during the project planning and implementation stages.

6.0 Equalities implications

- 6.1 An Equalities Impact Assessment is included as Appendix 1 of this report. No impacts arise from this report, which is for information only. The project relates to a geographical area. Outcomes relate to the physicality of the location and its associated flood risk, rather than being a decision which may be assessed differently or would have different implications depending on any protected characteristics an individual may have.

7.0 Climate Change Implications

- 7.1 A Climate Change Impact Assessment is included as Appendix 2 of this report. There are no impacts arising from this report which is for information only. The project is however anticipated to deliver significant climate change benefits across the catchment area.

8.0 Recommendation(S)

- 8.1 It is recommended that the BES Corporate Director, in consultation with the BES Executive Member for Access, notes the proposed approach to the York and North Yorkshire Innovation Resilience Project and the next steps in its progression.

BARRIE MASON
Assistant Director
Highways and Transportation

Author of Report: E Mellalieu

Background Documents: None

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	Update report on the progression of the York and North Yorkshire Resilience Innovation Project		
Officer(s) carrying out screening	Emily Mellalieu, Stephen Lilgert		
What are you proposing to do?	COYC, with support from NYCC and other partners is working on a OBC for submission to DEFRA for the next phase of funding to be released. This report is for information only.		
Why are you proposing this? What are the desired outcomes?	The project is an excellent opportunity to attract funding for innovative flood mitigation projects. It is considered that an ambitious project scaling authority boundaries will be well received and will ultimately benefit downstream communities in the SUNO catchment		
Does the proposal involve a significant commitment or removal of resources? Please give details.	There is no financial implication for NYCC arising from the decision		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
Age		No	
Disability		No	
Sex (Gender)		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
NYCC additional characteristic			
People in rural areas		No	

People on a low income		No	
Carer (unpaid family or friend)		No	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
Decision (Please tick one option)	EIA not relevant or proportionate:	X	Continue to full EIA:
Reason for decision	The project relates to a geographical area. Outcomes relate to the physicality of the location and its associated flood risk, rather than being a decision which may be assessed differently or would have different implications depending on any protected characteristics an individual may have.		
Signed (Assistant Director or equivalent)	Barrie Mason		
Date	15/03/22		



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

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If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	York and North Yorkshire Innovation Resilience Project Update – collaborative working with COYC
Brief description of proposal	As above
Directorate	BES
Service area	Network Strategy
Lead officer	Emily Mellalieu
Names and roles of other people involved in carrying out the impact assessment	E Mellalieu, Deborah Hugill
Date impact assessment started	January 2021 – agreement of expression of interest to the fund.

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

Two distinct bids could be submitted by NYCC and COYC. These would have competed with each other and through working together benefits can be realised in both authority areas.

The bid is for flood mitigation involving working with natural processes. It is anticipated that the project would only have positive climate change implications as it seeks to provide flood mitigation utilising natural flood management techniques across a whole catchment area.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The proposal is cost neutral to NYCC and CoYC. The project, which is being led by CoYC which will include additional resource and flood mitigation that will benefit the community in NYCC area. A Project Manager post, based with COYC has already been recruited to and is working collaboratively with a vast number of partners, so the fund is already adding value across the catchment area.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel	X		<p>This report is for information only and updates on the work led by CoYC supported by NYCC. There are no emissions resulting.</p>		<p>This report is an update report only.</p>
	Emissions from construction	X		<p>As above</p>		
	Emissions from running of buildings	X		<p>As above</p>		
	Other	X		<p>As above</p>		
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		X		<p>As above</p>		
<p>Reduce water consumption</p>		X		<p>As above</p>		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise pollution (including air, land, water, light and noise)</p>	X			<p>The work will have the potential to minimise pollution in the delivery of NFM projects, as it seeks to enable a variety of water environment outcomes.</p>		<p>At present specific outcomes are not developed to adequately demonstrate any of the impacts in this table however given the project seeks to deliver Flood mitigation utilising natural catchment management techniques it is likely that it will deliver significant benefits to all.</p>

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>	X			<p>The work intends to reduce flood risk using natural flood measures and add to the body of knowledge surrounding this more sustainable approach</p>		
<p>Enhance conservation and wildlife</p>	X			<p>The work has the potential to enhance conservation and wildlife positively</p>		
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>	X			<p>The resulting work if the bid is successful would have the potential to positively enhance distinctive characteristics, features and qualities of NY's landscape.</p>		
<p>Other (please state below)</p>	X			<p>As above there are potential positive effects if the bid should be successful.</p>		

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

n/a

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

No impacts are anticipated as this is an update report only, however it is anticipated that the delivered project will realise positive climate change impacts in NY.

Sign off section

This climate change impact assessment was completed by:

Name	Emily Mellalieu
Job title	Development Management Team Leader
Service area	H&T -Network Strategy
Directorate	BES
Signature	E Mellalieu
Completion date	07/03/2022

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 15/03/22

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North Yorkshire County Council

Business and Environmental Services

Executive Members

25 March 2022

Update on Highway Grass Cutting

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 To update the Corporate Director, Business and Environmental Services (BES), and BES Executive Member for Access on the ongoing approach to highway grass cutting and verge management.

2.0 Background

- 2.1 A report was presented to the 23 April 2021 BES Executive Members meeting, where authorisation to carry out trials of alternate rural grass cutting regimes was given. This report will update the Corporate Director BES, and BES Executive Member for Access on the trials and provide information on further measures that are being considered to enhance biodiversity of our roadside verges.
- 2.2 Work has been ongoing over the past twelve months, to identify ways in which the County Council can help to enhance the biodiversity of highway verges, whilst at the same time ensuring that any amendments to grass cutting regimes and standards do not negatively impact highway safety.
- 2.3 Grass cutting and verge management continues to be a focus for many members of the public and local and national stakeholder groups.

3.0 Current policy

- 3.1 The highway grass in North Yorkshire which the County Council is responsible for maintaining is split into two categories:
- Urban Grass (subject to a speed limit of 40mph or less)
 - Rural Grass (subject to a speed limit of more than 40mph)
- 3.2 Urban Grass – Roads with a speed limit of 40mph or less. Five cuts per season
Extents:
- Highway junctions for visibility (all road categories)
 - Event/hazard warning signs (as required)
 - Remote Footways where it does not fall within a swathe cut. Grass shall be cut to 0.5m on both sides of the footway.
- 3.3 Following changes to the urban grass cutting standards in 2015, only grass outlined above is cut by NYCC. Parish and Town Councils were given the opportunity to undertake urban grass cutting in their parish, whereby NYCC would pay the parish or town council based on the area of grass within visibility splays in their parish. This allows Parish / Town councils to combine NYCC funded visibility cuts with any cutting of other grass in their parish that they fund (e.g. parks, village green, verges).

- 3.4 Parish Councils who opted in to the scheme receive a contribution payment from NYCC, comparable to the value that the NYCC grass cutting contractor would have received were they to be carrying out the cut.
- 3.5 Rural Grass - Roads with a speed limit over 40mph. Two cuts per season
Extents:
- Highway junctions for visibility (all road categories)
 - Forward overtaking sight distance visibility on all road categories as required
 - Event/hazard warning signs (as required)
 - Longitudinal Swathe along the carriageway edge (cut a minimum of 2.4m to a maximum of 3m) on category 2, 3a and 3b roads.
 - Remote footways which do not fall within a swathe cut to a width of 0.5m on both sides of the footway
- All rural grass Cutting is fully carried out by North Yorkshire County Council.

4.0 Grass Cutting Trials Carried out in 2021

- 4.1 The key focus of the trials was aimed at assessing the impact of reducing the width of the rural swathe cut from 2.4m to 1.2m. Trial sites were selected across the County, so that a wide range of carriageway types were included in the trial. A summary of trial locations is outlined in Appendix 1.
- 4.2 The trials were only carried out in rural areas (speed limit greater than 40mph) and any designated visibility locations (junctions, bends etc.) were not part of the trial.
- 4.3 The general feedback on the trial sites from the first year was that the change in grass cutting regime was straightforward to implement and did not appear to have any significant impact on road safety or visibility, as hazard locations (junctions, bends etc.) were not part of trial.
- 4.4 From a biodiversity perspective the impact of the reduced swathe cut is limited, in that the area that is not cut is allowed to grow relatively uncontrolled. Whilst this can in some instances allow local species to grow, in most locations the areas uncut continue to be dominated by more aggressive species, such as coarse grasses and nettles.
- 4.5 As outlined in the 23 April 2021 report, the trials will continue through until Autumn 2023. We are looking at the potential of adding further sites in to the reduced swathe trial this summer, to increase our understanding of impacts and effectiveness. On completion of the trials in 2023, a review will be carried out to identify if the grass cutting policy can be amended across the County for non-visibility rural grass cutting.

5.0 Longer Term Objectives – reducing soil fertility

- 5.1 The longer term objective to help improve biodiversity and reduce the amount of grass cutting required is to reduce soil fertility. Native plant species and wildflowers prefer less fertile soil to grow in. In contrast, more aggressive species such as coarse grasses, nettles and thistles require more fertile soils.
- 5.2 At present cut grass is left on the verges to decompose. This decomposition in to the soil increases the fertility of the verge soil, further encouraging the growth of more aggressive species. Removal of cut grass would significantly help to reduce the fertility of the soil, encouraging the growth of more native species and wildflowers which are typically lower in height, thus requiring less frequent cuts.

- 5.3 Removal of grass cutting arisings is significantly more expensive than the current method of leaving arisings on the verge. Logistically it is challenging to identify locations where arisings can be transported to for disposal. At present, we do not have the supply chain in place nor the resources to commence this type of operation.
- 5.4 Given the amount of arisings that would be produced from highway verge cut and collect operations, officers are seeking to establish the viability of using verge arisings in energy generation at anaerobic digestion (AD) sites.
- 5.5 An outline proposal for funding from the County Council's Beyond Carbon programme is being developed by BES officers. Funding would allow the potential for a commercial cut and collect operation to be assessed, alongside identifying any existing market opportunities & challenges and also the wider appetite for verge cutting material from existing AD operators. It is anticipated that the proposal would be submitted to the Beyond Carbon Board in Q1 2022/23 and should it be successful the outcomes of the assessment report would be available in Q3 2022/23
- 5.5 In the interim, officers are seeking to establish small scale cut and collect trials on selected rural Cat 4a and 4b verges across the County. This will help us to further understand the benefits of a cut & collect operation. We are engaging with county council volunteers and other partner organisations to resource these trials.

6.0 Urban Grass Cutting

- 6.1 Whilst the focus of the existing trials has been on rural grass cutting, the Council has been approached by several Town Councils who are seeking to enhance the biodiversity of highway verges in their local communities. This is for areas outside of urban visibility cuts.
- 6.2 Proposals put forward by the Town Councils include, cut and collect of urban highway verges, wildflower planting, reducing cut frequencies and timings to promote wildflower growth. We are supporting this initiative through the provision of best practice guidance and advice to town and parish councils where applicable. It is hoped that through 2022 we will be able to refine and update guidance based on experience gained by towns and parishes, with a view to sharing more widely with parishes as part of information we share with them on grass cutting payments in Q3 2022/23.

7.0 Financial Implications

- 7.1 There are no significant financial implications to the trial process. Locations and revised treatments are being selected to be either cost neutral or provide a financial saving.

8.0 Equalities Implications

- 8.1 The proposal seeks to establish the effectiveness of varying grass cutting options to enable a more informed decision in the future, regarding our highway grass cutting policy. Should a change be proposed to the grass cutting policy following these trials, an EIA will be completed, see Appendix 2..

9.0 Legal Implications

- 9.1 The County Council, in its capacity as the Local Highway Authority, Street Authority and Local Traffic Authority must act in accordance with a wide range of statutory powers and duties imposed by legislation.
- 9.2 The proposed trials have been developed in line with the relevant legislation such as the Highways Act 1980, the New Roads and Street Works Act 1991, the Road Traffic Regulation Act 1984, the Transport Act 2000, the Traffic Management Act 2004 and the Flood and Water Management Act 2010.

10.0 Climate Change Impact

- 10.1 A climate change impact assessment has been carried out, see Appendix 3. This has identified there are benefits to the local habitats and the potential for reduced carbon emissions should a cut and collect operation be commercially viable.

11.0 Recommendation

- 11.1 It is recommended that
- i) the Corporate Director, Business and Environmental Services (BES), and BES Executive Member for Access notes the update provided on highway grass cutting and verge management.

BARRIE MASON
Assistant Director - Highways and Transportation

Author of Report: James Gilroy

Background Documents: None

Rural Grass Cutting sites with a reduced swathe cut

ID	Area	Location	Notes
1	1	A167 – Area 2 boundary (Toll Bar Garage) to Croft-on-Tees	Low ground and the grass on this route tends to grow very quickly
2	1	A6055 - Local Access Road between Leeming and Barton	Low ground – long straights with some sweeping bends near flyovers
3	1	A684 – Bainbridge to Hawes to Moorcock Inn (Cumbria boundary)	Higher ground road
4	1	B6270 Muker to Gunnerside	Mostly narrow verges with dry stone walls
5	2	A684 Bedale and Lemming bypass	This is a new route which is only just coming out of its maintenance period this summer
6	2	B1264 Between A167 and County boundary	
7	2	B1363 Either the whole length or north of Stillington to Area 4 Boundary	
10	3	A169 A3/A4 boundary to Sleights	
11	4	A169 – Malton to Pickering	Flat relatively straight road with few junctions on the Vale of Pickering
12	4	C90 Hovingham to City of York Boundary.	Undulating road with lots of bends in the Howardian Hills AONB
13	4	B1249 East Riding boundary to A64	Includes Staxon Hill (chosen rather than Saltergate or Newgate which are probably a higher risk)
14	5	B6479 – Horton to Selside	
15	5	B6255 – Ribbleshead to Ingleton	
16	5	B6265 – Grassington to Hebden	
17	6	B6265 Ripon to Pateley Bridge	
18	6	A168 Boroughbridge Depot to A59 Allerton Park	
19	6	B1224 Long Marston to County Boundary	
20	7	A63 Selby Bypass	
21	7	A162 Sherburn in Elmet Bypass	
22	7	A1246 Selby Fork to Fairburn	

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways & Transportation		
Proposal being screened	Grass Cutting Trials		
Officer(s) carrying out screening	James Gilroy		
What are you proposing to do?	Continue with a series of grass cutting trials across the County, which differ to the current rural grass cutting policy. This is in the interests of improving biodiversity on highway verges and to potentially achieve further cost savings in the future with reduced cut frequencies and/or extents		
Why are you proposing this? What are the desired outcomes?	To establish if changing grass cutting treatments can enhance biodiversity in highway verges and potentially reduce grass cutting costs.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	

Marriage or civil partnership		✓	
NYCC additional characteristic			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No, the proposals do not negatively affect any groups of people.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No, the proposal will have no effect on how other organisations work.		
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:
Reason for decision	The proposal seeks to establish the effectiveness of varying grass cutting options to enable a more informed decision in the future, regarding our highway grass cutting policy. Should a change be proposed to the grass cutting policy following these trials, an EIA Screening form will be completed.		
Signed (Assistant Director or equivalent)	Barrie Mason		
Date	15/03/22		



Appendix 3 Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Highways Capital Programme 2020/21 – October 2020/21 Update
Brief description of proposal	To continue with a series of grass cutting trials across the County, which differ to the current rural grass cutting policy. This is in the interests of improving biodiversity on highway verges and to potentially achieve further cost savings in the future with reduced cut frequencies and/or extents
Directorate	BES
Service area	Highways and Transportation
Lead officer	James Gilroy
Names and roles of other people involved in carrying out the impact assessment	
Date impact assessment started	10.03.2022

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The only other option considered was to do nothing retain the existing grass cutting policy

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

We anticipate that the proposals will be cost neutral or provide a cost saving to the County Council.

How will this proposal impact on the environment? N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.		Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel		x				
	Emissions from construction		x				
	Emissions from running of buildings						
	Other	X			Should the use of grass cutting arisings is AD facilities prove to be successful this could reduce the emissions from power generation and reduce carbon usage.		
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		x					
Reduce water consumption		x					

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise pollution (including air, land, water, light and noise)</p>		X				
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X				
<p>Enhance conservation and wildlife</p>	X			<p>Help to improve the biodiversity of highway verges in North Yorkshire</p>		<p>Feedback from the trials will help to inform the future wider grass cutting policy in North Yorkshire</p>
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>	X			<p>Help to improve the biodiversity of highway verges in North Yorkshire</p> <p>Help to ensure the special quality of some highway verges ins maintained and enhanced.</p> <p>Enhance the local natural environment and characteristics of the or our rural areas.</p>		<p>Feedback from the trials will help to inform the future wider grass cutting policy in North Yorkshire</p>

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Other (please state below)</p>		<p>x</p>				

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

The trial treatments are based on guidance form Plantlife.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

We anticipate a positive impact on biodiversity and character of the local area as a result of the grass cutting trials, alongside the potential for developing a sustainable fuel source for AD sites in the future.

Sign off section

This climate change impact assessment was completed by:

Name	James Gilroy
Job title	Team Leader Highway Asset Management
Service area	Highways and Transport
Directorate	BES
Signature	J Gilroy
Completion date	10.03.2022

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 15/03/22

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North Yorkshire County Council

Business and Environmental Services

Executive Members

25 March 2022

Highways Capital Programme 2022/23

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 To seek agreement from the Corporate Director, Business and Environmental Services (BES), in consultation with the BES Executive Member for Access, to authorise additions to the Highways Capital Forward Programme for Structural Highway Maintenance identified since the last Highways Capital Programme report dated 20 August 2021.
- 1.2 To update the Corporate Director, Business and Environmental Services (BES), and BES Executive Member for Access on the funding settlement received for 2022/23 and indicative funding allocations for 2023/24 and 2024/25.

2.0 Background

- 2.1 The Highways Capital Programme is made up of four specific elements; these are Street Lighting; Bridges and Structures; Integrated Transport and Structural Highway Maintenance. Each of these elements is subject to prioritisation methods based upon an assessment of the required outcomes.
- 2.2 BES Executive Members will be aware that usual practice is to present two main reports per year; one in the summer, identifying schemes to be added to the forward programme; followed by a further report, when necessary changes to the programme are reported along with the headline allocations for the programme for the year after.
- 2.3 In line with 2.2 above, the report was considered at the BES Executive Members meeting held on 20 August 2021.
- 2.4 Although advanced planning is maximised through the implementation of a three-year rolling capital works programme, there are occasions when it is necessary, for sound operational reasons, to introduce new schemes into the forward programme.
- 2.5 In a similar way it is sometimes not possible to deliver programmed schemes in the financial year initially intended, these schemes are then re-programmed into later years when implementation of works can take place.

3.0 New Schemes to be added to the Highways Capital Forward Programme

- 3.1 It is proposed to add three new schemes, with the combined value of £310K to the Highways Capital Forward Programme. As outlined at the BES Executive Members Meeting on 20 August 2021, entry on to the forward programme does not guarantee delivery in a specific year. It does however approve the proposed scheme for future delivery. By adding these schemes to the forward programme now, it provides additional time for design and development for potential scheme delivery in 22/23.

3.2 The proposed schemes were identified through ongoing asset condition and engineering assessments carried out since the forward programme was approved on 20 August 2021.

3.3 A full list of schemes to be added to the forward programme is provided in Appendix 1.

4.0 2022/23 Highways Capital funding Settlement.

4.1 The Department for Transport (DfT) confirmed our funding settlement for 2022/23 on 28 February. The settlement is £40.07M and is in line with what we had predicted and had based the 2022/23 annual programme around.

4.2 Alongside the 2022/23 settlement, DfT also advised indicative settlements for 2023/24 and 2024/25. These are identical to the 2022/23 settlement and as such do not include any allowance for increasing costs and inflationary pressures.

4.3 The settlement letter also identified that the DfT is seeking to further incentivise the award of highway capital funding in the future. At present we are required to submit an annual response to the DfT incentive fund self-assessment questionnaire. The questionnaire is designed to enable authorities to assess their progress on the implementation of good practice, to ensure effective and efficient delivery of highway services. This incentivised element of funding currently accounts for £4.11M of the overall £40M funding settlement.

4.4 It is unclear at this point in time what the incentivised funding will look like in the future. DfT has confirmed that there will be a series of engagement sessions during 2022 to update Local Highway Authorities, with a view to implementation of the new incentivised funding structure from April 2023.

5.0 Financial Implications

5.1 Any additional costs associated with implementation of the scheme/s named in Appendix 1 will be accounted for as part of the routine strategic management of the Highways Capital Works annual Programme for the year in which the schemes are added to.

5.2 The 2022/23 annual programme was developed based on an assumed £40M funding settlement, which is what we have received. It also takes in to consideration any financial impact of schemes that have been moved in year from 21/22 to 22/23 and also any over programming in 21/22.

5.3 Officers continue to monitor the delivery of the 21/22 programme and its associated impact on 22/23, alongside confirmed costs for 22/23 schemes as they are procured and delivered through NY Highways. Where required officers, will adjust the 22/23 programme to manage any financial and/or operational impacts.

5.4 The contents of this report make no changes to the BES Capital Plan expenditure limits.

6.0 Equalities Implications

6.1 An Equality Impact Assessment screening form was included as part of the Capital Programme overall and this found that an Equality Impact Assessment was not required. As these schemes are typical maintenance schemes it is deemed that the original screening form included schemes of this type and that there will be no Equality Implications arising from this recommendation, see Appendix 2.

7.0 Legal Implications

- 7.1 The County Council as Local Highway Authority has a wide range of statutory duties imposed by a variety of legislation relating to highways and transportation and also has a wide range of duties imposed by legislation in its capacity as Lead Local Flood Authority, Street Authority and Local Traffic Authority. This includes a duty under s41 of the Highways Act 1980 to maintain highways maintainable at the public expense and a duty under s122 of the Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. Under s16 of the Traffic Management Act 2004, the County Council is also required to manage its road network to secure the expeditious movement of traffic in that network.
- 7.2 The forward programme has been developed and prioritised in line with the County Councils duties and responsibilities under the above and other legislation, including the Transport Act 2000 and the Flood and Water Management Act 2010.

8.0 Climate Change Impact

- 8.1 A climate change impact assessment has been carried out, see Appendix 3. This has identified that the development of a forward programme will help to improve efficiency of delivery, reducing waste and emissions through improved coordination and planning of works.

9.0 Recommendation

- 9.1 It is recommended that the Corporate Director – Business and Environmental Services (BES), in consultation with the BES Executive Member for Access:
- i) authorises the additions to the Highways Capital Forward Programme for Structural Highway Maintenance contained in Appendix 1 identified since the last Highways Capital Programme report dated 20 August 2021 and
 - ii) notes the update provided on highway maintenance capital funding for the 2022/23 Highways Capital Annual Programme.

BARRIE MASON
Assistant Director - Highways and Transportation

Author of Report: James Gilroy

Background Documents: None

Schemes to be added to the Highways Capital Forward Programme

District	Location	Address	Est Cost/£	Reason for addition
Harrogate	Fell Beck Culvert	Rainton	£80,000	Collapsed Culvert, which has resulted in a road closure. Proposed scheme is to reconstruct and strengthen the culvert
Harrogate	A59 Kex Gill Drainage	Blubberhouses	£30,000	Maintenance of existing slope drainage plus installation of some new drainage channels as part of on-going monitoring and management.
Countywide	Bridge Assessments	Various	£200,000	Review of existing bridge assessments and carrying out new assessments to ensure that weight restrictions and abnormal load restrictions / permissions are up to date.

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways & Transportation		
Proposal being screened	Highways Capital Forward Programme Approval of schemes not included at previous BES Executive Members meeting.		
Officer(s) carrying out screening	James Gilroy		
What are you proposing to do?	Agree additions to the Highways Capital Programme in advance of the next scheduled capital programme BES Executive Member report.		
Why are you proposing this? What are the desired outcomes?	Minimise the duration between scheme identification and agreement for inclusion on the agreed capital programme.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No, the proposal will result in reprioritisation of the current allocations to enable the additional schemes to be delivered.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	

Marriage or civil partnership		✓	
NYCC additional characteristic			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No, the proposals do not negatively affect any groups of people.		
Will the proposal have a significant effect on how other organisations operate? (E.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No, the proposal will have no effect on how other organisations work.		
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:
Reason for decision	The allocation of funding is based on the 'manage, maintain and improve' (MMI) hierarchy set out in LTP4 which has been the subject of a full EIA. This concluded that the introduction of fewer improvement schemes may have a greater impact on people with mobility difficulties or without access to private vehicles as there will be fewer new facilities provided e.g. pedestrian crossings, dropped kerbs, bus stop accessibility improvements; however, it is also considered that prioritising maintenance, particularly for footways, through the MMI hierarchy is likely to produce a net benefit for people with the same protected characteristics; particularly in terms of age and disability.		
Signed (Assistant Director or equivalent)	Barrie Mason		
Date	14/03/22		



Appendix 3 Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Highways Capital Programme 2020/21 – October 2020/21 Update
Brief description of proposal	To seek agreement from the Corporate Director, Business and Environmental Services (BES), in consultation with BES Executive Member for Access, to authorise additions to the Highways Capital Forward Programme for Structural Highway Maintenance identified since the last Highways Capital Programme report dated 20 August 2021.
Directorate	BES
Service area	Highways and Transportation
Lead officer	James Gilroy
Names and roles of other people involved in carrying out the impact assessment	
Date impact assessment started	10.03.2022

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

No other options were progressed for adding schemes to the forward capital programme.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

It is hoped that the forward programme will help to reduce costs. Adding schemes to the forward programme does not have an immediate financial cost, however it provides the ability for operational teams to develop more efficient programmes of work when identifying schemes for delivery within an annual programme.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>	<p>x</p>			<p>More efficient planning and coordination of future highway works, will help to reduce emissions form construction vehicles.</p>		
	<p>Emissions from construction</p>	<p>X</p>			<p>More efficient planning and coordination of future highway works, will help to reduce emissions form construction vehicles.</p>	<p>Where possible – ensure that vehicle mileage is reduced by planning vehicle movements / diversion routes etc.</p>	
	<p>Emissions from running of buildings</p>	<p>X</p>					
	<p>Other</p>		<p>x</p>				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>	X			<p>A more long-term programme will potentially increase the potential for in-situ materials recycling on highway schemes, helping to reduce waste sent to landfill.</p>		
<p>Reduce water consumption</p>		x				
<p>Minimise pollution (including air, land, water, light and noise)</p>	x					
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>	X			<p>Delivery of drainage schemes to help potential reduce severance issues</p>		
<p>Enhance conservation and wildlife</p>		x				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		x				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Other (please state below)</p>		<p>x</p>				

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

N/A

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The development of a forward programme will help to improve efficiency of delivery, reducing waste and emissions through improved coordination and planning of works.

Sign off section

This climate change impact assessment was completed by:

Name	James Gilroy
Job title	Team Leader Highway Asset Management
Service area	Highways and Transport
Directorate	BES
Signature	J Gilroy
Completion date	10.03.2022

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 14/03/22

North Yorkshire County Council

Business and Environmental Services

Executive Members

25 March 2022

Marage Path and Whitby Swing Bridge

Report of the Assistant Director – Highways and Transportation

1.0 Purpose Of Report

- 1.1 To seek authorisation from the Corporate Director, Business and Environmental Services (BES), in consultation with County Councillor Don Mackenzie, Executive Member for access to create a reserve from the BES 2021/22 revenue underspend for £580k to specifically fund the following;
- Whitby Swing Bridge Painting and Maintenance (£380k)
 - Marage Path retaining wall reconstruction (£200k)

2.0 Background

- 2.1 Whitby Swing bridge was built in 1909 and mechanised in 1983. An agreement between North Yorkshire (NYCC) and Scarborough Borough Council (SBC) in 2012 placed the responsibility for the bridge maintenance with NYCC and responsibility for the staffing and operation of the bridge with SBC. NYCC has a maintenance contactor which carries out services every three months and provides support during breakdowns. There is an annual £63.8k revenue budget to cover servicing, breakdowns and minor works to the bridge.
- 2.2 For the last few years, during extended periods of very warm weather, the bridge expands and then seizes in the shut position, normally late afternoon. Until the bridge cools down and contracts, the bridge will remain in the closed position and prevent some vessels from leaving or entering the harbour. A proposed resurfacing scheme using a lighter coloured surfacing material has been selected as the most cost effective solution as it will keep the bridge at a lower temperature during periods of warm weather.
- 2.3 Last summer (2021) two access covers and frames were removed and temporarily plated over, the covers were rocking (creating noise overnight) and allowing water to penetrate into the structure and was causing corrosion to steel members off the bridge below. As part of the proposed work to resurface the bridge new covers and frames which have already been fabricated will be installed following steelwork repairs and painting to the areas.
- 2.4 Officers have spent a lot of time reviewing the options available for preventing the bridge from seizing and a lighter coloured surface is the preferred option. Specialist suppliers have been engaged and some laboratory research carried out looking at performance of different colours. It is proposed to carry out the surfacing work during the spring/early summer 2022 before the school holidays.

- 2.5 The bridge was last painted in 2012 and due to the marine environment the bridge is in need of further maintenance - painting is required in some areas and a further top coat to the whole structure needs to be applied to provide further protection. It is intended that work will be carried out in Spring/Summer 2023.
- 2.6 The Marage Path retaining wall is a 100m long wall supporting a narrow section of Public Right of Way path above Cod Beck on a route connecting Stammergate with Marage Road. During 2021 there was an issue with subsidence of the path which was linked to poor condition of the wall. There is an ancient monument sited adjacent to the site, making access for large plant difficult.
- 2.7 Following surveys a temporary repair was carried out in December 2021 on the basis that full repair would be carried out in the near future. A scheme to rebuild the wall using stone is considered the most appropriate solution and has an expected cost of £200k. Subject to approval it is expected the works would be carried out during the Summer 2022.

3.0 Finance

- 3.1 The costs of the works are expected to be:
- Whitby Swing Bridge – total £380k
 - £150k Painting works
 - £70k access, welfare site management
 - £50k for repairs including replacement of all mesh.
 - £30k risk allowance
 - £80k Surfacing work
 - Marage Path – total £200k – Full rebuild of the retaining wall along the beck
- 3.2 It is suggested that the total cost of £580k is funded from the forecast BES Directorate underspend in 21/22 and it is proposed that a reserve is created for this purpose. The funding within such a reserve would only be able to be used for Whitby Swing Bridge and Marage Path works with any amounts underspent being returned to Corporate funds once those works are complete.

4.0 Equalities

- 4.1 An equality impact assessment (EIA) screening process has been undertaken and a decision made that an EIA is not required for either of the schemes. The reason is that these are two requests for additional funding to complete schemes that will improve the highway infrastructure. There is no impact on people with protected characteristics. See Appendix 1.

5.0 Legal

- 5.1 Establishing responsibility for bridge maintenance can on occasion be complex and reliant of historical events which can become lost in the mists of time. The current Whitby Swing Bridge was built in 1909 under a commission by the then local highway authority Whitby Urban District Council. It was built to carry what was then the alignment of the A171 through Whitby. As such it seems clear it was constructed as part of the highway maintainable at the public expense by the then relevant highway authority and as such is maintainable at the public expense.
- 5.2 That the County Council accepts the above is reflected in the terms of the 2012 agreement referred to at para 2.1 above in which the County Council's obligations included a requirement "...to maintain and repair the Bridge including the opening

and closing mechanism...”. Additionally the County Council has historically awarded contracts for the maintenance of the bridge.

5.3 Further section 328(2) states :-

“Where a highway passes over a bridge or through a tunnel, that bridge or tunnel is to be taken for the purposes of this Act to be a part of the highway.”

6.0 Climate Change

6.1 Climate change impact assessment forms have been completed for both schemes. No additional recommendations are required. See Appendix 2 for Marage Path and Appendix 3 for Whitby Swing Bridge.

7.0 Recommendation(S)

- 7.1 It is recommended that the Corporate Director, Business and Environmental Services (BES), in consultation with County Councillor Don Mackenzie, Executive Member for Access:
- i. approves the creation of a reserve noted in section 3.0 for funding of the Whitby Swing bridge and Marage Path Works described in this report
 - ii. approves the schemes as described in section 2.1 to allow painting and surfacing to be carried out on Whitby Swing bridge and the reconstruction of the Marage Path retaining wall.

BARRIE MASON
Assistant Direct – Highways and Transportation

Author of Report: Philip Richardson, Bridges Managers

Background Reports: None

Initial equality impact assessment screening form	
<p>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</p>	
Directorate	BES
Service area	Highways and Transportation
Proposal being screened	Whitby swing bridge surfacing (lighter colour to reduce heat absorption) and painting Marage path wall, reconstruction (footpath)
Officer(s) carrying out screening	Phil Richardson
What are you proposing to do?	Whitby swing bridge <ul style="list-style-type: none"> - Resurface with a surfacing system to reduce heat absorption, could be a grey or red colour for example. - Painting, repaint the bridge in the existing colour Marage Path <ul style="list-style-type: none"> - Take down and rebuild stone wall
Why are you proposing this? What are the desired outcomes?	Whitby <ul style="list-style-type: none"> - Bridge seizes when it expands (due to heat) and can't be opened, this prevents some boats entering and leaving the harbour - Painting, to treat areas of corrosion and ensure the bridge remains in good condition Marage Path <ul style="list-style-type: none"> - Temporary repair done in 2021, requires permanent repair due as the wall is in very poor condition
Does the proposal involve a significant commitment or removal of resources? Please give details.	£380k allocated for Whitby Swing bridge £200k allocated for Marage Path
<p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> • To what extent is this service used by particular groups of people with protected characteristics? • Does the proposal relate to functions that previous consultation has identified as important? • Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>	

Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		x	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
NYCC additional characteristics			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
Decision (Please tick one option)	EIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full EIA:
Reason for decision	These are two requests for additional funding to complete schemes that will improve the highway infrastructure. There is no impact on people with protected characteristics		
Signed (Assistant Director or equivalent)	Barrie Mason		
Date	14/03/2022		



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Marage Path Retaining Wall – Rebuild
Brief description of proposal	Full rebuild of 89m long, 1.75m(av) high retaining wall that carries a PROW along the edge of the Cod Beck in Thirsk
Directorate	BES
Service area	Bridges & Design Services, on behalf of PROW
Lead officer	Philp Richardson
Names and roles of other people involved in carrying out the impact assessment	Josh Calvert Assistant Engineer
Date impact assessment started	10/03/2022

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

Sheet Pile wall was consider, but impact of getting the piles to site would have had a greater carbon footprint and potential damaged a heritage site behind the wall.

Repairing sections would not have been effective as the whole wall is beyond repair

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

This is a one off cost to rebuild a publicly used wall. The cost of not repairing could lead to a wall collapse into the river, resulting in safety issues and potential cost implications in the form of fines from the EA. Also, a gas pipeline runs behind the wall and damage to this through collapse could lead to high cost implications to repair, increased damage to public area and pollution event of the environment

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>		X		<p><i>All action by the contractor will be Business as Usual for a contractor</i></p>		
	Emissions from construction	X		<p><i>All action by the contractor will be Business as Usual for a contractor</i></p>		
	Emissions from running of buildings	X		<p>N/A</p>		
	Other					
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>	X			<p><i>As much stone as possible will be reused to rebuild the wall. Unusable stone will be recycled elsewhere. Additional Stone will be sourced from stocks at various depots.</i></p>		
<p>Reduce water consumption</p>		X		<p>N/A</p>		
<p>Minimise pollution (including air, land, water, light and noise)</p>		X		<p><i>The contractor will be legally and contractually obliged to avoid pollution events.</i></p>		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
				<p><i>There will be no long term effects</i></p>		
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X		<p><i>Wall will be rebuilt making the structure itself no longer at risk of collapse during a flood event. No change to river width, no impact to flooding.</i></p>		
<p>Enhance conservation and wildlife</p>		X		<p><i>Wall being rebuilt outside of salmon spawning and lamprey breeding times</i></p>		
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>	X			<p><i>Wall being rebuilt using existing stone and locally sourced stone of similar quality that we have in stock. Parapet will be replaced with a less rotten replacement</i></p>		
<p>Other (please state below)</p>						

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

Biosecurity – Signal Crayfish present so strict Biodiversity practice will be in place to prevent the spread of disease to native crayfish populations.

Wall being rebuilt outside of salmon spawning and lamprey breeding times to reduce impact of dewatering the area.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

This scheme will have little to no impact on the environment. Scheme is preserving an existing retaining wall without altering the local environmental conditions. Reuse of stone where possible is the biggest asset to this assessment, and using of existing stored stone to help the rebuild further contributes to preserving the North Yorkshire Aesthetic.

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Sign off section

This climate change impact assessment was completed by:

Name	Josh Calvert
Job title	Assistant Engineer
Service area	Bridges & Design Services
Directorate	BES
Signature	<i>J Calvert</i>
Completion date	10/03/2022

Authorised by relevant Assistant Director (signature): B Mason

Date: 14 03 22



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Whitby Swing bridge surfacing and painting
Brief description of proposal	Remove existing road surface and replace with a lighter coloured material and painting of the existing steel substructure due to corrosion and weathering.
Directorate	BES
Service area	Bridges
Lead officer	Philip Richardson
Names and roles of other people involved in carrying out the impact assessment	Ben Savage – Assistant Bridges Engineer
Date impact assessment started	10/03/2022

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

Road surfacing - Analysis of various coloured road surfaces were carried out by Tarmac to measure heat absorption and temperature transmission through different mixes of asphalt materials. The testing showed a lighter coloured materials had a slightly reduced heat absorption and as a result would reduce the transmission into the structure.

Painting – No other options are available, marine environments are harsh for painted structures and regular painting is required to protect the steelwork from corrosion.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The coloured buff surfacing would have a small increase in cost to procure and lay but overall there would be a reduction in cost as the proposals aim is to try and reduce the technical malfunctions that occur on the bridge, which would result in less time and travel during callouts when a breakdown occurs and it would also reduce the impact on travel for the local public who use the bridge as the diversion around is 1.8 miles.

Regular painting will reduce the likelihood of having to carry out full blast cleaning of the structure or corrosion related structural repairs in future years which would require a large budget to complete.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>	<p>X</p>			<p>Reduce callouts during malfunctions, reduce public travel due to not being able to use the bridge.</p> <p>An average family sized car would have an approx. increase of 411grams of CO₂ emissions having to drive the diversion during breakdowns.</p> <p>A callout for the bridges maintenance contractor would result in an increase of 8800grams of CO₂ per trip</p>		<p>Structure maintenance to reduce breakdowns.</p>
	<p>Emissions from construction</p>		<p>X</p>		<p>No reduction from construction works will be possible</p>		
	<p>Emissions from running of buildings</p>		<p>X</p>		<p>N/A</p>		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Other</p>		X		N/A		
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		X		Road surfacing - Road planings will be appropriately recycled.		
<p>Reduce water consumption</p>		X		N/A		
<p>Minimise pollution (including air, land, water, light and noise)</p>		X		Painting - Pollution to the watercourse will be controlled during localised shot blasting and painting.		
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>	X			Long term effect on the structure to reduce heat absorption through road surface materials will be positive due to less breakdowns and less stress on the structure	N/A	Maintain the surfacing
<p>Enhance conservation and wildlife</p>		X		N/A		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>	<p>X</p>			<p>Painting – Ensures the distinctive characteristics of the swing bridge enhances North Yorkshires landscape appeal to tourists.</p>	<p>N/A</p>	<p>Maintain structure in future.</p>
<p>Other (please state below)</p>						

<p>Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.</p>
<p>Road surfacing – All planings are to be sent to an approved recycling plant using appropriate transport providers.</p> <p>Painting - Pollution prevention during shot blasting and painting</p>

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The lighter coloured road surface aim is to reduce the heat absorption into the structure, on the hottest summer periods this causes the bridge to expand to the point the bridge seize and the bridge can't swing until it has cooled down. This would overall reduce the impact on the local public, local business, including fishing and tourism businesses who rely on the swing bridge to operate.

The painting of the bridge is to ensure that the steelwork remains in good condition and the bridge can enhance the surroundings it is in.

Sign off section

This climate change impact assessment was completed by:

Name	Ben Savage
Job title	Assistant Bridges Engineer
Service area	Bridges and Design Services
Directorate	BES
Signature	<i>Ben Savage</i>
Completion date	10/03/2022

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 14 03 22

North Yorkshire County Council

Business and Environmental Services

Executive Members

25 March 2022

Opposed Bridleway No. 25.122/622 Oak House, Hawnby, Helmsley Diversion Order 2021

Report of the Assistant Director – Travel, Environmental and Countryside Services

1.0 Purpose of the report

- 1.1 To advise the Corporate Director of Business and Environmental Services (BES) of an opposed Public Path Diversion Order for a bridleway in the parish of Hawnby. A location plan is attached to this report as Plan 1. The proposal is shown in detail on Plan 2.
- 1.2 To request the Corporate Director BES, in consultation with the BES Executive Members authorises the opposed diversion order be referred to the Secretary of State and that the Authority supports the confirmation of the Order.

2.0 Background

- 2.1 Within the County Council's scheme of delegation, it is delegated to the Assistant Director of Transport, Environment and Countryside Services, to decide whether to abandon an opposed Diversion Order where the Authority is of the opinion that the requirements to confirm the Order may not be met and where an Inspector appointed by the Secretary of State may decline to confirm the Order, or to recommend to the Corporate Director BES, in consultation with the BES Executive Members Services that the Order be referred to an Inspector appointed by the Secretary of State.

3.0 The Application

- 3.1 The application to divert the bridleway was submitted to the County Council in July 2020.
- 3.2 The reasons given for the application were to divert the bridleway away from the curtilage of Oak House, to improve privacy, security and to ensure safety of users from vehicle movements and enable safe movement of livestock within the yard.

4.0 Relevant legal criteria

- 4.1 Under Section 119 of the Highways Act 1980, the County Council, having consulted any other local authority, may divert a public right of way (PROW) where it appears to the Authority that in the interests of the owner of the land crossed by the PROW described in the Order, it is expedient that the line of the PROW should be diverted, and that the diversion would not be substantially less convenient to the public.

- 4.2 The County Council charges applicants for the costs incurred in the processing/making of diversion Orders, as provided for by the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (S.I. 1993/407), amended by regulation 3 of the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (S.I. 1996/1978).
- 4.3 Where an Order is opposed, the County Council cannot confirm the Order; it can only be confirmed by the Secretary of State. The Secretary of State will confirm an Order if he/she is satisfied that:
- i) in the interests of the landowner it is expedient to divert the bridleway, and
 - ii) the diversion will not be substantially less convenient to the public as a result of the Order, and that it is expedient to confirm the Order having regard to the effect which:
 - (a) the diversion would have on public enjoyment of the route as a whole;
 - (b) the coming into operation of the Order would have, as respects other land served by the existing public right of way; and
 - (c) any new public right of way created by the Order would have, as respects the land over which the right is created and any land held with it.

5.0 The Making of the Order

- 5.1 An informal consultation was carried out and an objection was received from the local Ramblers representative.
- 5.2 A report was submitted to the Assistant Director, Travel, Environmental & Countryside Services outlining the concerns of the objector, and it was determined that a Diversion Order should be made.
- 5.3 The Diversion Order was made on 12 October 2021 and was duly advertised.
- 5.4 During the formal consultation period 1 objection was received from the same party as in response to the earlier informal consultation period. The objector's comments were as follows:
- i) From the local Ramblers representative:
 - Bridleway 25.122/622 runs SE from the B1257 and follows a well-made concrete track (with grass along the middle) for about 1000'.
 - The bridleway rises about 65' from the road to Point A (a distance of about 710'), and then a further 65' from Point A to Point C (via Point B); the distance A-B-C is about 380'.
 - The bridleway passes along the front of Oak House, at a distance of about 10' from the nearest building; the route skirts the various buildings, so there should be no interference with people or vehicles moving between the buildings.

Officer Comment:

The sense of privacy and security can only be articulated by the applicant who lives at the premises. The distance between the house and the bridleway is disputed (1.5 metres from the house, measured by an officer compared with 10' (3 metres) as stated by the Ramblers. Having a public right of way 3 metres distant from the house would be likely to impact upon both the sense of privacy and security.

- The proposed alternative route goes east along the side of a field to Points E & F, then south along the side of another field to Point C.
- The proposed route from A to F drops by about 10'; from Point F to Point C there is a rise of about 75' in a distance of around 300', thus this section would

be uncomfortably steep for many walkers, especially those with disabilities, and it would become increasingly slippery when used by riders.

Officer Comment:

The difference in gradient is disputed as the proposed route follows the same hillside gradient as the existing route and the steep part only amounts to about 20 metres, to the north of Point C and is comparable with the gradient south east of Point B. This route is not close to a village and lies on a wooded hillside where the surrounding landscape consists of steep wooded hillsides and escarpments interspersed with undulating terrain. The proposed new route crosses terrain typical of this part of the North York Moors and does not represent anything out of the ordinary for this area which might challenge any walker. The applicant has expressed the view that the route receives little use by horses and no horses have been seen using the route in the last 25 years. This is due to the horse-riders having to negotiate the busy B1257 to access this bridleway loop. The proposed route follows the field boundary of a well-drained ancient meadow. Therefore it is considered that the surface is unlikely to be churned up by riders in wet weather due to the limited use.

- The proposed diversion is about 50' longer than the current PROW.

Officer Comment:

The bridleway runs in a loop from the B1257 and the current total distance of the bridleway is 960 metres. Therefore, an additional 15 metres is not considered to be excessive and could not be considered to be "substantially less convenient".

- Because the route east from A to F lies lower than the route from B to C, the views over the valley to the north and west are less attractive.

Officer Comment:

The views to the north are unimpeded by the slightly lower proposed route between Points A and F. The views west between Points B to C have a fairly narrow vista due to the buildings to the south and the views on the proposed route could be considered as good, if not better than from the existing route.

- The current route to Oak House is a hard track, which will stand up to equestrian and cycle traffic without being disturbed. The proposed alternative is unsatisfactory for walkers, as it lies over pasture which is likely to be cut up by riders, especially in wet weather. It would especially be more difficult for walkers with disabilities, particularly between Points F & C.
- The bridleway does not come close enough to Oak House to intrude significantly on the privacy of the occupants.
- The Ramblers Association therefore objects to the proposed diversion on the grounds that the new route would be substantially less convenient because it follows a steeper line, on a softer surface which, with equestrian use, would undoubtedly become unsatisfactory and difficult for walkers, and doubly so for those with disabilities.
- We have previously suggested that, if there are difficulties with the PROW interfering with "people or vehicles moving between the buildings" (and we find this hard to believe), we would be content for the route to be altered so that it follows the most easterly and northerly edges of the existing hard track, thereby ensuring no interference. We are sorry that this suggestion has not been accepted.

Officer Comment:

The landowner has applied for a specific diversion which would remove the bridleway from the curtilage of Oak House and the suggestion put forward regarding moving the bridleway to the other side of the driveway will not achieve this.

6.0 Representation made by the local member

6.1 No formal representations were received from the local councillor in response to the consultations regarding the Diversion Order.

7.0 Legal Implications

7.1 The opposed Order would be determined by an Inspector appointed by the SoS, and, as stated above, determination will most likely be by way of written representations.

7.2 The Inspector, on the basis of the evidence and the legal criteria will decide whether or not to confirm the opposed Order. If he/she decides to confirm the Order, the routes will be amended on the Definitive Map and statement in accordance with the details within the Order.

8.0 Financial implications

8.1 If the opposed Order were to be submitted to the SoS, the Order would be resolved by written representations or a Public Inquiry.

8.2 There would be a non-rechargeable cost to the Authority in preparing a submission to the SoS and responding to any queries raised by the SoS and these costs would be for officer time, which would be met by the respective staffing budgets. If the Inspector chose to hold a Public Inquiry, the costs of arranging, hosting and supporting the Inquiry would fall to the Council.

9.0 Equalities Implications

9.1 It is the view that the recommendations do not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010.

10.0 Climate Change Implications

10.1 The proposal is to alter the status of routes already recorded as public routes within the County Council's records. The confirmation of this order would have no positive or negative impact on climate change.

11.0 Current Decision to be made

11.1 The decisions to be made at this stage are, firstly, whether the Order is to be abandoned, or is to be forwarded to the SoS for resolution.

11.2 Secondly, if it is decided that the matter is to be forwarded to the SoS then a further decision will need to be made, namely which stance the authority would take within its submission to the SoS towards the confirmation of the Order; that is the Authority needs to decide if it:

- supports confirmation of the Order,
- believes that the Order should not be confirmed,
- considers the circumstances are so finely balanced, or are particularly unclear and wishes to take a neutral stance.

12.0 Conclusions

- 12.1 In conclusion, the application for the Diversion Order was made to increase privacy and security of the property. It is felt that the Diversion Order meets the legal tests outlined in Para. 4.1 above, and has been made in the interests of the applicant. It is considered that the proposed route is not substantially less convenient for the public and that therefore there is no reason for the Authority to abandon the Order, or oppose confirmation of the Order.
- 12.2 The objection to the Order outlines a number of issues, however it is felt that overall the objections are not sufficient to prevent the confirmation of the Order.

13.0 Recommendation

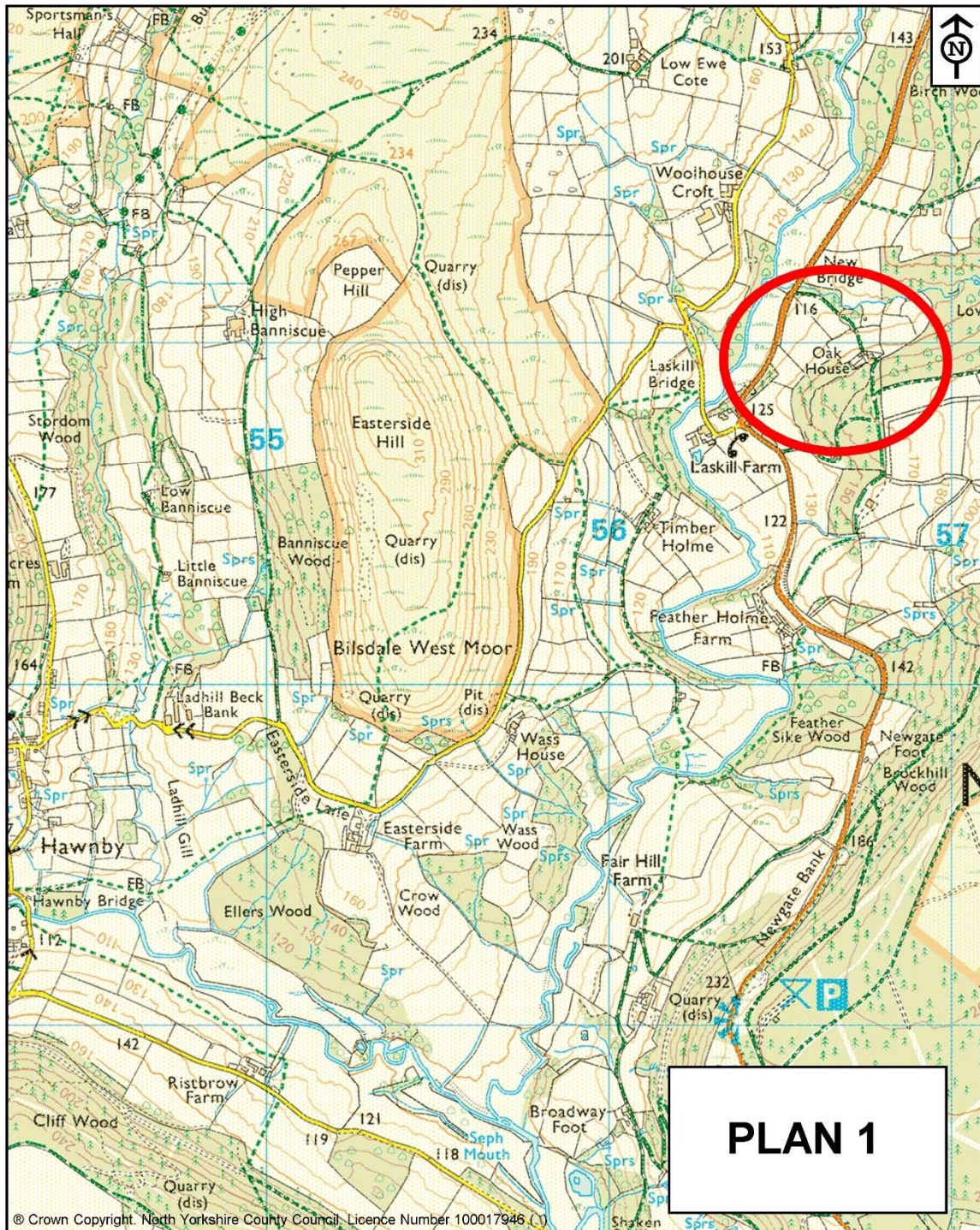
- 13.1 It is therefore recommended that the Corporate Director BES, in consultation with the BES Executive Members authorises the opposed Diversion Order be referred to the Secretary of State and that within the submission the Authority supports the confirmation of the Order.


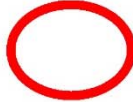
MICHAEL LEAH
Assistant Director – Travel, Environmental and Countryside Services

Author of report: Claire Phillips

Background papers: File Ref RYE-2020-06-DO

Location Plan



 <p>North Yorkshire County Council</p> <p>Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p>OAK HOUSE</p> 	<p>North Yorkshire County Council</p> <p>Oak House, Hawnby</p> <p>LOCATION PLAN</p>
	<p>Map drawn on 19 August 2021 Drawn by CP</p>	<p>Scale 1:15000</p>

NYCC – 25 March 2022 – Executive Members
Opposed Diversion Order Oak House, Hawnby / 6

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North Yorkshire County Council

Business and Environmental Services

Executive Members

25 March 2022

DEFRA Consultations on the Introduction of Mandatory Digital Waste Tracking and the Reform of Waste Carrier, Broker, Dealer Registration in England

Report of Assistant Director – Travel, Environmental and Countryside Services

1.0 Purpose of Report

- 1.1 To inform the Corporate Director Business and Environmental Services and Executive Members of the following DEFRA consultations:
- The reform of waste carrier, broker, dealer registration in England
 - The introduction of mandatory digital waste tracking
- 1.2 To seek approval for the attached responses to the above consultations on behalf of the County Council to be submitted to DEFRA.

2.0 Executive Summary

- 2.1 The Resources and Waste Strategy set out the Government's commitment to improve the transport, management, and description of waste.
- 2.2 The proposed mandatory digital waste tracking process will track 200 million tonnes of waste that is produced in the UK each year. Currently there is no single or comprehensive way of tracking it, with legislation relating to the transport, management and description of waste being introduced separately over the last 30 or so years.
- 2.3 Large amounts of waste data are not collected or collated centrally. As a result, it is very difficult to determine what happens to waste and to have a comprehensive understanding of whether it has been recycled, recovered, or disposed of.
- 2.4 The government expects the new regime will make it much easier and less time consuming for legitimate waste companies to comply with reporting requirements, and much harder for rogue operators to compete in the industry and commit waste crime including fly tipping, deliberate misclassification of waste, illegal waste exports and the operation of illegal waste sites.
- 2.5 The proposed key responses to the '*The reform of waste carrier, broker, dealer registration in England*' consultation are as follows:
- Assigning the legal responsibilities to controllers and transporters is welcome, and enables the regulation and enforcement of waste movements more effectively than at present.
 - Different tiers of permits are proposed dependant on the perceived risk of the activity. The proposal is for charities to operate under a non-registered exemption. The Council's preference is for charities to operate under a registered exemption to provide an audit trail.

- The proposal for local authorities carrying out commercial waste collections to register for a permit is questionable (local authorities that do not provide commercial waste collections require a non-registered exemption). The Environmental Protection Act provides that councils have a statutory responsibility to arrange for the collection of commercial waste.
- The advertising of permit numbers by waste operators is to be welcomed to help combat illegal waste operations, and make it easier for householders to track their waste materials
- The proposed go live date of 2023/24 is challenging. Staff training relating to technical competence and new systems compatible for digital tracking will take time to implement.

2.6 The proposed key responses to the ‘The introduction of mandatory digital tracking’ consultation are as follows:

- Digital tracking of all non-hazardous and hazardous waste is welcome and will improve the regulation and enforcement of waste movements
- Compatibility of current data software with the new digital tracking system will require development and testing. Transitional arrangements will allow ‘breathing space’ as opposed to a fixed mandatory compliance date.
- Real time recording of waste movements and transfers is ambitious and challenging in areas with poor Wi-Fi connectivity.
- The proposed go live date of 2023/24 is challenging, requiring the new unitary authority to deliver compliant commercial waste collections, rolling out staff training and new digital recording systems.

3.0 Key Background Information

3.1 Key sources of information and consultation response deadlines are shown in the following table:

Publication	Response Deadline
Consultation on the reform of the waste carrier, broker, dealer registration system in England - Defra - Citizen Space	15 April 2022
Introduction of mandatory digital waste tracking - Defra - Citizen Space	15 April 2022
Environment Act 2021 (legislation.gov.uk)	N/A
Our waste, our resources: a strategy for England (publishing.service.gov.uk)	N/A

3.2 Draft responses to the reform of the waste carrier, broker registration system and digital waste tracking questions are included as Annex 1 and 2 respectively and this report highlights some of the key issues and proposed approach to responses.

4.0 Consultation on the reform of the waste carrier, broker, dealer registration system in England

4.1 The government are proposing to update key regulations for people and businesses involved in transporting and managing waste. It will move to a predominantly online system, and provide stronger powers to fight waste crime.

4.2 In 2018, the Resources and Waste Strategy set out the Government’s commitment to improve the transport, management, and description of waste by reforming regulations for duty of care, carrier/broker/dealers, hazardous waste and international waste shipments.

- 4.3 The consultation seeks views on:
- The move from a registration to a permit-based system and the types of permits available.
 - The activities covered by permits, registered exemptions or neither.
 - The introduction of a technical competence element for permits; the level required and demonstrated through the workforce.

- 4.4 The proposed new definitions are transporter and controller:
- Transporter – an operator, which moves waste but does not make decisions on the classification or fate of the waste.
 - Controller – an operator which makes decisions on the fate of waste produced by others (this will include brokers and dealers).

4.5 The existing waste carrier arrangements are as follows:

	Description	Fees	Required registration details
Lower Tier	Lower tier carriers only carry waste they produced in their business and not construction or demolition waste.	Free and does not need to be renewed	Minimal requirements: name, address, contact details
Upper Tier	Upper tier carriers carry waste on behalf of others, construction and demolition waste, or arranges for waste from other businesses to be transported, recovered or disposed	Registration: Lasts for 3 years £154 Renewal: Lasts for 3 years £105	Details of the organisations: <ul style="list-style-type: none"> • Executives • Owners • Directors or partners • A list of any environmental offences they have committed.

Local authorities and charity and voluntary organisations hold a lower tier licence.

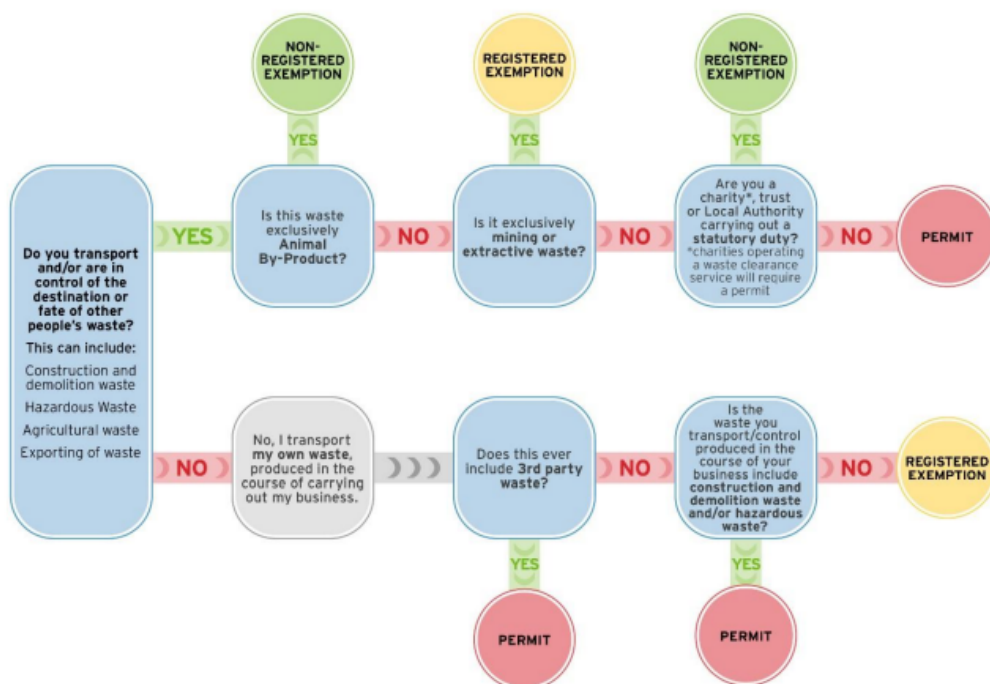
4.6 The existing upper tier registrations will become “standard rules” permits (referred to as a ‘waste transporter permit’ and a ‘waste controller permit’) or exemptions. The new transporter and controller permits are held by the legal operators. The legal operator is a legal entity that is responsible for the permit and accepts liability, as is the case for permitted sites. The legal operator has:

- Day-to-day control of the operation/waste movements/transactions.
- Responsibility for complying with permit conditions.
- Responsibility for meeting technical competence requirements.

4.7 The exemption is replacing the lower tier licence and there will be two types of exemption;

- Registered exemption – operators carrying waste produced from their business.
- Non-registered exemption – charity and voluntary organisations, and local authorities operating within their statutory remit.

Diagram 1 below shows where an operator might fall under the proposals, based on their business activities:



4.8 There are no costs associated with registered exemptions, but a requirement to re-register every three years. An application fee of £130 will be required for a permit, and an undisclosed annual subsistence fee. A framework of charges will be developed to enable proportionate and risk-based inspection of permit holders.

4.9 Applicants for permits will need to provide evidence of appropriate technical competence and will need to confirm they have an appropriate procedure for ensuring all individuals who will operate under the permit are competent and will abide by the permit conditions. There will be a cost to organisations to obtain the qualification to determine technical competence.

5.0 Key Implications on the reform of the waste carrier, broker, dealer registration system in England

5.1 The new system will be live 2023/24. The expectation is that upper tier operators will register when their existing permit expires (staggered over a 3-year period). Lower tier operators will have 12 months to register for an exemption or apply for a permit within 12 months of the system being live.

5.2 Charities are not required to register with the new system and councils will be responsible for ensuring any waste brought into a Household Waste Recycling Centre (HWRC) is from a charity. The Council currently allows charities to dispose of their non-hazardous waste at the HWRCs free of charge providing they have registered with the Council and hold a lower tier waste carriers license. The liability of the origin of the waste will now lie solely with the Council.

5.3 North Yorkshire County Council currently hold a lower tier waste carriers licence for the transportation of waste from various teams across the Council to the HWRCs for disposal. Under the new classification, the Council would hold a non-registered exemption. However, the districts and borough councils providing commercial waste collections will be required to register and maintain a permit as commercial collections are not determined to be a

statutory duty. This is inconsistent with Section 45 of the Environmental Protection Act 1990 which states says '*It shall be the duty of each waste collection authority...if requested by the occupier of premises in its area to collect any commercial waste from the premises, to arrange for the collection of the waste.*' Yorwaste hold an upper tier licence and will be required to apply for a permit under the new regime.

- 5.4 There will be an increase in costs associated with the new permit scheme through the requirement for staff training, and an annual subsistence fee (compared to the fee of £105 payable every three years). It is likely that inflated costs will be passed onto the waste producer.

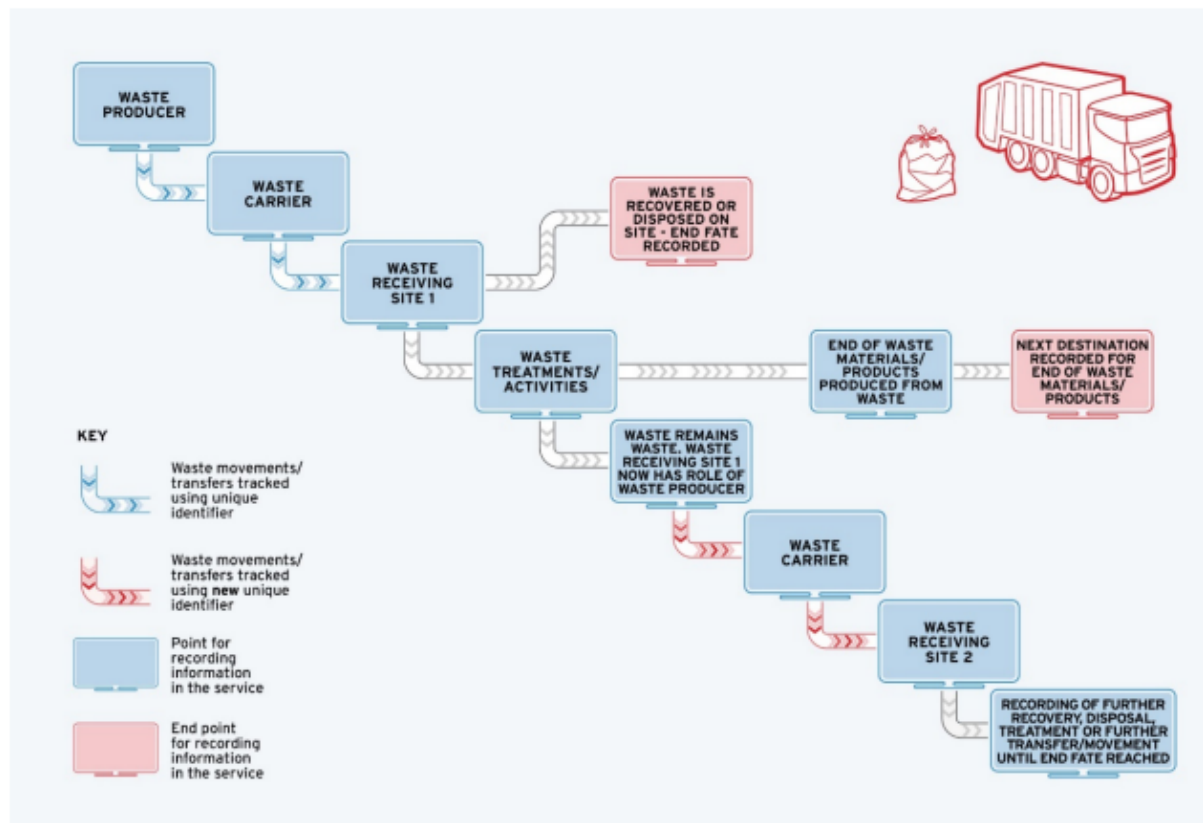
6.0 Introduction of mandatory digital waste tracking

- 6.1 The government are proposing that digital waste tracking covers controlled waste (encompassing both hazardous and non-hazardous household, commercial and industrial waste) and extractive waste (from mines and quarries). Persistent Organic Pollutants (POPs) will be included in the new service and tracked, to enable users of the service to have an understanding of the fate of waste.

- 6.2 The new waste tracking system will record:
- waste transferred to another person, company or to another site operated by the same person or company
 - waste which is treated, disposed of, or recovered
 - end of waste products or materials produced from waste and taken to the next destination

- 6.3 The new digital system will make it easier for businesses to see exactly what happens to their waste, making their duty of care responsibilities much more straightforward.

The following is a summary of the points at which information about waste movements, transfers or activities will be required to be entered onto the waste tracking system. Note that this is a generalised example and does not cover all possible scenarios.



7.0 Key Implications of mandatory digital waste tracking proposals for North Yorkshire

- 7.1 Waste station operators (like Yorwaste), will need to digitally record details of the waste received on site and then subsequently what is done with it rather than using the previous paper-based system.
- 7.2 Waste is entered into the system when it arrives at a site (such as a HWRC or transfer station) and then tracked. If a council provides collections for commercial business or industrial premises, then they will need to record those waste movements from the producers' premises. All commercial waste and charity waste accepted at the HWRCs will be recorded on the system prior to delivery to the HWRC.
- 7.3 Local authorities will not track waste from individual household collections. However, should a resident request a skip, the skip operator will create a digital record and issue the resident a unique identifier. The resident can view what happens to their waste, giving reassurance that the waste has been disposed of properly and helping to reduce the risk of fly tipping.
- 7.4 Waste hauliers and site operators will no longer retain paper-based records; instead, a digital record is created on the waste tracking service. Businesses will be able to see what happens to their waste, which should make their duty of care responsibilities much more straightforward.

- 7.5 The HWRCs currently only accept non-hazardous waste from businesses and charities due to the requirements for a hazardous waste consignment note with any movement of hazardous waste, and quarterly returns to be submitted to the Environment Agency. The digital system allows waste to be tracked and removes the requirement for consignment notes. This allows the service at the HWRCs to include hazardous waste delivered by commercial customers and charities.
- 7.6 The system will require all waste to be tracked from the producer to the end destination. Currently councils gather information and report through WasteDataFlow. The proposed digital tracking system retains the information alleviating the data collection burden on councils. The onus will be on the waste producer, transporter or controller to log this information.
- 7.7 The system will be 'live' with information on waste movements logged in real time. A new system for recording waste acceptance at the HWRCs will be required, as the existing paper-based system is manually inputted into a spreadsheet each month. There will be a financial cost to develop a new digital waste acceptance system at HWRCs.

8.0 Financial Implications

- 8.1 This report highlights the permit application/ subsistence fees, the cost of rolling out technical competence to staff to satisfy permit requirements, and the financial impact of developing software to digitally track waste movements. In addition, increased regulation focussing on waste exportation may increase costs passed onto the Council. However, such costs are small when considered in the light of the true cost resulting from the existing arrangements.
- 8.2 The cost of waste crime to the English economy in the 2018/19 financial year has been estimated at £924 million; scaled up to UK-level, the cost is estimated to be a little over £1 billion. The main costs are lost business revenues to the legitimate waste companies, loss of Landfill Tax through misclassification of waste and costs to government of clearing abandoned waste sites and fly-tipping.

9.0 Legal Implications

- 9.1 Legal obligations are likely to be significant for all waste producers, carriers, brokers and dealers including local authorities.
- 9.2 There is a requirement enter personal data about the waste producers, transporters and controllers into the system. Advice is sought from the council's data governance team prior to submitting a response to the consultation.

10.0 Equalities Implications

- 10.1 None, as these proposals are consultation exercises, there is insufficient information on which to base an Equalities Impact Assessment.

11.0 Climate Change Implications

- 11.1 A move to digital from paper will have a positive impact on climate change. A reduction in waste crime will avoid the negative social and environmental costs that occur through the incorrect transportation of waste and waste crimes such as fly tipping.
- 11.2 A Climate Change Impact Assessment has been completed, and concluded a minor positive impact will arise. Included in Annex 3.

12.0 Conclusion

- 12.1 The improper and illegal transportation and handling of waste causes a blight to our communities, whether it be black bags left on a roadside, a commercial fly tip, or a badly operated waste site causing odours or creating a fire risk.
- 12.2 Digital waste tracking means that waste movements are recorded in real time, providing more accurate and up to date information to support regulatory oversight and enforcement action.
- 12.3 A stronger system to legalise the transportation and handling of waste is welcomed. This needs to be efficient and effective to prevent avoidance and low-level criminal activity. The penalties for non-compliance need to make it unaffordable to do anything but the right thing.

13.0 Recommendations

- 13.1 It is recommended that the Corporate Director Business and Environmental Services (BES) and BES Executive Members consider the issues raised by the consultations:
- i. DEFRA consultation on the reform of waste carrier, broker, dealer registration in England
 - ii. DEFRA consultation on the introduction of mandatory digital waste tracking
- 13.2 It is recommended that the Corporate Director BES in consultation with BES Executive Members approve the attached responses to the above consultations on behalf of the County Council to be submitted to DEFRA.

MICHAEL LEAH

Assistant Director – Travel, Environmental and Countryside Services

Authors of Report:

Peter Jeffreys, Head of Waste

Joanne Kearney & Jenny Lowes, Waste Management

Consultation on the reform of waste carrier, broker, dealer registration in England

21 January 2022

Our proposals

Q1 We think that assigning legal responsibilities for managing and transporting waste to ‘controllers’ and ‘transporters’ rather than ‘carriers, brokers and dealers’ better reflects the way the waste and resources industry works. Do you agree or disagree?

a) Agree

b) Disagree

c) Don't know/No opinion

We believe that the majority of companies will be both the controller and transporter and hold one permit reflecting their dual role.

**Q2
We
think
that**

assigning legal responsibilities in this way will enable us to regulate the management and transport of waste more effectively. Do you agree or disagree?

a) Agree

b) Disagree

c) Don't know/No opinion

We believe that further checks at the registration stage will be beneficial.

**Q3
We**

believe assigning responsibilities in this way will help ensure that all waste handlers are held accountable for any mismanagement that occurs. Do you agree or disagree?

a) Agree

b) Disagree

c) Don't know/No opinion

Clear guidance stipulating the roles and responsibilities for controllers and transporters are needed, to ensure parties are aware of their obligations when applying for a permit.

Permit types: Transporter and Controller permits

Q4 Do you agree or disagree with our proposal to bring the current CBD regime under the environmental permitting regulations?

a) Agree

b) Disagree

c) Don't know/No opinion

Disagree – we agree with the introduction of a non-registered exemption, as the revision is passing the management of charities to the local authority to determine if they are allowed to dispose of their waste. From reviewing the consultation on mandatory digital waste tracking the charities will be required to produce the initial ticket on the system – what happens if they then arrive at a site with the waste and they are unable to providing supporting evidence that they are a charity? If they were registered as an exemption, this would reduce this possibility. We believe that charities need to be registered to show that they are exempt from charges for waste disposal. Is there a possibility for the digital waste tracking system to link to the charities registration database to determine that they are a registered charity?

Q5 Do you agree or disagree with our proposal to introduce three types of permit – controller only, transporter only and combined controller/transporter?

a) Agree

b) Disagree

c) Don't know/No opinion

We agree with the proposal but how would you determine between the occasions where a holder of a controller/transporter permit was acting as a controller or a transporter or both, as the degree of control exercised by the permit holder affects their responsibilities?

Q6 Do you agree or disagree that standard rules permit types should be differentiated according to the activities to be carried out under the permit i.e. controller/transporter/both?

a) Agree

b) Disagree

c) Don't know/No opinion

Agree – but how would this work with a company which works 90% as a transporter and 10% as a controller, when a joint permit would be more expensive. We believe that most companies will be a controller.

Q7 If you disagree with our proposal, how do you think the standard rules permits should be differentiated?

a) by size/number of vehicles

b) by number of staff

c) by type of waste

d) they should not be differentiated – there should be a single type of permit

e) don't know/no opinion

f) other – please explain

We believe that the permits should relate to the quantity and type of waste handled by the company and the type of waste accepted.

Advertising

Q8 Do you agree or disagree that it should be a permit condition to show a permit number on advertising?

a) Agree

b) Disagree

c) Don't know/No opinion

Agree – this will make it easier for residents to choose a legitimate waste management company.

Q9 Do you agree or disagree that it should be a permit condition to clearly display permit numbers on any vehicle used for the collection and transport of waste?

a) Agree

b) Disagree

c) Don't know/No opinion

Q10 Do you agree or disagree that these measures would help improve Duty of Care compliance?

a) Agree

b) Disagree

c) Don't know/No opinion

Please briefly explain why you agree or disagree.

Renewal/reviews

Q11 Do you agree or disagree that a renewal element should be built into the transporter/controller permitting system?

a) Agree

b) Disagree

c) Don't know/No opinion

Q12 Do you agree or disagree that with our proposal to implement permit renewal through self-declaration process?

a) Agree

b) Disagree

c) Don't know/No opinion

Q13 If we introduce permit renewal, how frequently do you think permits should be renewed?

a) annually

b) every 2 years

c) every 3 years

d) every 5 years

e) Some other frequency (please specify)

f) Don't know/no opinion

We believe that the information should be regularly reviewed to ensure that it is still correct, but there should not be a charge for this, unless the information changes the scope of the business. This is because this charge should be covered as part of the annual subsistence fee.

Charging

Q14 Do you agree or disagree that subsistence charges should align with charges under the Environmental Permitting Regulations to fund the same range of regulatory activity?

- a) Agree
- b) Disagree
- c) Don't know/No opinion

Agree – however the increase in cost for training staff to maintain a certificate of technical competence, and the introduction of an annual subsistence fee, as compared to the 3 year renewal mean this will be a heavier burden for businesses, so the tangible evidence to show the benefits (justifying the additional costs) should be presented and promoted when available.

Exemptions from a requirement to operate under a permit

Q15 Do you agree or disagree that charities/voluntary groups operating a non-profit service should be able to operate under a non-registered exemption?

- a) Agree
- b) Disagree – they should be required to operate under a permit
- c) Disagree – they should be required to operate under a registered exemption
- d) Disagree – they should be required to operate under some other control
- e) Don't know/no opinion

If you disagree, please explain why and, if possible, provide alternative options.

There needs to be the ability to ensure that the waste is from a charity and not someone pretending to be a charity. How will the digital waste tracking system ensure that it is a charity registering to use the system. What happens if a receiving site rejects the waste because they don't believe that the person is from a charity? There needs to be a system to ensure that the waste is from a charitable organisation – as before could the digital waste tracking system link to the registrations of charities database?

Q16 Do you agree or disagree that local authority waste collection and disposal authorities and regulatory authorities should be able to operate under a nonregistered exemption?

- a) Agree

- b) Disagree – they should be required to operate under a permit
- c) Disagree – they should be required to operate under a registered exemption
- d) Disagree – they should be required to operate under some other control
- e) Don't know/no opinion

We agree, but the wording of the consultation (page 24) is determining that local authorities carrying out a commercial service should have a permit. We believe that there is a statutory duty for local authorities to arrange for a commercial service if requested, as determined in Section 45 of the Environmental Protection Act 1990.

Q17 Do you agree or disagree that charities operating a chargeable, commercial service should be required to apply for the relevant standard rules permit?

a) Agree

- b) Disagree – they should be required to operate under a registered exemption
- c) Disagree – they should be required to operate under a non-registered exemption
- d) Disagree – they should be required to operate under some other control
- e) Don't know/no opinion

We are aware that some charities are providing this service to residents cheaper than businesses.

Q18 Do you agree or disagree that waste disposal and collection authorities operating on a commercial basis should be required to apply for the relevant standard rules permit?

- a) Agree
- b) Disagree – they should be required to operate under a registered exemption
- c) Disagree – they should be required to operate under a non-registered exemption**
- d) Disagree – they should be required to operate under some other control
- e) Don't know/no opinion

Disagree as we believe that there is a statutory duty for local authorities to arrange for a commercial service if requested, as determined in Section 45 of the Environmental Protection Act 1990.

Q19 Do you agree or disagree that those who transport and/or control waste produced by themselves in the course of their business, and where that waste is

construction/demolition waste and/or the waste is subject to a higher level of control should be required to apply for the relevant standard rules permit?

a) Agree

- b) Disagree – they should be required to operate under a registered exemption
- c) Disagree – they should be required to operate under a non-registered exemption
- d) Disagree – they should be required to operate under some other control
- e) Don't know/no opinion

Q20: Do you agree or disagree that those who only transport and/or control nonconstruction or demolition waste, produced by themselves in the course of their business, should be allowed to operate under a registered exemption?

a) Agree

- b) Disagree – they should be required to operate under a permit
- c) Disagree – they should be required to operate under a non-registered exemption
- d) Disagree – they should be required to operate under some other control
- e) Don't know/no opinion

Q21 Do you agree or disagree that businesses removing third party waste produced in the course of their business should be required to apply for a permit?

a) Agree

- b) Disagree – they should be required to operate under a registered exemption
- c) Disagree – they should be required to operate under a non-registered exemption
- d) Disagree – they should be required to operate under some other control
- e) Don't know/no opinion

Agree, but our expectation that businesses carrying out works in people's homes will continue to leave the waste for the householder to dispose of.

Q22 Do you agree or disagree that the distinction and risks between scenarios (e) and (f) are sufficiently clear to require two different regulatory approaches?

a) Agree- they should be treated different

b) Disagree- they should be treated the same

If you disagree and believe they should be treated the same, do you believe they should be required to:

- a) Operate under a permit
- b) Operate under a registered exemption
- c) Operate under some other control
- d) Don't know/no opinion

Q23 Do you agree or disagree that those transporting/controlling waste from mines and quarries should be required to operate under a registered exemption?

- a) Agree
- b) Disagree – they should be required to operate under a permit
- c) Disagree – they should be required to operate under a non-registered exemption
- d) Disagree – they should be required to operate under some other control

e) Don't know/no opinion

Q24 Do you agree or disagree that companies transporting/controlling agricultural waste should be required to apply for a permit?

a) Agree

- b) Disagree – they should be required to operate under a registered exemption
- c) Disagree – they should be required to operate under a non-registered exemption
- d) Disagree – they should be required to operate under some other control

~~e) Don't know/no opinion~~

Q25 Do you agree or disagree that farmers should be required to operate under a registered exemption if they are only transporting their own agricultural waste?

- a) Agree
- b) Disagree – they should be required to operate under a permit
- c) Disagree – they should be required to operate under a non-registered exemption
- d) Disagree – they should be required to operate under some other control

e) Don't know/no opinion

Q26 Do you agree or disagree that those who transport/control only animal byproducts should operate under a non-registered exemption?

- a) Agree
- b) Disagree – they should be required to operate under a permit
- c) Disagree – they should be required to operate under a registered exemption
- d) Disagree – they should be required to operate under some other control

e) Don't know/no opinion

Implementation

Q27 Do you agree or disagree that those who currently hold an upper tier registration should be required to apply for a permit at the time when this registration is due to be renewed?

- a) Agree
- b) Disagree**
- c) Don't know/no opinion

If you disagree, please explain why and, if possible, provide alternative options.

Agree that a transitional approach linked to the expiry of the upper tier exemption is appropriate. However, the expected go live date of 2023/24 may not provide sufficient time for our local authority to comply with these requirements. Staff training relating to technical competence and new systems compatible for digital tracking will take time to implement. Layered on top of changes to CBDs and digital tracking are the new Resources and Waste Strategy obligations and in North Yorkshire, local government reorganisation in 2023/24 and potential Devolution in 2024/25. Condensing so much change in a short period may not allow adequate time and resource to be allocated to properly train staff and implement new systems.

Q28: Do you agree or disagree that 12 months is an appropriate length of time for those who currently have a lower tier registration to either register an exemption or apply for a permit when the system goes live?

- a) Agree
- b) Disagree**
- c) Don't know/no opinion

If you disagree, please explain why and, if possible, suggest a time frame in which they must apply for a permit or register an exemption.

The expected go live date of 2023/24 may not provide sufficient time for our local authority to comply with these requirements. Staff training relating to technical competence and new systems compatible for digital tracking will take time to implement. Layered on top of changes to CBDs and digital tracking are the new Resources and Waste Strategy obligations and in North Yorkshire, local government reorganisation in 2023/24 and potential Devolution in 2024/25. Condensing so much change in a short period may not allow adequate time and resource to be allocated to properly train staff and implement new systems.

How would businesses demonstrate competency through the workforce

Q29 Do you agree or disagree with introducing technical competence as a controller/transporter permit requirement?

- a) Agree – but only for controller permits
- b) Agree – but only for transporter permits
- c) Agree – for both controller and transporter permits**
- d) Disagree
- e) Don't know/no opinion

Q30 Do you agree or disagree that a regulatory approach to assuring technical competence is likely to be the most effective in achieving a good standard of competence in waste controllers and transporters?

- a) Agree**
- b) Disagree
- c) Don't know/no opinion

If you disagree, please explain why and, if possible, provide alternative options that would meet our objectives.

Q31 If you are a business that handles waste, which of the following waste technical competence qualifications do you and/or your employees hold? (tick all that apply)

- a) CIWM and WAMITAB Level 1 Award/Certificate
- b) CIWM and WAMITAB Level 2 Award/Certificate
- c) CIWM and WAMITAB Level 3 Award/Certificate
- d) CIWM and WAMITAB Level 4 Award/Certificate
- e) Energy and Utility Skills Competence Management System
- f) Other – please specify
- g) We currently don't hold any technical competence qualifications
- h) Don't know/not applicable**

Q32 Who do you think should be required to hold a full level of competence? (tick all that apply)

- a) The permit holder (this can be an individual or a legal entity)**
- b) Nominated person(s)**
- c) All individuals in the business who handle/direct/transport waste
- d) Nobody
- e) Something else – please specify

f) Not sure/no opinion

a and b depending on the size of the company

Q33 Do you agree or disagree that having a nominated person responsible for cascading competence through the workforce is a proportionate approach for companies to demonstrate that their staff are at a suitable level of competence?

a) Agree

b) Disagree

c) Don't know/no opinion

We would agree with this – with the operator license requirements more than one person can be named, and we would agree with this approach

Q34 To what extent are you in favour of a workforce-based competence scheme, such as the existing Energy and Utilities Skills scheme, being considered as an approach for waste controllers and transporters?

a) Strongly in favour

a) Somewhat in favour

b) Neither in favour not against/no opinion

c) Somewhat against

d) Strongly against

e) I don't know enough about the Energy and Utilities Skills scheme to comment

Please explain your views.

Q35 Do you agree or disagree that an online 'assessment', which needs to be completed as part of the initial application process, should be introduced as a way of demonstrating competence when applying for a permit?

a) Agree

b) Disagree

c) Don't know/no opinion

This sounds sensible, although it will depend on the requirements of the assessment.

Q36 Do you agree or disagree that those operating under a registered exemption should still be required to hold an appropriate level of transporter/controller technical competence?

a) Agree

b) Disagree

c) Don't know/no opinion

If you disagree, please explain why and, if possible, provide alternative options that would meet our objectives.

We would agree providing that the ability to acquire the qualification was not onerous.

Q37 If you agree, do you agree or disagree that some form of basic online assessment, possibly forming part of the registration process itself, would be a proportionate approach?

a) Agree

b) Disagree

c) Don't know/no opinion

If you disagree, please explain why and, if possible, provide alternative options that would meet our objectives.

Transition period for the introduction of competence requirements

Q38 Do you agree or disagree that there should be a phased introduction of the competence requirements?

a) Agree – there should be a phased approach

b) Disagree – there should not be any competence requirements

c) Disagree – there should be full competence from day one of implementation

d) Don't know/no opinion

If you agree, how long do you think operators should have to provide evidence of full competence?

a) Three months

b) Six months

c) ~~12 months~~

d) Another time period – please specify 24 months

The expected go live date of 2023/24 may not provide sufficient time for our local authority to comply with these requirements. Staff training relating to technical competence and new systems compatible for digital tracking will take time to implement. Layered on top of changes to CBDs and digital tracking are the new Resources and Waste Strategy obligations and an in North Yorkshire, local government reorganisation in 2023/24 and potential Devolution in 2024/25. Condensing so much change in a short period may not allow adequate time and resource to be allocated to properly train staff and implement new systems. A transitional period of 24 months to demonstrate full competence, building on basic competence through the online module, will allow local authorities to roll out training in a planned and methodical way.

Q39 Do you agree or disagree that those operators applying for a transporter/controller permit with no existing CBD registration should be required to provide evidence of full competence at application stage?

a) Agree

b) Disagree

c) Don't know/no opinion

We are assuming that all evidence will be required on application, to review to obtain the permit. If you do not have the evidence, how will you determine if a permit can be issued?

Ongoing competence

Q40 Do you agree or disagree that there should be a requirement to demonstrate continuing competence?

a) Agree

b) Disagree

c) Don't know/no opinion

Q41 If we were to introduce a requirement for demonstrating continuing competence, how often do you think this should be undertaken?

a) every year

b) every 2 years

c) every 3 years

d) every 4 years

e) every 5 years

f) some other time period – please specify

g) don't know/no opinion

Q42: Do you agree or disagree that an online module and assessment would be sufficient for demonstrating continued competence?

a) Agree

b) Disagree

c) Don't know/no opinion

The level of competence should be scaled depending on the amount and type of tonnage of waste being dealt with as large scale companies could be classed as potentially higher risk.

The principles of a permitting framework for waste exporters

Q43 Are you an exporter of waste, and are you currently registered as a broker or dealer in England or elsewhere?

- a) I am an exporter of waste and I am currently registered as a broker or dealer with the Environment Agency in England
- b) I am an exporter of waste. I am not currently registered as a broker or dealer with any of the UK regulatory agencies.
- c) I am an exporter of waste and I am currently registered with SEPA, NRW or NIEA but not with the Environment Agency in England
- d) No, I am not an exporter of waste

Q44 Do you agree or disagree with the proposal that operators exporting waste from England must hold a permit?

- a) Agree with the proposal – all operators exporting waste must hold a permit
- b) Partly agree with the proposal – most operators exporting waste must hold a permit, but some exemptions should also be allowed
- c) Disagree with the proposal – no operator exporting waste should have to hold a permit
- d) Don't know/no opinion

If you partly agree but think there should also be exemptions, what kinds of operations do you think should be exempt, either as a registered exemption or non-registered exemption?

Q45 If we were to require operators exporting waste from England to have a permit, do you agree or disagree that the permit should be time limited?

- a) Agree
- b) Disagree
- c) Don't know/no opinion

Q46 Do you agree or disagree with the principle of including a requirement for applicants to demonstrate technical competence as a requirement to hold an exporter of waste permit?

- a) Agree
- b) Disagree
- c) Don't know/no opinion

Please explain your views.

Our view is that anyone transferring waste out of the UK have sufficient technical knowledge to ensure that waste is being transported to a suitable facility which holds the relevant permits. We are aware that the cost of this permit could be an additional cost for waste controllers which would be passed to the waste producer.

Q47 Do you have any other comments to make about our proposals to reform the law on waste carriers, brokers and dealers?

a) Yes – please elaborate

b) No – thank you for your input

From reviewing the example permit, we feel that medium and large businesses will have the tools and resource to develop a written management system, as required in 1.1, but this is unrealistic for a small company. How would the Environment Agency determine that this has been produced, would you expect a copy to be available within 5 working days of request? A standardised form, as with the controlled waste transfer note for companies to complete would be a suggestion.

Questions and Answers for the Consultation on the introduction of mandatory digital waste tracking

January 2022

Email to: wastetracking@defra.gov.uk

About you

Q1) Would you like your response to be confidential?

• yes

• no

If you answered 'Yes', please give your reason

Q2) What is your full name?

Peter Jeffreys

Q3) What is your email address?

Peter.Jeffreys@northyorks.gov.uk

This is optional, but if you enter your email address you will be able to return to edit your consultation response in Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you submit a completed response.

Q4) Which of the following best describes who you are responding on behalf of?

Select one option only, if multiple categories apply, please choose the one which best describes the organisation you are representing in your response.

- business representative organisation or trade body
- waste site operator
- waste broker or dealer
- waste transportation company or waste carrier
- waste producer
- product manufacturer
- local authority
- community group
- non-governmental organisation
- charity or social enterprise
- consultancy
- academic or research organisation
- member of the public

- other

If you answered 'other', please provide details

If you are responding on behalf of an organisation or business, please provide the name of the organisation or business and an approximate number of staff (where applicable).

Q5) Considering who you are responding on behalf of, in what part of the UK would you say you are based or operate in? (tick all that apply)

• England

- Wales
- Scotland
- Northern Ireland

Q6) Would you be interested in joining our user panel? As part of the development of the digital waste tracking service we have formed a user panel of interested parties.

Members of the panel are invited to participate in user research (for example, surveys, workshops, and interviews) or to test digital services as they are designed and built.

• yes

- no
- already signed up

What will be tracked and what will it mean for you?

Q7) Do you agree or disagree with the waste types we are proposing to be tracked?

• agree

- disagree
- no opinion

**Q8)
Do
you**

We agree that the system should track hazardous and non-hazardous waste for it to provide a full picture of waste movements.

agree or disagree with our proposals for which waste activities will be recorded in the waste tracking service?

• agree

- disagree
- no opinion

We agree that for the system to be most beneficial it should record from the producer of the waste.

Requirements for waste managed in other scenarios

Q9) Do you agree or disagree with our proposals for when waste tracking will not be required?

- agree
- disagree
- no opinion

We agree that household waste should not be tracked until it reaches the first receiving site.

Q10) Do you have any views about how we should incorporate waste activities conducted under Non-Waste Framework Directive exemptions, Low Risk Waste Positions and Regulatory Position Statements into the waste tracking service? Should we:

- a) require full details (as above in the 'Waste activities to be recorded in the waste tracking service' section),
- b) exempt them from the need to provide this further information, noting that this would present a gap in our overall waste picture,
- c) have a mixture of a) and b), with some specified activities coming with a requirement to record these details and others that do not
- d) do something else to incorporate them.

This decision should be taken based on the level of risk, based on the material and tonnage.

What reporting regimes will be included in the service?

Q11) Do you agree or disagree with our proposals to remove the requirement to submit information or waste data returns as listed, once the waste tracking service is live?

- agree
- disagree
- no opinion

We agree providing the information is available for users to access as required. A greater understanding of how we would be able to access our waste information as we are using contractors to accept, transport and dispose of waste on our behalf. How will the waste they are managing on our behalf be 'linked' to our council so we can view tonnages and destinations?

Information recorded on the waste tracking service**Q12) Do you agree or disagree with the information recording proposals in Table 1?****a) A system-generated unique identifier**

- agree
- disagree
- no opinion

Agree – but there needs to be some clarity on how the information is being logged within the system. If a vehicle is accepting recycling within a split body vehicle – cans, plastic bottles and glass in three separate parts of the vehicle, would this be logged on the system three times?

If the vehicle is carrying two different types of waste, such as commercial waste with household waste on the same vehicle, would this require two entries within the system. This vehicle could have waste from ten commercial premises within the vehicle, how will the information of the receiving site be added to the ten entries within the system for the commercial waste.

b)**Details of the person who classified the waste**

- agree
- disagree
- no opinion

c) Details about the destination for all waste movements, including the type of authorisation held

- agree
- disagree
- no opinion

Agree

d)**Standard Industrial Classification (SIC) code**

- agree
- disagree
- no opinion

Agree – more clarification needed of who would be inputting the SIC code, and what happens if a disagreement in the SIC code stated between carrier and waste site? Small to medium businesses and self employed would benefit from further understanding about the purpose and application of the codes, as otherwise we anticipate some issues.

e)

Details of rejected or quarantined loads

- agree
- disagree
- no opinion

f) Details of waste treatment

- agree
- disagree
- no opinion

g) Persistent Organic Pollutants (POPs) identification

- agree
- disagree
- no opinion

h)

Details of end of waste products and materials produced

- agree
- disagree
- no opinion

i) Information about onward destination of end of waste products or materials

- agree
- disagree
- no opinion

j) Nation specific requirements for any existing or future requirements

- agree
- disagree
- no opinion

Q13) Persistent Organic Pollutants – how much information about POPs do you think should be recorded in the service?

- a) basic level - indication that waste contains POPs only
- b) enhanced level - additional details on the specific POPS contained in the waste and the content level of the POPs
- c) other
- d) no opinion

This should be the basic level because it is not known how the enhanced level information will be obtained. This may require the scanning of material on receipt at sites which would be a financial and resource requirement. However, without further information from DEFRA (which is expected in a future consultation) as to how they wish this waste to be accepted, transported and disposed of, it is difficult to provide a response to this question.

Q14) Is there any other information related to waste management that you think should be recorded in a new digital waste tracking service?

- yes
- no
- no opinion

What level of information about the receiving site will be stored within the system? Will it be able to confirm if the waste to be delivered is accepted at the receiving site (a list of EWC codes accepted at site) or just if the site has a valid permit?

Recording treatment and product details

Q15) Are you familiar with the existing D and R codes?

- yes
- no
- not applicable to you

Q16) Do you find D and R codes easy to apply?

- yes
- no
- not applicable to you

Q17) Do you have any suggestions as to how recovery or disposal activities should be recorded in the waste tracking service?

- yes
- no

Q18) End of waste products or materials - do you use any existing standard codes or descriptions to record end of waste products produced from waste?

- yes
- no

Dangerous goods regulations

Q19) Do you transport hazardous waste?

- yes
- no

Waste Contractors transport hazardous waste on our behalf.

Q20) How do you currently record dangerous goods information?

- paper record
- digital record
- both
- not applicable

Q21) Where do you think information demonstrating compliance with the Dangerous Goods Regulations with regards to the movement of waste should be recorded?

- in the new waste tracking service

- somewhere else
- no opinion

It seems logical to log this information in one location.

Waste hierarchy

Q22) If you produce, manage or handle waste in any way, were you aware of your duty to apply the waste hierarchy prior to reading this consultation?

- yes

- no
- not applicable

This is currently a question for waste producers and carriers in the Controlled Waste Transfer Notes completed at our Household Waste Recycling Centres.

Q23) Do you think waste holders including producers should record their compliance with the application of the waste hierarchy in the Waste Tracking service?

- yes

- no
- no opinion

Yes – we should be encouraging the waste hierarchy to be considered as part of all waste movements. This is currently a question for waste producers and carriers in the Controlled Waste Transfer Notes completed at our Household Waste Recycling Centres.

Ways to enter information

Q24) If you are likely to need to enter data into the waste tracking service, which of the options would you use for the majority of your data entries?

- a) manual entry

- b) data upload from existing spreadsheet records onto a waste tracking service standard spreadsheet

- c) data upload from existing waste tracking software onto a waste tracking service standard spreadsheet

- d) direct data upload via an application programming interface (API)

- e) something else

- f) no opinion

If you answered, 'something else', please provide details

Options a to d as we would need to review the existing commercial waste monitoring as the service requires the data to be uploaded in real time, which with our current system we could not deliver.

Q25) When recording data in your current systems, do you use any form of data standard?

- **yes**
- no

We currently have standard terms that we use for waste streams – however these are not the same as used by other local authorities as they have been developed to assist with our management and monitoring of waste streams. It would also be beneficial if the system linked to a national database of addresses to ensure that waste collected from householders and businesses was from a legitimate address.

When information must be recorded

Q26) Do you agree or disagree with our ambition for real time recording of waste movements and transfers?

- **agree**
- disagree

Agree – but would this realistically be achievable? This would be a benefit to councils in terms of management and monitoring of tonnages to have the information in real time. However, we would have an initial cost outlay to develop a system to capture this information/provide hardware to the sites to record information electronically.

The majority of the businesses which we are accepting waste from through the household waste recycling centres will complete the record on the digital waste tracking system within half a day of visiting the site as they don't have the ability to store waste. How realistic is it that the information would be logged onto the system, and accessible prior to them visiting site?

If the information was not logged within the system, we would be unable to accept the waste.

• no

opinion

Q27) For the following types of waste movements or transfers, how long do you think you would need to transition to real time recording?

Table 2 – time needed to transition to real time recording

Movements or transfers of...	Less than 1 year	1 to 3 years	More than 3 years	Not applicable
Hazardous Waste		✓		
Non-hazardous waste		✓		
Green List Waste imports or exports				

The council would need to determine what wastes would continue to be accepted at household waste recycling centres – there would be the possibility to either cease all commercial and charity wastes to the household waste recycling centres or alternatively expand the service to cover hazardous wastes (which will include POPs in residual waste which are currently reported as non-hazardous). The development and testing of a new system could take a minimum of 12 months, especially to produce a system to link with our management system and our contractor's system.

Q28) What are the main barriers or motivators that will influence the time it takes you to transition to real time reporting?

- Resource availability from other teams within the council
- Resource availability from our contractor
- Budget to cover the cost of a new system – development of system and purchase of IT hardware

Q29) Do you agree or disagree with the overall proposed process set out in: Annex A for hazardous and non-hazardous waste movements?

- agree
- disagree
- no opinion

Annex B for Green List Waste exports?

- agree
- disagree
- no opinion

Annex C for Green List Waste imports?

- agree
- disagree
- no opinion

Q30) How far in advance of a waste movement should the information listed under Step 1 in each of the processes be entered onto the waste tracking service?

Annex A hazardous and non-hazardous waste movements

- any time before the waste movement

- at least 1 day before
- at least 3 days before
- other (please provide details)

We are not sure a business could enter at least one day before or earlier, some businesses deliver waste to the household waste recycling centres on a daily basis and would not know 24 hours beforehand the sufficient waste details. They are unlikely to have sufficient storage available to store the waste while waiting for a record to be created on the system. We suggest that it just needs to be inputted and live on the system before being delivered to the receiving site. We don't believe that this system should delay a movement of waste.

Annex B Green List Waste exports

- any time before the waste movement
- at least 1 day before
- at least 3 days before
- other (please provide details)

Annex C Green List Waste imports

- any time before the waste movement
- at least 1 day before
- at least 3 days before
- other (please provide details)

No opinion

Q31) Who should be responsible for entering the information listed under Step 1 in Annex A in advance of the movement of hazardous or non-hazardous waste?

- waste producer
- waste carrier
- waste broker or dealers
- any of the above

- other

We think that the producer is best placed, with the exception of waste being collected from a householder by a business, and in this scenario it would be the carrier.

Q32) Within what time frame should waste carriers enter the information as required in Step 2 Annex A and Step 4 for Annex B?

Annex A hazardous and non-hazardous waste movements

- 24 hours

- 48 hours
- 3 working days
- 1 week
- other

If you answered 'other', please provide details

We believe that it should be live in the system before being received as part of step 3. As commented above this could likely be less than 24 hours.

Annex B Green List Waste exports

- 24 hours
- 48 hours
- 3 working days
- 1 week
- other

If you answered 'other', please provide details

Q33) Do you think there should be any difference in the requirements depending on whether hazardous or non-hazardous waste is being handled?

- yes
- no
- no opinion

Q34) Within what time frame should waste receiving sites be required to provide this information?

48 hours would be acceptable for the waste details to be uploaded – if waste was being transferred between sites of the same contractor, a longer period of time would be acceptable.

a)

information about the waste received at their sites:

- 24 hours
- 48 hours
- 3 working days
- 1 week
- other
- no opinion

b) information about the disposal, recovery, preparation for re-use or treatment of waste, including information about any end of waste products or materials:

- 24 hours
- 48 hours
- 3 working days
- 1 week
- other
- no opinion

48 hours should be suitable as most waste is already destined to outlets/processes through contracts.

Q35) Do you have any comments to make about this proposal or how you would like to see these movements incorporated in the waste tracking service?

- yes
- no

If you answered 'Yes', please provide details

Q36) Do you agree or disagree with the proposed requirements for each of the roles in Table 3?

a) Requirements common to all

- agree
- disagree

- no opinion

b) Requirements common to waste producers, carriers, brokers, or dealers

- agree

- disagree
- no opinion

If you answered 'disagree', please tell us why

c) Requirements applicable to waste producers only

- agree

- disagree
- no opinion

d) Requirements applicable to waste carriers only

- agree

- disagree
- no opinion

If you answered 'disagree', please tell us why

e) Requirements applicable to brokers or dealers only

- agree

- disagree
- no opinion

If you answered 'disagree', please tell us why

f) Requirements applicable to operators of waste receiving sites only

- agree

- disagree
- no opinion

If you answered 'disagree', please tell us why

Q37) How should waste producers be required to confirm the information recorded for their waste movements?

- option 1 within the waste tracking service

- option 2 through an emailed summary
- option 3 by exception
- another way
- no opinion

Digitally excluded requirements

Q38) Do you agree or disagree with the general principles as set out above regarding digitally excluded individuals subject to waste tracking requirements?

- agree
- disagree
- **no opinion**

Q39) Do you agree or disagree with the proposed alternative methods for digitally excluded individuals to provide the required information?

- agree
- disagree
- **no opinion**

Q40) How long should digitally excluded users be given to provide the information required via the postal service element of these provisions? For example, updated waste movement information or details of waste treatment or production of materials from waste.

- **7 Days**
- 14 days
- 1 month
- other
- no opinion

We believe that this should be a short timescale so that the system remains a live system.

Q41) Do you agree or disagree with the proposed level of access to information for each of the different types of users as set out in Table 4?

a) Relevant Government officers & environmental regulators

- **agree**
- disagree
- no opinion

b) Tax authorities

- **agree**
- disagree

- no opinion

c) Waste scheme administrators

- agree

- disagree
- no opinion

d) Local Authorities

- agree

- disagree
- no opinion

e) Businesses involved in waste movements

- agree

- disagree
- no opinion

f) Producers and carriers

- agree

- disagree
- no opinion

g) Waste receiving sites

- agree

- disagree
- no opinion

h) Household waste producers

- agree

- disagree
- no opinion

i) Wider public and interested parties

- agree

- disagree
- no opinion

Q42) Do you agree or disagree that waste producers should be able to see information about the end fate of their waste?

- agree
- disagree
- no opinion

Q43) Do you agree or disagree with our proposals on UK GDPR?

- Agree
- disagree
- no opinion

Based on the level of information provided, we agree with this.

Q44) Do you agree or disagree with our proposals on managing sensitive information?

- agree
- disagree
- no opinion

We agree with the proposal to deal with sensitive information, based on the information provided.

Q45) Do you have any comments about our proposals (or your needs) for data retention?

- yes
- no

Enforcement

Q46) Do you agree or disagree with the proposed offences and associated enforcement options as set out in Table 5?

- agree
- disagree

- no opinion

Q47) Do you think there should be a maximum limit for variable monetary penalties set out in legislation?

Those found guilty should be levied all investigation and enforcement costs (to be deducted from fees and charges the following year).

•
yes

• no

- no opinion

If you answered 'yes', please provide details of what you think this limit should be

Q48) Do you agree or disagree with our proposed functions for environmental regulators?

• agree

• disagree

• no opinion

Q49) Do you think costs relating to the investigation of, and enforcement action taken against, those not complying with the requirements of waste tracking should be recoverable through the fees and charges for users of the waste tracking service? (please provide more information to support your answer if you wish)

• yes

• no

• no opinion

Charging

Q50) What is your preferred option for who should pay the IT service operation and maintenance costs?

• option A – the person or business who enters the preliminary waste tracking information

• option B – a specific user group

• option C – existing waste related fee payers

• other

- no opinion

All costs will be passed to option A either directly, or indirectly as part of the charge for collection or disposal of the waste. If option A or B were chosen, how would costs be recouped from charities? This could potentially discourage local authorities from accepting charity wastes.

Q51) What is your preferred option for what type of cost it should be?

- option 1 – a per record fee
- option 2 – a flat annual fee

- option 3 – an increase to existing fees
- other
- no opinion

Q52) What is your preferred option for how the costs should be collected?

- option X – on-submission payment facility
- option Y – credit system
- option Z – environmental regulators recover service costs through existing fees and charges
- other
- no opinion

Implementation

Q53) Which approach to getting all users onto the waste tracking service do you think we should adopt?

- option 1 – everyone must use the service from the day it goes live
- option 2 – voluntary use for a specified length of time, then mandatory for all
- option 3 – mandating some waste holders use the service or certain types of waste movement must be recorded on the service first then on-boarding others over time
- something else

- no opinion

Our preference would be for option 2 so that we could develop our system to 'fit' the end waste tracking system without it being mandatory – we would anticipate that there may be initial reporting errors whilst the system was being tested.

Q54) Considering your answer to question 24 in the 'Ways to enter information' section, how much do you think it will cost your organisation to transition to this way of working?

We are unsure at this moment but we expect costs for the development of a new system and the purchase of hardware.

Q55) Do you think your organisation would make any savings by transitioning to this way of working? Such as from:

- a reduction in data storage costs
- a reduction in time spent checking data quality
- savings in not having to complete and submit waste returns to regulators
- a reduction in time spent obtaining and providing waste information from or to customers
- **other (please describe)**

We are expecting savings from the provision of paper controlled waste transfer notes. We are not anticipating any savings from our contractors as they will have to submit the information into the system. Currently we complete waste data flow quarterly which takes approximately 2 days of work for an officer.

Q56) Alongside this consultation we have published an impact assessment setting out the costs and benefits we foresee from the introduction of a mandatory digital waste tracking service, based on assumptions made from the evidence currently available.

Have we made any assumptions that you disagree with?

- yes
- no
- **no opinion**

Consultee Feedback on the Online Survey

Q57) Overall, how satisfied are you with our online consultation tool?

- Very satisfied

- Satisfied
- Neither satisfied nor dissatisfied
- Dis-satisfied
- Very dissatisfied
- Don't know

Please give us any comments you have on the tool, including suggestions on how we could improve it.

It would have been preferable for the questions to be in a separate word document.



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Version 2: amended 11 August 2021

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Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	DEFRA Consultations on the introduction of mandatory digital waste tracking and the reform of waste carrier, broker, dealer registration in England
Brief description of proposal	To inform and seek approval from the Corporate Director Business and Environmental Services (BES) and the BES Executive Members of the following DEFRA consultations: <ul style="list-style-type: none"> • The reform of waste carrier, broker, dealer registration in England • The introduction of mandatory digital waste tracking
Directorate	Business and Environmental Services

Service area	Transport, Environment and Countryside Services
Lead officer	Peter Jeffreys
Names and roles of other people involved in carrying out the impact assessment	Jennifer Lowes and Joanne Kearney, Waste Management
Date impact assessment started	March 2022

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

No

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The proposed changes to the existing waste carrier license process will increase budget costs through

- The introduction of an annual subsistence fee for a permit
- The cost of implementing and maintaining technical competence certification to satisfy permit requirements

The digital waste tracking system will require the existing paper based system to be digitalised. There will also be a charge for a waste movement within the system – at this time it is unknown what they charge will be and whether this will be a cost per ticket or annual charge. In addition, increased regulation focussing on waste exportation may increase costs passed onto the Council. However, such costs are small when considered in the light of the true cost resulting from the existing arrangements.

The cost of waste crime to the English economy in the 2018/19 financial year has been estimated at £924 million; scaled up to UK-level, the cost is estimated to be a little over £1 billion. The main costs are lost business revenues to the legitimate waste companies, loss of Landfill Tax through misclassification of waste and costs to government of clearing abandoned waste sites and fly-tipping. The council are responsible for disposal cost of fly tipping, so this will be a potential reduction in spend.

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<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>	<p>x</p>		<p>The switch to digital waste tracking will reduce the need for paper transactions and the emissions from the transportation of these documents.</p> <p>Defra estimating that increased waste tracking will result in reduction in fly tipping, reducing local authority requirement to clean ups, thus less vehicle movements will be needed to clear up.</p>	<p>The new digital waste tracking system and waste carrier license reform are due to be introduced in 2023-24, allowing the Council time to develop new systems.</p>	<p>N/A</p>
	<p>Emissions from construction</p>	<p>x</p>				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
Page 183	Emissions from running of buildings	x					
	Emissions from data storage	x					
	Other						
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic	x			<p>The switch to digital waste tracking will reduce the need for paper transactions.</p> <p>The waste hierarchy will be considered by all producers of waste.</p>	<p>Recycling/ reuse options are available for most types of Commercial wastes and there are no charges for some of these wastes.</p>	<p>Continue to encourage separation of wastes and recycling /reuse</p>	
Reduce water consumption	x			<p>The switch to digital waste tracking will reduce the need for paper transactions.</p>	<p>N/A</p>	<p>Encourage commercial customers to provide an email address for</p>	

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Page 184</p>						<p>receipts to be provided electronically.</p>
<p>Minimise pollution (including air, land, water, light and noise)</p>	<p>x</p>			<p>This stronger system to control the transportation and handling of waste should help prevent pollution to land, water and air from the illegal disposal of waste.</p>	<p>A reduction in the number of fly-tipping instances will allow WCA colleagues more time to investigate and potentially prosecute individuals.</p>	<p>Positive communications to residents of the improved fly-tipping statistics</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>	<p>x</p>					
<p>Enhance conservation and wildlife</p>	<p>x</p>					

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>	<p>x</p>					
<p>Other (please state below)</p>						

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

N/A

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The improper and illegal transportation and handling of waste causes a blight to our communities, whether it be black bags left on a roadside, a commercial fly tip, or a badly operated waste site causing odours or creating a fire risk. This stronger system to control the transportation and handling of waste should help prevent low-level criminal activity.

Switching to a digital waste tracking system where waste movements are recorded in real time, will provide more accurate and up to date information to support regulatory oversight and enforcement action. The switch to digital will reduce the need for paper transactions and the emissions from the transportation of these documents.

Sign off section

This climate change impact assessment was completed by:

Name	Jennifer Lowes
Job title	Service Improvement Officer
Service area	Transport, Environment and Countryside Services
Directorate	BES
Signature	Jennifer Lowes
Completion date	March 2022

Authorised by relevant Assistant Director (signature):

Date: