
3 Policy, Legal and Technical Frameworks

The purpose of this Chapter of Manual for Streets is to summarise:

- The legal, policy and technical frameworks for the design and maintenance of streets;
- Government policies of relevance to street layout and design; and
- The relationship of MfS to other technical standards and guidance documents.

It should be noted that although certain key points from other documents may be summarised in this document, readers should refer to the source documents to obtain the definitive position.

In particular, this chapter highlights that:

- There is a complex set of documentation relating to streets and that it is important to distinguish between legal requirements, government policy and technical guidance (whether produced by Government or by various other bodies);
- The promotion of sustainable communities is an overarching Government objective, which informs both planning and transport policies;
- Walking and cycling are important, in terms of encouraging communities, improving personal health and reducing motorised traffic;
- Improving the design quality of new streets and public spaces an objective of both planning and transport policies;
- There is a danger that highway authorities are taking an over-cautious approach to minimising perceived risks arising from design decisions. Properly-documented design review systems are a better defence than simple compliance with standards;
- Road Safety Audits should be replaced by more broadly-based Quality Audits that assess how well a design meets the objectives that have been set for it; and
- Design Manual for Roads and Bridges (DMRB) is written specifically for trunk roads and is not normally an appropriate design standard for streets, and particularly lower volume and residential streets.

3.1 INTRODUCTION

3.1.1 There is a complex set of 'rules' governing how we design highways, both within the context of new development and in existing areas. These rules are made by various bodies and have differing degrees of force.

3.1.2 There can be a tendency to interpret some of these 'rules' inflexibly, sometimes because of the mistaken assumption that to do otherwise would be illegal or counter to a stringent national policy. This approach tends to restrict designers and to lead to streets that are standardised and have little sense of place or quality.

3.1.3 In fact there is considerable scope for designers and approving authorities to take a flexible approach to many issues, and this section of the Manual aims to clarify the status in a number of key areas.

WHO MAKES THE RULES?

3.1.4 Design rules and guidance can be categorised by type, as shown in Table 3.1:

Type	Responsible Bodies	Examples (list not exhaustive)
<p><u>Legal Framework:</u> Statutes and Regulations</p> <p>Case Law</p>	<p>Parliament (Interpreted by the Courts)</p> <p>The Courts</p>	<p><u>Statute:</u> Highways Act 1980 Transport Act 2000 Town and Country Planning Act 1990 Planning and Compulsory Purchase Act 2004 Disability Discrimination Act 2005</p> <p><u>Regulations</u> Traffic Signs Regulations and General Directions 2002 The Building Regulations 2000</p> <p>Gorringe vs Calderdale</p>
<p><u>Government Policy</u></p>	<p>Department for Transport (DfT)</p> <p>Department of Communities and Local Government (DCLG)</p>	<p>Transport White Paper (2004) Circular Roads</p> <p>Sustainable Communities Plan (2003) Planning Policy Guidance/Statements, eg - PPG13 - PPS3 Planning Circulars</p>
<p><u>Government Guidance</u></p>	<p>Multi- departmental</p> <p>DfT</p> <p>DCLG</p>	<p>Manual for Streets Cleaner, Safer Greener – ‘How To’ Guides</p> <p>Guidance on the Preparation of Local Transport Plans (2004) Traffic Signs Manual Local Transport Notes Traffic Advisory Leaflets</p> <p>By Design: Urban Design in the Planning System – towards better practice By Design: Better Places to Live – a companion guide to PPG3 Other Companion Guides to PPS documents Building Regulations Approved Documents</p>
<p><u>Government Research Reports</u></p>	<p>DfT</p>	<p>Road Safety Research Reports</p> <p>Better Streets, Better Places: delivering</p>



Type	Responsible Bodies	Examples (list not exhaustive)
	DCLG	sustainable residential environments – PPG3 and highway adoption (jointly with DfT).
<u>Local Policies</u>	Local Authorities	Local Transport Plan Public Realm Strategy Local Development Framework Local Development Documents Supplementary Planning Documents
<u>Design Standards and Guidance</u>	Highways Agency Local Authorities	Design Manual for Roads and Bridges Local Design Standards and Guides Streetscape Manuals (May also have policy function as Local Development Document)
<u>Other Research and Guidance</u>	Various bodies including: UK Roads Board (which reports to the UK Roads Liaison Group, an advisory body representing all UK highway authorities) Institutions (ICE, IHT, IHIE etc) TRL (formerly Transport Research Laboratory) British Standards Institution CABE English Partnerships English Heritage County	Well Maintained Highways – A Code of Practice for Highway Maintenance Management Rural Routes and Networks Transport in the Urban Environment Traffic Calming Techniques Home Zone Design Guidelines Large library of research reports – eg: TRL184 - Accidents at three-arm priority junctions on urban single-carriageway roads BS5906:2005 – Waste Management in buildings – Code of practice Paving the Way Urban Design Compendium Streets for All



Type	Responsible Bodies	Examples (list not exhaustive)
	Surveyors Society	The design of mini roundabouts

(Note: Table 3.1 is not exhaustive and is subject to change as additional documents are published.)

3.1.5 A bibliography of key references will be given in the Appendices that include the example documents listed in Table 3.1.

3.1.6 In summary, it is the function of Parliament and courts to set the legal framework within which highway and planning authorities, and other organisations, design new streets and modifications to existing streets.

3.1.7 The Government, through its various departments, sets the policies which authorities must aim to deliver and provides technical guidance and research to help them discharge their functions.

3.1.8 Highway and planning authorities have considerable leeway to make technical judgements, within this overall framework, and are able to develop local standards and policies that sit within the highways and planning legislative framework. It is not a function of Government to dictate these local standards and policies.

3.1.9 The Design Manual for Roads and Bridges is technical standard developed by the Highway Agency (in partnership with the national highway authorities for other parts of the UK) for trunk roads. This document is not binding on other Highway Authorities however.

3.1.10 Other bodies produce advisory and research material – which can also be drawn upon by authorities and designers.

3.1.11 Although the legal framework is the highest level of document governing the design of streets, it is better to focus first on the policy framework, as this sets out the overall aims of Government. The obligation is then on authorities and designers to deliver these policies within the legal framework, rather than allow the framework to dictate the design outcomes.

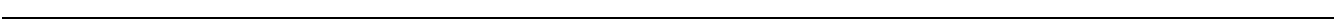
3.2 GOVERNMENT POLICY


3.2.1 Due to the multifunctional and complex nature of streets, several areas of Government policy must be considered. These are mainly related to land use planning and transport, but also there are also important policies in other areas to be considered - crime and security, housing and health for example.

3.2.2 Although land use planning policies apply directly to planning authorities; and transport policies to transport/highway authorities, there is a general obligation on all parts of local authorities to be guided by Government policy, regardless of the particular Department which has published that policy.

3.3 SUSTAINABLE COMMUNITIES

3.3.1 An overall aim of Government is to create and maintain sustainable communities.





3.3.2 Sustainable communities are about things that matter to people: decent homes at prices people can afford, good public transport, schools, hospitals, and shops; people able to have a say on the way their neighbourhood is run; and a clean, safe environment.

3.3.3 The principles of sustainable development have been incorporated into the Government's vision for sustainable communities, first set out in the Sustainable Communities Plan - *Sustainable Communities – building for the future* (2003). Planning has a key role to play in the creation of sustainable communities: communities that will stand the test of time, where people want to live, and which will enable people to meet their aspirations and potential.

3.3.4 The Sustainable Communities Plan aims to deliver step change in the quantity and quality of new housing, with particular emphasis on growth areas. The plan sets out the principal requirements for making sustainable communities, including the creation of a 'sense of place'. The Plan notes that simply complying with planning and highway standards will not be enough to create a sense of place or identity.

3.3.5 The most recent policy statement on sustainable communities is contained in *Sustainable Communities: People, Places and Prosperity* (2005). That document includes a one-line definition for sustainable communities, which are

- Places where people want to live and work, now and in the future.

3.3.6 Sustainable Communities meet the diverse needs of existing and future residents, are sensitive to their environment, and contribute to a high quality of life. They are safe and inclusive, well planned, built and run, and offer equality of opportunity for all.


3.3.7 Chapter 5 of *Manual for Streets* provides more detailed guidance on how the principles of sustainable communities feed through into the design of street networks.

3.4 CLEANER, SAFER, GREENER

3.4.1 The Cleaner Safer Greener Communities initiative is about creating quality spaces in which people want to live and can be proud - and which others will respect. It is led by DCLG, and supported by the Home Office, DEFRA, DfT, DCMS, DES, DTI and the Treasury.

3.4.2 A series of 'How To' Guides has been published under the Cleaner, Safer Greener banner and the document *How To...Manage Residential Areas* (2005) is particularly relevant to this edition of MfS. Some of the key messages in this document of relevance to *Manual for Streets* are:

- One of the most important factors affecting the quality of life in any neighbourhood is how well its public spaces are managed and maintained. When asked what makes a good place to live, people give just as much importance to the wider neighbourhood as to their own house or flat.
 - The Government is committed to driving up the quality of the built environment, improving the standard of places that are created so that we can create sustainable communities.
 - Good urban design is vital in ensuring that places are properly configured, flexible and responsive to the needs of local communities.
-

-
- 
- Streets are places in themselves and should be visually attractive and create a sense of place.
 - Public spaces should be presented in a way that encourages people to use them for legitimate purposes, and to discourage anti-social behaviour. Good urban design can create places which are used by people and can increase natural surveillance. Pedestrians deter crime by their very presence.
 - The Government is encouraging local authorities to develop Home Zones as a model for their residential streets both in existing communities and when planning new developments.
 - Residents should be engaged in the design, delivery and assessment of their neighbourhood. Communities need to come together and get involved in the day-to-day management and running of their neighbourhoods.

3.5 PLANNING POLICY

3.5.1 Planning policies for new development are set at national level by DCLG in the context of its commitment to achieving Sustainable Communities.

3.5.2 National statements of planning policy that are particularly relevant to streets are:

- PPS1: Delivering Sustainable Development;
- PPS3: Housing; and
- PPG13: Transport.

3.5.3 The following policy documents also have relevance to streets and networks:

- PPS6: Planning for Town Centres; and
- PPG17: Planning for Open Space, Sport and Recreation.

3.5.4 PPSs are replacing PPGs and some are being supported by accompanying guidance. Companion Guides for PPSs 3, 6 and 17 have been published and further guides are being prepared, and while these do not constitute policy documents, their main points are summarised after the PPS itself for ease of reference.


3.5.5 This section of MfS summarises the key points in the 5 policy documents listed above that are relevant to the design of new streets.

PPS1 – DELIVERING SUSTAINABLE DEVELOPMENT

3.5.6 PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. Its policies complement other statements of national planning policy.

3.5.7 PPS 1 notes that good design is a key element in achieving sustainable development and is indivisible from good planning. High quality and inclusive design should be the aim of all those involved in the development process. Good design should contribute positively to making places better for people.

3.5.8 Planning should facilitate and promote sustainable and inclusive patterns of development by ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.



3.5.9 Authorities should plan positively for the achievement of high quality and inclusive design in all development. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together.

3.5.10 Authorities should:

- ensure that new development is located where everyone can access services or facilities on foot, bicycle and public transport rather than having to rely on access by car;
- reduce the need to travel and encourage accessible public transport provision to secure more sustainable patterns of transport development;
- promote the more efficient use of land through higher density, mixed use developments; and
- prepare robust policies on design and access. Key objectives should include ensuring that developments respond to their local context and create or reinforce local distinctiveness; and are visually attractive.

PPS3 HOUSING

3.5.11 PPS3 echoes the requirements of PPS1 to create sustainable, inclusive, mixed communities in all areas. Developments should be attractive, safe and designed and built to a high quality, and located in areas with good access to jobs, key services and infrastructure.

3.5.12 PPS3 advises that local authorities should develop plans and policies aimed at creating places, streets and spaces which meet the needs of people, which are attractive, have their own distinctive identity, and positively improve local character.

3.5.13 Authorities should also promote designs and layouts that are inclusive, safe, take account of public health, crime prevention and community safety (and) ensure adequate natural surveillance.

3.5.14 PPS3 notes that detailed design guidance such as urban design guidelines, design codes, detailed masterplans or site briefs can help to improve the quality and value of residential development.

3.5.15 In terms of parking for residential developments, PPS3 advises that local planning authorities should develop parking policies for their plan area with local stakeholders and local communities having regard to expected car ownership for planned housing in different locations, the efficient use of land and the importance of promoting good design.

PPG13 - TRANSPORT

3.5.16 The overall objectives of PPG13 are to:

- promote more sustainable transport choices;
 - promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
 - reduce the need to travel, especially by car.
-



3.5.17 Local authorities should:

- actively manage the pattern of urban growth to make the fullest use of public transport;
- locate day to day facilities in local centres so that they are accessible by walking and cycling;
- give priority to people over ease of traffic movement and provide more road space to pedestrians, cyclists and public transport in town centres, local neighbourhoods and other areas with a mix of land uses;
- ensure that the needs of disabled people are taken into account in the implementation of planning policies and in the design of individual developments; and
- seek by the design and layout of developments and areas, to secure community safety and road safety.

3.5.18 PPG13 requires that significant developments are accompanied by Transport Assessments, which should illustrate accessibility to the site by all modes and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport and walking, to reduce the need for parking and to mitigate transport impacts. Where appropriate a travel plan should be included.

3.5.19 The Government has now published guidance on the preparation of Transport Assessments and this is summarised later in this document. (*****expected to be published for consultation later in 2006*** - to be reviewed then*)

3.5.20 PPG13 states that reducing the amount of parking in new development is essential to promote sustainable travel and requires that car parking standards are expressed as maximum values. Developers should not be required to provide more parking than they themselves wish, other than in exceptional circumstances where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking restrictions.

3.5.21 PPG13 notes that walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2 kilometres. Authorities should identify the network of routes and locations where the needs and safety of pedestrians will be given priority and the measures that will support this objective. Authorities should pay particular attention to the design of new development to help promote walking as a prime means of access.

3.5.22 Walking should be promoted through measures such as wider footways, reallocating road space and providing road crossings that give pedestrians greater priority at traffic signals and avoid long detours and waiting times, indirect footbridges or underpasses.

3.5.23 Cycling also has the potential to substitute for car trips, particularly those under 5km. Authorities should promote cycling by identifying routes along which the needs and safety of cyclists will be given priority; influence the design, location and access arrangements of new development to ensure it promotes cycling; and seek safe and secure cycle parking and changing facilities.

3.5.24 Traffic calming, including as part of a home zone, is encouraged as a means of improving safety and amenity for both pedestrians and cyclists.



PPS6 – TOWN CENTRES AND RETAILING

3.5.25 PPS6 demonstrates the Government's commitment to supporting town centres as a key part of promoting sustainable and inclusive patterns of development. Authorities should plan for the growth and development of existing centres and encourage a wide range of services in a good environment, accessible to all by a choice of means of transport.

3.5.26 The requirement for good design is a key theme of PPS6. It is an objective of Government to promote high quality and inclusive design, improve the quality of the public realm and open spaces, provide a sense of place and a focus for the community and civic activity.

3.5.27 Well designed public spaces and buildings are key elements which can improve the health, vitality and economic potential of a town centre. Policies should promote high quality and inclusive design in order to improve the character and quality of the area.

3.5.28 Policies should also encourage, where appropriate, higher-density, multi-storey development and mixed use areas. Subject to other planning considerations, residential or office development should be encouraged as appropriate uses above commercial facilities within centres. Different but complementary uses, during the day and in the evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors.

3.5.29 Car parking in town centres is dealt with in PPG13, which notes that a balance has to be struck between encouraging new investment in town centres by providing adequate levels of parking; and potentially increasing traffic congestion. Parking for new developments in excess of maximum standards can be considered as long as the facilities will serve the town centre as a whole.

3.5.30 The Companion Guide to PPS6, 'Going to Town' focuses on the need for providing good connections to the town centre from its surrounding areas and from arrival points such as public transport interchanges and car parks.


PPG17 – PLANNING FOR OPEN SPACE, SPORT AND RECREATION

3.5.31 PPG17 states that open spaces, sport and recreation all underpin people's quality of life. They are fundamental to delivering broader government objectives, including making urban environments that are attractive, clean and safe; and improving people's sense of well being in the place they live.

3.5.32 Authorities should make assessments of the existing and future needs of their communities for open space, sports and recreation facilities in order to set local standards for their provision.

3.5.33 In identifying where to locate new areas and facilities, local authorities should promote accessibility by walking, cycling and public transport, and ensure that facilities are accessible for people with disabilities. Authorities should also use the provision of these facilities to improve the quality of the public realm through good design.

3.5.34 When assessing applications for new developments, local authorities should seek opportunities to improve the local open space network and ensure that provision is made for local sports and recreation facilities.



3.5.35 PPG17 identifies a broad range of open spaces, including parks, natural urban green spaces, green corridors, amenity greenspace, children's play areas and civic spaces. It recognises that open space can fulfil various functions, including defining urban areas, providing visual amenity, promoting health, creating habitats and as a place for community events.

3.5.36 Open spaces are therefore an intrinsic and important aspect of sustainable communities.

3.6 GOVERNMENT PLANNING GUIDANCE

BY DESIGN

3.6.1 *By Design* states that good urban design is essential if we are to produce attractive, high-quality, sustainable places in which people will want to live, work and relax. It is fundamental to our objective of an urban renaissance. It provides practical advice to help implement the Government's commitment to good design, with three key principles:

- Good design is important everywhere;
- The creation of successful places depends on the skills of designers; and
- No two places are identical; good design comes from an understanding of place and context.

3.6.2 *By Design* sets out 7 objectives of urban design, which should be sought in order to create a successful place:

- Character – a place with its own identity;
- Continuity and Enclosure – a place where public and private spaces are clearly distinguished;
- Quality of the Public Realm – a place with attractive and successful outdoor areas;
- Ease of movement – a place that is easy to get to and move around;
- Legibility – a place that has a clear image and is easy to understand;
- Adaptability – a place that can change easily; and
- Diversity – a place with variety and choice.

3.6.3 *By Design* provides practical guidance on how to achieve these objectives and considers all aspects of design, from detailed material choices to the overall layout and massing of a new area of development. The process of delivering design quality through the planning process is also set out in detail.

3.6.4 Recommendations of particular relevance to designing streets and networks include:

- The convenience, safety and comfort with which people go to and pass through buildings, places and spaces play a large part in determining how successful a place will be. Streets are more than just traffic channels for vehicles and should offer a safe and attractive environment for all;
 - Streets should be designed as public spaces not just in response to engineering considerations;
-

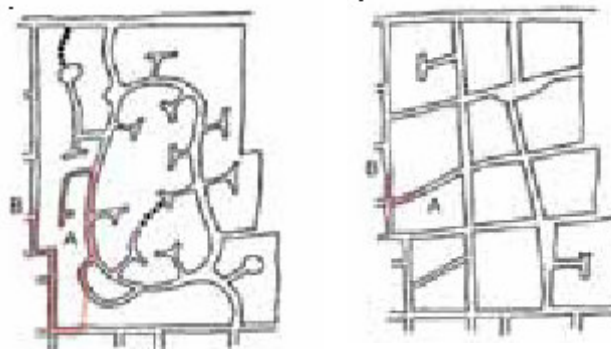
- A well-designed urban structure has a network of connected spaces and routes, for pedestrians, cyclists and vehicles. New routes should connect into existing routes and movement patterns;
- Public transport should be designed as an integral part of the street layout;
- The traditional form of high street, which allows for stopping, parking and slow traffic, provides an effective way of accommodating local shopping and economic activity; and
- Development should be designed with regard to the effect on traffic speeds. Traffic speeds can be managed by the arrangement of buildings and spaces. Physical traffic calming measures should be secondary but considered as an integral part of the design.

BETTER PLACES TO LIVE


3.6.5 *Better Places to Live* applies the principles of *By Design* to residential areas, in order to support the step-change in quality in new development, required by current planning policies. The guidance is again built around the 7 principles of good urban design that are set out in *By Design*.

3.6.6 Key recommendations that relate to street and network design include:

- The success or failure of a new development depends significantly on how well connected it is to existing areas, especially in terms of access to local services;
- Places which have stood the test of time are those where traffic and other activities have been successfully integrated and where the buildings and spaces, and needs of people, not just of their vehicles, shape the area. Successful environments are those designed at the human scale with the needs of pedestrians in mind; and
- Routes should lead where people want to go. Introverted, dead-end layouts limit people's choice of how to travel and limit the adaptation or extension of the development. A well-connected layout has many advantages including more convenient routes for pedestrians and cyclists, better opportunities for bus services, clear views and easy orientation, traffic dispersal and scope for adaptation and change.



- Having main routes pass through, rather than around the edge of an area, helps sustain a variety of uses and connections. Only when traffic levels on the principal route threaten to sever an area or overwhelm it's success as a place is it necessary to consider the need for alternative routes; and

-
- 
- Street dimensions should be considered in relation to the scale of the buildings and the activities taking place in the street, and not just around the requirements of vehicles. Streets should be designed in three dimensions.

SAFER PLACES

3.6.7 *Safer Places* provides guidance on designing out crime and achieving community safety, helping local authorities to achieve the requirements of Section 17 of the Crime and Disorder Act 1998.

3.6.8 *Safer Places* notes that there can sometimes be tensions between what would be best for crime prevention and what would be best for other concerns of sustainable development. The intention of the guide is therefore to prompt innovative, flexible thinking and effective working between the developer, designers, police and local authority.

3.6.9 The design of streets and networks, and their relationship with buildings, is crucial to achieving lower rates of crime, and the document advises that:

- Places should have well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- Too few connections can undermine vitality, too many – and especially under-used or poorly thought-out connections – can increase the opportunity to commit crime. The right level and type of access is achieved through careful design based on local assessment.
- A good movement framework has direct routes that lead to where people want to go, including on foot, by cycle or public transport.
- Routes for pedestrians, cyclists and vehicles should, in most cases, run alongside one another and not be segregated. Movement frameworks based on ‘primary routes’ and shared spaces remove the need for under-used alleyways, short-cuts and footpaths that can facilitate crime.

3.6.10 This aspect of streets is addressed at the appropriate points in this Manual and is discussed at length in *Safer Places* (ODPM, 2004).


3.7 TRANSPORT POLICY

TRANSPORT WHITE PAPER - ‘THE FUTURE OF TRANSPORT: A NETWORK FOR 2030’

3.7.1 The Transport White Paper, published in 2004, sets out the factors that will shape transport networks over the next 30 years and how the Government will respond to those pressures, safeguarding economic and social well being and the environment.

3.7.2 Transport currently produces a quarter of total UK emissions of CO₂, the main driver of climate change. Some 80 per cent of CO₂ emissions from the transport sector come from road transport and reducing carbon dioxide emissions from cars and lorries is essential.

3.7.3 Government aims to provide a transport network for 2030 that will provide free-flowing roads and better public transport, but also where walking and cycling are real alternatives for local trips. An important part of the Government’s strategy is to manage the growing demand for transport, at the same time as increasing capacity.



3.7.4 An important part of this is creating a culture and improved quality of local environments so that cycling and walking are seen as an attractive alternative to car travel for short journeys, particularly for children.

3.7.5 Bringing decisions about transport to the forefront of decisions about the pattern and location of housing, services and shopping can help to create sustainable communities. It is essential that planning and transport policies are closely co-ordinated to produce more sustainable patterns of development and travel.

3.7.6 Over the last decade the average distance travelled both on foot and by cycle has remained fairly constant. There is a huge potential for levels of walking and cycling to increase – more than 40 per cent of trips are under two miles and a quarter of car journeys are shorter than this. Many of these short journeys could be done on foot or by cycle.

3.7.7 People will be encouraged to switch to these modes by making the quality of the local environment reassuring and attractive so that people feel safer, whether cycling or on foot.

3.7.8 The aim for the next 20 to 30 years is to increase walking and cycling, making it a more convenient, attractive and realistic choice for many more short journeys, especially those to work and school. Being active is especially important for children.

3.7.9 Increasing walking and cycling will:

- Help to reduce car use and help to tackle social inclusion, making towns and cities safer and more pleasant places to live;
- Help to reduce congestion and improve air quality; and
- Increase levels of physical activity and improve public health. Moderate physical activity such as walking and cycling helps reduce obesity, heart disease, stroke, cancer and diabetes.


3.7.10 Local authorities are encouraged to review priorities and reallocate road space to benefit pedestrians, and to promote Home Zones – residential streets designed primarily for the local community rather than for traffic.

WALKING AND CYCLING – AN ACTION PLAN

3.7.11 The Department for Transport published the walking and cycling action plan in 2004. The document states that walking and cycling are good for health, for public spaces and for society, and for all of these reasons people need to choose to walk and cycle more often. Around 60% of men and 70% of women are currently not physically active enough to benefit their health. Walking and cycling offer the opportunity to build moderate, pleasant exercise into people's routines.

3.7.12 Walking and cycling are also vital means of travel, both in their own right and as vital links to the public transport system and a 'no-emissions' alternative to motor vehicles.

3.7.13 Increasing walking and cycling will also improve our public space and the social interactions we have. Both modes allow us to stop and chat or just say 'hello' in a way which is difficult to do when closeted in a car. As such, they improve our sense of community. They also provide for more pleasant and sustainable public spaces and serve to support local facilities.



3.7.14 It is important not to overstate the challenge: to return to 1975 levels of walking would require people to walk just over a mile more each week.

3.7.15 The evidence for what works suggests that the most effective approach to increasing use of these modes is to combine improvements to the environment and facilities for walkers and cyclists with carefully targeted information about travel choices, health benefits and recreation opportunities.

3.7.16 Government wants to ensure that infrastructure for walking and cycling, including green spaces, are built into new developments.

3.7.17 The Local Transport Plan process enables local authorities to develop transport systems in an integrated, complementary way and to take account of land use plans and strategies for sustainable development in a more systematic, joined-up way. Local authorities are encouraged to develop effective local transport strategies, including a full consideration of walking and cycling, to inform the development of their Local Transport Plans.

3.7.18 One of the key messages is that walking and cycling are being compromised by over-designed residential streets. Too often, local authorities are misapplying design guidance which was intended for heavily trafficked national roads, and which does not reflect the fact that local roads have a much wider range of users and purposes.

LOCAL TRANSPORT PLANS

3.7.19 Local Transport Plans form the principal policy statements for local transport authorities (which are generally the same as highway authorities) outside London. They are produced by County Councils, Unitary Authorities and by partnerships in the Metropolitan areas. LTPs cover a 5 year period and the second set of LTPs are now in force, covering the period 2006/7 to 2010/11.


3.7.20 Guidance on preparing the current round of LTPs was issued in 2004 and summarises the Government's current policies on the way in which local transport networks should be designed and managed.

3.7.21 Government has agreed a set of shared priorities with local government. The shared priority for transport has four objectives - tackling congestion, delivering accessibility and safer roads. A number of other 'quality of life issues' are also related to transport and are covered under the sustainable communities shared priority.

3.7.22 The LTP guidance therefore makes it clear that these issues – which include the quality of public spaces, community safety and public health, are no less important than the transport shared priorities and that they should strongly influence how Transport Authorities deliver their LTPs.

3.7.23 The LTP guidance notes that local policies to address issues such as congestion, accessibility, road safety and air quality can also make an important contribution to improving the quality of public spaces. Better public spaces can in turn help to promote more sustainable transport modes.

3.7.24 Highway land makes up a major proportion of public space. Transport authorities can therefore make a major contribution to the quality of public spaces through proper design and maintenance of streets and highways. Local authorities should ensure that their LTP minimises the impact of clutter on the street scene, whilst ensuring the safety of all road users.



3.7.25 By making town centres, other shopping areas, residential streets, and minor rural roads places for walkers, cyclists, riders, public transport users as well as motorists, through schemes such as pedestrianisation, Home Zones and Quiet Lanes, and by effective traffic management, the quality of life in these areas can be greatly improved. Making better provision for walking and cycling facilities can also contribute to wider objectives such as improving community health. Authorities should also consider how they aim to deliver, over time, established communities and new developments that provide high-quality spaces for people, and that are not overly dominated by motor vehicles.

3.7.26 In summary, therefore, this guidance makes it clear that the remit of highway authorities goes beyond the delivery of transport networks that minimise congestion and maximise road safety. Local authorities should also reflect the Government's overall objective of promoting sustainable communities when discharging their powers and duties.

3.8 LEGAL FRAMEWORK


3.8.1 There is a complex legal framework pertaining to highways and planning and this section can only cover some of the key points that are relevant to the issues covered by *Manual for Streets*. This section of *Manual for Streets* deals with uses the term 'highway' as this is a legal term, which encompasses 'streets' as used generally within the document.

3.8.2 The following topics are covered:

- Planning legislation;
- Community Strategies;
- General principles of highways;
- Classification of highways;
- Creation of new highways;
- Risk and Liability;
- Road Safety Audit;
- Traffic Signs and Markings;
- Traffic Management Act;
- The Highway Code;
- Disability Discrimination Act;
- Building Regulations; and
- CDM Regulations.

3.9 PLANNING LEGISLATION

3.9.1 All development is covered by planning legislation. The principal planning act is the Town and Country Planning Act 1990 (TCPA), as amended by the Planning and Compulsory Act 2004 (PCA). Under the TCPA, planning permission is required for the carrying out of any development of land.



3.9.2 Section 57 of the TCPA states that development means “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. There are exceptions, however, and the carrying out of any maintenance or improvement within the highway boundary does not constitute development.

3.9.3 The creation of new highways does constitute development, however, and is therefore subject to all the requirements of the planning system, including national planning policies.

3.9.4 The PCA established a new plan system to manage how development takes place. There are two tiers of plans, comprised of:

- Regional Spatial Strategies (RSS), prepared by the regional planning bodies (or in London the spatial development strategy prepared by the Mayor of London). These set out a broad spatial planning strategy for how a region should look in 15 to 20 years and possibly longer; and
- Local Development Frameworks (LDF) – a folder of local development documents prepared by district councils, unitary authorities or national park authorities that outline the spatial planning strategy for the local area.

3.9.5 Planning policies for new strategic highways and other transport infrastructure of regional significance will set by the RSS. Planning policies for most streets, as defined by Manual for Streets, will be set at local level by the LDF.

3.9.6 Local Development Frameworks provide the opportunity to develop a clear vision for an area, together with a realistic implementation strategy. This vision should emphasis local distinctiveness with a focus on delivery.

3.9.7 LDFs should be consistent with the local transport planning policies of the local transport authority, as set out in the Local Transport Plan (LTP). LTPs should in turn be consistent with the regional transport strategy, an integral part of the Regional Spatial Strategy. Consistency between local development documents and local transport policy is particularly crucial in shire counties where the district authority prepares local development documents and the county is responsible for transport planning.

3.9.8 The principal component of LDFs are the Development Plan Documents (DPDs), which include a Core Strategy, Site-Specific Allocations of land, a Proposals Map and optional development documents such as Area Action Plans. These documents together outline the development goals of the LDF. DPDs are subject to procedures of community involvement, consultation and independent examination. Once adopted, development control decisions on individual planning applications must be made in accordance with the DPDs unless material considerations indicate otherwise.

3.9.9 Supplementary Planning Documents (SPDs) expand or add details to policies laid out in DPDs. They may take the form of design guides, area development briefs, a master plan or issue-based documents.

3.9.10 Local authority street design guidelines can therefore be incorporated into the LDF as SPDs.



3.10 COMMUNITY STRATEGIES

3.10.1 Part I of the Local Government Act 2000 places on principal local authorities a duty to prepare 'community strategies', for promoting or improving the economic, social and environmental well-being of their areas, and contributing to the achievement of sustainable development in the UK. It also gives authorities broad new powers to improve and promote local well-being as a means of helping them to implement those strategies.

3.10.2 These broad aims apply equally to planning and highway/transport authorities and establish a general duty to improve the well-being of the communities within their areas.

3.11 GENERAL PRINCIPLES OF HIGHWAYS

3.11.1 The law of highways in England is a combination of Statute and Case Law, stretching back over many centuries.

3.11.2 The Highways Act 1980 is the main act setting out the powers, duties and responsibilities of Highway Authorities. Highway Authorities include the Secretary of State for Transport for Trunk Roads. The responsibilities of the Secretary of State are now delivered through the Highways Agency. At local level, County Councils, Unitary Authorities, Transport for London and London Boroughs are all highway authorities.

3.11.3 The Highways Act has been substantially amended since it was first enacted – for example by the Local Government Act 1985, the New Roads and Street Works Act 1991 and the Traffic Calming Act 1992.

3.11.4 The Highways Act does not define (except in a circular fashion) what a highway is. Under case law, however, the principle has been established that a highway is a place open to all members of the public to pass and repass, and (since *DPP vs Jones* in 1999) the public can also gather on the highway – for example to hold public meetings. In consequence, there is no such thing as a private highway.

3.11.5 Within Home Zones (see below for further details), the public can also use the highway for locally-specified activities – for example for children's play.

3.11.6 The term 'Road' is not defined in the Highways Act. Roads can be either public or private, and statute law can apply to private roads to which the public has access. For example, it is possible for the police to take action on driving offences that take place on private roads.

3.11.7 The term 'Street' is defined in the Highways Act 1980, with the same definition repeated in the New Roads and Street Works Act 1991. It is a very wide definition, including highway, road, lane, footway, alley, passage, square, court, irrespective of whether it is a thoroughfare. So under the law (as with a road) a street may or may not be a public highway.

[For the purposes of *Manual for Streets*, however, this strict legal definition of 'street' does not apply – see Chapter 2 for working definition.]

3.11.8 Although they are rights of way that are open to the public at all times, highways may or may not be maintainable at public expense. Public footpaths across private land are highways that are generally maintained by the landowner. 'Adopted' highways is the term in general use for those which are maintainable at the public expense.



3.12 CLASSIFICATION OF HIGHWAYS

3.12.1 Highways can be classified in a number of ways. They can be classified by the type of traffic that is permitted to use them – thus only pedestrians may use a footpath; pedestrians, equestrians and cyclists may use a bridleway; and all types of traffic (ie including pedestrians) may use a carriageway. ‘Footway’ is the term used for that part of a highway that may only be used by pedestrians.

3.12.2 Trunk Roads form a network of national routes defined by Secretary of State under Section 10 of Highways Act 1980. Most motorways (Special Roads under S16 of HAct 1980) are trunk roads. Since 1994, the Trunk Road network in England has been administered by Highways Agency on behalf of the Secretary of State, and the Highways Agency is a Highway Authority.

3.12.3 Classified Roads are classified (A, B, C) by the Secretary of State under Section 12 of the Highways Act 1980. Principal Roads are a sub-set of Classified Roads, being routes linking major population centres. The main significance of a road being classified is that planning permission is required for the formation of a new access.

3.12.4 Two special types of highway were created by Section 268 of the Transport Act 2000 – Home Zones and Quiet Lanes. Home Zones are highways that also function as community space and are mainly situated in residential areas. Home zones are based largely on Dutch ‘Woonerf’ concept and are lightly trafficked shared-surface streets with extensive planting, seating, parking and children’s play equipment.

3.12.5 Quiet Lanes are minor highways in rural areas that are appropriate for shared use by walkers, cyclists, horse riders and motorised users.


3.12.6 Use Orders permit specified activities, other than passage and repassage, to take place on a Home Zone and Quiet Lane – for example children’s play. A Speed Order defines the design speed for the highway, which is not the same as the speed limit. Typically this would be 10-15 mph.

3.12.7 Draft Regulations for Designating Home Zones and Quiet Lanes and Making Use and Speed Orders were published in 2004 for consultation and the final regulations are expected to be published during 2006. Until then, designation is achievable by a simple resolution of the appropriate committee. Use and Speed Orders cannot be passed until the regulations are made, however.

3.13 CREATION OF NEW HIGHWAYS

3.13.1 New highways can be created by dedication by the landowner – ie the landowner declares to the highway authority that he wishes to create the public right of way. They may also be created by continued usage by the public, which constitutes deemed dedication. Dedication only creates the right of way – it does not make the highway maintainable at the public expense.

3.13.2 The most common means of creating new highways is through an Agreement made under Section 38 of the Highways Act 1980, whereby Highway Authority agrees to adopt new streets built by the landowner – usually a developer. Highway Authorities and developers enter into such agreements for mutual advantage. In the developer’s case these are principally that they will have no long term involvement in the maintenance of the new street, and the fact that the streets will be publicly maintained will make the development more saleable. The highway authority will have the certainty that the streets will be constructed to an acceptable standard.



3.13.3 The highway authority can also be required to adopt new streets under Section 37 of the Highways Act, if it can be shown that highway is of sufficient utility to the public and is constructed to satisfactory standard. Disputes under this section are dealt with by Magistrates Court.

3.13.4 Further details of the adoption process are given in Chapter 14 of *Manual for Streets*.

3.14 RISK AND LIABILITY

3.14.1 Many Highway Authorities have expressed concerns over increasing exposure to claims for defects in highways – in both maintenance and design.

3.14.2 There is some concern that this is leading to a ‘safety first’ design approach, strictly complying with established standards and avoiding innovation. These tendencies can be odds with the need to create distinctive places that meet the Government’s policies on sustainable communities.

3.14.3 This issue was explored in some detail in the publication ‘*Highway Risk and Liability Claims*’, published in 2005 by the UK Roads Board, which has formed the basis for this section of MfS.

3.14.4 Most claims against highway authorities relate to alleged deficiencies in maintenance, particularly footway defects, which give rise to tripping and slipping claims. There has been a significant increase in the number and cost of such claims in recent years. Allegations of defects in design are much less frequent, however.

3.14.5 The duty of the Highway Authority to maintain the highway is set out in Section 41 of the Highways Act 1980, and case law has clarified the law in this area.


3.14.6 The most recent judgement of note was *Gorringe v. Calderdale MBC* (2004), in which a case was brought against a Highway Authority for failing to maintain a ‘SLOW’ marking on the approach to sharp crest. The judgement confirmed number of important points.

- The authority’s duty to ‘maintain’ covers the fabric of highway, but not signs and markings;
- There is no requirement for the highway authority to ‘give warning of obvious dangers’ (Lord Hoffman, para 10); and
- Drivers are first and foremost themselves responsible for their own safety’ (Lord Scott, para 76).

3.14.7 Some claims have been made under Section 39 of Road Traffic Act, which gives a general duty to Highway Authorities to promote road safety. In connection with new roads, S39 (3)(c) says “in constructing new roads, must take such measures as appear to the authority to be appropriate to reduce the possibilities of such accidents when the roads come into use.”

3.14.8 The *Gorringe v Calderdale* decision (para 19) made it clear that Section 39 of the Road Traffic Act cannot be enforced by an individual. There is simply a general duty on a local authority to exercise its powers in the manner it considers appropriate. Authorities have a considerable degree of discretion in how they go about this.

3.14.9 Few cases are brought for design defects, as it is difficult for claimants to show that faulty design has caused an accident, rather than another cause – for example road



user error, unusual weather conditions, a construction defect or poor maintenance for example.

3.14.10 If faced with such a case, it is a defence for highway authority to show that:

- The new works were properly designed;
- The authority did not inadvertently trap road users into danger; and
- The authority complied with appropriate standards or guidance; however the emphasis is on the word 'appropriate' – standards and guidance should not be applied without proper consideration of local circumstances.

3.14.11 Properly documented design audit and sign off systems form an important part of demonstrating that designs are appropriate, and audit procedures are dealt with further below.

3.14.12 Some court cases have found that a Highway Authority can be liable if it 'entrap' road users, however – for example by removing markings on which road users have come to rely. Nevertheless, where it is not unusual for junctions to be unmarked – for example in residential areas – it is difficult to see how this would be the case.

3.14.13 Similarly, some Highway Authorities have now begun to remove of pedestrian railings to reduce visual clutter and to improve pedestrian amenity. It is difficult to see how this would 'entrap' pedestrians into danger as the onus is on the road user to take care.

3.14.14 Some authorities are now considering 'Shared Space' designs, which reduce or remove road markings and signage so that road users become more aware of their surroundings and take more care. Further details of the Shared Space approach are given in Chapter 11 of *Manual for Streets*. In view of the legal requirement not to entrap road users it would be advisable to publicise such new arrangements through temporary notices, advertisements, leaflets etc, and to provide clear visual cues that show road users that the area is not 'normal' highway where clear priorities exist. As discussed below, the monitoring of innovative schemes after construction can also be a useful method of detecting issues and demonstrating due diligence.

3.14.15 In March 2005 Government published a draft Corporate Manslaughter Bill. The bill would introduce a new, specific offence of corporate manslaughter. An organisation would be prosecuted for this if a gross failing by its senior managers to take reasonable care for the safety of their workers or members of the public caused a person's death. There have been some concerns that Highway Authorities may be liable under Corporate Manslaughter if it is found that a defect in design has resulted in death, and that this may stifle innovation in street design.

3.14.16 The Government is alert to this issue and does not want to give design guidance the status of mandatory requirement by introducing the offence of Corporate Manslaughter. Authorities will need to show that they have carried out a risk assessment if departing from guidance, however. Again this points to the need for a documented and balanced design sign-off system that allows for authorities to move beyond normal design standards when appropriate.



3.15 ROAD SAFETY AUDITS

3.15.1 Road Safety Audits (RSAs) are routinely carried on highway schemes out at key milestones during the design process, on the completion of the construction phase and after the scheme has been in operation for some time.

3.15.2 Not all schemes are audited, however. Many residential streets, where the design is carried out by a developer's consultant, are assessed independently by the local highway authority's development control section. In many authorities there is no requirement for a further check by the Road Safety Audit team, particularly where it is clear that road traffic volumes and speeds will not be high.

3.15.3 The purpose of the RSA is to identify road safety problems, with the objective of minimising the number and severity of road accidents. An Audit is not a check on compliance with design standards. Audits take all road users into account, including pedestrians and cyclists. The usual procedure is that the auditor, who is normally an experienced road safety investigator and independent of the design team, makes recommendations for changes to the design to address perceived safety concerns. The design team reviews the RSA report and decides which recommendations to accept.

3.15.4 It is important to note that the design team retains responsibility for the scheme, and is not governed by the findings of the RSA. There is therefore no sense in which a scheme 'passes' or 'fails' the RSA process.


3.15.5 Some authorities carry out RSAs on standard road types for inclusion in local highway standards documents. Given that RSAs are meant to consider how risks to road users can be mitigated in a particular situation, and are not a check on design standards, it is difficult to see the value of this exercise. Furthermore, MfS recommends that street character types are developed for particular sites and situations, taking local context into account, rather than use standard patterns without thought.

3.15.6 The need for RSAs has been linked to the Highway Authority's duty under S39 (3) (c) of the Road Traffic Act 1988 (see above). Whilst a policy of carrying out RSAs would be in conformity with this general duty, it is important to note that there is no statutory requirement to carry out RSAs, nor undertake them in any particular way.

3.15.7 Many designers have expressed concerns over the present approach to RSA, which are commonly carried out in accordance with the Design Manual for Roads and Bridges, Section HD19/03. This procedure is mandatory for Trunk Road schemes, but does not have to be applied by local highway authorities. Under HD19/03 the audits are carried out by the independent team at feasibility, detailed design, post-construction and post-opening.

3.15.8 There have been a number of reported problems with the process in the context of streets, particularly where designers are aiming to move beyond normal road standards in order to create more distinctive and better quality environments.

- Audits are required to identify all possible risks, but do not distinguish between major and minor problems – there is no quantification of the risk and it is therefore difficult for decision makers to balance the apparently competing requirements of design quality and road safety.
 - The normal audit process is based on the experience of the Audit Team. By definition, therefore, it is difficult for the process to assess innovative designs from first principles.
-

-
- 
- There is a tendency for Auditors to encourage designs that achieve safety by segregating vulnerable road users from road traffic. Such designs tend to perform poorly in terms of streetscape quality and pedestrian amenity, factors that are vital to the development of sustainable communities.
 - The normal process is for the audit team to be deliberately kept apart from the design team. Road safety issues are therefore considered in isolation from visual quality and placemaking issues and it is difficult to achieve a balanced design through dialogue and compromise.

3.15.9 Several options for developing better design sign-off systems are set out in Section 5 of the UK Roads Board document 'Highway Risk and Liability Claims'. The principal requirement is for a process that records and demonstrates how rational, balanced decisions have been taken by the authority, thus creating an audit trail that can be used in evidence in the unlikely event that the designer is held to account by a court.

3.15.10 Options improving the present system include carrying out a place audit alongside the standard safety audit. If the two audits disagree on a particular point, the matter is referred to high level decision-maker for resolution. Such a system has been developed by Devon County Council, but it still retains scope for disagreement and conflict at the end of the design process.

3.15.11 Involving the road safety professionals as integral part of design team, rather setting them apart could help to overcome this problem, enabling ideas to be tested and considered more informally and creatively.

3.15.12 A more fundamental change that should be considered is to introduce quantified risk factors to the safety audit process. These risk factors assess both the consequence of an accident (Risk Impact) with the probability that this event would arise (Risk Probability).

3.15.13 Risk Impact can be assessed as follows:


1. Little or negligible impact.
2. Minor or low impact.
3. Noticeable impact.
4. Major, high or serious impact.

3.15.14 And Risk Probability as follows:

1. Very low probability.
2. Low probability.
3. Medium probability.
4. High probability.

3.15.15 As far as possible, the assessments of each factor should be based on evidence, rather than simply the auditor's opinion. Factual assessments of risk factor can be based on research reports such as TRL Report 184 – *Accidents at three-arm priority junctions on urban single-carriageway roads* and the Safenet software package, which predicts the number of accidents on a network based on traffic flow, pedestrian flow and highway geometry.

3.15.16 The overall Risk Factor is obtained by multiplying Risk Impact by Risk Probability, which is therefore assessed on a scale of 1-16.



3.15.17 Such an approach will make it considerably easier for decision makers to strike an appropriate balance between any conflicts between the recommendations of a Road Safety Audit and other considerations such as visual quality and pedestrian amenity.

3.15.18 The audit process should not stop when a scheme is implemented, particularly where innovative designs are being implemented. Careful monitoring, such as through conflict studies, of the ways in which people are using the completed scheme can identify any potential safety problems before a serious incident results. Such an approach was used on the High Street Kensington scheme.

3.16 TRAFFIC SIGNING AND MARKINGS

3.16.1 Many concerns have been raised regarding the visual clutter caused by the inappropriate and excessive use of traffic signs and markings in both urban and rural areas. However, correctly used, signs and markings are vital to the proper functioning of streets, and a balance needs to be struck between the needs of road users for clear direction and visual impact. (Note – within legislation and this section of MfS, the word ‘signs’ also includes road markings.)

3.16.2 The Road Traffic Regulation Act 1984 provides powers for Secretary of State to standardise the type and use of traffic signs across the UK. Under the Act, the Secretary of State publishes detailed requirements for traffic signs.

3.16.3 The principal statutory instrument that sets out these requirements is the *Traffic Signs Regulations and General Directions 2002* (TSRGD). There are also regulations covering pedestrian crossings – the *Zebra, Pelican and Puffin Crossing Regulations and General Directions 1997* (the Pedestrian Crossing Regulations).


3.16.4 TSRGD is in two parts – The Regulations provide the detailed legal framework for the use of signs, including how they are to be interpreted by road users – for example, that vehicles must give way at the Give Way marking/sign – and schedules to the Regulations prescribe, through diagrams, the dimensions, layout and colours of signs. Each sign is given a unique diagram numbers – for example the Give Way sign is diagram 802 and the associated marking is diagram 1003. A further schedule lists the permitted variations in the signs.

3.16.5 The second part of TSRGD, the Directions, set out how the signs may be used – for example to enforce speed limits or waiting restrictions, or in combination with one another.

3.16.6 Similarly, the Pedestrian Crossing Regulations set out how the prescribed signs are to be used and interpreted at Zebra, Pelican and Puffin Crossings.

3.16.7 These documents do allow for the Secretary of State to authorise special signs and to vary the way in which they are used, however this power is only exercised in special circumstances. The Department for Transport does not wish to authorise more special signs than are absolutely necessary, as to do otherwise would lead to local variation and confusion for road users. Generally authorities do need to comply with the Regulations and Directions.

3.16.8 However, although these documents do constrain the use of signs, they do not generally stipulate when authorities must use them. Highway Authorities do have the ability to exercise considerable discretion in the use of signs, as discussed in Chapter 11.



3.16.9 Guidance on the use of signs and markings, and ways to reduce visual clutter through careful design is given in Chapter 10 of MfS.

3.16.10 The Government also publishes more detailed guidance to highway authorities on the use of road signs through the *Traffic Signs Manual*. This document is summarised later in this chapter of MfS.

3.17 TRAFFIC MANAGEMENT ACT

3.17.1 The Traffic Management Act 2004 is intended to provide better conditions for all road users through proactive management of the national and local road network.

3.17.2 It places a duty on local authorities to keep traffic flowing on local roads, taking account of their other duties and responsibilities. As part of the arrangements for delivering the network management duty, the Act requires that all traffic authorities appoint a 'traffic manager' to exercise functions that have an impact on traffic flows in a more co-ordinated way. In addition, the Act tightened the regulatory framework within which utility companies are permitted to dig up roads, giving authorities more powers to co-ordinate works effectively and minimise disruption.

3.17.3 It is important to note that Section 31 of the Act specifically states that the term 'traffic' includes pedestrians, so that the network management duty requires the local authority to consider the movement of all road users: pedestrians and cyclists as well as motorised vehicles – whether engaged in the transport of people or goods.

3.17.4 The requirement to 'keep traffic flowing' does not imply that greater emphasis should be given to the needs of motor vehicles over pedestrians and cyclists when making decisions on the design and management of local streets.

3.18 THE HIGHWAY CODE

3.18.1 The Highway Code is published by the Driver Standards Agency, an Executive Agency of the Department for Transport. The document is updated at regular intervals – consultation on a revised document took place in 2006.

3.18.2 The Highway Code sets out good practice for all road users. Although not a legal document in itself, many of the rules in the Code are legal requirements and people disobeying the Code's rules would be committing a criminal offence. Such rules are identified in the Code by the words 'Must/Must Not'.

3.18.3 Although failure to comply with the other rules of the code would not in itself cause a person to be prosecuted, the Highway Code can be used in evidence in any court proceedings under the Traffic Acts to establish liability.

3.18.4 The Highway Code places clear obligations on road users to take account of conditions and other road users. Particular rules to note in the context of urban street design include:

104: The speed limit is the absolute maximum and does not mean it is safe to drive at that speed irrespective of conditions. Driving at speeds too fast for the road and traffic conditions can be dangerous. You should always reduce your speed when

1.1 the road layout or condition presents hazards, such as bends

1.2 sharing the road with pedestrians and cyclists, particularly children, and motorcyclists



- 1.3 weather conditions make it safer to do so
- 1.4 driving at night as it is harder to see other road users.

105: Drive at a speed that will allow you to stop well within the distance you can see to be clear. You should:

- 1.5 leave enough space between you and the vehicle in front so that you can pull up safely if it suddenly slows down or stops. The safe rule is never to get closer than the overall stopping distance

1.5.1	20mph	–	12 metres
1.5.2	30mph	–	23 metres
1.5.3	40mph	–	36 metres
1.5.4	50mph	–	53 metres
1.5.5	60 mph	–	73 metres

- 1.6 allow at least a two-second gap between you and the vehicle in front on roads carrying fast traffic. The gap should be at least doubled on wet roads and increased still further on icy roads
- 1.7 remember, large vehicles and motorcycles need a greater distance to stop.

124: Adapt your driving to the appropriate type and condition of road you are on. In particular

- 1.8 do not treat speed limits as a target. It is often not appropriate or safe to drive at the maximum speed limit
- 1.9 take the road and traffic conditions into account. Be prepared for unexpected or difficult situations
- 1.10 where there are junctions, be prepared for vehicles emerging
- 1.11 in side roads and country lanes look out for unmarked junctions where nobody has priority
- 1.12 try to anticipate what pedestrians and cyclists might do. If pedestrians, particularly children, are looking the other way, they may step out into the road without seeing you.

130: Narrow residential streets. You should drive slowly and carefully on streets where there are likely to be pedestrians, cyclists and parked cars. In some areas a 20 mph maximum speed limit may be in force. Look out for

- 1.13 vehicles emerging from junctions
- 1.14 vehicles moving off
- 1.15 car doors opening
- 1.16 pedestrians
- 1.17 children running out from between parked cars

1.18 cyclists and motorcyclists.

146: Take extra care at junctions. You should

1.19 watch out for cyclists, motorcyclists and pedestrians as they are not always easy to see

1.20 watch out for pedestrians crossing a road into which you are turning. If they have started to cross they have priority, so give way

3.19 DISABILITY DISCRIMINATION ACTS 1995 AND 2005

3.19.1 The Disability Discrimination Act 1995 gives disabled people a right of access to goods, facilities, services and premises. Since 1996 it has been unlawful for service providers to treat disabled people less favourably than other people for a reason related to their disability.

3.19.2 The Disability Discrimination Act 2005 extended the original Act by introducing the Disability Equality Duty, which places a duty on all public authorities, when carrying out their functions, to have due regard to the need to (*inter alia*):

- Promote equality of opportunity between disabled persons and other persons
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

3.19.3 This duty requires public sector bodies, including Planning Authorities and Highway Authorities, to be proactive in ensuring that disabled people are treated fairly. Broadly speaking, public authorities, which includes Planning and Highway Authorities, must make adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged.

3.19.4 The general duty will come into force on 5 December 2006 and so public authorities who are subject to the specific duties must publish their Disability Equality Schemes by 4 December 2006.

3.19.5 Further guidance to public authorities on meeting the Disability Equality Duty is available from the Disability Rights Commission (DRC).


3.19.6 The DRC is currently preparing more specific guidance for Planning and Highway Authorities on the discharge of their duties in relation to the DDA legislation, and this is planned to be published during 2006.

3.19.7 ODPM has also published *Planning and Access for Disabled People: A Good Practice Guide* which aims to ensure that the Town and Country Planning system in England successfully and consistently delivers inclusive environments as an integral part of the development process. A number of good practice points are given in the document, several of which relate to highway design matter.

3.20 BUILDING REGULATIONS

3.20.1 Building Regulations set minimum technical requirements for buildings, and are made under the Buildings Act 1984. The Regulations themselves are accompanied by Approved Documents that set out in detail how the Regulations can be met in normal practice.

3.20.2 Building Regulations are relevant to some aspects of street design, notably:

- 
-
- Part B – Fire Safety – Covers access and facilities for the Fire Service (item B5)
 - Part H – Drainage and Waste Disposal
 - Part M – Access to and Use of Buildings – deals with needs of all people to gain access and use facilities, regardless of disability, age or gender

3.20.3 The requirements of Parts B and M are discussed in Chapter 8 of MfS (Access), and the requirements of Part H in Chapter 12 (Drainage, Sewerage and Utilities).

3.20.4 The depositing of plans for Building Regulations approval triggers the Advance Payments code, whereby a Highway Authority must serve notice under Section 220 of the Highways Act 1980 requiring advance payments. The notice must be served within 6 weeks of the plans being approved, if a Section 38 Agreement has not been entered into. Further details of this process are given in Chapter 14 (Adoption).

3.21 CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 1994

3.21.1 The Construction (Design and Management) Regulations 1994 (the CDM Regulations) place obligations on all parties involved in a construction project. The Client must make information available and make reasonable inquiries on health and safety related matters. Clients must appoint competent Designers, a Planning Supervisor and a Principal Contractor, and ensure they have adequate resources.

3.21.2 Designers must avoid foreseeable risks during the construction, maintenance and de-commissioning phase of a construction project, so far as is reasonably practical. The Planning Supervisor has a duty to ensure that a Health and Safety Plan is prepared and that the design includes adequate regard to health and safety. The Principal Contractor has a duty to ensure that all contractors on site comply with the requirements of the health and safety plan.

3.21.3 In order to ensure compliance with the CDM regulations, designers must consider not only the construction phase, but also the ongoing maintenance of the works. Such considerations will, for example, have implications for the design and location of buried and overhead services within the highway, and in particular the relationship between access points and traffic.


3.22 DESIGN STANDARDS

3.22.1 Government does not set design standards for new highways – they are set by the Highway Authority for the roads and streets for which it has responsibility.

3.22.2 The Highways Agency acts as the highway authority for Trunk Roads within England, and its standard is the *Design Manual for Roads and Bridges* (DMRB). Although this document is commended to other highway authorities, its use is not in any way mandatory.

3.22.3 DMRB is specifically written for Trunk Roads, which are long distance routes carrying heavy volumes of traffic. Most of the trunk road network is inter-urban and rural. Although some trunk roads could be classed as 'streets' within the definition given in MfS, most are 'roads', where the movement function has priority over the placemaking function. DMRB is therefore not normally an appropriate design standard for streets, and particularly lower volume and residential streets.

3.22.4 Most local Highway Authorities have developed their own standards in the past mainly for use by developers of residential and commercial developments. Some of



these standards, particularly those that have been published in recent years, have taken on placemaking/streets issues, but many have not.

3.22.5 Although MfS is intended to provide guidance to local highway authorities on technical matters, there is still a place for local standards. These standards should focus on how best to create and preserve local distinctiveness, through appropriate choices of layout and materials, within the overall policy and research context given in MfS.

3.22.6 British Standards are also used as design guides and are mainly concerned with materials and components. It is commonplace to refer to BS in construction specifications for example. It is important to note that British Standards are advisory and there is no compunction for a highway authority to apply a British Standard in its entirety or as drafted.

3.23 GOVERNMENT HIGHWAY DESIGN GUIDANCE

3.23.1 The Department for Transport publishes numerous documents that provide technical guidance to highway authorities and designers, including:

- Local Transport Notes – typically deal with a significant technical area in some detail, eg Cycle Facilities, Pedestrian Crossings
- Traffic Advisory Leaflets – short publications dealing with particular technical issues, often summarising a new piece of research, a regulation (eg 20mph zones and limits) or emerging good practice (eg consultation for Home Zones)
- Traffic Signs Manual – series of documents that provide guidance on the application of TSRGD in commonplace situations. More commentary on the application of the Traffic Signs Manual in Chapter 11.
- Inclusive Mobility - A guide to best practice on access to pedestrian and transport infrastructure

3.23.2 Manual for Streets also falls into this category.

3.23.3 None of these documents are legally binding on highway authorities, but should be considered as good practice guidance when developing standards and making technical judgements and decisions.

3.23.4 A list of key reference documents will be given in the Bibliography, in the Appendices.
