Highway Safety

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Responsibility of	**Subject Lead for Highway Safety**
Review changes: updates include reference to Future Wales and Active Travel Guidance (paragraph 3 & 5), additional guidance in the relation to Speed Surveys and DMRB (paragraphs 6 & 8), an additional reference to MfS (paragraphs 13 - 16) and the refinement of the Site Visit checklist (paragraph 27).	

Key legislation and policy

Legislation	• Town and Country Planning Act 1990 • Highways Act 1980
National policy and guidance	• Future Wales Policy 12 • Planning Policy Wales (PPW) section 4.1 • Technical Advice Note (TAN) 18 – Transport • Manual for Streets (2007) (MfS) • Manual for Streets 2 (2010) (MfS2) • Circular 06/2014 'The Use of Planning Conditions for Development Management' • Design Manual for Roads and Bridges (DMRB) • Design Guidance: Active Travel (Wales) Act 2013

Legal definition of 'highway'

1. Section 336(1) of the TCPA 1990 adopts the same meaning of 'highway' as in the Highways Act 1980, i.e. the whole or any part of a highway other than a ferry or waterway; and that where such a highway passes over a bridge or through a tunnel, that bridge or tunnel is to be taken to be part of the highway (s328 of the Highways Act 1980).

2. Common law has established that a highway is a defined route over which the public can pass as frequently as they wish without hindrance or charge. The use must be as of right and not on sufferance or by licence. The right may, of course, be limited to a class of user or mode of transport. Consequently, a **privately owned** or maintained (or even unmaintained) way could be a highway, but only if the public at large can use it as of right.

National policy and guidance

3. Future Wales Policy 12 supports the implementation of the Active Travel Act and requires planning authorities to act to reduce levels of car parking in urban

areas, including supporting car-free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points. Regional specific policies also cover transport and connectivity priorities.

4. PPW emphasises the importance of reducing the speed, level and volume of motor vehicles (paras 4.1.44 – 4.1.45) and seeks traffic management measures which are visually sympathetic and achieve safety improvements (para 4.1.48). TAN 18 provides more detailed guidance and, at Annex B, includes visibility standards interpolated from MfS.

5. Active Travel Act Guidance 2021 para 7.5.1 advises that for all non-trunk road networks, the guidance must be considered by local highway authorities when designing active travel routes, even where the guidance conflicts with their current local authority design standards. Local authorities may also consider guidance contained in MfS and MfS2 (and any subsequent revisions), but advice contained in the Active Travel Guidance will take precedence if there is any conflict.

Decision-making

Evidence

6. Evidence will often rely on **MfS**, which focuses on lightly trafficked residential streets, and **MfS2**, which extends to busier streets and non-trunk roads. The DMRB deals with trunk roads and motorways. Although the standards in MfS and MfS2 are objective, they are not determinative. You may need to weigh safety against other factors, for example visual acceptability, as part of an overall risk assessment. Avoid referring to these documents unless they are raised by parties and treat their interpretation of them with care. DMRB documents are updated regularly so ensure that those referred to are current at the time of your decision.

7. Evidence may be based on **computer models** such as TRICS (Trip Rate Information Computer System), ARCADY (Assessment of Roundabout Capacity And Delay), or PICADY (Priority Intersection Capacity and Delay). Make sure you understand the arguments, seeking advice if necessary, bearing in mind that the **output depends on the quality of the input**.

8. Treat **accident figures** with care, data may be old or relate to another section of highway. Check the location, nature and reasons for the incident. Similarly, if you are presented with data from a **speed survey,** it will be necessary to take account of the way in which the survey was carried out in order to assess the weight to give to the results. Issues of importance could include the period of the observations, the time of day (peak hours, throughout the day), the weather conditions, the type of equipment used (tubes on the road or radar) and whether it has been undertaken by qualified professionals.

9. You may be quoted **Highway Code stopping distances**, but these **do not apply** as they relate to emergencies.

10. Where there is **no highway authority objection** treat objections from other parties with care. That said, residents have local knowledge which may be useful. Highway capacity is often raised by residents but is unlikely to be influential in small schemes with limited effect on traffic flows.

Main issue

11. The main issue will often be the effect on the **safety of highway users**. If so, you should consider the safety of all potential users, i.e. pedestrians and cyclists as well as vehicle drivers and passengers.

12. The **efficient operation of the highway network** is also a legitimate concern, although avoid referring to "the free flow of traffic" as this may not be desirable or relevant. In such cases you could frame the main issue as "the safe and efficient operation of the highway network in the vicinity of the appeal site" or "the safety and convenience of users of the adjacent highway network". Ensure that you consider effects on **sustainable modes**; for example where a proposal would unacceptably impinge on those using a walking or cycling (i.e. Active Travel) route, or where buses could be caught up in congestion exacerbated by a proposal.

13. It may be put to you that increased demand for (or congestion caused by) **on-street parking** would impact on the amenity or well-being of existing residents, particularly those who are older or have a disability. Normally parking impacts should be considered in relation to the safety and/or convenience of highway users (see 'Parking' below). In some limited cases it may also be legitimate to consider impacts on amenity/well-being as a 'living conditions' matter, or in relation to personal circumstances; but exercise caution if doing so, remembering that general highway management falls outside the ambit of planning control.

Visibility

14. The principal concern is often visibility for pedestrians or drivers at a new junction, or at an existing junction which would experience an increase in use. Generally, it is reasonable to apply the standards in Annex B of TAN 18 and sections 7.5 to 7.8 of the MfS, which include diagrams of visibility splays, but you must also exercise your own judgement about their applicability having regard to the local conditions.

15. The standards apply as described in MfS paras 7.6.1 to 7.6.4. Note that the Stopping Sight Distances interposed from MfS into Table B of TAN 18 **do not** adjust for bonnet length.

16. Table 1.1 of MfS2 advises how the guidance in MfS may be applied. Section 10 deals with visibility and Table 10.1 provides further advise on Stopping Sight Distances (SSDs). But be aware that para 10.5.9 of MfS2 states that "unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem".

17. LPAs sometimes contend that visual obstructions at driveways may affect the safety of pedestrians. Paragraphs B.12 and B.13 of TAN 18 provide guidance on this and advise that "the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously". MfS2 para 10.6.1 includes 'minor accesses' in this sentence. MfS para 7.8.5 advises that parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Use your own judgement and clearly explain your conclusions.

Parking

18. PPW advocates support for proposals which keep parking levels down, "especially off-street parking" (para 4.1.51), whilst seeking to ensure that vehicles do not dominate the street or inconvenience people walking and cycling (para 4.1.52). It also states that parking standards should be expressed as "maximum levels", applied flexibly and allow for provision of lower levels of parking (para 4.1.53).

19. If the LPA has adopted local parking standards you should afford them appropriate weight in the context of PPW and TAN 18. This includes the County Surveyors' Society Wales 'Wales Parking Standards 2008' or the 2014 update, which are used by many LPAs.

20. Objections often seek additional parking provision, particularly in areas lacking significant off-street parking and/or where a proposal may generate additional demand. Nonetheless PPW para 4.1.53 states that "local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan". An absence of effective parking controls would not normally override the aims of PPW and the LDP strategy, unless a proposal (with mitigation) would harm the safety/convenience of highway users. Nil or greatly reduced on-site parking may even be acceptable, e.g. for sites close to public transport and services and where effective on-street parking controls are operating.

21. Notwithstanding this, TAN 18 para 4.13 refers to the potential for reduced on-site parking to create problems with overspill parking. However, it also indicates that Transport Assessments (TAs) should be used to gauge the extent of such parking pressures. TAs would only normally be sought from large schemes above the thresholds in Annex D of TAN 18. Overspill parking issues are unlikely to be influential in smaller schemes.

22. Paras 4.13 and 4.14 of TAN 18 support the use of planning obligations to manage on- or off-site parking or contribute to on-street parking controls. Where offered you should satisfy yourself that such an obligation would pass the statutory tests, not duplicate a scheme included on the Council's CIL Regulation 123 list and would not fall foul of the 5-obligation limit.

Conditions

23. On-site conditions commonly cover:

- Provision of access before development has begun or is occupied,
- Parking to be provided (when?) and kept available thereafter,
- Sightlines to be provided (when?) and kept clear.

24. Highway authorities may seek conditions requiring engineering surveys or details of 'tie ins' between existing and proposed vehicular routes which go beyond the 'model conditions' listed in Circular 06/2014. You should critically appraise whether such conditions pass the tests, particularly of necessity and reasonableness, and whether any required works would have a reasonable prospect of being fulfilled prior to development commencing.

25. Circular 06/2014 states that it would be unreasonable to use a condition to restrict future occupants/users of a development from using on-street parking (para 3.44)[1]. For certain schemes it may be justified to require the production/implementation of a travel plan (if so, when?), but ensure that its provisions are clearly enforceable (para 9.13 of TAN 18).

26. A 'Grampian' condition can be used to prevent the commencement of development until certain highway improvements are made, if they relate directly to the development (see Circular 06/2014 and TAN 18). But exercise caution if there is **no prospect** of the requirements being fulfilled prior to development (Circular 06/2014 para 5.65).

Site visits

27. At accompanied visits, encourage the Council and appellant to measure, pace and agree/check against the submitted evidence. Where there is a material discrepancy between parties' evidence establish the actual position. At junctions, crouch down to gain a driver perspective.

Site visit checklist	
The site	
Garaging and parking	Capacity, turning area, angle of approach, manoeuvring space, door widths, garage dimensions (room for car doors to be opened? internal obstructions?), dimensions of spaces.
Access	Width, pedestrian/driver visibility, front boundary treatment, service vehicle requirements, visibility splay ownership and control?
The road	
Road type	Dual carriageways, two-way, single carriageway, lane width, passing places?
Traffic volume, speed limits and speeds	Only a snapshot, but you can say "…and this accords with what I saw on my site visit" in relation to evidence.
Road markings and restrictions	Types of road marking, presence of resident permit parking, hours between which parking is permitted/restricted.
On-street parking	Only a snapshot. You may have to acknowledge that there is likely to be more parking in the evening.

[1] See also the advice on car free housing in the PINS Highways and Transport Chapter (para 43 and 53)

Infrastructure	Bus stops/crossings, lighting, traffic signs, junction controls.
Visibility	Does any street furniture, clutter in the street, vegetation or change in ground levels obscure views?
Character of road/area	Urban, suburban or rural road? Local uses (homes, schools, emergency services)?