

Highway and Traffic Management Policy and Scheme Reviews

(a) Highway Safety Policy

(b) Residents' Parking Policy

(c) Care & Health Workers' Parking Exemption Scheme

Report of the Chief Officer for Highways, Infrastructure Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: that the Cabinet be asked to:

(a) (i) **approve the Highway Safety Policy** Version 6.1

- (ii) **give delegated authority to** the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the County Solicitor and the Cabinet Member for Highway Management to approve policy amendments to the Highway Safety Policy until the next formal review.

(b) (i) **approve the Residents' Parking Policy** TMP 32/20

- (ii) **agree to a Traffic Regulation Order** being advertised in order to implement the requested modifications to the County On Street Parking Traffic Order and that authority to resolve any objections be delegated to the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the Cabinet Member for Highway Management;
- (iii) **give delegated authority to** the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the County Solicitor and the Cabinet Member for Highway Management to approve policy amendments to the Residents' Parking Policy until the next formal review.

(c) (i) **approve the Care & Health Workers' Parking Exemption Scheme**

being made a permanent scheme for care and health workers and social workers to use in their delivery of essential care and services to patients / clients with minor modifications to reflect the incoming feedback from current users and improve the benefits of the scheme;

- (ii) **agree to a Traffic Regulation Order** being advertised in order to implement the requested modifications to the Care & Health Workers' Parking Exemption Scheme, and that authority to resolve any objections be delegated to the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the Cabinet Member for Highways Management, and the Cabinet Member for Adult Social Care & Health Services;

- (iii) **give delegated authority to** the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the County Solicitor, the Cabinet

Member for Highway Management and the Cabinet Member for Adult Social Care & Health Services to approve policy amendments to the Care & Health Workers' Parking Exemption Scheme until the next formal review.

1. Summary

This report seeks approval for the 3 items listed above.

The Highway Safety Policy was reissued as version 6.0 on 5th September 2016 following a major review and the adoption of a risk-based approach to managing highway safety defects. This Policy has been recently reviewed and benchmarked with that of neighbouring authorities in the South Western Peninsula.

The Residents' Parking Policy has been developed through the Exeter HATOC Residents' Parking Policy Working Group comprising members and officers.

The Care & Health Workers' Parking Exemption Scheme is recommended to be made permanent following a successful 12-month pilot scheme.

2. Introduction

(a) *Highway Safety Policy*. Section 41 of the Highways Act, 1980, imposes a statutory duty upon Highway Authorities such as Devon County Council to maintain the highway network at public expense. Almost all claims against highways authorities relate to an alleged breach of Section 41. However, Section 58 of the act provides for defence against such claims because the authority has taken such care as is reasonably practicable for the appropriate type of traffic. The statutory duty placed on the Highway Authority requires it to have in place robust policies.

The Highway Safety Policy defines how to identify defects that meet investigatory criteria and how to deal with them. It specifies the frequency and nature of highway inspections. The policy sets out how safety defects identified during highway inspections will be dealt with, including response times, signing, guarding or repairing defects to make the network safe. Defects reported by the public are evaluated by inspection to enable them to be dealt with under this Policy or alternative action that may be taken where the defect is deemed to not meet the necessary criterion.

Publication of the policy enables highway users to understand what constitutes a safety defect and what they should reasonably expect in terms of appropriate action by the Highway Authority when defects are found.

The current policy is considered to be robust and as such the County Council has a good record in defending itself against claims. The current policy has been developed using recommendations in the National Code of Practice (NCoP) 'Well Managed Highway Infrastructure' and best practice adopted by other Highway Authorities. It has been agreed that the policy should be reviewed periodically and where applicable amended to ensure it continues to be fit for purpose.

There are three drivers for a policy review at this time;

- to remove the duplication of defect types
- to ensure the policy delivers a safe highway network whilst bringing parity with neighbouring authorities' policies
- the need to ensure that reactive response is limited to those defects with a demonstrable safety liability.

(b) *Residents' Parking Policy.* At the May 2018 meeting of Exeter HATOC a review of the performance and enforcement of residents parking schemes was presented, at the conclusion of this item the committee resolved to further review the management of residents parking in Exeter, resolving that "a Residents Parking Policy Working Group be established comprising the Chair, Councillors Asvachin, Aves, Whitton and officers to review current policy and make recommendations to this Committee (Exeter HATOC) and subsequently to Cabinet."

A Residents Parking Working Group was established with its first meeting held in November 2018 and in the past 2 years the group has met on 7 occasions. The group set out to consider what aspects of Exeter's residents parking strategy, policy, design and 'rules' are and are not working for residents, businesses and commuters. The aim was to improve the system for residents, businesses and commuters whilst continuing to support DCC's work to reduce traffic congestion, improve air quality and reduce the county's impact on climate change.

During those discussions officers and Members developed terms of reference, benchmarked other Authorities and reviewed with external agencies including Exeter University. The policy for approval has been developed following the output from these meetings.

(c) *Care & Health Workers' Parking Exemption Scheme.*

In December 2019 Cabinet approved a year's trial of an enhanced exemption permit scheme for care and health workers and social care staff to replace the previous exemption scheme and widen it to include allowing the use of yellow line restrictions when no other parking options were readily available. The Cabinet approved that the costs for the trial scheme would be met from the On-Street Parking Account and that a further consultation be undertaken during the trial to determine the demand and effectiveness of the scheme.

Permits began to be delivered to applicants in January 2020 and new applications have been received throughout the year. Nearly 10,000 permits have now been made available to service providers around the County. The scheme has been well received by our own social service teams, the NHS, charities and private company providers, and proved an extremely well-timed initiative as the Covid crises began to emerge across the Country in the Spring.

3. Proposals

(a) *Highway Safety Policy.* It is proposed that the Highway Safety Policy version 6.0, be amended to version 6.1 included at Appendix I(i) with an effective date of 1st January 2021. A summary of the changes from version 6.0 to 6.1 can be found in Appendix I(ii).

(b) *Residents' Parking Policy.* It is proposed that the Residents' Parking Policy TMP 32/20 included at Appendix II, be approved.

The Policy review is intended to provide the best balance between the needs of residents whilst contributing to the management of congestion and air quality.

The key proposed changes are:

- that a differential charge should be adopted to discourage multiple car ownership and encourage uptake of EV and lower emission vehicles,
- that virtual permit technology is invested in, to allow robust enforcement and to address issues caused by cancelled or altered permits being displayed in vehicles,
- that rules relating to new developments / redevelopments be clarified,
- that schemes should be designed with an exemption for Co Cars (and other recognised car clubs) to encourage uptake of these services and reduced reliance on private car ownership,
- that schemes should be designed with consideration to schools and provide for essential vehicles where these cannot be accommodated within the school site.

(c) *Care & Health Workers' Parking Exemption Scheme*. Based on feedback from current users, it is proposed the following be approved:

- that the current scheme is retained and becomes permanent, details of the scheme are given in the following link.

<https://www.devon.gov.uk/roadsandtransport/parking/parking-permits/exemptions-careworkers/>

- that the scheme is extended to permit up to 3 hours parking on “no waiting” restrictions (increasing from 1 hour previously permitted).
- that use of a permit be simplified and parking limited to maximum of 3 hours from the start time of the parking period set by the user as indicated on the time clock for all the current exempted restriction types namely; limited waiting, residents parking, pay & display bays and yellow lines (so long as there is no restriction on “loading”) when undertaking a visit to a client.
- that replacement timeclocks be issued at time of renewal of an improved quality (timeclock similar to the blue badge issued to those with mobility or hidden disabilities).
- The scheme continues to be offered without charge to users, except for replacement permits (see section 5)

4. Options/Alternatives

The following options have all been considered and rejected.

(a) *Highway Safety Policy*.

Option 1: Do nothing. Continue with the current Highway Safety Policy version 6.0. The consequence of continuing with the current policy as written leaves an inconsistency between Devon County Council and other Highway Authorities particularly in the South Western Peninsula.

(b) Residents' Parking Policy.

- (i) *Option 1:* Do nothing. There would be limited scope to improved customer experience or enforcement. Without introducing some form of emissions based differential pricing there will be no incentive to influence attitudes to private motor vehicle use or selection of lower emission options in that respect;
- (ii) *Option 2:* Trial new policy in Exeter only. This would allow new policy principles to be trialled in a key area for congestion management. This would contribute to the Exeter Transport Strategy 2030 vision as agreed by Cabinet on 11th November 2020 by encouraging the uptake of low emission vehicles. Exeter has seen residents parking schemes used to address commuter and shopper parking in a significant number of areas and currently approximately 70% of the Residents Parking Permits issued in Devon are issued within the City. However, the whole of Devon would not benefit from the changes to the Residents' Parking Policy.

(c) Care & Health Workers' Parking Exemption Scheme.

- (i) *Option 1:* Do Minimum. Make permanent the existing exemption scheme as is along with a centrally managed permit database. The existing parking exemption scheme would be maintained allowing care workers, social care staff, and health staff who use on-street parking while delivering essential services to residents in their own homes to use a special permit allowing them to park on-street without time limit (or requirement to pay) in areas of limited waiting, residents parking, and pay & display or park on yellow lines for up to 1 hour where no other parking option is readily available nearby;
- (ii) *Option 2:* Include all council run car parks (including City District and Borough Authorities). In the recent survey, a significant number of respondents asked that council run car parks also be included in our scheme. This is not achievable without agreement of the authorities.

However, discussions will be held to establish whether this is achievable.

5. Consultations/Representations/Technical Data

- (a) *Highway Safety Policy.* A consultation process has included stakeholders and other Highway Authorities, where changes to specific defect criteria have been proposed a benchmarking exercise has been undertaken against other Authorities in the South Western Peninsula or technical data / report referred to. All other proposed changes are administrative and therefore not benchmarked. A summary off the benchmarking exercise can be found in Appendix I(iii).

Authorities benchmarked against:

- Torbay Council
- Cornwall Council
- Plymouth City Council
- Dorset Council
- Somerset County Council

Technical data / report referred to:

- Transport Research Laboratory Report - The performance of alternatives to traditional high friction surfacing's PPR789

Throughout the review, consultation has been undertaken with the County Solicitor's Office, our insurer's Solicitors and various officers within Devon Highways including our term service contractor Skanska. Widespread support of these changes has been received from all consultees and stakeholders.

(b) *Residents' Parking Policy.* The Exeter HATOC Working Party was established comprising DCC Officers and Councillors to review the policy and make recommendations to Cabinet. The committee initially reported its findings to the October 2020 Exeter HATOC. Further consultation will take place as part of the formal Traffic Regulation Order process.

(c) *Care & Health Workers' Parking Exemption Scheme.* A consultation exercise was undertaken via the care commissioning team with an online questionnaire published on 7th September and running until 6th October 2020.

There were only 228 responses to the questionnaire but based upon those responses it is clear the scheme is welcomed, delivered its objectives and is very much wanted and appreciated by the end user. The key points are summarised below:

- For staff, parking is much easier thanks to the permit
- Assistance with parking has led to a reduction in stress levels for staff
- Staff are able to spend more time with patients
- There are financial benefits to service providers due to reduced costs in service delivery
- The scheme should be simplified, but be adopted permanently
- The scheme should include use of all council run car parks (including City District and Borough Authorities)

Further consultation will take place as part of the formal Traffic Regulation Order process.

6. Financial Considerations

(a) *Highway Safety Policy.* The Amount spent on dealing with safety defects can vary depending on how wet the year has been particularly over the winter months. It is not anticipated that the proposed changes would incur additional expenditure.

- (b) *Residents' Parking Policy*. It is considered that proposals will be self-financing, with any additional costs covered by permit income.
- (c) *Care & Health Workers' Parking Exemption Scheme*. There would be a cost of approximately £10,000 in making this scheme permanent, the majority of which relates to the purchase of more robust time clocks.

These costs will be met from the Authority's On Street Parking account budget.

A nominal charge is proposed to cover replacement costs for any permit lost by a permit holder, or to replace those not retained for reuse by a service provider when an employee leaves their service.

7. Legal Considerations

- (a) *Highway Safety Policy*. The highway safety inspection regime forms a key aspect of the Council's strategy for managing liabilities and risks. The authority will need to demonstrate that its actions or decisions were reasonable. For example, inspection and repair policies that are following national guidelines include consideration of local circumstances and evidence.

Under Section 58 of the Highways Act 1980 (England and Wales) if the authority can prove that it had in place adequate policies and procedures to maintain the highway and the policies and procedures are properly executed and there was no prior knowledge of the defect before an incident date, this will enable us to have the best possible chance of defending any claim that may be brought.

The Authority's County Solicitor's Office, Insurance Manager and our insurer's Solicitors have been consulted and support the proposed changes.

- (b) *Residents' Parking Policy*. In developing proposals guidance has been sought from the County's legal team, the proposals presented are compliant with relevant legislation, in particular section 122 of the Road Traffic Regulation Act 1984.

Consideration was given to the appropriateness of a differential charge. If this were to be considered to reduce ownership, or ownership of higher emission vehicles; serving to manage congestion (expeditious movement of traffic) and air quality, this would be permissible.

If proposals are to be adopted into County Policy adjustments would also be required to the County On Street Parking Traffic Order. When making a Traffic Regulation Order it is the County Council's responsibility to ensure that all relevant legislation is complied with. This includes Section 122 of the Road Traffic Regulation Act 1984 that states that it is the duty of a local authority, so far as practicable, to secure the expeditious, convenient and safe movement of traffic and provision of parking facilities.

It is proposed that authority to resolve any objection be delegated to the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the Cabinet Member for Highway Management.

- (c) *Care & Health Workers' Parking Exemption Scheme*. To change the amount of time allowed for parking when using a care and health worker permit will require an amendment to the existing Traffic Regulation Order, which will need to be advertised and any objections considered.

It is proposed that authority to resolve any objection be delegated to the Chief Officer for Highways, Infrastructure Development and Waste in consultation with the Cabinet Member for Highway Management, and the Cabinet Member for Adult Social Care & Health Services.

8. Environmental Impact Considerations (Including Climate Change)

- (a) *Highway Safety Policy*.

There are two areas where a positive impact will be seen.

- i) Clarity and accuracy of reporting. By ensuring that the correct classification of defects is recorded by inspectors and that there is no ambiguity in what is expected of the Contractor when undertaking the repair. This has a two-fold positive impact:
- greenhouse gas emissions will be reduced by lowering the number of visits made to a location by the Contractor.
 - the possibility of material being wasted (particularly hot bituminous material) is reduced when the Contractor can make their repair on the first visit.
- (ii) Additional consideration of environmental impacts. The positive impact in reducing noise pollution for residents caused by noisy ironwork. By adding “noisy” as criteria, to determine if a cover is defective, the Highway Safety Policy acknowledges, and deals with, the implications that such a disturbance will have on the built environment.

- (b) *Residents' Parking Policy*. The scheme will positively affect consumption of fossil fuels in vehicles by changing the mode of travel or vehicle type by utilising differential pricing structure to encourage uptake of low emission vehicles and discourage multiple car ownership.

The introduction of a virtual permit scheme will reduce waste associated with the printing and posting of physical parking permits.

- (c) *Care & Health Workers' Parking Exemption Scheme*. The scheme will positively affect consumption of fossil fuels in vehicles by reducing the need for health and care staff to travel when locating suitable parking opportunities near their client's homes. For example, they will be able to park in adjacent residents parking bays, rather than travel to a nearby car park or pay & display bay.

9. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

In progressing these policy changes, Impact Assessments have been prepared which have been circulated separately to Cabinet Members and also are available on the Council's website at <https://www.devon.gov.uk/impact/published/>, which Members will need to consider for the purposes of this item.

10. Risk Management Considerations

- (a) *Highway Safety Policy*. This report and recommendations are designed to bring a measured and effective response to highway defects using evidence gained since the revised policy 6.0 was introduced in September 2016. Aligning our policies with neighbouring local authorities better manages risk and exposure to highway claims by using the 'Bolam Test'.
- (b) *Residents' Parking Policy*. There is a risk that permits may be abused either by those who are not eligible, for example a commuter may seek to obtain a residents parking permit. This risk will be mitigated by appropriate checks as permits are issued and management on street by our parking team.
- (c) *Care & Health Workers' Parking Exemption Scheme*. There is a risk to the Authority in terms of reputation, service delivery, staff wellbeing and retention if their service is not retained.

If the service is retained as proposed there is a risk that permits may be abused either by those who are not eligible or misused by those that are. This risk will be mitigated by appropriate checks as permits are issued and management on street by our parking team.

11. Public Health Impact

- (a) *Highway Safety Policy*. The proposals in this report enhance the safety inspection regime and should improve the overall condition and continuing functionality of the network to the benefit of the most vulnerable road users irrespective of travel mode. Consideration for all road users is an important factor when assessing and identifying a level of risk.

- (b) *Residents' Parking Policy*. The policy change assists in the delivery of congestion and air quality improvements and therefore, it is considered there would be a positive public health impact.
- (c) *Care & Health Workers' Parking Exemption Scheme*. There is a positive public health impact, allowing care / support workers to have improved access to clients / patients in their own homes and assisting in continued independent living.

12. Reasons for Recommendations

- (a) *Highway Safety Policy*. It is considered that the revised policy on Highway Safety Inspections balances the delivery of routine highway maintenance alongside the more expensive response / reactive repair. This further aligns Devon County Council with the recommendations of the current NCoP whilst balancing the needs of the highway user and the Authority.
- (b) *Residents' Parking Policy*. It is recommended that this policy is approved to ensure that residents parking is managed effectively to reduce congestion, improve air quality and to contribute to the aims of the Exeter Transport Strategy and wider Local Transport Plan.
- (c) *Care & Health Workers' Parking Exemption Scheme*. It is recommended to make permanent the exemption scheme with a simplified rule of up to 3 hours parking while delivering essential services to client / patients in their own homes.

Meg Booth
Chief Officer for Highways, Infrastructure Development and Waste

Electoral Divisions: All

Cabinet Member for Highway Management: Councillor Stuart Hughes
Cabinet Member for Adult Social Care and Health Services: Councillor Andrew Leadbetter

Local Government Act 1972: List of Background Papers

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Background Paper	Date
Highway Safety Policy Impact Assessment	November 2020
Residents Parking Policy Impact Assessment	November 2020
Exemption Permits for Health and Care Workers Impact Assessment	November 2020

The above mentioned Reports are published on the Council's Website at:
<http://democracy.devon.gov.uk/ieDocHome.aspx?bcr=1>



DEVON COUNTY COUNCIL

HIGHWAY SAFETY POLICY vers 6.1

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Contents

[Section 1 - Introduction](#)

[Section 2 - Legislation](#)

[Section 3 - Purpose of Safety Inspections](#)

[Section 4 – Training and Qualifications](#)

[Section 5 - Safety Inspection Regime](#)

[Section 6 - Defect Investigatory Criteria](#)

[Section 7 – Safety Inspection Routes and Frequencies](#)

[Section 8 – Safety Inspection Delivery](#)

[Section 9 – Recording of Defects](#)

[Section 10 – Investigatory Action and Repair of Actionable Defects](#)

[Section 11 – Special Requirements](#)

[Appendix 1 – Defect Investigatory Criteria](#)

Section 1 - Introduction

- 1.0 This Highway Safety Policy supersedes the Highway Safety Inspection Manual version 6.0 published in September 2016 and all previous versions.

Defects that may create a danger or serious inconvenience to highway users are defined in Appendix 1, using the criteria for each type of defect and are referred to as investigatory criteria. These defects are identified and managed through a system of inspection.

- 1.1 Using a risk assessment matrix, defects that meet a defined investigation criteria are assessed to determine the degree of risk they may pose to a highway user and what is an appropriate and reasonable response.
- 1.2 This policy has been developed based on the experience of maintaining the highway in Devon and following extensive trials and testing. The following documents have been used in developing the Highway Safety Policy:
- Highways Act 1980
 - Well-Managed Highway Infrastructure: A Code of Practice (October 2016) (NCoP)
 - Well Managed Highway Liability Risk (March 2017)
 - Better Together Devon 2014 – 2020
 - Kindred Associations Guidance on Highway Liability Claims

Section 2 - Legislation

- 2.1 The Highways Act 1980 sets out the duties of a highway authority in England and thus Devon County Council. In particular Section 41 imposes a duty to maintain the public highway.
- 2.2 The majority of claims against authorities relating to the use of the highway functions arise from the alleged breach of Section 41.
- 2.3 Section 58 of the Act provides for a defence against action relating to an alleged failure to maintain, on grounds that the authority has taken such care as in all the circumstances was reasonably required to secure that the part of the highway in question was not dangerous for the appropriate type of traffic.

The following shall be taken into account:

- The character of the highway and the traffic which was reasonably expected to use it
- The appropriate standard of maintenance
- The standard of repair a reasonable person would expect
- Whether the Highway Authority knew or could reasonably have been expected to know

Section 3 - Purpose of Safety Inspections

- 3.1 The principle purpose of a Highway Safety Inspection is:

- To meet the statutory obligation of Devon County Council to maintain the highway in a safe condition
- To identify defects that are likely to create a danger or serious inconvenience to highway users or the wider community
- To determine the degree and timing of repairs
- To provide condition data of the network to the Asset Management Team assisting in the management of the highway network and future maintenance programmes

- To provide a defence against highway claims

Section 4 – Training and Qualifications

- 4.1 All personnel involved in safety inspections must be competent and have successfully completed the UK Highway Inspectors training and certification scheme approved by the UK Roads Board in 2010 or any subsequent revision.
- 4.2 It is desirable that all personnel involved in safety inspections should be included on the National Register of Highway Inspectors currently held by the Institute of Highway Engineers.
- 4.3 All personnel undertaking a safety inspection must demonstrate competency in the current Chapter 8 safety at street works and road works.

Section 5 - Safety Inspection Regime

- 5.1 The NCoP recommends the use of a risk assessment to determine the degree of risk a defect which meets an investigation criterion impacts upon highway users. The result of this assessment defines an appropriate response from immediate to no further action. Table 1.0 below and the response category definitions have been developed following consultation with Safety Inspectors, Insurance Manager, County Solicitor and other Stakeholders.

Table 1.0 RISK MATRIX							
			PROBABILITY / LIKELIHOOD OF INTERACTION WITH HIGHWAY USER				
			Rare (1)	Unlikely (2)	Possible (3)	Likely (4)	Almost Certain (5)
LIKELY IMPACT	None (1)		1	2	3	4	5
	Negligible (2)		2	4	6	8	10
	Minor (3)		3	6	9	12	15
	Moderate (4)		4	8	12	16	20
	Serious (5)		5	10	15	20	25
Category 4 (Low Risk) Consider an appropriate response including no further action/monitor			Category 3 (Medium Risk) Repair within 28 days		Category 2 (High Risk) Make safe or repair within 7 days		Category 1 Make safe or repair by end of the next working day

Note:

Defects identified that pose a threat to life are considered an emergency and must be responded to, normally within 2 hours and made safe or repaired urgently.

Section 6 - Defect Investigatory Criteria

- 6.1 The purpose of a safety inspection is to identify defects within the highway that are likely to create a danger or serious inconvenience to highway users or the greater community. In order to provide clear guidance, minimum investigatory criteria has been developed using a risk and evidence based approach, benchmarking with other Highway Authorities and the NCoP.
- 6.2 Detailed descriptions of defects and the defined investigatory criteria are provided in Appendix 1.

Section 7 – Safety Inspection Routes and Frequencies

- 7.1 Safety Inspections will be undertaken on the following highway elements:

- Carriageways with maintenance categories 3 to 11
- Footways with maintenance categories F1 to F4
- Urban metalled Public Rights of Way
- Cycleways with maintenance categories A, B & C
- Park and Ride sites maintenance category P1
- Devon County Council maintained Picnic Sites (as carriageway)

- 7.2 The frequency of safety inspection assigned to each maintenance category is detailed in the Table 2.0 below.

Table 2.0 Safety Inspection Frequency		
Carriageway		
Maintenance Category		Frequency
3	National Primary route	1 month
4	County Primary route	1 month
5	Secondary County route	1 month
6	Local distributor	6 month
7	Collector road	6 month
8	Minor collector road	annual
9	Service road	annual
10	Minor service road	annual
11	Minor lane	every 2 years
Footway		
F1	Primary walking route	1 month
F2	Secondary walking route	3 month
F3	Link footway	6 month
F4	Local access footway	annual
	Urban metalled PROW's	Every 3 years
Cycleway		
A	Part of carriageway	as carriageway
B	Remote from carriageway	6 month
C	Cycle trails	annual
Park & Ride Sites		
P1	Park & Ride	6 month

- 7.3 The tolerance on the period between inspections will be as detailed in Table 2.1 below. Where days are stated they will be working days.

Table 2.1 Safety Inspection Frequency Tolerance

Inspection Frequency	Tolerance
2 weekly	+ 3 days or any time before due date
Monthly & 3 monthly	+10 days or any time before due date
6 monthly	+15 days or any time before due date
annually	+30 days or any time before due date
every two years	+45 days or any time before due date
every three years	+45 days or any time before due date

Section 8 – Safety Inspection Delivery

- 8.1 Highway safety inspections should not be carried out during the hours of darkness/dusk or under conditions of poor visibility e.g. snow, fog, heavy rain. Periods of peak traffic flows should be avoided where possible.
- 8.2 Footway inspections will be walked. Cycleway inspections can be walked or cycled.
- 8.3 Carriageway and cycleway inspections can be undertaken on foot if appropriate for practical reasons or if the associated footway is being inspected at the same time.
- 8.4 Driven inspections will be undertaken by two people with the passenger being a qualified inspector and the vehicle being driven at a speed appropriate to the road being inspected.
- 8.5 Dual carriageway inspections and sections of three lane carriageway will be undertaken in each direction of travel.

Section 9 – Recording of Defects

- 9.1 Defects that meet the investigation criteria are recorded on a data capture device using an inspection route loaded on the device prior to beginning the inspection. In the unlikely event of a catastrophic IT failure inspections will be recorded manually at the time of inspection and the system updated when made available.
- 9.2 When possible the use of a Global Positioning System device will be used so that a trace can be produced for evidence that an inspection has taken place on the date and time recorded and also allow for a more accurate positioning of defects.
- 9.3 When identified as a defect requiring investigation the risk assessment process will determine the appropriate action. Where this is deemed a Category 4 defect a more detailed rationale for the chosen action will be provided.
- 9.4 Defects associated with a Statutory Undertaker will be recorded and the Section 81 noticing procedure started by the end of the next working day. Where possible any associated costs should be charged to that undertaker.

Section 10 – Investigatory Action and Repair of Actionable Defects

- 10.1 The standards and specification of the defect repair will be as detailed in the contract document in use at the time the defect is found and an order issued (where appropriate).
- 10.2 Where a safety defect is made safe by means of temporary signing or repair, arrangements will be made to ensure the continued integrity of the signing or repair until a permanent repair can be completed.

Section 11 – Special Requirements

- 11.1 At times defects identified within an area of carriageway will require the investigatory criteria of a footway defect to be applied.

They are as follows:

- The width of a defined pedestrian crossing point identified by tapered and dropped kerb units, often accompanied by tactile paving
 - Light controlled crossings
 - Zebra crossings
 - Carriageways that are closed to all motorised vehicles as pedestrianised areas for specific periods of the day.
- 11.2 For the purpose of safety inspection a metalled carriageway, footway or cycleway is one where the surface consists of a hard, bound material such as asphalt, concrete or clay paving / pavements. An unmetalled carriageway, footway or cycleway is one where the surface material is unbound.
- 11.3 Many highways have been dedicated and adopted with historic features that would not be acceptable in a current highway design. This might include steps, cellar openings or drainage arrangements that present potential trip situations worse than the intervention levels suggested in this document. These should not be recorded as defects, as in law the highway has been adopted with these encumbrances and the public must take appropriate care.
- 11.4 Carriageways, cycleways and footways and other highway features between the STOP road markings; the traffic warning lights, barriers & associated signs; & railway boundary & vehicle restraint systems are the responsibility of Network Rail or the private rail operator (for preservation lines and The Seaton Tramway). Although the County Council is not responsible for safety inspections between the STOP markings, any potential safety defect identified during safety or any other inspections must be immediately reported to Network Rail or the private rail operator.
- 11.5 Bridges and retaining walls will be subject to a passing visual inspection during the carriageway, footway or cycleway inspection. Any surface defects that meet the investigatory criteria will be assessed according to the relevant carriageway defect.

Appendix 1 – Defect Investigatory Criteria

A1.0 The following defect descriptions are used to determine what defects within the highway network requires investigation.

A1.1 The criteria has been developed using a mixture of best practice, risk assessment and benchmarking.

A1.2 Defects take into account policies of neighbouring highway authorities and where possible similar parameters have been adopted to ensure consistency.

A1.3 Defects are listed below and will be applied to the appropriate element of the highway regardless of position. A more detailed description of each defect and the position within the highway is provided defect by defect.

1.1	Pothole
1.2	Standing/running water
1.3	Obstructions
1.4	Overriding
1.5	Defective high friction surface
1.6	Spillages
1.7	Defective road markings
1.8	Defective ironwork
1.9	Defective cattle grids
1.10	Defective traffic calming features
1.11	Cracks and gaps
1.12	Abrupt level differences/Trip
1.13	Damaged road restraint systems
1.14	Defective road traffic signs and Posts
1.15	Streetlights, Illuminated or Variable Message Traffic Signs & Illuminated Bollards
1.16	Defective traffic signals
1.17	Damaged kerb
1.18	Damaged handrails
1.19	Depressions and humps
1.20	Defective boundary fences
1.21	Dangerous or Obstructing Trees
1.22	Obscured visibility and overgrown hedges & bushes
1.23	Defective roadworks signing

1.1 POTHOLE

Version 6.1 – 1st January 2021

Investigatory Criteria

An area of material loss resulting in a vertical edge depression.

Minimum dimension where applicable

Carriageway & Unmetalled Cycleway

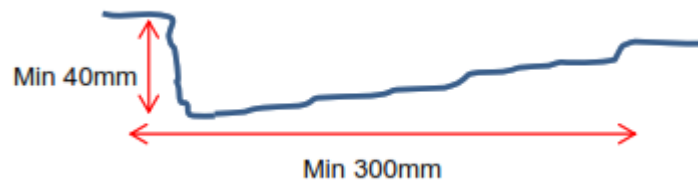
40mm deep on a vertical face and 300mm in any horizontal direction

Footway & Cycleway

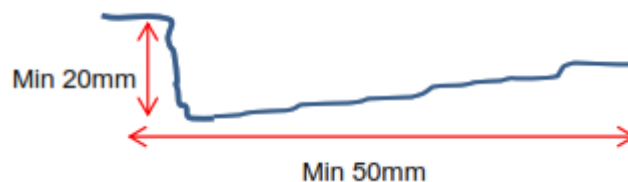
20mm deep on a vertical face and 50mm in any horizontal direction

Graphical Representation

Carriageway and Unmetalled Cycleway



Footway and Metalled Cycleway



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road/footway/cycleway to make safe.
3. Repair pothole according to the pothole repair policy.

Notes

At certain times it may be necessary for the Contractor to carryout preliminary inspections where only potholes that meet the investigation criteria will be identified and repaired.

The footway investigatory criteria will be applied to a carriageway at defined pedestrian crossing points or where pedestrians are encouraged to cross or where there is a marked cycle lane on the carriageway.

1.2 STANDING/RUNNING WATER

Version 6.1 – 1st January 2021

Investigatory Criteria

Standing or running water on carriageways is applied where a speed limit of 40mph or above is in force and where highway users can reasonably travel at 40mph or above to minimise the risk of aquaplaning.

Minimum dimension where applicable

Carriageway	if after 24 hours from when rain has ceased, the road is impassable, or it is forcing vehicles, cyclists or pedestrians away from the nearside of the carriageway by more than 1m, or if vehicles have to cross the centreline marking.
Footway & Cycleway	N/A

Sample Photograph



Response

1. Undertake risk assessment to determine response.
2. Attempt to clear standing water if appropriate
3. If unable to clear water, use flood sign or guard area or close road to make safe.
4. Investigate permanent solution.

Notes

During prolonged heavy rain standing / running water will not be treated as a defect requiring investigation. Consultation will be required with adjacent landowner/occupier where appropriate when issue relates to water running off private land.

1.3 OBSTRUCTIONS

Version 6.1 – 1st January 2021

Investigatory Criteria

Any obstruction or debris may be a defect. Examples include: low overhead cables or canopies, embankment or bank slips, fallen trees or tree limbs, excessive surplus chippings, excessive mud, sand, soil or slurry, standing water, goods displayed outside shops or equipment. Debris or obstructions within an escape lane or arrester bed is a defect

Minimum dimension where applicable

Carriageway	<p>Standing water is a defect if after 24 hours from when rain has ceased, the road is impassable, or it is forcing vehicles, cyclists or pedestrians away from the nearside of the carriageway by more than 1m, or if vehicles have to cross the centreline marking.</p> <p>The minimum vertical clearance to permissible overhead signs/banners or cables is 5.03m</p>
Footway & Cycleway	<p>Standing water is a defect if after 24 hours from when rain has ceased, the footway/cycleway is impassable, or it is forcing pedestrians/cyclists into the carriageway or the width of a pedestrian crossing is reduced to 500mm by water.</p> <p>The minimum vertical clearance to permissible overhead signs/banners or cables is 2.1m on footway and 2.5m on cycleway</p>

Sample Photograph

Carriageway



Footway/Cycleway



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road/footway/cycleway to make safe.
3. Clear obstruction and investigate a permanent solution if required.

Notes

Isolated incidents may be removed to an appropriate temporary location for removal later. Legislation on mud and slurry is included in Devon Bylaw 22 and section 148 of the Highways Act. Some items of debris will be removed by the depositor or the adjacent landowner/occupier. Dead animals should be moved to the adjacent verge and the District Council contacted to arrange removal.

The placement of some signs and goods outside retail premises are permitted in accordance with the County Councils policy relating to A boards and goods.

1.4 OVERRIDING		Version 6.1 – 1 st January 2021
Investigatory Criteria		
An area of verge immediately adjacent to the carriageway generally rutted below the level of the carriageway.		
Minimum dimension where applicable		
Carriageway	More than 100mm below the carriageway	
Footway & Cycleway	N/A	
Sample Photograph		
Carriageway		
Response		
1.	Undertake risk assessment to determine response.	
2.	If required sign and guard area or close road to make safe.	
3.	Fill verge with suitable material.	
Notes		
Any damage to the carriageway edge meeting the pothole criteria should be recorded as a pothole and not overriding. Material for verge fill must be in accordance with the requirements of the Roadside Verge Management Policy.		

1.5 DEFECTIVE HIGH FRICTION SURFACING

Version 6.1 – 1st January 2021

Investigatory Criteria

Excessive loss of aggregate or fatting up within a high friction surface or slippery covers within a high friction surface.

Minimum dimension where applicable

Carriageway

Loss of HFS material as depicted in the images below.
Particular attention is given to the wheel tracking lines.

Footway & Cycleway

N/A

Sample Photographs



Response

1. Undertake risk assessment to determine response time for signing
2. Erect permanent slippery road signs until works complete
3. Add to a future High Friction Surfacing Programme

Notes

Permanent action to be undertaken in accordance with the Council's skidding policy.

All slippery covers within high friction surfacing should be treated with the exception of fire hydrants, which should only be treated when they are considered to be a high risk following a safety audit.

1.6 SPILLAGES

Version 6.1 – 1st January 2021

Investigatory Criteria

Spillages include: hazardous liquid, effluent, diesel, oil & mud. Minor spillages do not require investigation.

Minimum dimension where applicable

Carriageway

Spillages of an area greater than 0.5 m²

Footway & Cycleway

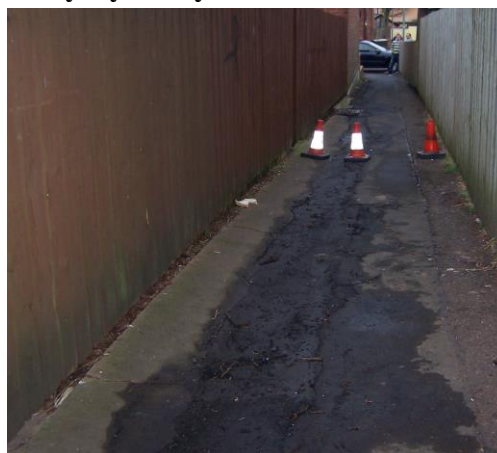
Spillages of an area greater than 0.5 m²

Sample Photograph

Carriageway



Footway/Cycleway



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road to make safe.
3. Treat spillage with appropriate material and sweep surface if necessary

Notes

Where a spillage is, or could be, of a hazardous nature, remedial action must be undertaken strictly in accordance with the Health & Safety Manual to protect operatives and road users.

1.7 DEFECTIVE ROAD MARKINGS

Version 6.1 – 1st January 2021

Investigatory Criteria

Any road marking detailed in the notes below requires investigation when missing or worn/obscured by more than 70% on point markings and 70% over an 18m length on longitudinal lines or the road marking is illegible.

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph

Carriageway



Response

1. Undertake risk assessment to determine response.
2. Use road marking warning signs to make safe.
3. Remark lining.

Notes

Junction Markings – Give Way junction markings where marking is on or adjoining maintenance category 3-5 carriageways and all Stop lines

Solid White Line – Centre line system

Pedestrian Crossing – both signalised and non-signalised (all elements included)

Missing lines related to Statutory Undertaker works should be reported to the Highway Enforcement Team for further action.

Investigatory Criteria

A missing or broken cover to any chamber/box is a defect. A collapsed or collapsing chamber is a defect. A high or low cover or frame is a defect when the cover within the frame or the frame itself, is above or below the immediate surrounding carriageway level by 40mm or greater. A rocking cover is a safety defect when the rocking is greater than 40mm.

Rocking covers in urban areas that move less than 40mm but under traffic cause noise levels unacceptable to persons living in the vicinity are not considered dangerous but are considered a nuisance. These should be risk assessed as a defect and either repaired or a S81 notice issued.

A grating where the slots run parallel to the carriageway edge without lateral infill members is a defect. A slippery cover within an area of high friction surfacing is a defect.

Minimum dimension where applicable**Carriageway**

High/low or rocking cover +/- 40mm

Footway & Cycleway

High/low or rocking cover +/- 20mm

Sample Photograph**Carriageway****Footway/Cycleway****Response**

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road/footway/cycleway to make safe.
3. Instigate Section 81 procedure if related to a statutory undertaker.

Notes

Where surrounding surface damage is occurring relating to ironwork moving, the ironwork should be re-bed to specification. All slippery covers within high friction surfacing should be treated except for fire hydrants, which should only be treated when they are considered to be a high risk following a safety audit.

Investigatory Criteria

Any damage to the cattle grid panel or structure or a loose panel, rendering it dangerous; or damage to the associated fence or gate rendering it dangerous or not stock proof or when the voids between the bars are clogged up with debris to the point that stock can walk across without impediment.

Minimum dimension where applicable**Carriageway**

N/A

Footway & Cycleway

N/A

Sample Photograph**Carriageway****Response**

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road to make safe.
3. Arrange for a permanent repair

Notes

1.10 DEFECTIVE TRAFFIC CALMING FEATURES

Version 6.1 – 1st January 2021

Investigatory Criteria

Missing or loose sections or missing or proud bolts within a modular traffic calming feature is a defect. This defect also includes constructed calming features.

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph

Carriageway



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road to make safe.
3. Repair as appropriate

Notes

Consideration may be given to constructing traffic calming feature using alternative materials.

1.11 CRACK AND GAPS

Version 6.1 – 1st January 2021

Investigatory Criteria

A crack or gap meeting the dimension criteria detailed is a defect. A missing pre-formed module in a carriageway or footway/cycleway is a defect

Minimum dimension where applicable

Carriageway

Greater than 20mm wide, 300mm in any horizontal direction and 40mm deep

Footway & Cycleway

Greater than 20mm wide and 20mm deep

Sample Photographs

Carriageway



Footway/Cycleway



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close footway/cycleway to make safe.
3. Repair as appropriate.

Notes

This defect does not apply to a kerb, for defects relating to kerbs see defect 1.17 Damaged Kerb.

This defect also applies to marked pedestrian crossing points within the carriageway e.g. pedestrian crossings & pedestrian phase signalled crossings.

Investigatory Criteria

An abrupt level difference in the carriageway will be classed as a defect when it has a vertical displacement.

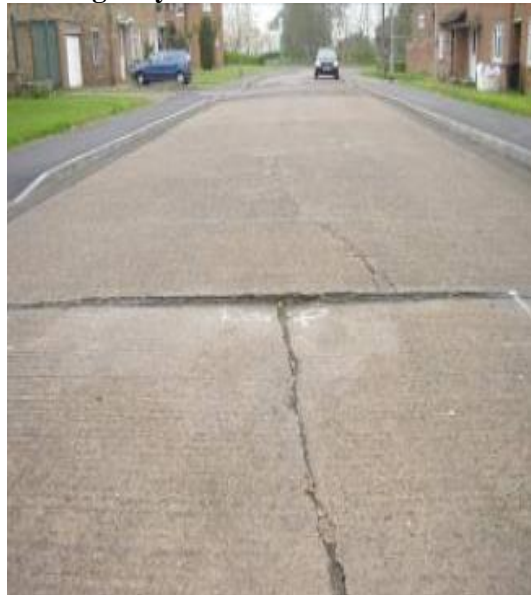
A sharp edged defect on a footway/cycleway with a vertical deviation is a defect -

Minimum dimension where applicable**Carriageway**

Greater than 40mm over a width greater than 300mm.

Footway & Cycleway

Greater than 20mm from the adjacent surrounding area.

Sample Photograph**Carriageway****Footway/Cycleway****Response**

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road/footway/cycleway to make safe.
3. Ramp level difference on carriageway to make safe.
4. Repair as appropriate on footway/cycleway

Notes

Examples of this defect include: uneven, rocking or broken flags, blocks, pavements; channels or edgings; damaged steps.

The footway minimum dimensions will be applied to marked pedestrian crossing points within the carriageway e.g. pedestrian crossings & pedestrian phase signalled crossings.

This defect does not apply to a kerb, for defects relating to kerbs see defect 1.17 Damaged Kerb.

1.13 DAMAGED ROAD RESTRAINT SYSTEMS

Version 6.1 – 1st January 2021

Investigatory Criteria

A length of vehicle restraint system, bridge parapet or retaining wall parapet with obvious impact damage, or missing, or loose, or obvious time expired components is a defect.

A Pedestrian guardrail with excessive damage leaving components in an exposed state is a defect.

Minimum dimension where applicable

Carriageway

N/A

Footway & Cycleway

N/A

Sample Photograph

Carriageway



Footway/Cycleway



Response

1. Undertake risk assessment to determine response.
2. Sign and guard area until permanent action undertaken.
3. Investigate permanent repair

Notes

Vehicle restraint systems at railway level crossings and railway bridges must be inspected regardless of ownership and any defects reported to Network Rail as appropriate.

When damage has been noted to a bridge or retaining wall parapet the inspector should contact the Bridges and Structures section or NOCC (outside office hours) for action.

When testing the stability of pedestrian guardrails and railings the inspector should apply gentle pressure. If defect is protruding elements/bars consider removing bar before full replacement

1.14 DEFECTIVE ROAD TRAFFIC SIGNS AND POSTS

Version 6.1 – 1st January 2021

Investigatory Criteria

Any regulatory/mandatory sign or hazard/warning sign that has been damaged, or is missing. Any regulatory sign or hazard/warning sign that is obscured; obviously faded; or covered in dirt or algae is a defect. Any type of sign that is damaged so the sign becomes a danger to road users is a defect. Any damaged or obviously missing reflector on the end of a bridge parapet is a defect. Any verge marker post using No.561 reflectors that is damaged, missing or not upright is a defect. Any badly corroded or obviously damaged sign post or bollard.

Minimum dimension where applicable

Carriageway

N/A

Footway & Cycleway

N/A

Sample Photograph

Roadside



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area to make safe or reinstate surface.
3. Replace post if appropriate with generic item
4. Clean sign or arrange permanent repair

Notes

Before replacing damaged bollards consideration should be given to removing the bollard and repairing the surface should the bollard be placed causing an obstruction to pedestrians and in particular the impact on those with a visual impairment. When replacing bollards a generic product held in stock should be used.

**1.15 STREETLIGHTS, ILLUMINATED OR
VARIABLE MESSAGE TRAFFIC SIGNS &
ILLUMINATED BOLLARDS**

Version 6.1 – 1st January 2021

Investigatory Criteria

Any damage to a streetlight, externally and internally illuminated sign or bollard, or variable message sign, or any other item of illuminated street furniture; where the electricity supply is exposed, or the column or lamp is unstable is a defect. An externally or internally illuminated sign or bollard where the illumination does not work is a defect.

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road/footway/cycleway to make safe.
3. Inform street lighting section.
4. Repair undertaken in accordance with current street lighting maintenance contract.

Notes

Under no circumstances should the highway inspector attempt to affect a repair. Any damage to the road traffic sign that is part of an illuminated or non-illuminated bollard should be noted as a damaged road traffic sign. Defect to be dealt with by Street Lighting Team.

1.16 DEFECTIVE TRAFFIC SIGNALS

Version 6.1 – 1st January 2021

Investigatory Criteria

Any defect on any type of traffic signal is a defect. Traffic signal heads which are out of alignment and therefore not visible to highway users are a defect. Electrical or control boxes that are open or tampered with are a defect.

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area to make safe.
3. Arrange repair in accordance with traffic signal maintenance contract.

Notes

Traffic signal types include those at road junctions and pedestrian and cycle crossings. Defects include signals that are not illuminated and some collision damage to signalised systems may require specialist equipment and expertise which may lead to a longer repair time'

1.17 DAMAGED KERB

Version 6.1 - 1st January 2021

Investigatory Criteria

A crack, gap or trip is a defect when greater than 20mm at designated crossing points on all footways and cycleways. A missing kerb is a defect.

A trip or vertical deviation in kerbs of greater than 20mm on maintenance category F1 is a defect at any location.

A crack or gap in kerbs of greater than 30mm on maintenance category F1 is a defect at any location.

A kerb protruding into the Carriageway with a vertical displacement of 20mm and or a horizontal displacement of 50mm is a defect.

Minimum dimension where applicable

Carriageway	N/A
-------------	-----

Footway & Cycleway	As above
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Sample Photograph

Footway/Cycleway



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area to make safe.
3. Repair as appropriate

Notes

Cracks, gaps and trips in kerbs are not defects requiring investigation unless at designated crossing points on all but maintenance category F1 footways.

Permanent repair may include dealing with the causation of the defect for example trees.

1.18 DAMAGED HANDRAILS

Version 6.1 – 1st January 2021

Investigatory Criteria

A loose or broken handrail is a defect.

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph

Footway/Cycleway



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area to make safe.
3. Repair as appropriate

Notes

If damage to handrails is excessive an emergency closure of the steps may be required.

1.19 DEPRESSIONS AND HUMPS**Version 6.1 – 1st January 2021****Investigatory Criteria**

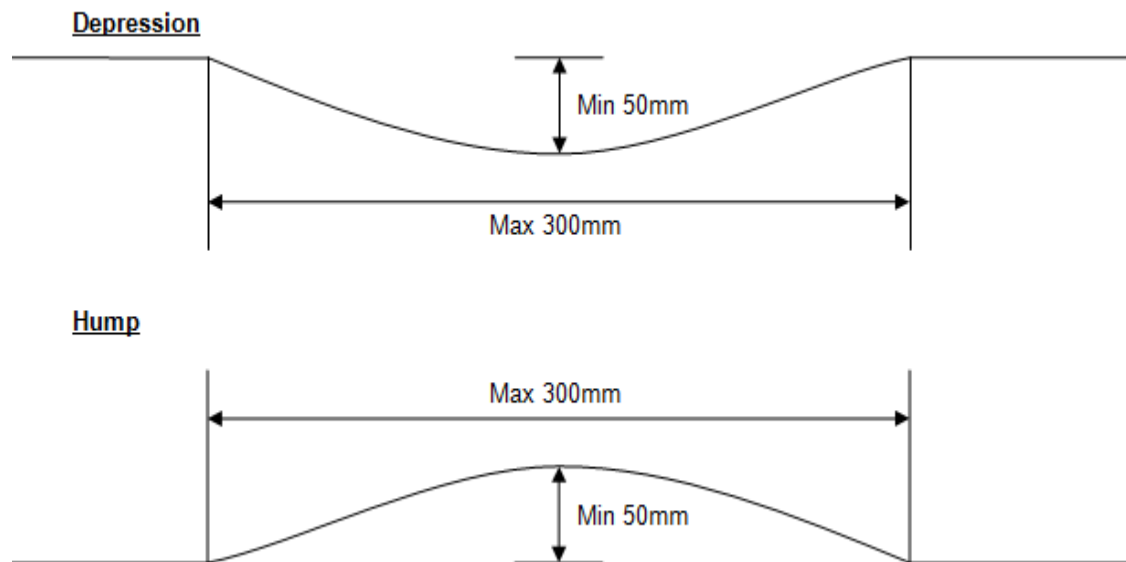
A rapid change of footway profile

Minimum dimension where applicable**Carriageway**

N/A

Footway & Cycleway

Greater than 50mm and extending in a horizontal direction of less than 300mm

Sample Photograph**Footway/Cycleway****Response**

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close footway/cycleway to make safe.
3. Repair as appropriate

Notes

1.20 DEFECTIVE BOUNDARY FENCES & WALLS

Version 6.0 – 1st January 2021

Investigatory Criteria

A length of boundary fence or wall with impact or other damage that would render it dangerous, or ineffective for stock proofing; is a defect. A fence with an exposed length of tubular metal rail is a defect.

Minimum dimension where applicable

Carriageway

N/A

Footway & Cycleway

N/A

Sample Photograph



Response

1. Undertake risk assessment to determine response.
2. If required sign and guard area or close road/footway/cycleway to make safe.
3. Arrange for livestock to be removed from highway immediately.
4. If private fence/wall inform owner.
5. If DCC fence/wall arrange repair.

Notes

This defect also applies to a boundary hedge where the stock is straying on to the highway. The maintenance category refers to the carriageway, footway and/or cycleway the boundary fence protects.

Ownership of the boundary wall should be determined and in the case of a private wall reported to the relevant District Council building control department. If a highway wall, report damage to Bridges and Structures section or NOCC (outside office hours) for action. If private property and traffic management is required seek to recharge.

Investigatory Criteria

A tree requires investigation when it is: obviously diseased, leaning precariously towards the highway (especially if the inspector considers it to have moved towards the highway since the last inspection), or it is damaged or has damaged or dead limbs which could fall directly onto the highway user.

Minimum dimension where applicable**Carriageway**

The minimum vertical clearance over the carriageway needs to take account of the traffic using the route.

Footway & Cycleway

Obstructing the clear passage of pedestrians/cyclists forcing them off the footway/cycleway, or it reduces the vertical clearance above the footway to less than 2.1m or 2.5m on a cycleway.

Sample Photograph**Carriageway****Footway/Cycleway****Response**

1. Undertake risk assessment to determine response.
2. Remove or close road/footway/cycleway to make safe.
3. Apply the Devon County Council dangerous tree policy for permanent action.

Notes

The minimum vertical clearance over the carriageway needs to take account of the traffic using the route. It should be noted that permanent obstructions lower than 5.03m (16' 6") (such as bridges) require the appropriate warning signs (Chapter 4 Traffic Signs Manual). Responsibilities for landowners/occupiers with trees adjacent to the highway, and the powers of the County Council in this respect, are contained in section 154 of the Highways Act. Where possible the landowner/occupier should be given the opportunity to undertake the appropriate remedial work and retain ownership of any waste material. When a dangerous or damaged tree is identified as a safety defect the tree must be marked and actioned according to the Highway Tree Policy as an imminently dangerous tree – inspection and subsequent action and the information must be recorded in the dangerous tree action log.

1.22 OBSCURED VISIBILITY AND OVERGROWN HEDGES & BUSHES

Version 6.1 – 1st January 2021

Investigatory Criteria

Obscured visibility due to overgrown vegetation overhanging the highway is a defect. Overgrown vegetation that obscures the end of a bridge parapet jutting into the footway is a defect. Traffic signal heads which are obscured by vegetation and therefore not visible to highway users are a defect. A street light lamp, regulatory/warning traffic sign or bollard that is obscured by vegetation is a defect.

Minimum dimension where applicable

Carriageway	Overhanging in sight lines at bends, junctions or laybys is a defect. Overgrown hedges and bushes are a defect when obstructing the highway user; or obstructing the clear passage of the highway user or it is forcing vehicles, cyclist or pedestrians away from the nearside of the carriageway by more than 1 m; or vehicles have to cross the centreline marking; or if cyclists have to cross a cycle lane boundary marking.
Footway & Cycleway	Overhanging in sight lines at locations where pedestrians/cyclists are encouraged to cross the carriageway; or it is overhanging the highway and obstructing the clear passage of pedestrians/cyclists forcing them off the footway/cycleway, or it reduces the vertical clearance above the footway to less than 2.1m or 2.5m on a cycleway.

Sample Photograph

Carriageway

Footway/Cycleway



Response

1. Undertake risk assessment to determine response.
2. Cut back overgrowth or if required close road/footway to make safe.
3. Initiate DCC noticing procedure for overgrown vegetation if appropriate.

Notes

Responsibilities for landowners/occupiers with hedges, trees & bushes adjacent to the highway, and the powers of the County Council in this respect, are contained in section 154 of the Highways Act. Where possible the landowner/occupier should be given the opportunity to undertake the appropriate remedial work and retain ownership of any waste material.

1.23 DEFECTIVE ROADWORKS SIGNING

Version 6.1 – 1st January 2021

Investigatory Criteria

Any roadworks signing (including DCC or Statutory Undertakers works) that is not in accordance with Chapter 8

Minimum dimension where applicable

Carriageway N/A

Footway & Cycleway N/A

Sample Photograph

Carriageway



Footway/Cycleway



Response

1. Undertake risk assessment to determine response.
2. Inform site manager/foreman

Notes

Inspectors should contact the Network Operations Support Team during office hours to report inadequate signing or guarding. A Highway Enforcement Officer will attend site and determine if a section 65 notice is required.

Appendix I(ii) to HIW/20/59

Summary of the changes from version 6.0 to 6.1

(i) Safety Inspection Regime

Section 1 – Introduction

Current

1.2 This policy has been developed based on the experience of maintaining the highway in Devon and following extensive trials and testing. The following documents have been used in developing the Highway Safety Policy:

- Highways Act 1980
- Well Maintained Highways – Code of Practice for Highway Maintenance Management (July 2005) updated 18 September 2013 National Code of Practice (NCoP)
- Highway Risk and Liability Claims – A Practical Guide to Appendix C of the Code of Practice for Highway Maintenance Management (November 2005)
- Better Together Devon 2014 – 2020
- Kindred Associations Guidance on Highway Liability Claims

Amendment

1.2 This policy has been developed based on the experience of maintaining the highway in Devon and following extensive trials and testing. The following documents have been used in developing the Highway Safety Policy:

- Highways Act 1980
- Well-Managed Highway Infrastructure: A Code of Practice (October 2016)
- Well Managed Highway Liability Risk (March 2017)
- Better Together Devon 2014 – 2020
- Kindred Associations Guidance on Highway Liability Claims

Section 8 – Safety Inspection Delivery

Current

8.4 Driven inspections will be undertaken by two people with the passenger being a qualified inspector.

Amendment

8.4 Driven inspections will be undertaken by two people with the passenger being a qualified inspector and the vehicle being driven at a speed appropriate to the road being inspected.

(ii) Amendments to Defects – All defect reference numbers are made to Version 6.0

1.3 Embankment or Bank Slips

Amendment

Delete defect from HSP and add to the new defect 1.3 Obstructions

1.4 Spillages

Amendment

Removal of petrol from defect description

1.5 Obstructions

Amendment

Include embankment and bank slips, Defective Overhead Cables and Materials, Goods, Equipment and Signs

1.6 Overriding

Amendment

Added to notes - Any damage to the carriageway edge meeting the pothole criteria should be recorded as a pothole and not overriding.

1.7 Defective High Friction Surfacing

Amendment

Loss of HFS material as depicted in the images below. Particular attention is given to the wheel tracking lines.

1.10 Defective Road markings

Amendment

Any road marking detailed in the notes below requires investigation when missing or worn/obscured by more than 70% on point markings and 70% over an 18m length on longitudinal lines or the road marking is illegible.

Junction Markings – Give Way and Stop

Solid White Line – Centre line system

Pedestrian Crossing – both signalised and non-signalised (all elements included)

1.11 Defective Ironwork

Amendment

Rocking/noisy covers in urban areas less than 40mm are considered a nuisance and are to be repaired or a section 81 notice issued.

Added to notes – where surrounding surface damage is occurring relating to ironwork moving the ironwork should be re-bed.

1.13 Defective Overhead Cables

Amendment

Delete defect and add to 1.3 Obstructions

1.14 Defective roadworks signing

Amendment

Remove reference to skips and scaffolding from the defect unless considered structurally dangerous.

1.15 Missing pre-formed modules

Amendment

Delete defect and add to Cracks and Gaps

1.16 Obstructions - Materials, Goods, Equipment & Signs

Amendment

Delete defect and include within new defect number 1.3 Obstructions. Also, remove all reference to 'A' boards from the defect description.

1.18 Abrupt Level Difference/Trip

Amendment

Include rocking flag excluding reference to defects less than 20mm as not a safety defect.

1.19 Rocking Flag

Amendment

Remove reference to rocking flags in notes relating to serviceability defects, delete defect and include in Abrupt Level Difference/Trip.

1.20 Damaged Road Restraint System

Amendment

Investigatory Criteria revised – A length of vehicle restraint system, bridge parapet or retaining wall parapet with obvious impact damage, or missing, or loose, or obvious time expired components is a defect.

A Pedestrian guardrail with excessive damage leaving components in an exposed state is a defect.

Notes amended

Remove reference to maintenance category in the notes and change reference from HOCC to NOCC.

If defect is protruding elements/bars consider removing bar before full replacement

1.23 Defective Road Traffic Signs and Posts

Amendment

Missing Wolf Eyes removed from defect criteria and associated notes. Further guidance is given on the replacement of bollards and the use of generic products

1.27 Defective Escape Lanes/Arrester Beds

Amendment

Add to the new defect 1.3 Obstructions

1.28 Cracking/Defective surfacing joints

Amendment

Delete defect and add to 1.17 Cracks and Gaps

1.30 Damaged Kerb

Amendment

Add missing kerbs/modules to defect

Excessive Moss on Footways (old Version 5.1 – 7th December 2015)

Amendment

Since this policy was published in 2016 it was noted that reference to excessive moss on a footway was omitted from this policy. Under current case law determining moss not being a defect actionable under the Highways Act, it is proposed to formally remove this defect from the Highway Safety Policy.

(iii) Renumbering of Defects

Following these amendment defects will be renumbered due to the moving of some defects to existing criteria and organising defects in a more logical order.

Appendix I(iii) to HIW/20/59 Benchmark Table

There are 3 key policy changes that form part of the review and are the only items that require benchmarking. The benchmarking is comparing the current highway safety policy and where appropriate the response to the defect with our neighbouring South West authorities. The rationale for change is described within Appendix I(ii).

[illegible]

Authority	Defect 1.7 - Defective High Friction Surfacing	Included	Response
Devon County Council	Area greater than 0.5m ²	Yes	Areas greater than 1m ² added to HFS programme and signed until repaired. Smaller areas to be repaired under TMC
Dorset Council		No	Not applicable
Torbay Council	Area greater than 1m ²	Yes	Added to HFS programme
Plymouth City Council	Same as Devon	Yes	
Somerset County Council	Greater than 30% loss of aggregate	Yes	Added to HFS programme
Cornwall Council		No	Not applicable

Authority	1.23 - Defective Road Traffic Signs and Posts	Included	Response
Devon County Council	Specific reference to wolf eyes (deer warning markers)	Yes	Replace post or arrange replacement if required
Dorset Council		No	Not applicable
Torbay Council		No	Not applicable
Plymouth City Council		No	Not applicable
Somerset County Council		No	Not applicable
Cornwall Council		No	Not applicable

Devon County Council Traffic Management Policy

Residents' Parking TMP32/20

REVISIONS

C December 2020

Residents' Parking TMP32/20

1. Preamble

The primary function of the highway is for the movement of traffic. There is not a right to park on the highway or to use a particular parking space on a section of the highway where parking is permitted. However, parking is allowed where this does not impinge on the movement of traffic or where it does not create a safety hazard, or obstruct access to property or for emergency vehicles, or is likely to cause damage to the fabric of the highway.

Residents parking schemes provide formal parking arrangements and can be a useful tool in appropriate circumstances for managing the demand for parking.

Residents' Parking schemes can provide improved access to parking for residents who do not have alternative off-street parking.

Residents' parking schemes are designed to give relief to residential areas from non-residential parking.

The principles for residents' parking schemes in Devon are:

- (i) The area covered by the scheme should normally be sufficiently large to accommodate the anticipated demand, within the eligibility rules, from residents for permits.
- (ii) It should be clear that displaced parking would or could be accommodated. (For example, in off-street car parks or by a modal shift to park and ride or by car sharing journey savings).
- (iii) Schemes should provide a mix of residents' only spaces and limited waiting spaces, including pay and display or pay by phone where appropriate, for short-term visitors.
- (iv) The costs listed below should be covered by the charge for the permit together with any other income generated by related on-street parking schemes or from third party costs. The costs are:
 - scheme administration,
 - traffic order costs,
 - scheme implementation costs,
 - maintenance of the scheme,
 - enforcement of the scheme.
- (v) A scheme does not provide a space outside the permit holders' house and does not guarantee a parking space.

2. Policy

2.1 Residents Parking Schemes.

- (i) Where appropriate, residents' parking schemes shall be introduced as part of a joint on-street/off-street authority Traffic and Parking Strategy,
- (ii) In the absence of a joint Traffic and Parking Strategy, Residents' Parking schemes may be developed in appropriate circumstances as part of a community parking management plan that considers the needs of all users and delivers the objectives of the Devon Local Transport Plan. Such schemes would therefore need to:
 - Support one of the Congestion Action Plans for Exeter, Newton Abbot, Barnstaple and Totnes,
 - Support a Park and Ride Scheme which provides a sustainable public transport alternative to car travel to a town,
- (iii) Residents' Parking schemes shall not be introduced in towns and villages where there is a problem due to high residential car ownership and high visitor numbers and where there is no alternative for visitors that would be displaced by a Residents' Parking scheme.
- (iv) Where schools are affected by a new residents parking scheme, consideration should be given to provision for essential vehicles where these cannot be accommodated within the school site. Consideration would be conditional on a live School Travel Plan, including staff travel, being in place (<https://www.devon.gov.uk/roadsandtransport/safe-travel/road-safety/schools/school-travel-plans/>)
- (v) Schemes should be designed with an exemption for Co Cars (and other recognised car clubs)

2.2 General Assessment Criteria.

- (i) The operation of Residents Parking schemes within a community must be substantially self-financing as far as the County Council is concerned, by receipts from the issue of permits and allied on-street pay and display/pay by phone schemes.
- (ii) The majority of residents should not have privately available off-street parking either within the curtilage of, or close to, their property. As a guide, 75% of the properties in a Residents' Parking Zone should have no alternative off-street parking. Also, sufficient off-street public parking (free or at a reasonable annual price) should not be available within the immediate vicinity.
- (iii) The level of demand for residential parking within the area must be considered.
- (iv) Parking spaces must not be introduced that would compromise road safety or obstruct the flow of traffic.
- (v) Specific parking spaces are not allocated for parking within a zone.
- (vi) Valid permit holders can park without charge in pay and display/pay by phone spaces if included in the particular scheme.

2.3 Eligibility for Permits

- (i) Permits are issued annually and the council reserves the right to request and check for evidence of eligibility as part of the application process or at any point whilst a permit is valid, including proof of residence, vehicle ownership, CO2 emissions / engine size.
- (ii) Residents within the zone at the time of scheme implementation shall be eligible for permits. The eligibility for permits is restricted to those qualifying residents on the date of implementation of the scheme. The residents of any subsequent new development or redevelopment within the area covered by the zone are not automatically eligible for permits in line with the following considerations:

The Planning Authority/process may make certain requirements in regard to on-street parking and as part of the planning process the Highway Authority, as statutory consultee, may also make comments relating to parking. Although the Highway Authority has no power of direction. These comments will be considered along with the following;

For Conversions / Change of Use

Consider the number of permits currently available for the property.

If the total number of permits at the eligible address before redevelopment, exceeds or is equal to the number of addresses after redevelopment, then allow one permit per new address.

e.g. one house eligible for two permits converted into two flats means each flat will be eligible for one permit.

If the total number of permits, at the eligible address before redevelopment, is less than the number of addresses after redevelopment, then no permits would be allowed. Unless enough addresses are designated ineligible for permits to allow the total number of permits before redevelopment, to be allocated to the remaining addresses.

e.g. one house eligible for two permits converted into three or more flats means all flats will be ineligible for permits unless one or more are designated car free."

For other developments

If the property / address is not eligible for permits prior to redevelopment, developments expected to provide sufficient spaces off-street within their developments boundaries or clearly designate each address as car free.

- (i) Where a single property is developed into a number of separate dwellings, the developer should designate which properties are eligible for permits. If this is not confirmed by the developer with DCC the IT system used to issue permits cannot identify particular residents' eligibility for permits over others. Therefore a first come, first served system will be used. I.E. it is likely that the whole development would be subject to the original 2 permit limit as per the original property, and it may be that a single dwelling is assigned these two permits having requested prior to other occupants. At this time there is no scope or resources to adjust the system to be more equitable.
- (ii) Provision may be made in some schemes for residents permits to be issued for use in nominated company vehicles.
- (iii) Second homeowners shall be treated as permanent residents.

- (iv) Landlords are not eligible for residents permits but are eligible for a Landlord permit.
- (v) Businesses which require on-street parking for essential business purposes and not just to provide convenient commuter parking for employees of the business shall be eligible for business permits. These will be reviewed at point of issue and renewal to ensure the reasons for issue still apply and that they are being utilised correctly.
- (vi) Residential visitor permits shall be available to all eligible addresses in the zone. Such permits shall be issued in a book of 30 day permits and shall be limited to two issues per year. Where provision of “virtual” permits is possible, visitor permits will be available to be used in hourly sessions allowing greater flexibility to residents.
- (vii) Essential visitor permits shall be available to all residents (at eligible addresses) who provide evidence of a need for regular visitor support to care for an ailing or disabled resident in the zone. These will be reviewed at point of issue and renewal to ensure the reasons for issue still apply and that they are being utilised correctly.
- (viii) Social workers, occupational therapists and voluntary workers delivering essential services to residents within the zone shall be allowed to park in a Residents Parking Zone whilst performing home visits and will be eligible for Care and Health Workers Permit.
- (ix) A Registered Charity shall be treated as a business, but permits shall be supplied at a reduced fee. Supporting Living Properties should be eligible for up to 3 permits for use where vehicles will be required for journeys with clients or errands to support clients. These permits would be aligned with Charity Business Permits.
- (x) A school where eligible shall be treated as a business. Permits shall be supplied at the Registered Charity fee.

Guest House/Holiday Let/Hotel Permits

- (i) Guest Houses and Hotels located at an eligible address that require on-street parking for guests, shall be eligible for guest house/hotel permits. This is only applicable if there is inadequate off-street parking in the area e.g. no Park & Ride and no district council or private car parks.
- (ii) The guest house/hotel must advise guests of the limited availability of parking and promote the use of public transport.
- (iii) Such permits shall be issued in a book of 20 permits (each permit valid for one day) and may only be used by guests staying at the guest house/hotel and not staff.
- (iv) New guest houses/hotels within existing residents parking schemes will be considered new developments.
- (v) Permits are only valid whilst the guest house/hotel operates from the address. When these circumstances change, permits will be cancelled and must be returned to DCC.

2.4 Rationing of Permits:

- (i) The number of Residential Permits shall be limited to a maximum of 2 per residential address, which is an address that is registered with the Post Office and City / District and therefore is paying Council Tax.
- (ii) Where the provision of “virtual” permits is possible, it will be a requirement that residents purchase permits for any motorcycle they wish to park within their zone. Permits provided to motorcycles would not count against the household allocation described in (i)
- (iii) A reduction in permits issued per eligible address may be appropriate in some schemes to provide a better match between the availability of permits and the on-street supply of parking places.
- (iv) The number of Business permits shall be limited to a maximum of 3 per business.

2.5 Cost of Permits

- (i) For residents permits, differential charging will be implemented in order to provide a nudge to discourage multiple car ownership. Differential charge will be designed to encourage uptake of EV.
- (ii) Motorcycles should be subject to same base residents permit charge as cars.
- (iii) Essential Visitor Permits should be subject to the same base charge as cars.
- (iv) Any new charge should ensure that the cost of transfer to virtual permits is sustainable (including any additional document checks)
- (v) An administration charge should be applied in respect of changes of registration details of a vehicle linked to a permit to ensure the service remains sustainable.
- (vi) Charges will be as described in the Fees and Charges and Appendix B of the County-wide On Street Parking Traffic Order*. The charges will be subject to periodic review.

Tier 1	Tier 2	Tier 3
Vehicles band A	Vehicles Band B-K	Vehicles Band L-M
Motorcycles		Company vehicle Permits
Scooters		

2.6 Enforcement

- (i) Adequate enforcement is of paramount importance and resource for enforcement of new schemes should be considered before launch.
- (ii) Continued investment in technology will be made to ensure effective efficient enforcement, and improved customer experience.
- (iii) An appropriate proportion of the funds derived from Residents Parking scheme permit charges and allied Pay and Display/Pay by Phone charges shall be used to finance enforcement of schemes.

3. Further Advice Notes on Design and Implementation

Prior to introduction scheme extensive planning is required and advice on detailed arrangements and factors that need to be considered for Residents' Parking Schemes is given in DTA 32A/05, DTA 32B/05 and DTA 32C/05. For associated Pay and Display schemes advice is given in DTA 32D/05.

4. Devon Local Transport Plan Objectives

1. Integrated transport,
4. Economy,
5. Environment

Revisions

Dec 04	A	Approved by Executive Committee
July 05	B	Essential visitors permit cost reduced to zero, approved by Exec Member
Dec 20	C	Updated based on Member Working Group