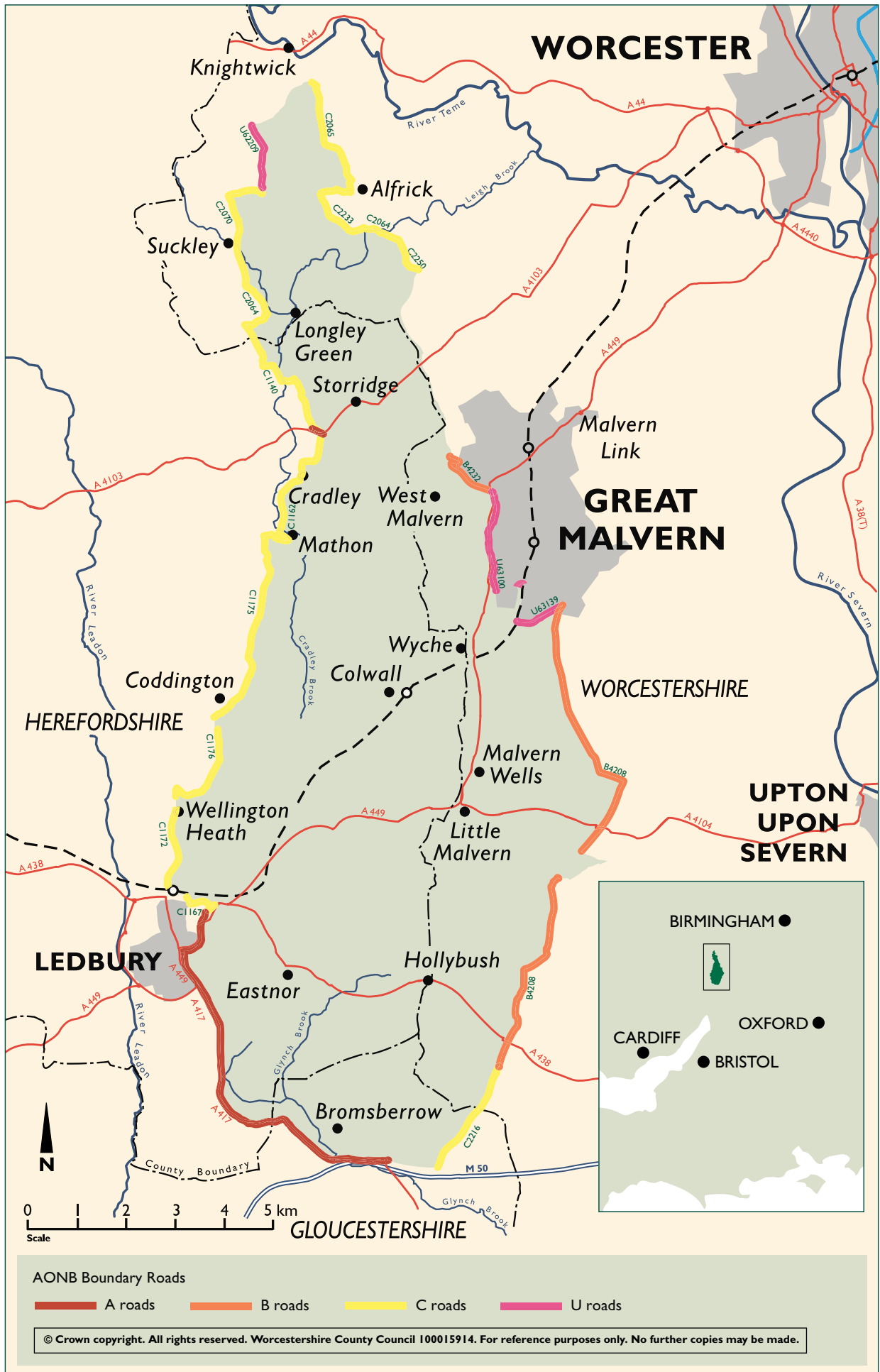




Malvern Hills Area of Outstanding Natural Beauty

Guidance on Highway Design





Outline map of the Malvern Hills AONB

Contents

Introduction.....	3
Background.....	4
Guiding principles	6
The guidelines	8
Appendix 1: Bodies covered by the Countryside and Rights of Way Act 2000 (CRoW Act 2000).....	16
Appendix 2: Restrictions on the Malvern Hills and commons	16
Appendix 3: Manual for Streets 2 – relevance to this design guidance	17

Introduction

The highways of the Malvern Hills Area of Outstanding Natural Beauty (AONB) are an integral part of this nationally protected area. The area's many rural lanes contribute to the character of the landscape in their own right while also forming part of a network that walkers, cyclists and horse riders use and enjoy. Throughout the AONB, highways also provide a vantage point from which local people, visitors to the area, and those simply passing through can appreciate the landscape.

This guidance aims to ensure that the environmental impacts of highways, and the ways in which they are managed, are as sympathetic as possible to the natural beauty of the AONB. Key to this is the desire to retain the special character of the area while ensuring that highways provide a convenient and safe network for travellers.

This guidance has been produced for staff working in highway authorities with responsibility for the road network within the AONB. It has been developed with their input.

Acknowledgements

The Malvern Hills AONB Partnership is especially grateful to John Stock, a Technical Director of WSP UK, who drafted this guidance and introduced it to the highway authorities of Gloucestershire, Herefordshire and Worcestershire. The AONB Partnership would also like to thank staff at these authorities for their helpful comments on the drafts.

This guidance was funded through WSP UK's Corporate Responsibility programme together with funding from Gloucestershire, Herefordshire and Worcestershire Councils and Natural England through the Malvern Hills AONB Partnership.



Background

The statutory context

MANUAL FOR STREETS 2

Published in September 2010, Manual for Streets 2 expands on much of the detail in this guidance. Three principles are most relevant here:

1. There is an emphasis on a collaborative approach to the delivery of streets: *'Many rural highways require a 'non-standard' approach to respond to context and this can be achieved by working as a multidisciplinary team and by looking at and researching other similar places that work well. It is important to include all skill sets required to meet scheme objectives.'* This non-standard approach for highways is defined in this guidance.
2. There is the use of *'quality audit processes that demonstrate how designs will meet objectives for the locality'*. The baseline for the quality audit process is found in this guidance.
3. Finally, there is the principle of *'Using the minimum of highway design features necessary to make the streets work properly. The starting point for any well designed street is to begin with nothing and then add only what is necessary in practice.'*

ALIGNMENT WITH THE ROAD TRAFFIC REGULATION ACT 1984 (THE RTRA84)

The obligation imposed by the Countryside and Rights of Way Act 2000 (see opposite) is not dissimilar from the obligation of the RTRA84. While section 122 of the RTRA imposes a statutory duty on authorities *'...to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)...'* the section also states *'...so far as practicable having regard to... the effect on the amenities of any locality affected...'*

ALIGNMENT WITH THE TRAFFIC SIGNS MANUAL

The Traffic Signs Manual gives advice to traffic authorities and their agents on the correct use of signs and road markings. On the use of warning signs, Chapter 4 states: *'To be most effective, however, they should be used sparingly. Their frequent use to warn of conditions that are readily apparent tends to bring them into disrepute and detracts from their effectiveness, unjustified signing should not be used at individual locations simply in response to complaints from the public.'*

ALIGNMENT WITH COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 (CROW ACT 2000)

The CROW Act came into force in November 2000. Part IV (sections 82 to 93) of the Act covers AONBs. Section 85 sets out the responsibilities all public bodies in relation to Areas of Outstanding Natural Beauty:

'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'

INTERPRETATION OF THE HIGHWAY AUTHORITY'S DUTY TO THE AONB

The CROW Act places a requirement on highway authorities to consider the conservation and enhancement of the AONB in everything they do that affects the area. This means that, to satisfy the legislation, policies that a highway authority generally applies across its area must be specifically reviewed before being used in the AONB. The organisations covered by the Act are outlined in Appendix 1.



A traditional road sign

Status of these guidelines

HOW THEY HELP HIGHWAY AUTHORITIES DISCHARGE THEIR DUTIES

By following these guidelines highway authorities, statutory undertakers and other organisations with an influence on highways will fulfil their obligations under the CRow Act 2000 and contribute to the implementation of the Management Plan for the Malvern Hills AONB.

LIMITS OF THE GUIDANCE

This guidance has no legal force in itself. However, using it will help you meet a range of legal requirements. It forms part of the AONB Management Plan (2009-14) as required under the CRow Act 2000. The Management Plan itself represents local authority policy for managing the AONB and for carrying out local authority functions in relation to that policy.

RELATIONSHIP TO EXISTING RESPONSIBILITIES AND STANDARDS

This guide does not change the safety, technical or environmental standards or obligations that exist.

MALVERN HILLS AND COMMONS: THE CASE FOR SPECIAL CONSIDERATION

Much of the Malvern Hills and commons lie in the Malvern Hills AONB. This land is protected from encroachment by the five Malvern Hills Acts of 1884-1995. Where roads run across common land the land invariably extends to the carriageway edge. This means that any road furniture must be placed on the common land and specific approval for this should be obtained from the Malvern Hills Conservators. Following this guidance will help you to obtain that approval. The statutory basis of this is set out in Appendix 2.

THE CUMULATIVE IMPACTS OF ROADSIDE CLUTTER

Many environmental factors must be taken into account when planning works, whatever their size. The cumulative impacts of even seemingly small, piecemeal highway works can have a significant detrimental effect on the biodiversity, local landscape and natural beauty of the area over a period of time. An example of this is when 'roadside clutter' accumulates. In such cases even minor works present an opportunity to rationalise clutter and bring about improvements in the AONB's visual quality.



Highways design issues in a special landscape

Guiding principles

There are four guiding principles that should be followed when considering highways design. These are outlined below, along with justifications for each.

Principle 1: Unless there is an overriding safety issue, do as little as possible.

Conserving the naturalness of the designation: Part of the attraction of the AONB is its network of lanes. Many people enjoy views of the countryside from their vehicles. The informality and apparent 'naturalness' of these roads is fundamental to the area's appeal. Any engineering feature, even white lines, detracts from their 'fit' into the landscape.

Principle 2: Highway improvements should take account of the traffic flow and character of the road to ensure that proposals are not over specified.

Justifying interventions: The justification for all interventions should be based on evidence and clearly set out. Reference to this guidance should be made when departures from its advice occur. It is fortunate that none of the roads that pass through the AONB can be classed as busy, even the A449. This fact should be used to reduce or avoid interventions. General guidance for classes of roads (that is 'A' and 'B' roads etc) should not be followed because this is not directed towards the specific needs of AONBs.

Taking a longer term view: The rural character of a section of road often depends on small features. Changes to these can greatly alter the way in which the area is perceived. The cumulative effect of small works should be recognised. This may require a longer term view as each successive period of work may take place several years apart. Examples include the installation of kerbs, additional signs, the use of concrete and the erection or upgrading of street lighting.

The setting in the landscape: Where possible you should try to make sure that the road belongs in the landscape rather than imposes upon it. A common problem where countryside is next to urban areas is the temptation to over-tidy. Nature is not tidy and uniform, so any engineering structure in rural

areas must blend into its landscape setting. This means, for example, that soft edges to verges are more acceptable alongside roads and that trees right next to the highway are commonplace. Bright colours, geometric shapes and straight lines are visually intrusive and can look out of place. Such elements should therefore be avoided except where a significant, evidence-based safety issue exists.

Cost savings: Keeping work to a minimum invariably means lower construction and maintenance costs.

Don't be afraid to take no action: The continual stream of new and amended regulations and standards can make it harder to advocate doing nothing, or at least doing very little. Designers need considerable experience and confidence to take the often more difficult step of not installing an additional sign, kerb or vehicle restraint barrier (VRB). It is vital that in each case the need for action is clearly demonstrated.

Many standards today try to ensure that the appropriate balance is struck. For example, DMRB TD19, which concerns road restraint systems, states (paragraph 2.5, point iii):

'The decision taker must not be afraid of doing nothing, if to do nothing is the proper conclusion from following the Road Restraint Risk Assessment Process (RRRAP).'

Reviewing signs: The need for street furniture should be reviewed as part of a regular inspection regime. Street lights, signposts and lines that no longer serve a purpose should be removed rather than being left to decay over time. One approach is to mark removal dates on the back of temporary signs so that they are removed as soon as possible. Alternatively a database could help ensure the management and timely removal of temporary signs.

Principle 3: Unless there is an overriding reason to do otherwise, copy the style and materials that have been used over time.

Categories of roads: There are no trunk roads in the Malvern Hills AONB. The 'A' and 'B' roads that pass through the AONB are as follows:

- A449 between Malvern and Ledbury
- A4103 around Storridge

- A438 between the B4208 and Eastnor
- A4104 between Welland and Little Malvern
- B4128 Walwyn Road
- B4232 West Malvern Road
- B4232 Jubilee Road
- B4219 Cowleigh Road
- B4209 Hanley Road

Traffic speeds: None of the roads in the AONB allow sustained 'high speed' because there are speed restrictions or because the horizontal and vertical alignment and forward sight visibility fall well below high speed standards. Without exception all of the roads are single carriageways.

Traffic flows: Roads in the AONB are vitally important in a local context but carry relatively little traffic compared with 'A' roads generally in the country. This is advantageous for the AONB and reinforces the need to consider standards that are appropriate for the AONB, rather than relying on more general standards.

Historic character of the roads: Where it is essential that work is carried out, this should reflect the historic character of the road rather than introduce new materials.

Kerbing etc: Avoid kerbs, upgrading or extending lighting, or introducing types of fencing that are different from those that have been used in the past in villages and rural areas. Use traditional painted signposts that add to an area's character rather than those that urbanise or detract from the quality of the environment.

Environmentally friendly alternatives: When tackling a safety issue there is often more than one solution. Innovative thinking should lead to the design of a scheme that improves safety while conserving or even enhancing the surrounding environment without undue costs. Many environmentally friendly alternatives are available so every effort should be made to use them where practicable.

Considering the AONB when safety is the priority: These guidelines are designed to be adhered to whenever possible. However, in some circumstances safety issues will mean that work must be carried

out that does not comply with these guidelines. For example, a poor collision history at a junction may mean that additional signing, lining and lighting are required. In these situations, safety has to be the highest priority. However, options that minimise the environmental impacts, as set out in this document, should still be used.

Principle 4: Consult with the AONB Partnership

Consultation with the AONB Partnership: Even small changes in design and layout can dramatically change the impact of the work that is being undertaken. It is therefore difficult to be prescriptive about the level of work that needs to be passed to the AONB Partnership for comment. As relatively small amounts of highway work is carried out in the AONB it would initially be helpful if the AONB Partnership is consulted on all proposed work. This may be as part of a yearly programme of works or similar information that is prepared for other reasons. This approach would allow the guidance to be developed and any lessons incorporated within it. There may be less need to consult with the AONB Partnership over time.



Many of the AONB's roads are minor

The guidelines

Road signs

Road signs are essential for safety and guidance. However, they are intrusive and must be justified against their impact in the AONB. Although signs are controlled by Traffic Sign Regulations and General Directions, relaxations and 'departures' can currently be obtained on application to the Department for Transport. It is likely that the rules will be reduced in the future, leaving local highway authorities some freedom for innovation.

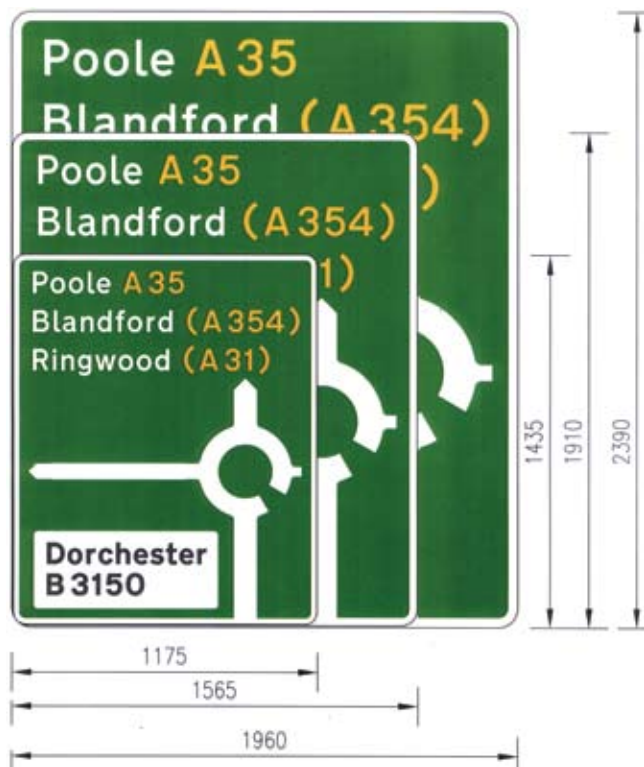
'x' heights

When putting up new or replacement signs in the AONB you should give careful thought to the choice of 'x' height. The standard 'x' height is often inappropriate because of the impact of the sign and because the topography, road standards, traffic flows and speeds are often all lower than is generally the case on the highway network. This means a reduced 'x' height can be justified. The impact of a reduced 'x' height on the size of a sign and its visual impact is dramatic.

x ht = 250, area 28 sqm

x ht = 200, area 18 sqm (64%)

x ht = 150 area, 10 sqm (36%)



The effect of 'x' height on surface area

Advice about the minimum 'x' height for areas where there are 'specific amenity considerations' is contained in Appendix A of the Design and Use of Directional Informatory Signs Local Transport Note 1/94. Similar advice can be found in Chapter 4 of the Traffic Signs Manual, which addresses the height of triangular warning signs. It advises that smaller height sizes can be used where there are 'special amenity considerations'.

Size of signs

The size of many signs is related to the 85 percentile speed. Recent extensions to, or lowering of, mandatory speed limits mean that signs erected before the change are often excessive for the new speed limit.



Oversized sign

Also, on the approach to T junctions where everyone needs to give way or stop the smallest 'x' height can be assumed to be in the 'up to 20 mph' group. Although not in the AONB, the sign in the photo above has an 'x' height of 150mm which is only recommended for high standard rural roads with 85 percentile speeds of 40 to 50 mph. This sign is now in a 40 mph limit on the approach to a T-junction where everyone must stop.

Sign clutter

Sign clutter grows with time when additional signs are added without consideration of existing signs and each new sign has its own post. You should omit all but the most essential signs that are mandatory or can be justified in the context of the AONB.



Minimise sign clutter where possible

Post clutter

All of the statutory undertakers as well as the highway authorities have a duty under the Countryside and Rights of Way Act 2000 to consider the beauty of the AONB. They should be prepared to work together to rationalise poles, posts and signs.



Post clutter

Posts and poles

The sign face is the important part for the road user, not the pole or post, or the rear of the sign, which should be as unobtrusive as possible.

A 600mm high triangular sign has an area of 0.15 sqm. If mounted at 2.1m high on a 76.1mm diameter post, the post forms nearly half of the visible area of the post and sign. If the rear view is also considered the useful sign only forms just over one quarter of the total visible area. It is therefore imperative that every effort is made to minimise the impact of the post and rear view. This can be done by painting it an appropriate colour or setting it against a backdrop of hedges or trees, to blend in and remove the rear view, sharing a pole with other signs, or using an existing lamp column etc.

If, as on the 'bend ahead' sign (above right), a 114.3mm post is used, only one-fifth of the visible area is useful. With this backdrop, if a 76mm post were used and painted green the impact would be greatly reduced – as can be seen with the camouflaged posts opposite.



Shorter posts can reduce the detrimental impact of signs



Camouflaged poles reduce visual impact

Mounting height

Use the lowest possible mounting height. The sign's impact would be further reduced if the post were painted green.



Sign with low mounting height

Backboards

You should not use backboards unless it can be demonstrated that they are essential. Clean retro-reflective signs show up well against most backdrops. Backboards may be necessary in exceptional cases where justified by accident statistics. Often placing a standard sign against a contrasting background increases its visual effect, as evidenced in the photo below.



A well-placed sign may have more effect than intrusive backboards

Speed limit repeater signs

The 1994 Traffic Signs Regulations and General Directions (TSRGD) simplified the rules for repeaters by only requiring them to be sited 'regularly', rather than at specified distances. The intention was to give greater flexibility about where signs are placed. This flexibility can be used to benefit the AONB. The previous advice required repeaters at 400m and 500m spacing for 30mph and 40mph respectively; this was based on passing a sign roughly every 30 seconds when travelling at the speed limit. There are now many places where the number of signs can be reduced provided they are still 'regularly spaced'. Although there are 'recommended' spacings it is considered that these can be safely increased in the AONB while still satisfying the legal requirements.

Flag signs

Flag signs should be used to indicate side roads. They give more information, positively identify the location of the side road, and are less intrusive than Dia 506.1 'side road ahead' which, although giving a warning, is of limited value.



A flag sign can be more effective than a warning sign

Avoid breaking the sky line

It is not always possible to avoid breaking the sky line, particularly if two signs are mounted on the same post. As in the photo below, it might be preferable to break the sky line rather than have two signs mounted separately.



Fewer posts sometimes means breaking the skyline

Paint lighting columns, posts and rear of signs

Painting lighting columns can dramatically reduce their impact. The columns in the photograph below are almost totally lost in the background and only the luminaire hoods are noticeable. The hoods could also have been painted.



Painted lighting columns can blend with the background

Similarly, painting the rear of signs an appropriate colour can greatly reduce their impact, as the images below illustrate.



Green backed signs can be less obtrusive

Use traditional finger posts and milestones

Traditional finger posts and milestones should be retained and conserved. New finger posts in the traditional local design should be considered as replacements for modern, standard signs in villages and along routes of special character.



Traditional posts can add character

Review signs following changes

Following the imposition of speed limits the need for existing signs should be reviewed.

For example, in the photo below, the 'bend ahead' sign may not be necessary as the bend is now in a 30 mph limit, the motorist has been in a 40 mph limit for some distance, and a gateway feature has been added.



Review old signage in the light of new schemes

Clean and vertical

Strong geometrical shapes, such as road signs, are not natural and should be avoided in the AONB. When they are necessary their impact can be minimised if they are clean and vertical. Signs and posts that are not vertical ‘catch the eye’ more than is useful. Signs should be clean, as those obscured by dirt are more likely to be ignored.



Posts **should** be clean and vertical

Removal of spare posts and temporary signs

Spare posts should be removed immediately after the sign is removed. Although good use has been made of the lighting column (in the photograph below left), unless the original post is removed nothing is gained. Temporary signs should also be removed as early as possible (see photograph, below right). Posts without signs are an illegal obstruction in the highway.



Redundant signs and posts spoil the view

Gateway signs

Village signs are increasingly being used in the Malvern Hills AONB as part of a ‘gateway’ to a village. They can help to calm traffic as well as providing information and adding to local distinctiveness.

Street name plates

Street name plates are not traffic signs so are not regulated by TSRGD. They are usually the responsibility of the district council. Aside from the primary aim of identifying the name of a street, they can also help create an identity and character of an area. Sensitive colour coding of signs to match with other street furniture, or incorporating a specific logo onto the sign can help a visitor identify a particular area of interest. The ‘standard’ in the Malvern Hills AONB is white on green; this should be followed in the absence of a locally distinctive alternative. This also matches the style used by the Malvern Hills Conservators (as shown below).



A well-designed name plate

AONB gateway signs

Gateway signs to designated areas are often provided and have become an important way of identifying an area. Sensitive design and location can raise the awareness of the AONB and therefore its protection and enhancement.

Vehicle activated signs

Vehicle Activated Signs are not appropriate in an AONB. They should only be used on motorways and for specific events, emergencies and, on occasion, to encourage speed compliance.

Lorry routes

Some lorries use inappropriate non-strategic routes and do not have legitimate business in the area. These journeys can be deterred by removing inappropriate long distance destination signs in and around the AONB. The Road Traffic Act 1984 s.122 (2) (b) reinforces this point. It states that whilst it is the duty of local authorities to secure the expeditious, convenient and safe movements of vehicles the importance should also be emphasised of *‘restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run’*.

Tourist information signs

These signs should conform both to this guidance and also to local authority guidance.

Lining

Centre line marking is reasonably rare in the AONB and this should continue to be the case. Centre line markings are vital on more heavily trafficked roads but less so on other roads. Removing centre line markings has been shown to reduce traffic speeds.

Road edge marking with a continuous white line should not be provided in the AONB unless there is evidence that motorists are failing to stay on the carriageway. Edge lines, like centre lines, encourage speed.



Avoid edge lines where possible

When restrictions on waiting or loading apply, narrow primrose lines should be used instead of the standard width and colour. Such advice is contained in the Traffic Signs Manual, Chapter 5, which states: *'In environmentally sensitive areas, yellow markings to No.310 (primrose) or No.353 (deep cream) may be preferred. Special authorisation is not necessary for any of these shades.'*



Standard yellow lines can have a greater visual impact

Lighting

There is limited road lighting in the AONB and what does exist is best described as footpath or community lighting rather than road or street lighting. When highway improvements are essential there is inevitably a desire to upgrade all of the elements including lighting. However, this needs to be resisted, except for where yellow lighting can be replaced by white.

Malvern has a number of historic gas lamps that are protected and should be retained.

A Project Report by the Transport Research Laboratory (PPR318, April 2009) considered the impact of street lighting on night-time road casualties. The research was designed to improve the basis on which the cost-benefit of lighting is calculated. It was not able to do this because of the lack of statistical independence between lighting and accidents. This was thought to be *'because the majority of sites which can benefit from street lighting already have it installed'*. It is therefore unlikely that new lighting schemes are required in the AONB, given the relatively low traffic flows and speeds.

The Institution of Lighting Engineers, in its Guidance Note GN01, recognised that AONBs are intrinsically dark landscapes. Opportunities should be identified to reduce lighting by removing street lights, providing luminaires with full horizontal cut off and 0° uplift, or part-time switch off at night and replacing illuminated road signs with retro-reflective signs. Fortunately there is less light pollution in the AONB than in most areas; however, as a consequence any inappropriate lighting has a disproportionate impact.

Bollards

The use of illuminated bollards should be avoided within the AONB where doing so does not contravene legislation.

Road edges

Kerbs are an intrusive feature along country roads and are a major contributory factor in urbanising the countryside. The primary functions of an upstanding kerb are for drainage purposes and to support the carriageway edge. Kerbs should not be installed along rural roads in the AONB unless there is an overriding safety reason to do so. If edge support is required a flush channel block should be used, which can be surfaced over.

If kerbs are essential, new precast kerbs should be avoided as they are whiter and more resistant to softening growth. As a result they have a far greater visual impact. Reclaimed kerbs, stone kerbs or setts should be used. Where there is existing granite or stone kerbs these should be retained and, if necessary, replaced with like for like.

Kerbs should be set as low as possible and not lifted to ease future resurfacing as doing so makes the kerb an intrusive feature for many years.

Kerbed entrances on a road that is otherwise without kerbs have a detrimental impact (see photograph below).

Where positive drainage is required it is usual to provide kerbs although this is not essential except where longitudinal gradients are poor. In these cases filter drains may be a less intrusive solution. On minor roads, small grips (transverse trenches) properly maintained should be adequate drainage.



Kerbing in rural areas leads to suburbanisation of the countryside

Surfacing

When travelling along a road the surface forms about one quarter of the view. If the surfacing is out of character this can easily detract from an area's attractiveness. The most harmonious solution is invariably to dress the surface using local stone. This provides a waterproof layer and skid resistance.

Coloured surfaces that are used to provide contrast are visually intrusive and should not be used unless there are overriding safety considerations that cannot be addressed in any other way. Where a coloured surface is considered essential, buff is preferable to red. Similarly, tactile paving at road crossing points for the visually impaired should be buff rather than red.

Vehicle restraint systems

Although safety fences are visually intrusive, they are an essential safety feature. New barriers should only be erected where there is a proven need and no other equally effective and less intrusive safety measure is available.

Timber clad barriers are now available that have far less visual impact.



Timber clad barriers are usually preferable to metal

Passively safe or frangible posts should be used to avoid the need for vehicle restraint systems. Lattix posts (three or four sided trussed aluminium posts and masts) should not be used but Jerol and similar posts that look like the standard posts are acceptable. Currently Jerol posts are only available in grey as the colour is part of the material. It is hoped that more colours will become available as demand increases.

There is a considerable amount of single rail tubular steel and concrete post fencing in the Malvern Hills AONB. While it may not be the most attractive it has become part of the scene. Provided the posts are not too white this fencing is more acceptable than introducing other fence types. In view of the low traffic flows and speeds, in many cases this will be sufficient to act as the vehicle restraint system and provides a higher pedestrian containment than timber clad barrier restraint systems.



Traditional steel and concrete barriers

Bridge parapets

Bridges are a rarity in the Malvern Hills AONB and are generally used to cross small ditches, streams and railways. If the upgrade of parapets can be justified it is essential that the choice of material is sympathetically made. Stone and brickwork is far more acceptable than concrete which in turn is more acceptable than steel, even if painted.

A risk assessment should be carried out to determine the parapet requirements and the need for vehicle restraint systems, before and after the parapet.

Railway bridge parapets

Network Rail requires H4a parapets to be provided on bridges over railways. They should be encouraged to use concrete rather than steel, even if it is painted. Any other fencing should also be sensitively designed and probably painted to reduce its impact. The approach vehicle restraint system rarely needs to be to the same standard and should be the minimum consistent with providing a transition to the H4a barrier.

Other structures, including bus shelters, salt bins and noticeboards

New structures must enhance the AONB by careful choice of location, use of materials, colour and size. Permanent advertisements should be avoided where they are at a distance from the business site.

Facilities for walkers, horse riders and cyclists

New routes should not be provided without consultation with the AONB Partnership and local communities. The surface treatment of new and existing routes should be chosen with care to avoid urbanising the landscape.



Recreational use of lanes in the AONB is common

Appendix 1: Bodies covered by the Countryside and Rights of Way Act 2000

The CROW Act 2000 applies to any Minister of the Crown, any public body, any statutory undertaker and any person holding public office. The ones that are of relevance for this guidance are the main public bodies and the statutory undertakers.

'PUBLIC BODIES' include county councils, county borough councils, district councils, parish councils or community councils (not an exhaustive list).

'STATUTORY UNDERTAKERS' cover many organisations and various statutory undertakers that have been created by legislation.

Section 8(1) of the Acquisition of Land Act 1981 defines statutory undertakers as *'any person authorised by any Act or any order or scheme made under or confirmed by any Act, to construct, work or carry on any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or any dock, harbour pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power, or the Civil Aviation Authority or the Post Office.'*

The term 'statutory undertaker' also includes the holder of a licence under Section 6 of the Electricity Act 1989 to generate, transmit or supply electricity and who is authorised to acquire land compulsorily under that Act.

Statutory undertakers include organisations licensed by the government to dig holes in roads, verges, footways (pavements) under The New Roads and Street Works Act 1991 (NRSWA). Essentially they include all of the well-known utilities – gas, electricity, water, as well as other telecommunication companies.

A health service body as defined in Section 60(7) of the National Health Service and Community Care Act 1990, and a National Health Service Trust established under that Act or under the National Health Service (Scotland) Act 1978 is also a statutory undertaker.

The Homes and Communities Agency (HCA), which is the national housing and regeneration agency for England, is also a statutory undertaker. Its designation as such is created by the Housing and Regeneration Act 2008, which modified other Acts.

Appendix 2: Restrictions on the Malvern Hills and commons

There are five Malvern Hills Acts of 1884, 1909, 1924, 1930 and 1995. The Acts protect the common land and specifically set up and govern the Malvern Hills Conservators.

The 1884 Act was passed to address concerns about loss of the common land and encroachment and, amongst other matters, specifically prevents 'building' on the land unless allowed for elsewhere in the Acts. The term 'building' includes items such as road ditches, kerbs, steps, fences, handrails, road signs, electricity poles as well as walls and buildings.

In addition the Acts control quarrying and over-ride the traditional right for highway authorities to win materials for road building from common land.

Therefore, essentially all authorities must treat the land covered by the Acts as private land. As with private land the Road Traffic Regulation Act 1984, sections 65 and 71, gives highway authorities the power to enter common land and erect traffic signs. The Conservators should be consulted prior to the erection of traffic signs as private land owners.

Where a road passes through the common land the land extends to the edge of the paved highway. The paved carriageway and any adjacent paved footway is highway land and outside that area, it is common land. This means that an unpaved verge is not the highway so cannot be used for drainage, lighting or other equipment as with other roads. Specific permission from the Conservators must therefore be sought for each and every piece of highway related equipment, other than traffic signs, that the highway authority wishes to install or erect.

Consultation with the Conservators is therefore essential prior to carrying out works which otherwise would be illegal.

This design guidance is the minimum standard the Conservators will consider when granting easements for placing highway related equipment or furniture on land they control.

Appendix 3: Manual for Streets 2 - relevance to this design guidance

Manual for Streets 2 (MfS2) was issued in September 2010. It does not supersede MfS1; rather it explains how the principles of MfS1 can be applied more widely. The following extracts are of particular relevance for this guidance.

MfS1 & 2 always use the term 'street' which is defined *'as a highway that has important public realm functions beyond the movement of traffic. Most critically, streets should have a sense of place, which is mainly realised through local distinctiveness and sensitivity in design.'* One of the aims of AONB designation is to conserve special character and a sense of place. Roads are an important element and in this context are included in this definition of 'streets'.

Obviously the extent to which this can be implemented is dependent on the particular road. For example busy 'A' roads carrying through traffic will need to be dealt with differently from minor routes with less traffic or traffic that is largely related to the AONB.

Principles

- 1.2.1 *'Use the minimum of highway design features necessary to make the streets work properly. It states the starting point for any well designed street is to begin with nothing and then add only what is necessary in practice.'*
- 1.3.2 *'It is therefore recommended that as a starting point for any scheme affecting non-trunk roads, designers should start with MfS.'*

Context - rural areas

- 2.8.1 *'Rural roads are an integral part of the landscape, often reflecting and preserving historic landscape features such as ancient routes or field boundaries and set within outstanding countryside. Elements such as hedges, verges, banks and fingerposts may contribute strongly to local character and historic significance.'*

Highway design, risk and liability

- 3.1.1 *'MfS1 sought to assuage fears of some highway authorities, when considering more innovative designs at variance with established practice, concerning liability in the event of damage or injury. Whilst this was accepted by some it is*



Rural roads are an integral part of the AONB landscape

clear that there is a need for more guidance on risk and liability.'

3.1.2 *'Since the publication of MfS1, the UK Roads Board has published a second edition of Highway Risk and Liability Claims (HRLC) 21. All those with an interest in highway design are strongly recommended to read this comprehensive document.'*

3.1.10 *'There has been a long standing principle, as restated in the Gorringe v Calderdale ruling, that drivers are responsible for their own safety.*

The overriding imperative is that those who drive on the public highways do so in a manner and at a speed which is safe having regard to such matters as the nature of the road, the weather conditions and the traffic conditions. Drivers are first and foremost themselves responsible for their own safety.'

Design guidance and professional judgement

3.2.1 *'For some time there have been concerns expressed over designers slavishly adhering to guidance regardless of local context. Local Transport Note 1/08 specifically advises:*

Regulations and technical standards have a key role in the delivery of good design, but, if used as a starting point, they may serve to compromise the achievement of wider objectives.'

3.2.2 *'In reality, highway and planning authorities may exercise considerable discretion in developing and applying their own local policies and standards.*

"Designers are expected to use their professional judgement when designing schemes, and should not be over-reliant on guidance". LTN 1/08 3.2.3'

Many local authorities have out-sourced much of their day to day work, with the contractor following a set of rules that allows little room or advantage to taking the difficult decisions of doing less, or of doing nothing. The purpose of this guidance is to assist with those difficult decisions.



Tranquil, rural road in the AONB

The following bodies provide financial support to the Malvern Hills AONB Partnership



Malvern Hills AONB Partnership
Manor House, Grange Road
Malvern, Worcestershire WR14 3EY

Tel: 01684 560616

Fax: 01684 577457

Email: aonb@worcestershire.gov.uk

Web: www.malvernhillsaonb.org.uk