

CABINET MEMBER FOR ENVIRONMENT, TRANSPORT AND ECONOMIC DEVELOPMENT

ENVIRONMENTAL SERVICES DEPARTMENT

OFFICER CONTACT: Peter Binley (713412) email: peterbinley@wiltshire.gov.uk

REFERENCE: ETED-016-08

HIGHWAY VERGE MARKERS

Purpose of Report

To clarify County Council policy with regard to highway verge markers and licences issued under Section 142 of the Highways Act 1980.

Consultation

There has been extensive consultation regarding the feasibility of the policy and revised licence with the County Council's highway staff responsible for the management of highway verges, including signing and issuing Section 142 licences. The County Council's Insurance and Risk Manager has also been consulted regarding the proposals. There is general support for the clarification of policy regarding verge markers.

Options Considered

There are situations where carriageway delineation and the prevention of vehicle damage to verges would be of benefit, and it is desirable to have clearer guidelines to ensure that all members of the public are dealt with consistently when applying for licences to protect and maintain highway verges. The possibility of allowing rocks and boulders on the highway was considered, but it was concluded that this would not be acceptable because of the potential risk to road users.

Reason for Decision

Issues have arisen with regard to objects placed on the highway verge by the public. It is considered that the policy with regard to such matters should be clarified, and the Section 142 licence should be revised to allow the installation of wooden marker posts or collapsible black and white marker posts, subject to the approval of the highway authority following a site assessment and to certain conditions as described in the licence.

DECISION MADE

I approve:

- (i) The following policy be adopted:
- The placing of objects on the highway verge is not allowed without the permission of the highway authority.
 - Where objects on the highway verge are considered to be a road safety hazard the highway authority can take steps to have them removed.
 - It is possible for landowners to obtain a licence under Section 142 of the Highways Act 1980 to maintain the verge adjacent to their property.
 - Subject to certain conditions as set out in the licence, it is possible for wooden marker posts or collapsible black and white marker posts with reflectors to be installed, but the use of rocks, boulders and other items is not allowed.
- (ii) The Section 142 licence as included as **Appendix A** be used for future agreements with landowners, and the installation of wooden marker posts or collapsible black and white marker posts be allowed, subject to the conditions set out in the Section 142 licence.

This decision was published on 18th June 2008 and will come into force on 26th June 2008.

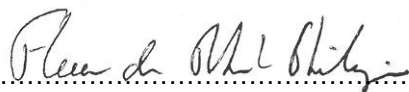
The following supporting documents are attached:

Appendix A – Section 142 licence
Appendix B – Wooden Marker Post

The following supporting documents are available from the officer named above:

None

Date17th June 2008.....



Miss M.F. de Rhé-Philippe
Cabinet Member for Environment, Transport and
Economic Development

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REFERENCE: ETED-016-08

HIGHWAY VERGE MARKERS

Purpose of Report

1. To clarify County Council policy with regard to highway verge markers and licences issued under Section 142 of the Highways Act 1980.

Background

2. There are instances in the County where members of the public place stones, boulders or other objects on the highway verges in order to deter parking or to reduce damage to the verges by passing traffic. These are illegal obstructions of the highway.
3. Generally they do not cause problems for road users, but there have been cases where damage to vehicles has been caused, and in certain circumstances there could be a serious risk of an accident resulting in injury or damage, with subsequent claims for compensation.
4. This report suggests an alteration to the County Council's policy regarding marker posts and Section 142 licences to provide an alternative to the use of boulders and rocks on the highway verge where appropriate.

Main Considerations for the Council

5. The rocks and boulders on highway verges have become a feature of some rural roads and, whilst they could be considered to add to the appearance of the rural scene, they could pose a serious hazard to road users, especially on a high speed road at night or in poor visibility. The County Council has a duty to keep the highway safe for users, and it has powers under the Highways Act 1980 to remove illegal obstructions.
6. The County Council issues licences to adjoining landowners under Section 142 of the Highways Act 1980 to enable them to maintain the highway verge and within strict limitations to include certain plants and shrubs provided they do not compromise highway safety. The use of rocks, boulders and similar objects is prohibited.
7. In some circumstances there are advantages in providing carriageway edge markers to help delineate the carriageway edge, prevent dangerous or inconsiderate parking, and help to reduce damage to the grass verges by vehicles. The County Council uses black and white collapsible plastic marker posts with reflectors for this purpose, but it is appreciated that in some village settings these can be visually intrusive.
8. In order to provide a safer alternative to rocks, boulders and other objects on the highway verge it is proposed to allow the use of wooden marker posts with reflective markings, subject to certain conditions being met, particularly regarding the type of post and its location. It is proposed to revise the Section 142 licence agreement to reflect this new arrangement, and a copy of the revised licence is included as **Appendix A**. The details of the wooden posts are shown in **Appendix B**.

9. The agreement to the installation of marker posts will depend on site assessments and will be dependent on the actual conditions and road types and alignments. It will also be necessary for the landowner to have appropriate insurance. On high speed roads the provision of wooden markers could have an adverse effect on road safety and it is proposed that they should generally only be allowed within residential areas or where there are 30 mph speed limits.
10. On high speed roads the Council may allow the use of collapsible black and white markers with reflectors, subject to road safety considerations or other relevant factors. Sites will be reviewed on a case by case basis.
11. The proposed Section 142 licence will provide the opportunity of meeting the needs of landowners who may quite reasonably wish to reduce the effects of traffic on the highway verge in front of their properties, whilst enabling the County Council to meet the safety needs of the travelling public.
12. There are a number of locations where rocks and boulders have been placed on highway verges, and the County Council has limited resources for dealing with these issues, especially taking into account the more pressing safety issues on the highway network. It would not be realistic to take action in cases of rocks and boulders on the highway immediately, but it will be necessary to take action where safety issues are significant or where there is a real risk of injury or damage resulting from the obstructions on the highway.

Environmental Impact of the Proposal

13. The placing of rocks and boulders on the highway verge by members of the public could be considered to be part of the village scene in some locations, but it does have safety implications. The use of standard black and white plastic marker posts with reflectors would be out of keeping in many places, and the use of wooden marker posts should provide an acceptable and practical alternative in most cases which should not detract from the village or rural setting.

Risk Assessment

14. The rocks and boulders placed on highway verges by the public can present a risk to passing road users. The proposed use of wooden marker posts under the new Section 142 licence should ensure that the posts are positioned carefully and are visible to drivers. There is some risk resulting from existing rocks and boulders placed by the public, but action will be taken against those most likely to be a risk to the travelling public, and the possibility of a Section 142 licence should be an acceptable alternative in most cases.
15. The proposal to allow wooden marker posts does have some risk as with any street furniture, but this will be reduced considerably by the safeguards provided through the licence approval process, and the limitations on allowable types and locations for the posts.

Financial Implications

16. There is no charge for the Section 142 licence and in most cases it is in the interest of all parties to enter into such an agreement. The County Council benefits in not having to cut the grass and maintain the verge, and the adjoining landowner benefits from being able to maintain the verge in front of their property to a higher standard.

Legal Implications

17. The County Council has duties as Highway Authority regarding the safety of the highway network, and taking action to remove obstructions from the highway verges will improve conditions for road users.
18. The County Council already enters into a number of Section 142 licences and the proposed revision should not have significant implications.

Options Considered

19. There are situations where carriageway delineation and the prevention of vehicle damage to verges would be of benefit, and it is desirable to have clearer guidelines to ensure that all members of the public are dealt with consistently when applying for licences to protect and maintain highway verges. The possibility of allowing rocks and boulders on the highway was considered, but it was concluded that this would not be acceptable because of the potential risk to road users.

Reasons for Proposal

20. Issues have arisen with regard to objects placed on the highway verge by the public. It is considered that the policy with regard to such matters should be clarified, and the Section 142 licence should be revised to allow the installation of wooden marker posts or collapsible black and white marker posts, subject to the approval of the highway authority following a site assessment and to certain conditions as described in the licence.

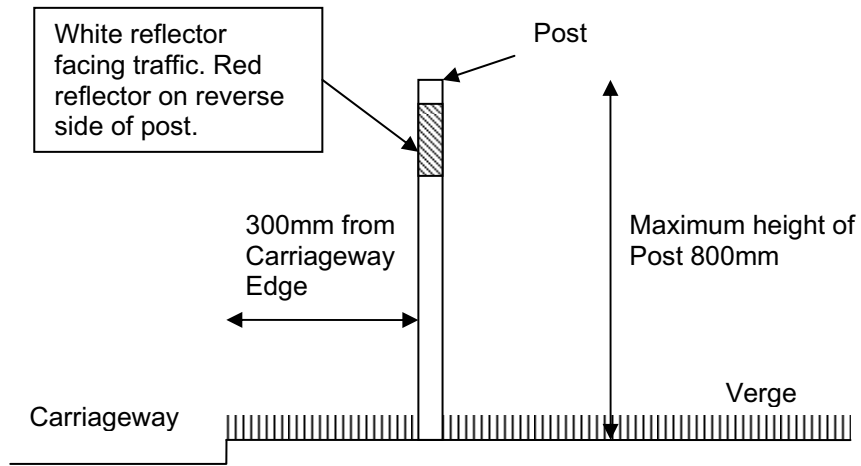
Proposal

21. That:
 - (i) The following policy be adopted:
 - The placing of objects on the highway verge is not allowed without the permission of the highway authority.
 - Where objects on the highway verge are considered to be a road safety hazard the highway authority can take steps to have them removed.
 - It is possible for landowners to obtain a licence under Section 142 of the Highways Act 1980 to maintain the verge adjacent to their property.
 - Subject to certain conditions as set out in the licence, it is possible for wooden marker posts or collapsible black and white marker posts with reflectors to be installed, but the use of rocks, boulders and other items is not allowed.
 - (ii) The Section 142 licence as included as **Appendix A** be used for future agreements with landowners, and the installation of wooden marker posts or collapsible black and white marker posts be allowed, subject to the conditions set out in the Section 142 licence.

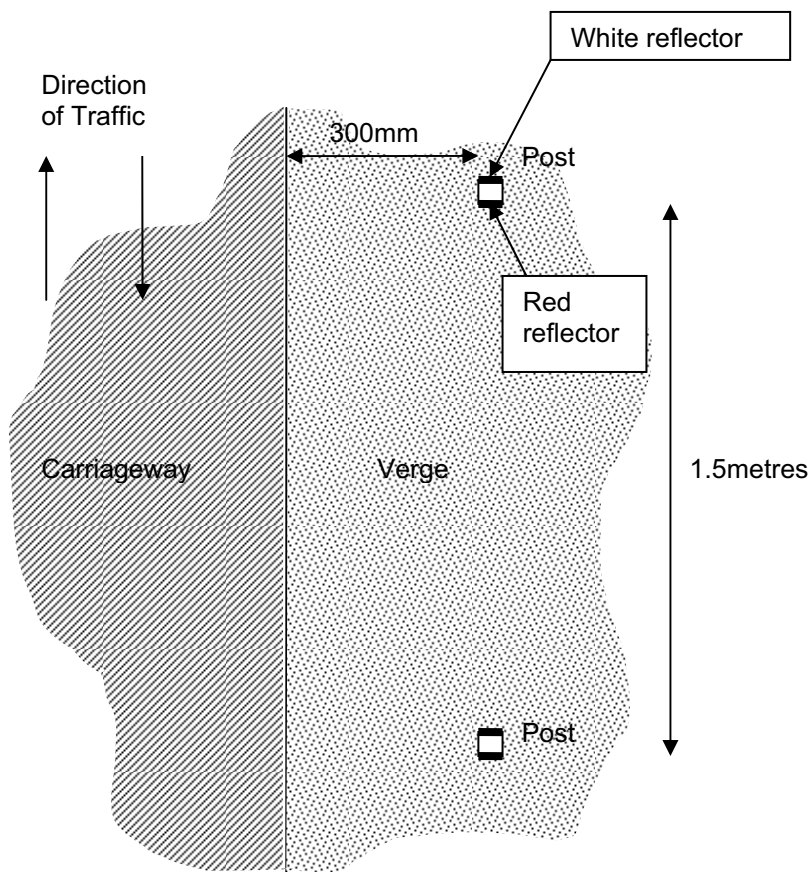
The following unpublished documents have been relied on in the preparation of this Report:

None

SECTION 142 LICENCE – WOODEN MARKER POST



Cross Section



Plan

Marker Posts in Highway Verge
 Actual Locations of Marker Posts to be agreed with Divisional Highways Engineer. No excavation to be undertaken without verifying public utilities information.