

CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting: 5th December 2011
Report of: Head of Highways and Transportation
Subject/Title: Mirrors on the Highway Policy
Portfolio Holder: Councillor Rod Menlove

1.0 Report Summary

- 1.1 That the Cabinet Member approves the proposed mirrors on the highway policy.
- 1.2 Sometimes a 'blind exit' from a property or side road is dangerous - for both the driver emerging and those travelling along the main road. Whilst a mirror located on the main road may well help those joining the road, unfortunately a mirror is legally an obstruction on the highway so cannot be put up without the express permission of the Highway Authority and Department for Transport (DfT).

2.0 Recommendation

- 2.1 That the Cabinet Member for Environmental Services approve the mirrors on the highway policy set out in Appendix A to the report.

3.0 Reasons for Recommendations

- 3.1 To enable the Council to carry out its role as Highway Authority for Cheshire East and to fulfil its statutory obligations.

4.0 Wards Affected

- 4.1 This report affects all wards equally.

5.0 Local Ward Members

- 5.1 This report affects all ward members equally..

6.0 Policy Implications including - Climate change - Health

- 6.1 There are no human resources implications of the recommended option.
- 6.2 The policy is intended to ensure that highway officers act in a fair and consistent way.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 The Strategic Director confirms that the costs of implementing this policy will be met from existing budgets.
- 7.2 The applicant would be liable for the Council's costs in dealing with the application from submission through to outcome, whatever that may be. It would be prudent for the Council to require a deposit of £400 to cover the initial review. Costs would be on a rechargeable basis and the applicant charged/refunded accordingly. Should the application be taken forward to the DfT then the applicant would be required to make a further deposit to be assessed at the time.
- 7.3 Should the DfT grant a special authorisation then the Council would require the applicant to fund the costs for the supply, erection and a commuted sum for the ongoing maintenance of the highway mirror.
- 7.4 If requests for mirrors come from LAP's and Parish Councils then the cost should not be paid by the residents but from the minor improvement budgets allocated to the individual LAP's

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Section 41 of the Highway Act 1980 imposes a duty on the Highway Authority to maintain highways which are maintainable at the public expense. The duty requires the highway authority to maintain the highway in a fit state to accommodate the ordinary traffic which passes or maybe expected to pass along it.
- 8.2 The duty is owed to all users, whether using vehicles or on foot, of the highway whether pedestrians or vehicle users. Section 130 of the Highways Act 1980 imposes a further duty on the highway authority to assert and protect the rights of the public to the use and enjoyment of the highway. This leads to the Council dealing with any unlawful interference with the highway such as encroachment on and obstruction of the highway.

9.0 Risk Management

- 9.1 The Authority has a robust inspection and assessment regime which seeks to ensure that the road network is kept in a safe condition and that 'safety-related' defects are dealt with in a timely fashion. Maintenance works are planned and supervised to ensure safety for all affected parties and appropriate treatments are designed to minimise risks throughout the lifecycle of the asset.
- 9.2 Routine and cyclical maintenance operations play a key part in meeting the core objectives of highway maintenance which are to ensure network safety, serviceability and sustainability. The successful execution of regular, routine and cyclical maintenance works can contribute greatly to the visual

appearance of the highway environment and street scene. Conversely, poor routine/cyclical maintenance practices and policies generally lead to highways appearing to be unkempt and badly maintained.

10.0 Background

- 10.1 On the face of it a mirror to aid motorists at a road junction or private access where visibility is restricted due to the alignment of the highway, vegetation, fence, wall or building etc. would seem a reasonable way forward.
- 10.2 However the placing of a mirror brings with it issues that could affect road safety. The following may well arise from the placement of a mirror on the highway which could impact on road safety:
- Distortion of reflected image, glare from sunlight or headlamps affecting the driver's vision.
 - Visibility issues during bad weather (rain, snow, frost).
 - Difficulty judging speed of an approaching vehicle from the mirror image.
 - Maintenance issues – mirrors could be prone to vandalism maintenance of their alignment and cleanliness is critical.
 - Reliance on the mirror's restricted image may compromise the safety of other road users (pedestrians and cyclists) who do not appear in the mirror.

National Regulations

- 10.3 Mirrors are classified as a road traffic sign and as they are not prescribed in the Traffic Signs Regulations and General Directions (TSRGD), their use on the highway is subject to special authorisation by the Department for Transport (DfT). Requests for special authorisation to enable the placement of a mirror on the highway are assessed by the DfT against stringent criteria.

Special Authorisation

- 10.4 The DfT will only consider Traffic mirrors on public roads in rural and semi-rural areas where:
- There is a collision history relating to a lack of visibility (the site would have to be discussed with the Police to establish any recorded incidents or collisions).
 - Visibility for vehicles emerging from the side road is severely restricted.
 - A visibility improvement scheme is not feasible.
 - Visibility cannot be improved by removing hedges, walls, trees or other obstacles.
 - The speed limit on the major road is above 30mph

- 10.5 The DfT does not encourage mirrors on the highway, and this is clearly reinforced through the assessment criteria above. Special authorisation will only be considered for junctions in rural/semi-rural locations where visibility is restricted and where there is evidence of accidents related to poor visibility and high speed crossing traffic at locations where a mirror is being requested.
- 10.6 The responsibility for deciding whether any road traffic sign or mirror is needed to maintain safety at a particular location rests with the local highway authority. If the authority is satisfied that the location meets the criteria set out by the DfT, is able to demonstrate that visibility cannot be improved by removal of any obstruction and is satisfied that the issues in paragraph 10.2 above would not override the benefits to road users then special authorisation would be considered by the DfT for the placement of a mirror on the highway.
- 10.7 Special authorisations are normally granted by the DfT on an experimental basis for a period of 12 months. At the end of that period, the highway authority and police would be asked to provide details about:
- The mirror's effectiveness in all weathers.
 - Any complaints from drivers that the mirror is confusing. (It has been found previously that the image a driver sees in the mirror can be distorted and can get the impression that an approaching vehicle is straight ahead when it is, in fact round a corner. Some mirrors are so large and convex that approaching drivers can see their own reflection).
 - Any report of difficulty by a driver in judging both the speed and distance of reflected vehicles.
 - Any problems with glare or sunlight.
 - Any report of damage by accident or vandalism.
 - Whether it has been necessary to clean the mirror.

If a satisfactory response is received to the above questions the special authorisation may be extended. The DfT retain the right to withdraw the authorisation by giving one month's notice should any unforeseen serious problems arise subsequently.

- 10.8 The DfT set out that the use of mirrors be restricted to sites in rural and semi-rural areas as outlined in paragraphs 10.4 and 10.5 above. There are very many junctions in towns which have bad visibility and to embark on the installation of mirrors at these junctions would proliferate their use and prove impractical and ineffective.
- 10.9 The basic requirement that there must be high speed crossing traffic would rarely apply at urban sites. Moreover a mirror could prove to be counter-productive as a safety measure in urban areas because it could lead to an increase in speed of emerging vehicles by drivers relying too much on the mirror. There might also be a tendency for drivers to concentrate their attention on the mirror and ignore the immediate surroundings, e.g. pedestrians crossing in front of the vehicle. A careful assessment is

essential in order that existing hazards are not increased by inducing drivers to take less care than they would normally.

Mirrors not on the Highway

- 10.10 Mirrors may be sited off the highway on private land and that is a matter for the land owner and the person who places the mirror. Planning permission may be required and any applicant should be directed to the Council's Planning Department. Any applicants should be advised that when placing a highway mirror on private property consideration should be given to public liability implications and risk assessment in the event that the mirror is cited as a contributory factor in a road traffic accident. Should any mirror overhang a highway maintainable at public expense, then a licence is required from the Highway Authority.
- 10.11 The Council would not normally be involved with mirrors that are sited off the highway (in private land), unless complaints of problems similar to those outlined above are being made to the Council. Should the Council ascertain that road safety is being compromised as a result of a mirror being placed not in but near to the highway the Council should use its powers to remove the mirror.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Mirrors on the Highway Policy

Policy Proposal

1. Whilst the placement of mirrors on the highway should not be encouraged there may be sites, albeit very few, that may benefit from a mirror. For any application for a mirror on the highway to be sanctioned the Council must first be satisfied that it meets the DfT's criteria. This would require a site investigation and review of the safety record of that location together with consultation with the police. Additionally information from Statutory Undertakers would be required in order to ensure there are no underground services in the vicinity of where the mirror is proposed to be sited.
2. If the application passes this initial review then the Council may consider submitting an application to the DfT. Should the initial review of the application not be successful the applicant should be informed accordingly.
3. The applicant would be liable for the Council's costs in dealing with the application from submission through to outcome, whatever that may be. It would be prudent for the Council to require a deposit of £400 to cover the initial review. Costs would be on a rechargeable basis and the applicant charged/refunded accordingly. Should the application be taken forward to the DfT then the applicant would be required to make a further deposit to be assessed at the time.
4. Should the DfT grant a special authorisation then the Council would require the applicant to fund the costs for the supply, erection and a commuted sum for the ongoing maintenance of the highway mirror.
5. Any mirrors that are placed in private property and are found to adversely affect highway safety the Council will use its powers to remove the mirror.