

Developers Guidance Note (Version 2 February 2017)

Developer-Funded Traffic Engineering and Traffic Calming Schemes

The purpose of this note is to help guide the developer in the preparation of Traffic Calming and associated Engineering schemes to be delivered through Section 106 and Section 278/38 processes.

Throughout the whole process it is the responsibility of the developer to provide a design that complies with the latest design standards, guidance, and good practice. The appointment by the developer of a suitably qualified and experienced highway consultant is essential to help deliver this.

The developer will need to go through and demonstrate compliance at all of the three stages, preliminary design, detailed design, and construction. At each stage a West Sussex County Council (WSCC) officer will be appointed to assist the developer and review the submission.

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1. Executive Summary

The purpose of this note is to help guide the developer in the preparation of Traffic Calming and associated Engineering schemes to be delivered through Section 106 and Section 278/38 processes.

Throughout the whole process it is the responsibility of the developer to provide a design that complies with the latest design standards, guidance, and good practice. The appointment by the developer of a suitably qualified and experienced highway consultant is essential to help deliver this.

The developer will need to go through and demonstrate compliance at all of the three stages, preliminary design, detailed design, and construction. At each stage a West Sussex County Council (WSCC) Officer will be appointed to assist the developer and review the submission.

- At the preliminary design stage the developer should make an application through the WSCC pre-application advice service. The pre-application charging guide is available on our [website](#).
- At the detailed design and construction stages the developer should make an application through the WSCC Section 278/38 application process. Find out about Section 278/38 works on our [website](#).

Consultation is essential to the process and it is important to achieve community ownership so that local input can help shape the design. During each consultation stage the developer must provide WSCC with evidence of support from its consultees.

If the scheme includes changes to on-street parking, speed limits, traffic movements, raised features, or the installation or relocation of a controlled pedestrian crossing, a Traffic Regulation Order (TRO) or equivalent will be required. This is the legal process that enables such measures to be publicly scrutinized, and if approved, to be legally enforced. The TRO process can take a minimum of four months and at times in excess of 12 months depending on the complexity, the level of consultation required, and if objections are received. Any objections must be reported to elected members at the appropriate County Local Committee, and be coordinated with the dates of such meetings, which tend to be held every three months. This can add to the timescale required, it is essential that appropriate time is allowed for the consultation process.

For programming purposes it is recommended the developer allow nine months for the Traffic Regulation Order process. It should be noted that going through the process does not guarantee an order will be made.

Another essential part of the process is Road Safety Audits. These are intended to ensure highway schemes operate as safely as practicable, by considering the safety of all road users during design and construction. The developer is required to arrange the necessary audits at each stage, and incorporate any remedial measures from the signed-off exception report as appropriate.

2. Introduction

This note has been created to guide the developer through the (Town and Country Planning Act 1990) Section 106 and (Highways Act 1980) Sections 278/38 highway infrastructure process. Its need arose to ensure WSCC govern the impact of developer's plans and proposals upon their infrastructure and minimise wasted time and effort.

3. Procurement Process

During the scheme the developer will need to go through preliminary design, detailed design, and construction stages whilst liaising closely with the relevant highway WSCC Officer; the stages and processes are listed in 'Appendix A: Developer's Procurement Checklist and WSCC Contacts'.

Please note that WSCC only has 21 days to respond to the Local Planning Authority on planning applications so is not able to engage in detailed discussion and negotiation with developers at the planning submission stage. WSCC will only comment on details submitted to support the application and it is strongly recommended that developers apply for pre-application advice through WSCC pre-application advice service where traffic engineering schemes are being considered.

4. Traffic Calming

4.1. Types of Traffic Calming

There is a range of traffic calming techniques available, good traffic calming should not appear excessively onerous to drivers as this could result in frustration and poor driver attitude.

The types of traffic calming available are grouped as follows:

- vertical and/or horizontal deflections (e.g. road humps, road narrowing, mini- roundabouts, surface features).
- traffic management and control (e.g. parking management, one-way management, vehicle restrictions, bus gates, gateway features, rising bollards);
- traffic signs, road markings, and lighting;
- zone or area wide treatments (e.g. pedestrian zone, shared space concept, 20mph zone or limit, home zone, quiet lanes);
- enforcement activity.

Whilst each of these techniques may be used in isolation, it is often the case that combinations will be more effective.

5. Determining the Type of Traffic Calming

The choice and arrangement of traffic calming will often vary for each scheme, understanding the local problems, defining the design speed, and determining its purpose are essential to its success. The developer's chosen designer must understand both the purpose of the scheme and the characteristics of the location and its surrounding area before moving on

to the next stage of considering what type of measure might be both effective and appropriate. At this point it is often valuable to obtain local knowledge, typically through informal consultation with local stakeholders (see section 8).

WSCC recommend the designer concentrates on reducing a proven local safety problem of injury collisions, and that he also considers the local public perceived problems and those that may be created by the development.

5.1. Highway Accidents and Speeding

WSCC recommend concentrating on reducing the likelihood of injury collisions and speeding. Local collision injury data can be obtained from WSCC, it is the responsibility of the developer to provide details of traffic speeds and traffic counts.

Analysis of the data and liaison with WSCC and the local stakeholders (see section 8) will assist with the progression of the scheme.

As part of the detailed design the developer will need to provide details of the anticipated speed reduction they hope to achieve. It is vital the developer obtains appropriate 'before' accident data, traffic speed and traffic counts; these will be analysed with comparable 'after' data.

5.2. Route for Emergency Service Vehicles, Buses, and Heavy Goods Vehicles

The developer shall confirm that the proposals will not adversely affect emergency services, buses, or heavy goods vehicles.

This can be demonstrated by swept path analysis and consultation with the emergency services, bus companies, The Freight Transport Association and The Road Haulage Association as appropriate (see section 8). In certain instances an objection by any of these bodies can effectively prevent a proposal from going ahead.

5.3. Environmental Impact

The developer shall demonstrate that the proposals will enhance the environment or at the very least not adversely impact upon it.

5.4. Future Maintenance Issues

The developer needs to demonstrate that the materials and type of construction can be easily replaced and maintained by WSCC. Consultation with WSCC, including the relevant WSCC Area Officer from an early stage and compliance with WSCC standard construction details will guide the developer.

WSCC will charge commuted sums for the future maintenance liabilities of materials and infrastructure that are deemed to be non-standard and place an additional maintenance burden on the authority.

6. Design Standards Advice and Legislative Documentation

When submitting a proposal to WSCC, it is important that the designer confirms that the design complies with the appropriate design standards,

guidance, and best practice as this will assist and speed up the checking and approval process.

For reference, a list of design standards and advice documentation is contained in 'Appendix B: Design Standards and Advice Documentation for Use with Highway Traffic Calming Schemes', although it is not exhaustive. Their purpose is to help the designer to interpret the legislation and offer practical suggestions. Each situation should be considered individually and care should be taken when using standard details, checking that they are appropriate for a particular circumstance prior to implementation (see section 5).

A list of the legislative documents is contained in 'Appendix C: Legislative Documentation for Use with Highway Traffic Engineering Schemes'.

7. Road Safety Audits

Road Safety Audits are to be arranged by the developer, and are intended to ensure highway schemes operate as safely as practicable and minimise accident numbers and severity. This can be achieved by considering the safety of all road users of the scheme during design and construction stages.

The Road Safety Auditor will identify and address problem areas using the experience gained from accident reduction schemes, accident investigation, and research work. An audit is intended to consider and look at potential road safety issues; it is not a technical check that the design conforms to standards.

Road Safety Audits shall comply with the DMRB Volume 5 HD19 and WSCC would expect the organisation carrying out the audit to be different to that responsible for the design unless agreed by WSCC in advance.

The Road Safety Audit procedure is an essential part of the highway improvement S106 and S278/38 processes. The WSCC Safety Audit Policy – Guidance Notes for Scheme Promoters is available on our [website](#).

8. Consultation

It is essential to achieve community ownership of the proposed schemes, and for the community to be given a fair and reasonable opportunity to have an input into the design of a scheme at an early stage. Informal and formal consultation (part of the legal process), public consultation, and evaluating the responses will help shape the design.

The developer must be prepared for the consultation process to be longer where TROs or equivalent are required (see section 9).

For traffic calming schemes the consultation stages are:

- consultation with frontagers to help design the scheme with local input, e.g. through a frontagers questionnaire;

(Note: This may not be required for small schemes. It may be appropriate to seek the views of frontagers before or after informal consultation with the statutory consultees.)

- informal written consultation with statutory consultees (WSCC Local Member support is essential to proceed further);
- formal written consultation with statutory consultees;
- formal public consultation.

The appropriate WSCC County Local Committee, which can confirm, modify, or reject a proposal, must consider any objections.

The developer must provide WSCC with evidence of support for the scheme at each stage it has to pass through.

8.1. Informal Consultation with Statutory Consultees

Towards the end of the preliminary design stage, the developer shall write to, or with WSCC approval email, the emergency services and representative bodies and inform them of the scheme (with a drawing and covering letter) and request their comments. It is recommended that the consultee is told there is a deadline for their opinions, normally a minimum of two weeks and a maximum of four weeks.

The emergency services and representative bodies' consultees include the following:

- emergency services – police, fire brigade and ambulance;
- parish council, district or borough council, or town council;
- bus operators;
- relevant County Local Committee Chairman;
- County Council Elected Member;
- Policy Advisor to the Cabinet Member for Highways and Transport (for strategically significant or controversial proposals);
- WSCC-related departments;
- Highways Agency (only when DfT owned roads are involved);
- Freight Transport Association;
- Road Haulage Association.

WSCC can help provide the consultee contacts where required. Whilst this is a long list, experience suggests it is better to approach bodies with a possible interest at an early stage rather than find out later that they are opposed to the proposals.

The scheme may need modifying in response to any concerns before proceeding to formal consultation. WSCC can assist the designer if changes are required.

8.2. Informal Public Consultation

Public support for the scheme must be demonstrated, typically with a questionnaire for residents and businesses that have an interest in the impact of the proposals. For large scale or wide ranging proposals it may be appropriate to hold a public exhibition or forum. This consultation

stage may in certain circumstances, and by prior agreement with WSCC be omitted.

8.3. Formal Statutory Consultation with Statutory Consultees

Once the scheme has successfully passed both informal consultation stages, the detailed design can be completed in the knowledge that the design has a higher chance of successfully receiving formal support. This consultation stage will be required for all schemes where a TRO or equivalent is needed (see section 9).

Formal consultation shall be written, or with WSCC approval emailed, to the informal stage consultees and include the following:

- emergency services – police, fire brigade and ambulance;
- parish council, district or borough council, or town council;
- bus operators;
- relevant County Local Committee Chairman;
- County Council Elected Member;
- Policy Advisor to the Cabinet Member for Highways and Transport (for strategically significant or controversial proposals);
- WSCC-related departments;
- Highways Agency (only when DfT owned roads are involved);
- Civic Societies and Local Groups;
- residents, especially frontages and others from the surrounding community who may have an interest in the scheme;
- special interest groups (i.e. those representing elderly, disabled, cyclists, bus users, taxis, equestrians, pedestrians, farmers, and others);
- Freight Transport Association;
- Road Haulage Association;
- Local Businesses Representatives.

WSCC can help provide the consultee contacts where required. Whilst this is a long list, experience suggests it is better to approach bodies with a possible interest at an early stage rather than find out later that they are opposed to the proposals.

All objections (from this consultation and section 8.4) shall be considered and any unresolvable ones shall be reported to the next available County Local Committee, which can confirm, modify, or reject a proposal.

8.4. Formal Public Consultation

This consultation is to be undertaken at the same time as the statutory consultees are formally consulted (see section 8.3).

If the scheme includes a TRO or equivalent (see section 9) the proposals shall be advertised by WSCC by public notice in the appropriate newspaper, and by public notices erected on site for the appropriate

period, 21 days. It is advisable to also post notices through the letterboxes of all affected frontagers.

If the scheme does not include a TRO or equivalent (see section 9) no public notices on site or in the paper are required, notices shall be posted through the letterboxes of all affected frontagers.

All objections (from this consultation and section 8.3) shall be considered and any unresolvable ones shall be reported to the next available County Local Committee, which can confirm, modify, or reject a proposal.

9. Traffic Regulation Order

The need for any Traffic Regulation Order (TRO) or equivalent should be assessed as soon as possible, as the process can take up to twelve months if there are objections. Whilst initial ideas may be conceptual the developer or appointed consultation shall be expected to provide a fully workable design layout before WSCC can agree to promote a proposal.

See WSCC Record of Practices 'TRO Team Traffic Procedures' for further information on the TRO process, or email the WSCC TRO department at tro.team@westsussex.gov.uk.

9.1. Traffic Regulation Order Process

If the scheme requires changes to any of the items on the list below a Traffic Regulation Order (or similar) will be required. The following require a Traffic Regulation Order (TRO) or equivalent process:

- on-street parking or waiting including removal of yellow linings or parking bays;
- speed limits;
- restricting or banning traffic movements, e.g. No Left Turn;
- raised features, e.g. road humps, speed cushions, speed table;
- new or relocation of Controlled Pedestrian Crossings, e.g. Puffin, Pelican, Pegasus, and Zebra Crossings.

If any raised features are proposed, the TRO Team will need to be informed of their height, ramp gradient and length, construction material, and length of top surface. If a raised feature encompasses a junction, the distance the top surface extends into each road will need to be defined. Dimensions are to be given in metres to one decimal place, except the height of the feature, which is to be supplied in millimetres.

The developer shall contact WSCC and an Originator will be appointed who will oversee the TRO(s) aspects of the proposal.

A scheme with a TRO or equivalent must go through both the 'Formal Statutory Consultation with Statutory Consultees' and 'Formal Public Consultation' (see sections 8.3 and 8.4). It should be noted that going through the process does not guarantee an order will be made.

9.2. Traffic Regulation Order Charges

There is usually a charge for processing a permanent TRO, and the Legal Officer will advise the developer of the appropriate fee(s) at the outset. Please note that this is for the TRO process only and does not include assisting with the formulation of any proposals.

Appendix A: Developer's Procurement Checklist and WSCC Contacts

Preliminary Design Stage

Developer must comply with the following sections of this guidance note to progress to detailed design:

- traffic calming (sections 4 and 5);
- design standards and advice documentation (section 6);
- consultation (section 8).

At the preliminary design stage the developer should apply through the WSCC pre-application advice service, by using the link located in section 1.

Detailed Design Stage

Developer must comply with the following sections of this guidance note to progress to construction:

- traffic calming (sections 4 and 5);
- design standards and advice documentation (section 6);
- safety audits (section 7);
- consultation (section 8);
- Traffic Regulation Order (section 9).

At the detailed design stage the developer should apply through the WSCC Section 278/38 agreement process, by using the link located in section 1.

Construction Stage

Developer must comply with the following sections of this guidance during construction:

- traffic calming (sections 4 and 5);
- design standards and advice documentation (section 6);
- safety audits (section 7);
- consultation (section 8);
- Traffic Regulation Order (section 9).

Appendix B: Design Standards and Advice Documentation for Use with Highway Traffic Calming Schemes

- Manual for Streets (2007) – DfT.
- Traffic Calming – DfT Local Transport Note 1/07.
- Traffic Calming Techniques (2005) – Institution of Highways and Transportation and the County Surveyors' Society.
- Design of Mini-Roundabouts – HA DMRB Volume 6 TD54/07.
- Guidance on Minor Improvements to Existing Roads – HA DMRB Volume 6 TA85/01.
- The Geometric Design of Pedestrian, Cycle and Equestrian Routes – HA DMRB Volume 6 TA90/05.
- Road Safety Audit – HA DMRB Volume 5 TD19/16.
- Specification for Highway Works – HA Volume 1 Manual of Contract Documents for Highway Works.
- Local Design Guide Supplementary Guidance for Residential Development Proposals – WSCC, available on our [website](#).
- Emergency Services Traffic Calming Schemes: A Code of Practice – DfT Traffic Advisory Leaflet 1/07.
- Rising Bollard Systems Design, Use and Operational Guide – Local Authority Rising Bollard User Group (LARBUG).
- References referred to in the above documents.

The above list of design standards and advice documents is not intended to be exhaustive.

Appendix C: Legislative Documentation for Use with Highway Traffic Engineering Schemes

Statutory Instruments and Acts:

- Crime and Disorder Act 1998;
- Disabled Persons Act 1981;
- Environment Act 1995;
- Highways Act 1980;
- Highways (Environmental Impact Assessment) Regulations 2007 (SI 2007/1062);
- Highways (Road Humps) Regulations 1999 (SI 1999/1025);
- Highways (Traffic Calming) Regulations 1999 (SI 1999/1026);
- Local Government Act 1985;
- Local Transport Act 2008;
- New Roads and Street Works Act 1991;
- Pelican and Puffin Pedestrian Crossings General (Amendment) Directions 1998 (SI 1998/901);
- Quiet Lanes and Home Zones (England) Regulations 2006 (SI 2006/2082);
- Road Traffic Regulation Act 1984;
- Town and Country Planning Act 1990;
- Traffic Calming Act 1992;
- The Traffic Signs (Amendment) Regulations and General Directions 2005 (SI 2005/1670);
- Road Traffic Regulation Act 1984 (GLA Side Road Amendment) Order 2000 (SI 2000/2237);
- Road Traffic Regulations Act 1984 (Amendment) Order 1999 (SI 1999/1608);
- Road Traffic Regulations Act 1984;
- Wildlife and Countryside Act 1981.