

Bolton **Council**

Accessibility, Transport and Road Safety

Supplementary Planning Document

October 2013

CONTENTS

- 1 Introduction**
- 2 Purpose of this Supplementary Planning Document**
- 3 Local Highway Authority Role in Determining Planning Applications**

PART ONE –CORE STRATEGY TRANSPORT POLICIES

- 4 Transport Policies**

PART TWO – NATIONAL, SUB REGIONAL AND LOCAL LEGISLATION/POLICY AND GUIDANCE

- 5 Policy Background**

5.1 National

5.2 Sub-Regional

5.3 Local

PART THREE – GUIDANCE TO SUPPORT TRANSPORT POLICIES

6 Facilities for people with disabilities

7 Provision for pedestrians

8 Provision for Cyclists

9 Public Transport

10 Car Parking

PART FOUR – HIGHWAY DESIGN STANDARDS ASSOCIATED WITH PLANNING APPLICATIONS

11 Vehicle Access

12 Servicing

13 Visibility

14 Shared Surface Schemes

15 Advertisements on the Highway

16 Wind Turbines

17 Telecommunications Equipment

18 New Fences and Walls

19 Highway Improvement Lines

20 Personal Circumstances

21 Historical Precedents

PART FIVE – TRANSPORT ASSESSMENTS/STATEMENT AND TRAVEL PLANS

22 Transport Assessments/Statements

23 Travel Plans

PART SIX – INFRASTRUCTURE PROVISION AND FUNDING AGREEMENTS AND TARIFFS

24 Planning Conditions

25 Section 278 Agreements

26 Section 38 Agreements

27 Highway Improvement Schedule

28 Community Infrastructure Levy

29 Section 106 Agreements

APPENDICIES

Appendix One – Transport Assessments and Statements

Appendix Two – Street Cafes

Appendix Three – Council Policy for Agreements Under Section 278 of the Highways Act 1980

1 Introduction

- 1.1 The provision of a safe, high quality transport network is vital to the economic prosperity of the borough and the ability of residents to safely access potential new jobs being created. It is also vital to the achievement of the Council's Sustainable Community Strategy to enable people to safely access health, education and community facilities and to ensure that the use of transport does not adversely affect the climate. New development must therefore reduce the need to travel by car, and encourage people who live, work and visit to walk, cycle and use public transport.

2 Purpose of this Supplementary Planning Document

- 2.1 The three principal purposes of this document are:
- To assist in the delivery of the Council's Core Strategy policies for accessibility, transport and road safety;
 - To provide guidance for developers and applicants; and
 - To support swift and effective decision making by the Council on planning application proposals.
- 2.2 The Supplementary Planning Document consists of six parts. Part One identifies the relevant transport related policies in the Council's Core Strategy. Part Two identifies the relevant guidance at a National, Sub Regional and Local Level. Part Three gives additional guidance to applicants on interpreting the Core Strategy transport policies. Part Four deals with highway design standards and technical guidance. Part Five focuses on the requirements of a transport assessment/statement and travel plan and notes the thresholds where such documents are required to be submitted with a planning application. Part six details highway infrastructure provision and the use of agreements, tariffs and conditions.
- 2.3 The Council is required to monitor its planning policies and Supplementary Planning Documents will be included in this process. To test the effectiveness of this Supplementary Planning Document will be the way in which highway safety is affected by new developments. The reported personal injury collision record may be monitored for the lengths of highway adjacent to new developments. If there is evidence that this Supplementary Planning Document is failing to meet its objectives, it will be reviewed.

3 Local Highway Authority Role in Determining Planning Applications

- 3.1 As a statutory consultee, the Local Highway Authority must be consulted on all planning applications that are likely to have a traffic or highway implication (GPDO 1995) where:
- Development is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highways.
 - Development is likely to prejudice the improvement or construction of a classified road or proposed highway.

- Development involving the formation, laying out or alteration of any means of access to a highway.
- 3.2 As a responsible highway authority, Bolton Council will ensure that any new development has the minimum adverse impact on highway safety, traffic capacity, environmental capacity and convenience to transport users as a whole in accordance with the National Planning Policy Framework.
- 3.3 The Council's Environmental Services Department is the delivery arm for the Local Highway Authority and highway officers will use this Supplementary Planning Document to form the basis of all responses to consultations on planning applications. Applicants and prospective applicants are encouraged to discuss the highway/traffic implications of their proposals at the pre-application stage.

PART ONE –CORE STRATEGY TRANSPORT POLICIES

4 Transport Policies

- 4.1 The Bolton Local Development Framework Core Strategy sets out the Council's Transport policies for development. This Supplementary Planning Document (SPD) provides further information and guidance to those transport policies. The following Core Strategy policies are of particular importance: -

Policy S1 Safe Bolton – The Council and its Partners will:

1. Ensure that the design of new development will take into account the need to reduce crime and the fear of crime.
2. Promote road safety in the design of new development.
3. Target expenditure on road safety to locations with the worst safety record.

Policy P5 Accessibility and Transport – The Council and its Partners will ensure that developments take the following into account:

1. Accessibility by different types of transport, prioritising pedestrians, cyclists, public transport users over other motorised vehicle users.
2. The design of developments to enable accessibility by public transport.
3. Freight movement for industrial and storage uses.
4. Servicing arrangements.
5. Parking, including parking for cycles and powered two-wheelers, in accordance with the parking standards set out in Appendix 3.
6. The transport needs of people with disabilities.
7. The requirement for a Transport Assessment and Travel Plan with major trip generating developments.

4.2 In addition, the following Core strategy policies are also relevant: -

Policy CG3 The Built Environment – The Council and its Partners will:

- Expect development proposals to display innovative, sustainable designs that contribute to good urban design.
- Require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment including hard and soft landscaping and boundary treatment. Historical associations should be retained where possible.
- Ensure development is designed in an inclusive manner which is accessible and legible to all. Regardless of age, gender, background and disability.

Policy CG4 Compatible Uses – The Council and its Partners will:

- Ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security.

Policy TC11 Design in the Town Centre – The Council and its Partners will:

- Ensure that development along the gateways to the town centre enhances the townscape through the use of high quality design and improves street frontages and pedestrian permeability.
- Ensure streets are designed in accordance with the Public Realm Implementation Framework to achieve a high standard of design which exhibits safety, consistency and accessibility, particularly for pedestrians, cyclists and users of public transport.

Policy IPC1 Implementation – The Council will:

- Ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. In doing so, the council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development.

- 4.3 There are also saved Unitary Development Plan (UDP) policies that are of relevance for determining applications, although it is likely that these will be superseded by the emerging Allocations Plan over the next year. Until revoked the following policies should also be considered: -

Policy A18 The Road Network

The Council will safeguard the Strategic Route Network along which major traffic flows will be directed and will support the development of public transport and improvements for cyclists in appropriate locations on this network.

- By safeguarding these routes from developments that would increase congestion or reduce road safety the Council can ensure that the network continues to assist the process of urban regeneration by providing for the efficient distribution of goods and the movement of people.
- By directing through traffic onto the network the Council can reduce the problems associated with traffic passing through environmentally sensitive areas and thereby safeguard residential amenity, promote highway safety and conserve environmental assets.

Policy A19 Road Schemes/ Improvements

The Council will permit development proposals that would not prejudice the construction of roads, road improvement schemes and junction improvements that form part of an integrated transport strategy.

Policy D4 Advertisements

The Council will only permit advertisements, (including banners, blinds or canopies) that do not adversely affect the amenity of the building, the site and the local area by reason of design, size, materials, illumination, colour or number. Within Conservation Areas they should, through the use of appropriate design and materials, contribute to the preservation or enhancement of the character or appearance of the area. In addition to matters of visual amenity, signs which prejudice safety will not be permitted.

PART TWO – NATIONAL, SUB REGIONAL AND LOCAL LEGISLATION/POLICY AND GUIDANCE

5 Policy Background

5.1 National

- 5.1.1 National planning policy for transport is set out in the National Planning Policy Framework (NPPF). The NPPF has retained Planning Policy Guidance 13 'Transport' objective to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". However, the NPPF provides for development in locations which "can be made sustainable" and goes on to make the following statement that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
- 5.1.2 With regard to car parking, the NPPF does not refer to maximum or minimum car parking standards for new development, and instead promotes a flexible approach to car parking provision having given consideration to the accessibility of a development by non-car modes, local car ownership and the need to reduce the use of high emission vehicles.
- 5.1.3 As with previous guidance, the NPPF requires all development that generates a significant travel demand to provide a Transport Statement or Transport Assessment to support a planning submission. The NPPF also identifies that a key tool in the development of sustainable travel patterns will be the Travel Plan.
- 5.1.4 The provision on infrastructure is recognised in the NPPF as being of importance for helping to support sustainable economic development for the country. The NPPF requires that local planning authorities should set out strategic priorities and policies to deliver key infrastructure including transport infrastructure.

5.2 Sub-Regional

- 5.2.1 The Greater Manchester Local Transport Plan sets out the objectives and spending priorities for transport in Greater Manchester as a whole. The approach of the Core Strategy in concentrating most development in the urban areas where there are good levels of accessibility by public transport, cycling and walking is in accordance with the Greater Manchester Local Transport Plan.
- 5.2.2 The Greater Manchester Local Transport Plan Core Objectives are: -
- To ensure that the transport network supports the Greater Manchester economy to improve the life chances of residents and the success of business;
 - To ensure that carbon emissions from transport are reduced in line with the UK Government targets in order to minimise the impact on climate change;
 - To ensure that the transport system facilitates active, healthy lifestyles and a reduction in the number of casualties and that other adverse health impacts are minimised;
 - To ensure that the design and maintenance of the transport network and provision of services supports sustainable neighbourhoods and public spaces and provides equality of transport opportunities; and

- To maximise value for money in the provision and maintenance of transport infrastructure and services.

5.2.3 Transport for Greater Manchester is the Integrated Transport Body for Greater Manchester and has produced a guidance note for strategic developments 'Transport for Sustainable Communities – A guide for Developers'. The guidance document offers specific advice to planning authorities on developments that are of strategic importance (guidance on what TfGM deems to be strategic is set out in section 2 of their guidance document) or which affect TfGM's operational role. The document is intended to explain the thinking behind that advice and also to act as a more general source of guidance for other developments, associated with TfGM's Integrated Transport role.

5.3 Local

5.3.1 The Council's Transport Policy is set out in the Local Development Framework Core Strategy as noted in Part One of this SDP. However additional strategy, policy and guidance can be found in the following documents that will be taken into account when the Local Highway Authority comments on planning applications.

5.3.2 Town Centre Transport Strategy

5.3.2.1 The Town Centre Transport Strategy is a key element of the Council's town centre regeneration plans. Access is a vital consideration in the regeneration of Bolton town centre and the Council will embrace the concept of encouraging alternative modes of transport to the private car for such journeys. The Town Centre Transport Strategy sets out a transport philosophy and programme of measures to ensure residents and visitors to Bolton town centre have a reasonable choice of transport modes. Developers seeking permission in the town centre will need to comply with the requirements of the Town Centre Transport Strategy.

5.3.3 Network Management Policy

5.3.3.1 The Traffic Management Act 2004 (TMA) places a network management duty on local highway authorities such as Bolton to reduce congestion and disruption on the road network. This is particularly important for the Strategic Route Network referred to in this document as a 'Key Route', which is essential for the economic well-being of the borough. Other networks essential for the economic well-being of the borough are also 'Key Routes' and are as follows:

- Abnormal load routes
- Traffic sensitive roads
- Bus routes and, in particular, Quality Bus Corridors
- Motorway traffic diversion routes
- Strategic freight network

5.3.3.2 With regard to new developments, it is essential to ensure that the extra trips likely to be generated can be accommodated on the highway network whilst limiting any increase in congestion or journey reliability. This will be achieved by Developers complying with the appropriate transport policies and providing facilities for cyclists, pedestrians and public transport users. The traffic impact of any residual trips must be mitigated by the developer

through local highway improvements, which should address the needs of pedestrians and cyclists and public transport as a priority.

5.3.3.3 In managing the network to improve its efficiency, the needs of pedestrians, cyclists, public transport, freight and private vehicles need to be balanced, so as to both maximise the benefit to the local economy and ensure that communities have easy and safe access to work, healthcare, education and leisure. In managing the highway network the Council aim to:

- Improve the efficiency and reliability of Key Routes for workers, customers and suppliers to significant centres of economic activity;
- Make best use of walking, cycling and public transport routes to key centres and major new developments;
- Encourage the optimal use of the network by giving people information about their travel choices; and
- Minimise the impact of road traffic on residential areas and to improve the environment for pedestrians and cyclists on lightly trafficked streets.

5.3.4 Local Highway Design Guidance in the Context of National Guidance

5.3.4.1 The Department for Transport's **Design Manual for Roads and Bridges (DMRB)** is the design standard for trunk roads and motorways and sets out guidance and standards for the geometric design of links, junctions and highway features. The aim of the document is to design highways that achieve value for money and an acceptable standard of safety. DMRB sets out desirable minimum values for geometric standards which should always be the aim. However, in urban areas such as Bolton, the strict application of desirable minimum values may lead to disproportionately high construction costs. In these circumstances, it is possible to use lower values (relaxations) which will maintain an acceptable level of service without significantly affecting safety. In extreme situations, significant cost benefits might be secured by using values which are lower than those for relaxations and still not have a significant adverse effect on safety (departures). The Local Highway Authority's written agreement is required for any relaxations or departures.

5.3.4.2 The Council's **Roads for Adoption – A guide for Developers (RFA)** was published in 2002 and adopted as policy for new residential roads. The document recommends standards for the layout and specification of conventional residential roads (with a carriageway and footways) which will be acceptable to the Council for adoption purposes. In addition the Council has adopted **Roads for Industrial, Commercial and Retail Areas** which specifies road layouts for Heavy Goods Vehicles which will be acceptable to the Council for adoption purposes.

5.3.4.3 Since the Council adopted RFA, the Department of Transport has published **Manual for Streets (MfS1)** in 2007. It focuses on lightly-trafficked residential streets and is intended to be used predominantly for the design, construction, adoption and maintenance of new streets and for the re-design of existing residential streets. It aims to assist in the creation of high quality residential streets. The document recommends that local authorities review their standards and guidance to embrace the principles set out in MfS.

5.3.4.4 **Manual for Street 2 (MfS2)** was endorsed by the Department of Transport in 2010 and is intended to extend the advantages of good design to streets and roads outside residential areas. It builds on the guidance contained in MfS, exploring in greater detail how and where its

key principles can be applied to busier streets and non-trunk roads, thus helping to fill the perceived gap in design guidance between MfS1 and DMRB. The document recommends that as a starting point for any scheme affecting non-trunk roads, designers should start with MfS.

PART THREE – GUIDANCE TO SUPPORT TRANSPORT POLICIES

6 Facilities for people with disabilities

- 6.1 All new developments where the public require access, without exception, will be required to make provision for safe, clearly defined and convenient access for people with disabilities as require by Core Strategy Policy GC3 Part 5 and Policy P5 Part 6.
- 6.2 The Council also draws the attention of Developers to the Disability Discrimination Act 1995 (updated in 2005) which made it unlawful to discriminate against disabled people in relation to employment, the provision of goods, facilities and services, and the disposal and management of premises.
- 6.3 The Council will not permit any development to which Part M of the Building Regulations 1991 apply which fails to make appropriate provision for people with disabilities, both within parking facilities and as part of the route between the car park and the development's entrance.
- 6.4 The Council's standards for disabled parking provision are set out in the Local Development Framework Core Strategy Annex 3 Parking Standards.

7 Provision for pedestrians

- 7.1 In accordance with Core Strategy Policy P5 Part One and Policy S1 Part One, pedestrian access to new developments should be designed to be equally accessible to all members of the community, including people with disabilities, older people and children.
- 7.2 Most of the infrastructure needed for walking already exists, through a comprehensive network of footways. However the maintenance of that network and the provision of safe crossing facilities are key issues in encouraging people to walk more.
- 7.3 The Council will seek to ensure that new development is designed to be pedestrian friendly, with safe, direct walking routes along desire lines, linking into the existing network and taking priority within residential areas.
- 7.4 **Pedestrian friendly design needs to be incorporated at the earliest stages of the planning process, to ensure that these are fully integrated. The Council may require a contribution from new development to improve pedestrian crossing facilities in the vicinity of the site where it is deemed that there will be a significant footfall associated with the new development.**
- 7.5 Public Rights of Way (PRoW) are an important part of the integrated transport network, providing links to services and recreation. Bolton has an extensive Rights of Way (RoW) network, with the network covering both urban and rural areas. The Council adopted a Public Rights of Way Improvement Plan (PRoWIP) in 2007 which proposes to protect, maintain and improve the rights of way in Bolton. The Council intends to utilise the planning process to achieve this. **New development must not block or remove existing PRoW. If a PRoW requires relocating as part of a new development, plans should be submitted to the Council's PRoW Officer for approval as part of the planning process. The Council may require a contribution**

from new development to improve the existing PRow network in the vicinity of the site where it is deemed that there will be a footfall associated with the new development.

7.6 Additional guidance on pedestrian access can be found in Transport for Sustainable Communities: a Guide for Developers (section 7, TfGM).

8 Provision for Cyclists

8.1 In accordance with Core Strategy Policy P5 Part One cycle access to new developments should be designed to ensure cycling is a realistic travel choice to that of the private car. The Council's long-term aim is to make cycling a genuine, attractive choice for journeys to work and education, leisure and fitness. Whilst cycling casualties have been in decline in recent years in Greater Manchester, fear of using the roads is often cited as a reason for not cycling. Providing safe infrastructure and training for cyclists, and minimising conflict between cyclists and other road users is therefore essential. As more people cycle, safety fears are likely to be reduced, creating a virtuous circle that will lead to more people cycling.

8.2 The Council has made progress in developing a network of cycle routes, both on-road and off-road. However, elements of the cycle network are still to be implemented and the Council will ensure any proposed developments do not prejudice the future delivery of these routes. **The Council will protect the line of proposed off-road routes from development or require the provision of a segregated cycle route to be provided to adoptable standards as part of a new development.**

8.3 **The Council may require a contribution from new development to improve the cycle network in the vicinity of the site where it is deemed necessary to improve cycle access to a new development or provide safe cycle facilities associated with traffic generation from a new development.** Cycle facilities on the highway should be in accordance with Department for Transport Local Transport Note 2/08 'Cycle Infrastructure Design'.

8.4 It is essential to provide cycle parking at public transport nodes, places of work and other key destinations such as health, education and leisure developments. **The Council will ensure that cycle parking is provided as part of new developments, as set out in the Local Development Framework Core Strategy Annex 3 Parking Standards.**

8.5 Employers will be required to provide cycle parking for employees. The facilities should either be in a secure location within the building or placed in a highly visible area close to the access to the building for employees and visitors. The provision of shower and changing facilities and lockers for employees can act as a further incentive to cycle to work.

8.6 Cycle parking facilities for use by visitors should be carefully located to maximise convenience to the entrance of buildings and positioned so as to ensure safety, security and supervision. Cycle parking facilities should be:

- Located adjacent to well used pedestrian or cycle routes and/or overlooked by nearby properties.
- Positioned close to a light source if used after dark.
- Protected from the weather if bicycles are likely to be parked for long periods of time.
- Clearly sign-posted.

- 8.7 Additional guidance on cycle access can be found in Transport for Sustainable Communities: a Guide for Developers (section 7, TfGM).

9 Public Transport

- 9.1 Core Strategy Policy P5 Parts One and Two requires a developer to give consideration to the provision of public transport services in association with their development. Public transport that people can access and is punctual, reliable and gets people to where they want to go will reduce reliance on cars. This will, reduce congestion on roads, demand for parking and greenhouse gas emissions.
- 9.2 With regards to strategic developments, the Council emphasises the Part Two of Core Strategy Policy P5 in that the internal road layouts of new developments should enable bus penetration of the site to reduce potential walking distances from the nearest bus stops on the existing highway network.
- 9.3 For strategic sites as defined in TfGM's Transport for Sustainable Communities – a guide for developments, the Council points developers to section 8 which sets out public transport requirements.

10 Car parking

- 10.1 The Council's approach to car, motorcycle and cycle parking is set out in Core Strategy Policy P5 Part 5. In accordance with this policy relevant parking standards are set out in Core Strategy Appendix 3. All developers should have regard to these standards. These standards will be used by the Council to assess the adequacy of parking provision within any development proposal.
- 10.2 The general car parking standards are defined as maximum standards. The Council will not require a developer to provide more spaces than they themselves wish or, in the case of residential development, more than the potential occupier might want. The Council will look for the applicant to demonstrate the accessibility of the site where less provision has been proposed, for example, residential development with limited parking would be deemed acceptable in a town centre location.
- 10.3 In exceptional circumstances the Council might request the full provision of parking be provided where there are significant implications for road safety which could not be resolved through the introduction or enforcement of on-street parking controls or where the introduction of on-street parking controls would result in inconvenience for existing neighbours.
- 10.4 New development will normally be required to provide off-street car parking within the curtilage of each plot in order to protect the road safety of all road users. Applicants should carefully assess the circulation and manoeuvring requirements for vehicles, as well as adequate visibility for both parked vehicles and pedestrians.
- 10.5 Extensions to houses and garage conversions may have an impact on parking provision. Applicants are advised to read Supplementary Planning Document on House Extensions (August 2012) for potential restrictions associated with the provision of parking facilities.

- 10.6 Where parking provision within a development is likely to cause displacement of parking onto other surrounding areas, contributions may be required from developers to implement parking control measures.
- 10.7 Details of dimensions, layout and location of parking are included in:
- Roads for Adoption, Bolton Council (2003);
 - Manual for Streets, DCLG and DfT (2007);
 - Sustrans Cycle Parking Design Guidance;
 - Motorcycle parking – Traffic Advisory Leaflet 02/02.
- 10.8 The Council will normally permit development where the proposed development is not likely to lead to a perpetuation or an intensification of on-street parking in a location where parking is likely to be detrimental to highways safety, on a classified road, on a Key Route, in a traffic sensitive location, near to a busy junction or place of limited visibility or where two-way traffic would be impeded.
- 10.9 The Council require vehicles to be able to leave and entry the carriageway in forward gear on the classified road network. Applicants wishing to take access of the classified road network will have to demonstrate the ability for a vehicle to enter and leave in forward gear.

10.10 Additional Parking Guidance

- 10.10.1 Since the adoption of the Core Strategy, an additional Use Class - C4 Houses in Multiple Occupation (HMO) has been introduced. The following guidance should be treated as an addendum to the Core Strategy Appendix 3 Parking Standards:

C4 – HMOs – A maximum car parking provision equating to half the number of bedrooms.

HMO – 1 Car Parking Space per 2 Bedrooms.

- 10.10.2 The maximum parking standard was derived from analysis of existing planning permissions and taking account of specific characteristics associated with HMO's in Bolton including:

- Physical constraints usually associated with small plots;
- Locations usually close to town centres and therefore deemed to be in more accessible locations;
- Occupants usually being financially less well-off and are therefore less likely to own a car.

- 10.10.3 Applications for Use Class D1 – Crèche, day nurseries or day centres should be carefully designed to provide adequate car parking spaces within the maximum standard which are easily accessible in order to prevent excessive on-street car parking which may represent a traffic hazard or create disturbance to neighbouring residents. In the majority of cases children are taken to and from premises by car and there is a peaking of vehicle movements at the start and finish of the working day, however, outside these times any parent parking spaces provided are unlikely to be required. **Therefore the Council would look favourably on an**

application where the applicant has included an off-street drop off and collection facilities for at least two cars in addition to the number of spaces set out in the core strategy.

PART FOUR – HIGHWAY DESIGN STANDARDS ASSOCIATED WITH PLANNING APPLICATIONS

11 Vehicle Access

- 11.1 Due to the high volumes of traffic on Key Routes and classified roads and the accident potential at multiple junctions, the Council considers it necessary to restrict vehicular access to Key Routes and classified roads from proposed developments in accordance with Core Strategy Policy S1 Part 2. Access should normally be taken from the lowest category of road where this is practical and safe and any existing accesses to a higher category of road should be closed.
- 11.2 The reversing of vehicles onto or off Key Routes and classified roads is a particularly dangerous manoeuvre which can also disrupt the free flow of traffic. Where a proposed development includes a satisfactory facility that will permit vehicles to enter and leave the classified road or Key Route in forward gear, it is considered that vehicular access could be permitted (subject to the appropriate standards of layout and visibility being achieved). The Developer must submit accurate drawings showing the swept path of the largest vehicle likely to visit the site, using Autotrack or a similar computer programme, to demonstrate that vehicles can enter and leave the site in forward gear when all the designated parking spaces and servicing spaces on the site are occupied.
- 11.3 There may be locations on roads other than classified roads where the above policy on accesses will be required to be applied (e.g. important non-classified traffic routes, major residential access roads etc). The applicant is advised to discuss the proposals at an early stage in order to agree access requirements.
- 11.4 For any new access to a highway or for any existing access where there is likely to be a significant intensification of use, it is essential that current standards of layout and visibility are achieved.

12 Servicing

- 12.1 Applicants will be required to demonstrate adequate servicing arrangements in accordance with Core Strategy Policy P5 Part 4.
- 12.2 There are many existing developments which do not include provision for off-street servicing facilities. The resulting on-street servicing associated with these uses often becomes detrimental to road safety and the free flow of traffic, particularly when the use is situated on a classified road, near a junction, at a location with limited visibility or in a road safety sensitive location.
- 12.3 Consequently, space for service and delivery vehicles to park and manoeuvre will normally be required to be provided on site. The Council's servicing layout standards are laid down in the Council's "Roads for Adoption" guidance document.
- 12.4 Developers will be required to submit swept path analyses to support their proposals using the largest vehicle likely to visit the site. For residential housing sites, the swept path of a large refuse vehicle (11.4m long with front double axle) should be demonstrated.

13 Visibility

- 13.1 Visibility is a key safety issue and an applicant will need to demonstrate appropriate visibility requirements throughout the internal highway network of the site (residential housing estate) and appropriate visibility requirements where access roads join the existing highway network as required in Core Strategy Policy S1 Part 2.
- 13.2 The Council's guidance on visibility splays is set out in the Council's 'Roads for Adoption' and subsequently updated by the Department for Transport's 'Manual for Streets'.
- 13.3 In relation to establishing the appropriate Stopping Sight Distances, the Council will require 85th percentile speeds to be used as set out in DMRB/Vol5/Section 1/TD22/81. The Council will require the applicant to provide a 7 day Automatic Traffic Count (ATC) to establish the 85th percentile traffic speed. The Council would advise the applicant to commission Transport for Greater Manchester to undertake these surveys to ensure accuracy and consistency with other traffic data the Council will consider the application against. As the ATC equipment is unable to record weather conditions, the Council will not accept a reduction in the traffic speeds recorded in order to calculate a wet weather value.
- 13.4 For Key Routes, classified roads and other roads where the 85th percentile speed is above 37mph and the primary function is the movement function, designers will be expected to follow the guidance set out in DMRB, with relaxations if necessary (to be agreed in writing by the Highway Authority) to ensure that the design respects the local context. For residential streets and other streets where the primary function is the place function and 85th percentile speeds are below 37mph, applicants should adopt the values set out in Manual for Streets table 7.1.

14 Shared Surface Schemes

- 14.1 The Council proposes to update its Roads for Adoption guidance document to take account of Manual for Streets and Manual for Streets 2. In the interim, any proposed prospectively adoptable shared surfaces should be laid out as follows: -
- In cul-de-sac's only.
 - A transitional link with a conventional carriageway and footways to Roads for Adoption must be provided where the proposed residential street would connect to a category 1-4 distributor road as defined in Roads for Adoption.
 - A total width of highway of 9.5m is required. Where the site is physically constrained, a minimum width of 6.5m can be allowed at pinch points for a distance of 15m maximum, with street furniture, lighting columns etc located at the rear of the highway, away from the pinch point.
 - For surface water drainage purposes, the shared surface must be bounded on both sides by a 50mm kerb face and a 0.5m (minimum) adoptable clearance margin at the back of the highway, kerbed and paved in the same material as the main shared surface.
 - Paving materials must convey character and distinctiveness eg imprinted asphalt, concrete block paving, granite sett paving or concrete sett paving.

- A turning head must be provided at the end of the road large enough to accommodate a large refuse vehicle (11.4 long with front double axle) clear of any on-street parking that would be likely to take place (eg a rectangular shaped area 20m x 15m).
- Each property must have a minimum of 2 car parking spaces provided clear of the highway.
- Within the proposed residential development, corner radii of 3m will be acceptable.

15 Advertisements on the Highway

- 15.1 Advertisements are an accepted and necessary part of the built environment. However, advertisements by their nature may easily act as a distraction to motorists to the detriment of highway safety. The Local Highway Authority aims therefore, to ensure that advertisements are located on such positions as to serve their function, but not detract from public safety.
- 15.2 Detailed guidance on design standards are set out in the Council's PCPN6 The Display of Signs and Advertisements.

16 Wind Turbines

- 16.1 Applicants for wind turbines need to consider the implications for the safety of road users and users of public rights of way.
- 16.2 To avoid the potential of structural collapse and of ice being thrown from the turbine blades, it is appropriate to achieve a set back from the nearest highway boundary or public right of way equal in distance to:
- the height of the turbine + 10% for turbines with a rotor diameter less than 30 metres
 - the height of the turbine + 50 metres for turbines with a rotor diameter of 30 metres or more.
- 16.3 With regard to bridleways and other routes used by horse riders, the British Horse Society has suggested a separation distance of 200m to avoid wind turbines frightening horses. On this basis, where the recommended separation distance of 200m cannot be achieved, the Applicant will be required to demonstrate:
- how safety issues can be addressed by carrying out agreed works or:
 - details of an alternative existing route or:
 - proposals for an alternative proposed route to be funded or provided by the Applicant and dedicated as a public bridleway.
- 16.4 To avoid the potential for visual distraction, the turbines must be located where a clear view from a distance can be achieved. The existing reported personal injury accident record occurring near the proposed wind turbine should be obtained and analysed by the Applicant in support of the planning application. Locations with a history of rear end shunt accidents should be treated with particular caution.

- 16.5 The promoter of the wind farm must submit a Transport Statement covering the construction stage of the development. The Transport Statement should demonstrate the likely impacts of the construction traffic on the highway network and on road users. Any mitigating measures should be identified. Swept path vehicle analyses should be provided by the Applicant for the abnormal load deliveries to the site (eg turbine blades).
- 16.6 It is considered that shadow flicker rarely affects motorists because it will only last a very short period for moving vehicles.

17 Telecommunications Equipment

- 17.1 Cabinets must not be located within visibility splays at road junctions. Cabinet doors must open through 180 degrees to prevent obstruction of the footway.
- 17.2 The following minimum footway widths must remain unobstructed for pedestrians: -
- 1.5m within residential estates or industrial estates;
 - 2.3m on town centre roads, district centre roads or other roads with heavy pedestrian flows;
 - 2.0m on other roads.

18 New Fences and Walls

- 18.1 Proposals for new walls or fences should not obstruct visibility at road junctions, bends or drives. It should be noted that there are no permitted development rights for gates, fences, walls or means of enclosure under the height of 1m above ground level if the proposal 'creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons'. It should also be noted that, whilst the height of walls is measured above ground level, the height of visibility splays is measured above carriageway level. In general, a fence height of 850mm is unlikely to obstruct the normal visibility height of 1.05m but a level survey may be needed to check this.

19 Highway Improvement Lines

- 19.1 As part of its integrated transport strategy, the Council has approved a number of highway improvement schemes for Planning Control purposes, pending the securing of finance to implement the schemes. Where a proposed development is affected by a proposed improvement line, the applicant will be expected not to prejudice the future implementation of the scheme. Prospective applicants requiring information on approved highway schemes should contact the Council's Highways and Engineering Development Services.
- 19.2 Developments often take place on infill sites surrounded by existing highways, the layout of which frequently falls below the Council's current standards. The re-development of such sites provides an opportunity to improve the highway to meet the current standards. Improvement to carriageway width, radii and visibility will therefore be sought in appropriate cases in

accordance with the above guidance. In particular, back street improvements to widths of 6.5 metres will be sought in order to facilitate the future provision of off-street parking in existing property.

20 Personal Circumstances

- 20.1 Although the Council may be sympathetic to the personal circumstances of individual applicants, the Council's overriding duty to protect the safety of the travelling public is paramount.
- 20.2 No relaxation of standards will therefore be permitted for personal circumstances, where this would be likely to result in harm to highway safety, which would remain long after the personal circumstances cease to exist.

21 Historical Precedents

- 21.1 Many developments in Bolton took place in the years when traffic volumes were insignificant (in comparison to today's high traffic volumes) and highway design standards and criteria were still being developed.
- 21.2 Over the years, the potential for road traffic accidents has increased as traffic volumes have grown. During this period, national highway design standards and guidance have evolved in response to research into accidents and driver behaviour. It is therefore essential that all new developments are assessed against current design standards and guidelines to protect road safety in modern day driving conditions. The fact that other similar developments may have been permitted or allowed to remain in the past is not a good reason to allow unacceptable development in today's traffic conditions.

PART FIVE – TRANSPORT ASSESSMENT/STATEMENTS AND TRAVEL PLANS

22 Transport Assessments/Statements

22.1 The National Planning Policy Framework states that all developments that generate significant amounts of movement should be supported by a Transport Statement (TS) or Transport Assessment (TA). Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

22.2 A properly prepared TA will help planning authorities assess the development's compatibility with the relevant planning policy framework (usually the local development framework) and, in particular, the relevant transport strategy (usually the local transport plan). It will allow the transport implications of proposed developments to be properly considered and, where appropriate, will help identify suitable measures to achieve a more sustainable and environmentally sound outcome. A TA can also address issues likely to be of concern to the local traffic authority (and the Highways Agency where relevant) in performing their network management duties.

22.3 In preparing a transport assessment the following considerations will therefore be relevant.

- Encouraging environmental sustainability by reducing the need to travel, (especially by car) the length of travel and promoting more sustainable multi-purpose or linked trips making it safer and easier for people to access jobs, shopping, leisure facilities and services by public transport, walking, and cycling.
- Managing the existing network by making best possible use of the existing transport infrastructure through low-cost improvements to public transport (such as bus lanes) or advanced signal control systems and a managed access to the highway network to lessen the impact a development has.
- Mitigating residual impacts through demand management to regulate traffic flows, improvements to the public transport network, such as extended bus routes and enhanced walking and cycling facilities, and through physical improvements to existing or new roads.

22.4 Consideration of these matters should take place at an early stage in the process of preparing a development proposal. Work on developing the transport assessment can then help inform, and be informed by, discussions about the location of the site and the scale and mix of uses proposed.

22.5 Detailed advice on the preparation of Transport Assessments and Statements is included in Annex 1 to this document.

23 Travel Plans

23.1 A travel plan is a package of measures to manage the transport needs of an organisation. A successful travel plan will identify smarter ways to travel and mitigate the impacts of existing or future transport congestion problems and increase access to the site. Developers are required to provide Travel Plans for all developments (including schools) where congestion problems could be mitigated through such an approach. For example, where a proposal could:-

- generate significant volumes of additional traffic; or
- generate traffic that will create or exacerbate an existing local traffic or safety problem; or
- generate traffic in an area where there are existing or proposed initiatives to reduce road traffic and/or promote walking, cycling or public transport; or
- Significantly increase traffic in an Air Quality Management Area (AQMA) or other area of poor air quality such that an AQMA might need to be declared.

23.2 Travel Plans are an important component of the Council's overall transport objectives and Government policy is that businesses, schools, hospitals and Councils should produce their own Travel Plans. Bolton Council is promoting a programme of Travel Plans for schools in Bolton.

23.3 Travel Plan submissions should aim to:-

- reduce car use, particularly single occupancy car use, and increase walking, cycling and public transport for access to the development;
- reduce the impact of traffic arising from the development; and
- provide safe pedestrian and cycle access.

23.4 A satisfactory Travel Plan will be required for developments in excess of the following thresholds:

- Food above 250 m²
- Non – food retail above 800m²
- D1 and D2 uses above 500 m²
- B1 uses (including offices) above 1,500 m²
- B2 uses above 2,500 m²
- B8 uses above 3000 m²
- Stadia 1,500 seats
- Any development of a smaller nature that will employ 200 or more staff.

PART SIX – INFRASTRUCTURE PROVISION AND FUNDING AGREEMENTS AND TARIFFS

24 Planning conditions

- 24.1 Most planning permissions are granted subject to conditions and it is often the case that some, or all, of these conditions will require a further approval from the local planning authority before the development can be lawfully implemented.
- 24.2 Where works are to be carried out off-site, a negatively worded condition ('Grampian condition') is often imposed that prevents the occupation of the development until the off-site works have been completed. For example, where an off-site road junction needs improvement to cope with the additional traffic likely to be generated by the development, a Grampian condition could be imposed, restricting the occupation of the development until the junction improvements have been carried out in accordance with approved plans.

25 Section 278 agreements

- 25.1 Where a development has received planning permission from the local planning authority subject to works being carried out on the existing public highway, an agreement will need to be completed between the developer and the Council as local highway authority under section 278 of the highways Act 1980. Examples of such works could be the construction of a new access junction, improvement of an existing junction or safety related works such as traffic calming or improved facilities for pedestrians and cyclists. In addition, the developer will need to enter into a section 278 agreement with Transport for Greater Manchester Urban Traffic Control section where traffic signals form part of the highway scheme.
- 25.2 Under the Section 278 Agreement, the Council will provide the works at the developer's expense. Under no circumstances will the Council commence the works within the limits of the public highway until the Section 278 Agreement is completed and the bond is secured.
- 25.3 More detailed guidance on Section 278 Agreements is provided in Annex 3 of this document.

26 Section 38 agreements

- 26.1 Where a development has received planning permission from the local planning authority and the development includes a new estate road for residential, industrial or general purpose traffic, the normal means by which the road becomes a public highway is via an agreement with the Council as Highway Authority under Section 38 of the Highways Act 1980.
- 26.2 Planning permission is often initially obtained on the basis of an indicative layout. Following this, the developer prepares detailed technical drawings and these are submitted to the Council for approval. The development may be divided into a number of phases and an agreement completed for each phase. Once satisfactory, the drawings are included in the Section 38 Agreement and used by the Council to supervise the construction of the works. The works are carried out by the developer at their own expense. Once the roads have been

satisfactorily completed and the maintenance period successfully passed, Bolton Council will adopt the road(s) as highways maintainable at the public expense.

- 26.3 More detailed information on the procedures and appropriate standards is available in the Council publication 'Roads for Adoption'.

27 Highways Improvement Schedule

- 27.1 Working in partnership with Transport for Greater Manchester (TfGM) and the Highways Agency, the Council has undertaken a second phase of transport modelling to support the implementation of the Allocations Development Plan Document.
- 27.2 From the modelling results, during peak hours, junctions have been identified which are either currently over capacity or are predicted to be over capacity by 2026. Projects and costs have been estimated to help mitigate these capacity issues in order to allow development across the borough to proceed. These projects have been listed in the Infrastructure Schedule 2012; the prioritisation of these works has yet to be established and will be done through an additional piece of work.

28 Community Infrastructure Levy

- 28.1 The introduction of the Community Infrastructure Levy Regulations 2010 (as amended) means that the mechanism for obtaining developer contributions will change in the near future. This will happen through the introduction of a Community Infrastructure Levy (CIL) once the associated Charging Schedule coming into effect; or after 6th April 2014, whichever is earlier. After that point, limitations will be placed on the use of planning obligations to fund infrastructure projects, effectively meaning that only monies from a maximum of 5 obligations can be pooled towards a single piece or general type of infrastructure; all obligations entered into since April 2010 will need to be considered to assess whether the limit of 5 has been reached.
- 28.2 It is anticipated that a substantial portion of the receipts raised through the levy will be used to part-fund projects identified through the transport modelling work. These specific transport projects, along with other infrastructure projects, will be detailed in a document that is often referred to as the 'regulation 123 list'. There may also be additional scope to use some of the monies raised to help alleviate other accessibility, congestion and safety issues, thus benefitting both residents and businesses across Bolton.

29 Section 106 contributions

- 29.1 The Community Infrastructure Levy Guidance describes the interaction between what the Community Infrastructure Levy can be spent on as defined in regulation 123, and the operation of section 106 contributions. Paragraphs 87 and 88 of the Guidance state that:

“When a charging authority introduces the Community Infrastructure Levy, section 106 requirements should be scaled back to those matters that are directly related to a specific site, and are not set out in a regulation 123 list...”

“Where the regulation 123 list includes a generic item (such as education or transport), section 106 contributions should not normally be sought on any specific projects in that category. Such site-specific contributions should only be sought where this can be justified with reference to the underpinning evidence on infrastructure planning made publicly available at examination.”

- 29.2 When planning conditions are not able to deliver site specific mitigation requirements, a Section 106 Agreement may be negotiated between the developer and the local planning authority to ensure that any off site small scale transport infrastructure that is directly related to the development site can be mitigated. Any such contributions would need to meet the Government’s policy tests, i.e. they would need to be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 29.3 To support the delivery of CIL and provide clarity for developers, a Supplementary Planning Document on the topic of Infrastructure and Planning Contributions is being prepared and the regulation 123 list will also ensure that no double charging for transport projects or types of infrastructure will occur.

APPENDICIES

ANNEX 1: Transport Assessments & Statements

- 1.1 Transport Statements and Transport Assessments shall be carried out in accordance with the DCLG/DfT Guidance on Transport Assessment (GTA), as amended by this document.
- 1.2 Appendix B of GTA provides suggested thresholds below which a formal assessment may not be needed, and above which the preparation of a TS or a TA would be appropriate. These thresholds are based upon scenarios which would typically generate 30 two-way peak hour vehicle trips or 10 HGV's per day:

Thresholds based on size or scale of land use						
	Land use	Use/description of development	Size	No assessment	TS	TA/TP
1	Food retail (A1)	Retail sale of food goods to the public – food superstores, supermarkets, convenience food stores.	GFA	<250 sq. m	>250 <800 sq. m	>800 sq. m
2	Non- food retail (A1)	Retail sale of non-food goods to the public; but includes sandwich bars – sandwiches or other cold food purchased and consumed off the premises, internet cafés.	GFA	<800 sq. m	>800 <1500 sq. m	>1500 sq. m
3	A2 Financial and professional services	Financial services – banks, building societies and bureaux de change, professional services (other than health or medical services) – estate agents and employment agencies, other services – betting shops, principally where services are provided to visiting members of the public.	GFA	<1000 sq. m	>1000 <2500 sq. m	>2500 sq. m
4	B1 Business	(a) Offices other than in use within Class A2 (financial and professional services) (b) research and development – laboratories, studios (c) light industry	GFA	<1500 sq. m	>1500 <2500sq. m	>2,500 sq. m
5	B2 General industrial	General industry (other than classified as in B1),The former 'special industrial' use classes, B3 – B7, are now all encompassed in the B2 use class.	GFA	<2500 sq. m	>2500 <4000 sq. m	>4000 sq. m
6	B8 Storage or distribution	Storage or distribution centres – wholesale warehouses, distribution centres and repositories.	GFA	<3000 sq. m	>3000 <5000 sq. m	>5000 sq. m
7	C2 Residential institutions - hospitals, nursing homes	Used for the provision of residential accommodation and care to people in need of care.	Beds	<30 beds	>30 <50 beds	>50 beds

8	C3 Dwelling houses	Dwellings for individuals, families or not more than six people living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	Dwelling unit	<50 units	>50 <80 units	>80 units
9	D1 Non-residential Institutions	Medical and health services – clinics and health centres, crèches, day nurseries, day centres and consulting rooms (not attached to the consultant's or doctor's house), museums, public libraries, art galleries, exhibition halls, non-residential education and training centres, places of worship, religious instruction and church halls.	GFA	<500 sq. m	>500 <1000 sq. m	>1000 sq. m
10	D2 Assembly and leisure	Cinemas, dance and concert halls, sports halls, swimming baths, skating rinks, gymnasiums, bingo halls and casinos. other indoor and outdoor sports and leisure uses not involving motorised vehicles or firearms.	GFA	<500 sq. m	>500<1500 sq. m	>1500 sq. m

Thresholds based on other considerations		TS	TA	TA/TP
1	Any development that is not in conformity with the adopted development plan.			✓
2	Any development generating 30 or more two way vehicle movements in any hour.		✓	
3	Any development generating 100 or more two way vehicle movements per day.		✓	
4	Any development proposing 100 or more parking spaces.		✓	
5	Any development that is likely to increase accidents or conflicts among motorised users and non-motorised users, particularly vulnerable road users such as children, disabled and elderly people.			✓
6	Any development generating significant freight or HGV movements per day, or significant abnormal loads per year.		✓	
7	Any development proposed in a location where the local transport infrastructure is inadequate. – for example, substandard roads, poor pedestrian/cyclist facilities and inadequate public transport provisions.		✓	
8	Any development proposed in a location within or adjacent to an Air Quality Management Area (AQMA).		✓	

However, there may be circumstances where a TS or a TA shall be undertaken, even though threshold criteria are not exceeded.

- 1.3 The TA should consist of a transport assessment for the anticipated / estimated year of opening of the development (the opening year). In addition, the proposal shall be assessed for a period of 5 years after the opening year. The developer should also contact the Highways Agency to establish an appropriate assessment year for any development that is likely to lead to a material impact on the motorway network or access junctions.
- 1.4 The highway network traffic flows shall take account of all Council approved highway and development proposals.
- 1.5 In order to forecast the traffic likely to result from the development, the TA shall be based on the following trip generation rates:
 - (i) Site Access Junction
 - for a single use site, 85th percentile trip rates shall be used to assess the site access junction.
 - for a mixed use site, the average trip rate for each individual use within the site shall be used to assess the site access junction.
 - (ii) Highway Network
 - for all sites, average trip rates shall be used to assess the impact on the surrounding highway network.
 - (iii) For major sites the approach set out in Guidance for Transport Assessments should be followed where sites contained on the database are not comparable then the applicant should undertake a sensitivity analysis using both 85th percentile and average (50th percentile) trip rates to inform the process of the differences between these 2 assumptions.
- 1.6 It should be noted that the Highways Agency will require the use of 85th percentile trip rates for any development likely to affect the Motorway network.
- 1.7 Where a development has a material impact the applicant should ameliorate the traffic impact of the proposed development by restoring the flow/capacity ratio to the level prior to the development traffic (i.e. at opening year). The Applicant is also required to provide an assessment of network performance 5 years from the opening year.
- 1.8 The applicant shall include a Safety Audit for all proposed changes to the highway layout. The audit shall be in accordance with the IHT "Guidelines for the Safety Audit of Highways" and the Design Manual for Roads and Bridges HD 19/03.
- 1.9 Applicants are also required to undertake a walking and cycling audit in accordance with the Greater Manchester Concise Pedestrian & Cycle Audit (COPECAT) for all proposed changes to the public highway.
- 1.10 For a small number of developments, the transport impact of construction traffic can be significant and this aspect of the development should be included in the Transport Assessment. The Applicant should identify the time periods during which construction activities will take place, the numbers of trips likely to be generated, the vehicle type and for heavy construction traffic, an appropriate access or diversion route or traffic management plan to minimise local impacts.

ANNEX 2: Street Cafés

1. Introduction

- 1.1 Bolton Council has a commitment to developing a more vibrant Town Centre. As part of this commitment, the introduction of street cafés is encouraged by the Council. It is important to advise that Planning Permission from the Local Planning Authority and a Street Café licence from the Local Highway Authority will be required in all cases.
- 1.2 Any Planning Application and Street Café Licence Application will take into account three main issues:
- The amount of space the street café will remove from the public highway
 - The visual impact of the proposed street café
 - The effect upon local residents or other businesses, particularly in terms of noise levels and the safe passage of pedestrians.
- 1.3 Applications for Planning Permission and for a Street Café licence may be applied for at the same time and should be submitted to the relevant Council Departments. However, it should be noted that Street Café Licence application forms will not be processed until Planning Permission is granted.
- 1.4 Bolton Council, as the Highway Authority, may licence the use of an area of public highway under the provisions of Section 115E of the Highways Act 1980. In doing so, Bolton Council must ensure that sufficient footway width is retained for pedestrians to move about safely, and for the movement of vehicles, including street sweepers.

2. Requirements for a Street Café Licence

- 2.1 The Street Café area will be marked out by Brass Studs on the highway, installed by the Licensee in agreement with the Council at the Licensee's cost, with perimeter delineation approved by the Council, unless agreed otherwise. This will indicate the area licensed for
- 2.2 The Street Café Licence will normally limit the hours during which the tables and chairs may be positioned on the public highway, and will require that outside these hours, all furniture be removed and the highway washed down. The general cleaning and appearance of the licensed area will become the responsibility of the Licensee during the hours of operation of the Street Café Licence.
- 2.3 The Street Café Licensee will indemnify Bolton Council against any claim that might arise in respect of injury, damage or loss arising out of the granting or permission to operate a street café, unless such arise out of negligence by Bolton Council.
- 2.4 The Licensee will be required to return the area for normal highway use outside the agreed operating hours in a clean and unobstructed state.
- 2.5 The Street Café Licence will require that the tables and chairs are safe and suitable for the purpose, clean, tidy and maintained to a high standard.
- 2.6 Tables must be cleaned as soon as they become vacant, if not before.
- 2.7 Litter receptacles will be required within the Licensed area and the adjoining highway to be kept in a clean and tidy condition.

- 2.8 If umbrellas or parasols are proposed, they must be adequately secured and positioned so as not to project beyond the designated area.
- 2.9 Tables, chairs and other equipment or furniture, and the means of enclosure must not cause an obstruction, which would adversely impede the safe progress of pedestrians, vehicles, prams, disabled people, blind and partially sighted people.
- 2.10 The playing of amplified music outside the premises will not be allowed under the Street Café Licence.
- 2.11 The sale of takeaway food or drink from outside the premises will not be allowed under the Street Cafe Licence.
- 2.12 A minimum distance of 0.75m from the face of the building is required to adequately accommodate tables and chairs plus seated persons.
- 2.13 Generally a 5.0m wide corridor should remain as a clear and unobstructed route for pedestrians and emergency vehicles.
- 2.14 In partially pedestrianised areas, tables and chairs must only be placed on the highway, which is shared with vehicles, inside the times designated for pedestrian use. Street café furniture will be allowed on licensed areas 30 minutes after vehicular access is closed. All street café furniture must be removed 30 minutes before vehicle access commences.
- 2.14 A minimum width of 1.8m of unobstructed footway is required for safe pedestrian movement. Pedestrians' needs must be paramount and they should not be diverted from their main route. In areas of heavy pedestrian flows or on bus routes a minimum width of 2.3m unobstructed footway is required.
- 2.15 In a situation where there is a significant amount of street furniture, a minimum width of 1.8m will be required from the line of the street furniture rather than the face of the kerb edge or other defined edge.
- 2.16 The area of the street café must be defined by a barrier, which includes 'tapping rails' at low level. Tapping rails should be at least 150mm in height, set with its lower edge 300mm above the highway surface.
- 2.17 Street café tables must be served directly from adjacent building premises where the food is prepared and sold.
- 2.18 No ice cream or drinks vending machines or stalls will be allowed on the public highway that infringes on food safety or street trading legislation.
- 2.19 More detailed guidance is provided in Street Café Guidelines

ANNEX 3: Council policy for agreements under Section 278 of the Highways Act 1980

Introduction

The Council welcomes new developments in the Borough and is keen to facilitate them by carrying out associated highway improvements under Section 278 Agreements.

In order to provide clear guidelines to Developers and ensure a speedy and efficient process, the Council has approved a policy for such works as follows:-

Policy

- a) Works to be carried out under Section 278 of the Highways Act 1980 will be designed and constructed by the Council, unless the Director of Environmental Services considers that the works are minor in nature and are unlikely to cause disruption to the travelling public.
- b) Agreements made under Section 278 of the Highways Act will be in accordance with the Standard Forms of Agreement. The Director of Environmental Services is authorised to delete any clauses shown in italics where these are not applicable and to vary the figures in the parenthesis [] according to the scale and complexity of the works. **No other variations to the wording shall be permitted unless additional parties need to be included in the Agreement.**
- c) Drawings to be included in the Section 278 Agreement must be based on an accurate topographical survey and need to have passed a Stage 1 Safety Audit carried out by the Director of Environmental Services, (in accordance with IHT “Guidelines for Safety Audit” and the Design Manual for Roads and Bridges HD19/94 and HA 42/94). The Safety Audit shall assess the layout, horizontal and vertical alignments, sightlines, road markings and signing to define the land take for the improvements. The Developer must be either the freeholder in possession or the leaseholder with the consent of the freeholder for any land to be dedicated as Highway.
- d) It should be noted that the Council has no obligation to commence the design and construction of the works until the Section 278 Agreement has been signed.
- e) Developers are required to cover the Council’s staff costs as follows:-
 - (i) An advance fixed fee of £2,500 to progress the scheme from the Planning Application Stage, obtain Highway Authority approvals, instruct the Head of Legal Services and negotiate the variable terms of the Agreement.
 - (ii) A variable legal fee based on an hourly recharge basis for the preparation of the Agreement, payable on the signing of the Agreement.
 - (iii) A 1% fee (minimum £2,000, maximum £20,000) for administration, client / partnership management, project management and financial management of the project, payable after the signing of the Agreement.
 - (iv) A variable design and supervision fee payable after the signing of the Agreement.
 - (v) Fixed charges for traffic regulation orders, footpath diversion orders and road closure orders payable after the signing of the Agreement.
- f) The above fees and charges will be reviewed on an annual basis.

Traffic signals and controlled pedestrian crossings

g) Where the works include the alteration or provision of traffic signals and/or controlled pedestrian crossings, the developer will be required to enter into an additional Section 278 Agreement with TfGM, with the developer being required to pay the following costs:

- The design costs for the signal scheme;
- The costs incurred by TfGM for carrying out the works. This includes the supply and installation of the traffic signal equipment, utility connections and management fees;
- TfGM's legal fees for the preparation of the S278 agreement; and
- A Commuted Sum for the 15 year maintenance and running costs of the traffic signal installation. This includes the first line maintenance of the signals using the TfGM Traffic Signal Maintenance Contract, the mains electricity charges, the communications between the remote site and the UTC in-station and the in house costs of ongoing signal management.
- These responsibilities exist for all developer led traffic signal schemes within the AGMA Local Highway Authorities where design work has commenced after 1 April 2011.

The commuted sum, as of 1st December 2012, is to the value of:

- For new signal junctions: £3,300 per year over 15 years = **£49,500**.
- For new signal crossings (puffin, toucan and pegasus): £1,650 per year over 15 years = **£24,750**.
- Where an existing site is modified, for example by adding pedestrian facilities, an additional approach arm or converting a pelican to a puffin, then the proportional increase in the value of the asset is calculated and used to determine what proportion of the normal commuted sum is payable.
- The costs for the signal installation, the legal fees and the commuted sums are all payable in advance by the developer to GMCA at the time when the S278 agreement between the developer and GMCA is signed. If there is no payment forthcoming then the procurement of traffic signal equipment will not commence.

Timescales

The negotiation of a Section 278 Agreement, together with the consequential design and construction can be lengthy processes. The developer is advised to contact Highways and Engineering Development 01204 336677 at an early stage to avoid unnecessary delays.