

## Scottish Parliament Region: Central Scotland

### Case 200601461: East Ayrshire Council

#### Summary of Investigation

##### **Category**

Local government: Roads/transport; Policy/administration

##### **Overview**

Mr C complained that the Council did not correctly follow their own Roads Development Guide in determining the appropriate sightlines required for a junction near his home.

##### **Specific complaint and conclusion**

The complaint which has been investigated is that the Council did not correctly follow their own Roads Development Guide (*not upheld*).

##### **Redress and recommendation**

The Ombudsman recommends that the Council clarify in the Guide that they can relax the standards to reflect specific local conditions.

The Council have accepted the recommendation and will act on it accordingly.

## **Main Investigation Report**

### **Introduction**

1. East Ayrshire Council (the Council) submitted a planning application for the development of a Council-owned building which had been seriously damaged by fire. The application stated that the building would be partially reinstated and extended to provide a registry office, marriage suite and archive. The building was in a park and some distance from the nearest car park. The application provided for a new car park (76 car spaces with two bays for coaches) near the point where an existing road through the park met a main road. Additional parking amounting to 30 spaces in total was to be created in two separate areas in the park. It was accepted that the development and the car parking provision related to this would lead to increased traffic to the site through the junction with the main road.<sup>1</sup>

2. Mr C who lived near the park objected formally to the application at a Development Services Committee (the Committee) meeting on 1 August 2006. He said he had no objection in principle to the redevelopment but was concerned the initial proposal for a one-way traffic system had been rejected and the application contained proposals for a two-way system. Mr C quoted the Council's own Roads Development Guide (the Guide) and said that the proposal did not meet the Council's own standards for visibility at the junction with the main road.

3. The Committee were also presented with a report by Council officials on the application. This report listed a number of concerns that had been raised by Mr C and other local residents about the safety of the junction. The Roads and Transportation Division (the Roads Division) were noted to have made no adverse comments. The Committee approved the application.

4. The complaint from Mr C which I have investigated is that the Council did not correctly follow their own Roads Development Guide.

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<sup>1</sup> The Council decided after the application had been approved that the number of parking spaces would be reduced. As the application was determined on the basis of the numbers given here I have not taken this into consideration.

## **Investigation**

5. In investigating this complaint, I considered relevant correspondence between Mr C and the Council, had sight of the Guide and relevant sections of the Design Manual for Roads and Bridges (DMRB) produced by the Highways Agency. I also made specific enquiries of the Council.

6. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Council were given an opportunity to comment on a draft of this report.

## *Background*

7. In the introduction the Guide stated that its:

'Guidelines contain certain desirable and absolute minimum standards which should be used in the design of new roads and in the alteration of existing road layouts and are intended to help ensure that the design is acceptable for adoption by the Roads Authority'.

8. The guidelines themselves were based on the DMRB. This was published by the Standards for Highways Agency and set out the standards for the design, assessment and operation of trunk roads. The Guide did not include all aspects of the DMRB but at certain sections (including visibility) referred to sections of the DMRB directly.

9. Paragraph 1.5 of the DMRB stated:

'The manual sets a standard of good practice that has been developed principally for trunk roads. It may also be applicable in part to other roads with similar characteristics. Where it is used for local road schemes, it is for the local highway authority to decide on the extent to which the documents in the manual are appropriate in any particular situation.'

10. The DMRB also stated at paragraph 1.6 that local authorities should ensure that in applying the standards to local schemes this did not: 'compromise safety, result in poor value for money, or have an unacceptable impact on the environment.'

**Complaint: The Council did not correctly follow their own Roads Development Guide**

11. Mr C's specific concerns about the junction related to the visibility available to drivers approaching the main road from the minor road leading to the council facility.

12. Visibility in this context is measured in sightlines along the X-distance and the Y-distance. The X-distance relates to the position of the car in the minor road and is measured from the line of the main road back to the point from which a driver in the minor road can see the junction clearly. The Y-distance is the distance that a driver whose car is positioned at the X-distance can see along the major road.

13. In his complaint to them, Mr C said that the standards set out in the Guide were for an X-distance of 9 metres and a Y-distance of 90 metres. Mr C provided detailed reasons why this could not be achieved for two-way traffic given the geography of the junction.

14. In response to Mr C the Council said that the Guide was primarily intended for use in Greenfield development sites<sup>2</sup>. They said that existing road networks were not so straightforward and standards could not be applied without taking into account further considerations. As a result, the sightline requirements for existing roads had to be assessed in more detail and actual traffic movements considered. Having done so, the Roads Division considered an X-distance of 2.5 metres would be adequate for this junction. The Council agreed that the Y-distance would normally be measured based on the line from the centre line of the junction to the near side channel but that because of the geography of the road that any vehicle approaching would be on the opposite side of a wide road and visibility, therefore, did achieve the 90 metre standard.

15. In response to my enquiries the Council said that the lowest figure acceptable for X-distance in the DMRB was 2.5 metres. The Council said that values greater than 2.5 metres gave no increase in safety but did increase the capacity of the junction as a longer distance allowed vehicles to approach the junction at greater speeds. As the estimate for traffic using the junction was 40 vehicles per hour there was no need to increase the capacity of the junction

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<sup>2</sup> Sites where there was no existing infrastructure and the road network would be completely new.

and a distance of 2.5 metres was acceptable. This estimate had been based on the size of the facility.

16. The Council also explained in more detail why they had felt that the Y-distance should not be assessed from the kerb as set out in the DMRB but from the centre of the approaching lane. They said this was based on the specific geometry of the road. Cars approaching the junction would be approaching up a hill towards a blind summit and, in these circumstances, it was considered unlikely that vehicles would do so on the wrong side of the road.

17. They concluded:

'It is the Roads Division's opinion that the DMRB method produces a conservative design which if imposed on this development would result in significant engineering works which would not result in any improvement in road safety.

'It should be noted that the method of assessing the junction sightline proposed at this location does not significantly affect the junction safety as the safe stopping distance available to vehicles both approaching and exiting the junction remains adequate as this is based on actual line of sight distance rather than a template sightline standard of locating the Y-distance in the near edge of the carriageway.

### *Conclusion*

18. It is not the role of the Ombudsman's office to review whether the junction, as designed, is safe. However, this office can consider whether the Council have taken into account appropriate guidance in coming to the decision made.

19. The Council's Guide is based on the DMRB. They have confirmed to me that this was taken into account when reviewing the application but that the decision on the specific sightlines was made in response to the specific road geometry. The DMRB guidance itself states that the standards may be changed to reflect local conditions and sets out the matters that should be considered when doing so (see paragraphs 9-10). The Guide itself directly refers to the section of the DMRB which provides for a relaxation of the X-distance to 2.4 metres in certain circumstances. The Council have provided detailed explanation for their measurement of the Y-distance. The DMRB also provides for relaxation on this figure based on local circumstances.

20. Given the detailed explanation provided by the Council (see paragraphs 14-17), I consider that the Roads Division have taken their own Guide into account in coming to their decision. In the circumstances, I do not uphold this complaint. However, given the Council have said they can relax the standards in the Guide, I am recommending that they include this in the Guide itself.

*Recommendation*

21. The Ombudsman recommends that the Council clarify in the Guide that they can relax the standards to reflect specific local conditions.

22. The Council have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Council notify her when the recommendations have been implemented.

22 August 2007

**Explanation of abbreviations used**

The Council	East Ayrshire Council
Mr C	The complainant
The Committee	Development Service Committee
The Guide	The Councils' Roads development guide
Roads Division	Roads and Transportation Division
DMRB	Design Manual for Roads and Bridges