



Department for Transport

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25 November 2024

Dear Mr Murray,

Thank you for your letter of 1 October to the Secretary of State, enclosing a Regulation 28 Report into the death of Scott Bradley Davies. I am responding as the Minister for the Future of Roads, and I was very sorry to hear of his death.

I am writing regarding your concern about the visibility of the barrier across the right of way at Cheadle Old Road, Edgeley.

I note your concerns regarding the risk that the barrier poses to road users. However, I should clarify that this is not a matter for the Department as it is the highway authority, in this case Stockport Metropolitan Borough Council, which is responsible for how traffic is managed on its roads, including rights of way. As with all local roads, it is for the Council to ensure that any infrastructure it installs on its network, including barriers and similar street furniture, is fit for purpose. It is also responsible for maintaining any infrastructure once installed.

The council has a duty under Section 122 of the Road Traffic Regulation Act 1984, to exercise its functions under the Act so as to secure the expeditious, convenient, and safe movement of traffic, so far as practicable having regard to various matters including the amenity of the area through which the road runs. This Department's role is to provide the legislation and associated guidance.

Under section 97 of the Highways Act 1980 ("1980 Act") highway authorities may provide lighting for the purpose of any highway for which they are the highway authority. They also have a duty under Section 41 of the 1980 Act to maintain the public highways in their charge. This duty includes street lighting.

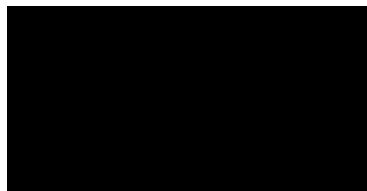
Decisions about the lighting of this barrier are for the highway authority, and it is not for central government to intervene in these kinds of local issues.

We have provided guidance on traffic management for local authorities in various publications, including the Traffic Signs Manual, as well as a variety of Traffic Advisory Leaflets and Local Transport Notes. These stress the importance of road safety when designing and installing road infrastructure. This guidance is all free to download from the Department's website. The Department also encourages good practice in highway maintenance through channels such as Well-managed Highway Infrastructure - A Code of Practice, published by the UK Roads Leadership Group. This publication provides advice to local highway authorities on a range of issues, including street lighting.

The British Standards Institute publication, BS 5489-1:2020: Design of road lighting, gives recommendations on the general principles of road lighting and its aesthetic and technical aspects and advises on operation and maintenance.

As such, I hope you will understand why I consider that the Department does not need to take any action regarding this incident. I hope this is helpful.

Best wishes,



MINISTER FOR THE FUTURE OF ROADS