NWSRG
NATIONAL WINTER SERVICE RESEARCH GROUP

nwsrg.org

Delivering winter service for cyclists and pedestrians

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Dedicated to advancing understanding of best practice for winter service delivery

The Basis For Civil Actions (Claims)

England and Wales

Section 41.1A of the Highways Act:

"In particular, a highway authority are under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice."

England and Wales

Section 150 of the Highways Act:

“Duty to remove snow soil etc. from highway.

(1)If an obstruction arises in a highway from accumulation of snow or from the falling down of banks on the side of the highway, or from any other cause, the highway authority shall remove the obstruction.”

The Basis For Civil Actions (Claims)

Scotland

Section 34 of the Roads (Scotland) Act:

“A roads authority shall take such steps as they consider reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads.”

Special Defence

Section 58 of the Highways Act:

"(1) In an action against a highway authority… it is a defence… to prove that the authority had taken such care as in all the circumstances was reasonably required to secure that the part of the highway to which the action relates was not dangerous for traffic."

Special Defence

"(2)For the purposes of a defence under subsection (1) above, the court shall in particular have regard to the following matters:

(a)the character of the highway, and the traffic which was reasonably to be expected to use it;

(b)the standard of maintenance appropriate for a highway of that character and used by such traffic…"

National CoP – WMHI

Active Travel

"Securing improvement in the safety and serviceability of footways and cycle routes… will be a necessary component for encouraging active travel, e.g. walking/cycling as an alternative to the car. It will be important for maintenance strategy positively to address this."

National CoP – WMHI

Winter Service Policy

"Authorities should formally approve and adopt policies and priorities for Winter Service, which are coherent with wider objectives for transport, integration, accessibility and network management, including strategies for public transport, walking and cycling..."

National CoP – WMHI

Winter Service Policy

"Issues for consideration in developing policy should include:

…

• treatment of facilities for walking and cycling;

…

• extent of priority for vulnerable users

…"

National CoP – WMHI

Winter Service Plans

“Suggested contents of the Winter Service Plan are detailed in the NWSRG Practical Guide. The Plan should recognise the fundamental differences between the main components of Winter Service for carriageways, cycle routes, footways and any critical areas and infrastructure…”

National CoP – WMHI

Treatment Routes

"Authorities should define treatment route plans for carriageways, cycle routes and footways for pre-treatment and snow conditions, based upon the general maintenance hierarchy, but adapted to take into account the factors identified by this Code."

National CoP – WMHI

Risk Assessment

*"Risk assessments should be undertaken to establish which routes should be included in a programme of treatment during winter. In particular, the treatment of carriageways, **footways and cycle routes must be considered taking account of risk to all highway users and consideration of the available resources…"***

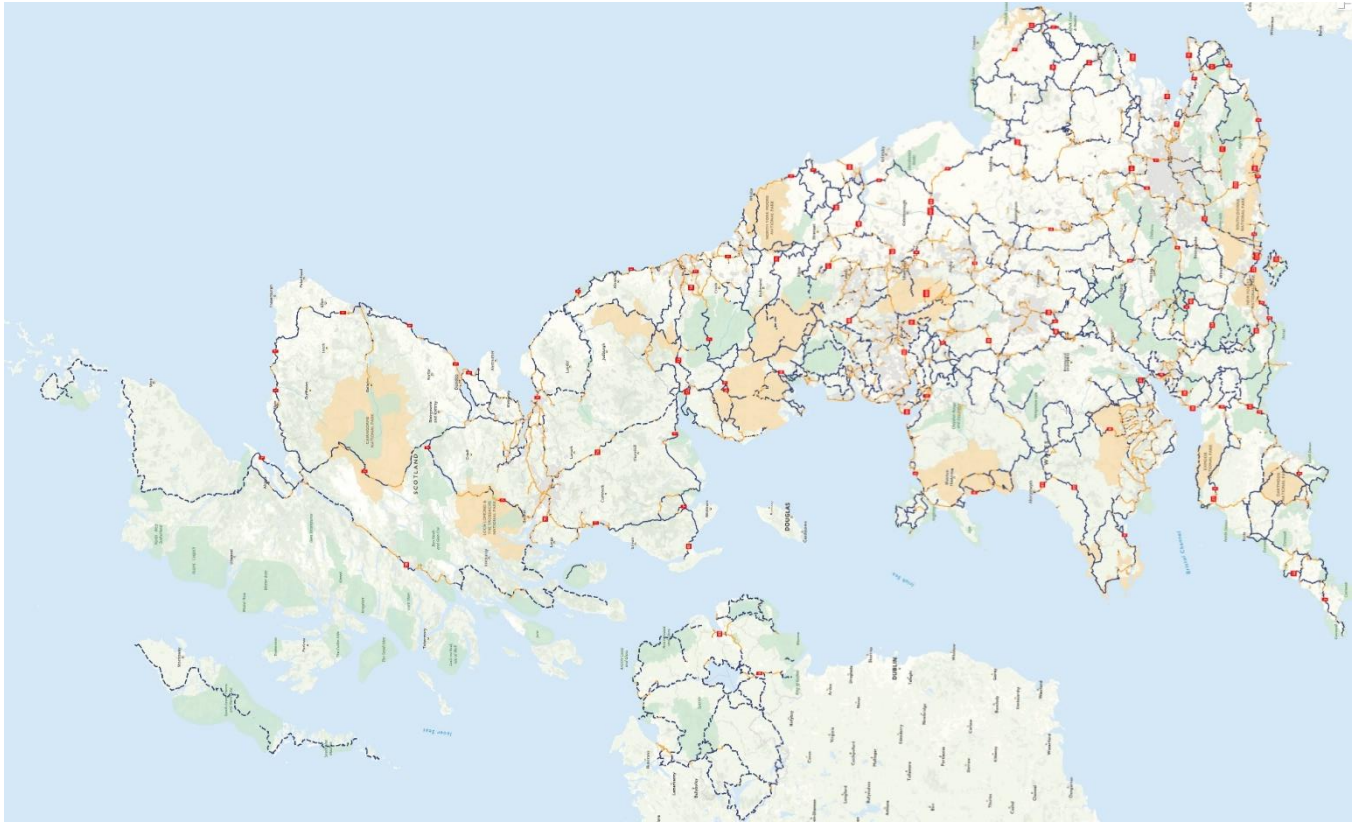
National CoP – WMHI

Promoted Facilities / Routes

“Where the authority is actively promoting facilities, or there are clear trends of increasing use, a more proactive approach to Winter Service may send an important message…”

Which facilities / routes does your authority promote?

National Cycle Network (Sustrans.org.uk)



National CoP – WMHI

Treatment Decisions

"Authorities should take full advantage of decision support systems and services to enable timely, efficient and accurate decision making.

…

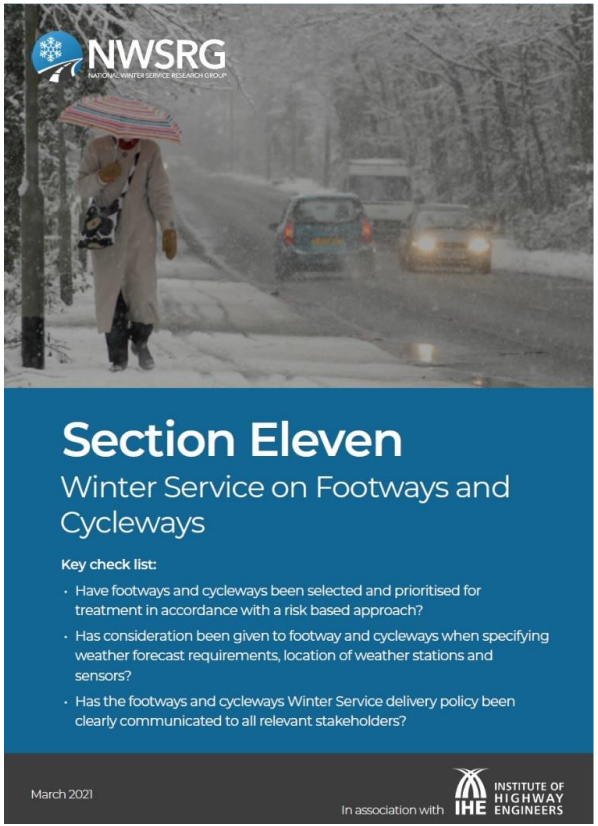
Information to aid decision making is included in the NWSRG Practical Guide."

National CoP – WMHI

Plant and Equipment

“It is also important to consider equipment requirements for dealing with footways and cycle routes. Specialist equipment, such as footway ploughs and footway salt spreaders, may be necessary for this purpose…”

NWSRG Practical Guide



NWSRG Practical Guide

Section 11

- *Benefits of Treating Footways and Cycleways*
- *The Prioritisation of Footway and Cycleway Treatment Routes*
- *Route Selection*
- *Resilience Network*
- *Benefits of Precautionary Treatments*
- *The Use of Weather Forecasts to Inform Treatment Decisions*
- *The Use of Road Weather Stations and Sensors*
- *Types of De-Icer and Spreading Equipment*
- *Factors to Consider When Selecting De-Icers and Spreading Equipment*
- *Spread Rates and Treatment Guidelines*
- *Additional Resource for Winter Service*
- *Annex 1 - Case Studies of Footway and Cycleway Prioritisation and Treatment Methods*

NWSRG Practical Guide

- Current sections were published 2019-21
- Significant developments have taken place since publication
- Presently under review
- **Please take the opportunity to engage with NWSRG and assist in developing the updated guidance**

Case 1 – Coles -v- Plymouth City Council

Judge found that the Council should have carried out pre-salting of the footway at the accident location so as to avoid the formation of the patch of ice which caused the Claimant's fall:

" … city centre footways, such as this spot, should have been identified as being a high risk ice accident spots [sic], as this part of the footway network was a relatively busy and well used part of a new, busy shopping precinct, with staff and shoppers using this spot from early in the morning. Those using it at the earliest times, around the time of the Claimant and all the others slipped there on the ice, needed the protection of pre-salting and gritting as the ice might only relatively recently have formed…"

Case 1 – Coles -v- Plymouth City Council

Judge also found that the Council should have reacted more rapidly than they did to reports of ice:

" In my view, in just under half an hour… there had been sufficient warning to the Defendant that some people were falling at the spot where the Claimant fell… Had there been a faster reaction… I find that the pavement area upon which the Claimant slipped and fell would have been gritted/salted and the Claimant would not have slipped, fallen and injured herself"

Case 2 – Danby -v- Plymouth City Council

Judge found for Plymouth CC, stating amongst other things:

"On the basis that there are finite resources, in that the budget is limited by fiscal and political considerations and the highway authority has to allocate its resources within a budget that is set by the elected council, the choice that the Highway Authority has made to prioritize the carriageway at the expense of the footways cannot, I find, be characterized as unreasonable…"

"The fact that the adjacent authorities in Devon and Cornwall, with similar (and indeed it would seem on the evidence more severe) weather conditions have reached similar conclusions and have a similar policy, provides some further support for this conclusion…"

However, both the Coles and Danby cases were heard before publication of WMHI in October 2016

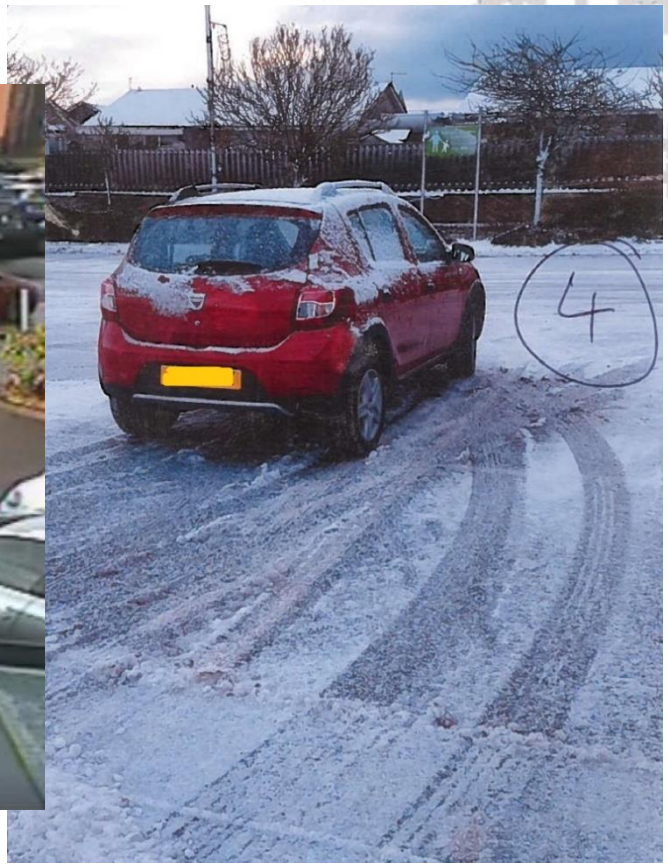
Case 3 – Promoted Shared Facility

Case 4 – The Bridge

Case 5 – Icy Coastal Footway

Case 6 – Slippery Footway

Multiple Cases – Car Parks



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Thank you for your valuable time today

And please do take the opportunity to assist the NWSRG in updating the Practical Guide