

Highway Authority Input to Development Control Code of Practice



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HIGHWAY AUTHORITY INPUT TO DEVELOPMENT CONTROL CODE OF PRACTICE

1 The Purpose of the Code

- 1.1 The purpose of this Code of Practice is to set out the way in which advice on planning applications is provided by Cumbria County Council as Highway Authority.
- 1.2 The Code of Practice has been developed to give guidance to Highways and Transport staff representing the County Council in drawing up advice to the County, District and National Park Planning Authorities about the highway and transport issues raised by development proposals that are the subject of planning applications.
- 1.3 The Code of Practice is also intended to assist Planning Authority staff in their dealings with the Highway Authority and in particular how and when they should initiate consultation and the response that the Council will endeavour to provide. The Code may also be of use to developers to aid understanding of the requirements of the County Council in relation to highways and transport matters.
- 1.4 The Code describes the general approach taken by the Council to the transport implications of development, identifies relevant background documents and sets out the process and resources through which the Council makes its input into development control.
- 1.5 The Code is available on the Councils website

2 General Approach

- 2.1 Cumbria County Council as Highway Authority is charged with advising the nine planning authorities in Cumbria (the County Council, the six District Councils and the two National Park Authorities) about the impact that development proposals will have on the highways and transportation system and advises the Planning Authorities on measures that may be required to mitigate these impacts. This advice relates to all modes of transport and will encourage modal shift towards more sustainable transport use and travel patterns.
- 2.2 This input into the development control process is a critical role for the Council in integrating land use and transport planning and securing a transport system fit for the future through partnership with others. However at present the resources available for this function are limited and effective partnership working with the planning authorities is essential to effective delivery.
- 2.3 The County Council's purposes in giving advice and responding to planning applications as a highway and transport authority are: -
 - a) to ensure that the local transport network is adequate to cope with the transport demands generated by developments: in terms of road safety, walking and cycling, public transport and car and commercial traffic and taking account of the needs of people with impaired mobility.
 - b) to use the development control process to assist in meeting the Council's transport policies. For example: to encourage the use of sustainable and healthy transport modes, to reduce the environmental impacts of transport, improve road safety and

improve accessibility.

- c) to make effective, on the ground, the linkage between land use and transport planning.
- d) to guide developments to sites where the transport network is adequate to cope with generated travel demand in a sustainable way.
- e) to ensure that developments that affect local or wider transport needs make a proportionate financial contribution to the County Council to enable implementation of measures that mitigate their transport impacts

2.4 As a first principle the Council will expect any developer to meet the costs of making improvements to the transport network necessary to accommodate, in a safe and a sustainable way, the transport demands of the development. This may be achieved through planning agreements including those made under Section 106 of the Town and Country Planning Act (The approach to s.278 agreements is set out in Appendix 4). Such improvement will include good facilities for pedestrians, cyclists, public transport and car and commercial traffic and take account of disabled users.

2.5 Development proposals vary greatly in size. Some will generate no additional demand for movement while large retail, leisure, employment or residential proposals will generate a significant demand. The level of information required therefore varies depending upon the scale and type of development proposal. For minor developments where the transport issues are limited, no formal assessment may be necessary while for major developments a full Transport Assessment will be required. For minor developments involving new build and/or a change of use a Transport Form as shown in appendix 9, and available on the County Council website, should be completed and submitted alongside the application. For those developments which may not require a full Transport Assessment but may have transportation issues a Transport Statement should be provided. The thresholds for developments needing a Transport Assessment and Transport Statement are set out in the DCLG/DfT's Draft Guidance on Transport Assessment, August 2006. However, it should be noted that the thresholds are for guidance purposes only and developers should enter into early pre-application discussions in order to agree the level and scope of assessment that will be required.

2.6 Some developments will require the developer to produce a Travel Plan setting out proposals for encouraging sustainable travel and transport patterns to reduce the transport impact of the development. Thresholds for production of Travel Plans are also set out in the DCLG/DfT's Draft Guidance on Transport Assessment, August 2006. It should be noted that should a Transport Assessment be required a Travel Plan should also be produced. For school alterations a Travel Plan will only be required if additional transport demand is likely to be generated by the proposal. Where a school has not already prepared a Travel Plan, a planning condition will be imposed to require a Travel Plan before the new extension is occupied.

2.7 Where development proposals require alteration to the existing highway or the provision of new highway infrastructure a stage one safety audit, in accordance with the Highways Agency 'Design Manual for Roads and Bridges, Volume 5, Section 2, Part 2 HD 19/03 Road Safety Audit' and taking into account Cumbria County Council design standards, shall be submitted alongside the planning application.

2.8 County Council standards, policies and practices concerning transport matters relating to new development can be expected to continue to evolve alongside national and local policies. This emphasises the need for relevant County Council staff and colleagues in the local planning authorities to keep, and be kept, up to date through the sharing of information

and best practice, the issue of updates and the identification of joint training opportunities.

3 Reference to Guidance on Policy and Standards

- 3.1 The approach taken by the County Council to development control and in giving advice on and responding to planning applications is based on current Council policies. These policies have been developed to take into account the national and regional policy framework while reflecting local needs and circumstances.
- 3.2 County Council staff and Planning Authority staff should be aware of the general thrust of policy and aware of the guidance documents that give the Highway Authority position.
- 3.3 Relevant Policies are contained in:-
 - a) The Cumbria and Lake District Joint Structure Plan 2001-2016 Adopted, April 2006 (Cumbria County Council)
 - b) The Cumbria Local Transport Plan 2006/7 – 2011/12 (Cumbria County Council)
 - c) The County Council's Compendium of transport policies January 2006.

4 Process for Providing Transport Advice

Resources

- 4.1 The input into the development control process and providing pre-application advice is primarily delivered by six staff who are each based within one of the County's six Area Highway Teams located in Kendal, Dalston, Barrow, Whitehaven, Maryport and Penrith. They are responsible for providing advice to the planning authorities, as part of the Development Control process on behalf of the County Council as Highway Authority.
- 4.2 The Transport & Spatial Planning Unit, based in Carlisle, is responsible for co-ordinating and providing a single "corporate" response to Category 1 planning application consultations. This co-ordinated response on behalf of the County Council covers spatial planning, regeneration/economic development, transport, highways engineering, rights of way, landscape, archaeology, ecology, social, education and nuclear issues as appropriate
- 4.3 The Council retains the services of Capita and a register of approved transport consultants to advise on applications as and when technical appraisals or advice are required.

Provision of Advice

- 4.4 The Planning Authority should seek advice from the County Council's Development Control Engineers on planning applications that will have implications for the transport network.
- 4.5 The Council will provide staff to attend development team meetings arranged by the local planning authority whenever possible.
- 4.6 The Council will endeavour to respond to pre-application consultations within 21 days of receipt of the consultation documents. The Council is also able to advise potential developers directly about matters of transport policy and technical guidance and will copy any correspondence concerning such advice to the planning authority.

Availability of Traffic Flow Data and Road Safety Data

- 4.7 Each planning authority in Cumbria is supplied annually with a copy of the County Council's Traffic Flow Report. This includes the most recent traffic data for A and B roads in the county and some traffic data for lower classes of road. This information can be inspected by applicants at the headquarters of the planning authority.
- 4.8 Any newer recorded traffic flow information held by the County Council will also be supplied to applicants on receipt of a request made to the Transport & Spatial Planning Unit in Carlisle. A charge will be made for this information.
- 4.9 Monthly reports on casualties are published by the Transport & Spatial Planning Unit. These are available from either the County Council website, Development Control Engineers or from the Transport & Spatial Planning Unit. An annual Road Safety Statement is also published which summarises road safety activities for the previous year and includes past casualty figures and trends.

Responding to Planning Applications

- 4.10 The Planning Authority should endeavour to only consult the County Council about applications that are likely to affect the transport network. This will assist the Council in providing a timely response. The County Council, as Highway Authority, will wish to be consulted on all planning applications **except** those falling into the categories below.
- a) Applications for Listed Building Consent (LBC) for alterations and minor demolitions that do not additionally require planning permission eg. internal alterations and minor external works (such as removal of chimney stacks).
 - b) Applications for Listed Building Consent where a simultaneous application has been made for planning permission.
 - c) Applications for Conservation Area Consent for demolition, where demolition is the only building or engineering operation.
 - d) Applications for alterations to the finish of external elevations to a dwelling in a Conservation Area.
 - e) Applications for a Certificate of Lawfulness of Proposed Use or Development or Existing Use.
 - f) Applications seeking relief from agricultural occupancy conditions and from local occupancy conditions.
 - g) Applications seeking relief from planning conditions or Article 4 Directions relating to types of building materials, painting of caravans, etc. for removal of conditions restricting permitted development rights, and landscaping.
 - h) Notices of Intention for Demolition.
 - i) Alterations to the roof of a dwelling, including installation of a dormer window.
(NB unless there is a danger to the public on the adjacent highway or there is an impact on water run off over the highway)
- 4.11 The Highway Authority will respond to the planning authority in clear, precise and substantive terms advising whether the proposal is acceptable to the highway authority or not and, where

it is not acceptable, giving advice on measures needed to make it acceptable. The response will contain: an analysis of the issues, advice on whether the proposal could be made acceptable and a recommendation to approve with conditions, to refuse with reasons and advice on improvements that should be made.

- 4.12 The local planning authority will notify the County Council's Transport & Spatial Planning Unit and the relevant Development Control Engineer of the details of any transport matters that are included in planning agreements. The agreements may cover the provision of support for public transport services under s.106 of the Town and Country Planning Act as well as highway improvements secured under s.278 of the Highways Act 1980.
- 4.13 In relation to Planning Appeals, the County Council will provide a written statement for Public Inquiries to support the advice given as a statutory consultee. Where highway or transport matters are key issues, in Inquiries the County Council will endeavour to provide an expert witness. This will not be possible where the County Council has not been involved in any relevant development team.
- 4.14 The Council's Conditions of Approval is set out in Appendix 1, whilst Reasons for Refusal is set out in Appendix 2.

Strategic Applications

- 4.15 Certain planning applications (Category 1) are referred to the Strategic Planning Authority where there are potential implications for the policies contained in the Structure Plan or other development plan. The thresholds for a Category 1 planning application are given in Appendix 4
- 4.16 The Development Control Engineers will be advised which applications are considered to be Category 1 by the Transport & Spatial Planning Unit. The Development Control Engineer/Area Highway Team shall send their comments, including any recommended conditions or reasons for refusal, to the Transport Policy Officer - Development Control in order for the highways and transport issues to be included in a single corporate response which will be provided by the Transport & Spatial Planning Unit.

Transport Assessments

- 4.17 As stated previously where it is likely that a development will have an impact on the highway/transport network, developers should enter into early pre-application discussions in order to agree the level and scope of assessment that will be required. These discussions will involve the Transport Policy Officer – Development Control, the relevant Development Control Engineer/Area Engineer and preferably a representative of the County's transport consultant.
- 4.18 When a Transport Assessment is required it should be sent to the Council's Development Control Engineer. The draft final response should be sent to the Transport Policy Team of the Transport & Spatial Planning Unit together with a copy of the Transport Assessment. To assist in efficient processing of Transport Assessments three copies should be submitted to the Highway Authority.
- 4.19 The Transport Assessment should address how the development will contribute to improving sustainable transport as outlined in the LTP. The Transport Assessment will need to set out the likely split of journeys by each mode together with the measures proposed to reduce the need for parking, and improve access by walking, cycling and public transport.
- 4.20 A robust analysis of existing conditions and the projected impact of the development on the

highway and transport network must be included in the Transport Assessment. In particular the County Council will expect to see the 85th percentile peak hour trip rate selected from similar sites on the TRICS database, the use of neutral month figures and NRTF central growth rate applied. There should be a clear analysis of the impact of the development in the base year, year of opening and an agreed future assessment year. It should show how the predicted growth will be accommodated or mitigated. Where mitigation measures are proposed the analysis will need to show that these increase the capacity of the network to deal with the generated traffic from the development.

Travel Plans

- 4.21 Where a Travel Plan is required to be submitted as part of a planning application it will be referred to the Transport & Spatial Planning Unit in order for it to be assessed by the County Council's Travel Plan Co-ordinator.
- 4.22 Further guidance on Travel Plan's and Transport Assessments will be issued by the County Council in due course in order to aid the development process.

Contributions to Public Transport, Cycling and Walking

- 4.23 In considering planning applications the County Council will look to negotiate improved access to the site by public transport, cycling and walking in order to reduce the need to travel and the level of parking. It will also seek contributions to improvements necessitated by the proposed development.

Private Roads

- 4.24 It should be noted that a Private Road can be defined as "a way over which no public rights exist". The County Council will therefore only make recommendations and stipulate conditions regarding private roads where there are concerns regarding highway safety or there is a clear likelihood that the County Council will adopt the road.

Private Streets

- 4.25 Private Streets can be defined as "a public highway not maintained at public expense". The County Council as Local Highway Authority will therefore comment, make recommendations and stipulate conditions where it is considered appropriate in order to protect the rights and safety of highway users.

Councillor Consultation

- 4.26 County Councillors will be provided with a weekly list of all planning applications within their area the County Council as Highway Authority are being consulted on. Additionally where a Category 1 planning application requires a departure from policy or there is a policy deficit the Strategic Planning team will consult with the local County Councillor and the Chair of the Local Area Committee. Where other applications have similar policy implications the Development Control Engineer will advise the Transport and Spatial Planning Unit accordingly.

Improving the Planning Services

- 4.27 The Development Control Engineers and a representative from the Transport and Spatial Planning Unit meet regularly to ensure a coordinated and consistent approach. .

4.28 In addition to this regular, scheduled meetings should take place in each area, to bring together the Development Control Officers of the planning authorities and the Highway Authority with the aim of improving joint appreciation of shared concerns and improving the performance of the overall development control service.

Monitoring

4.29 The County Council submitted its first annual report as Highway Authority to the Secretary of State in June 2006. A copy of the report is shown in Appendix 8. This first report was jointly prepared by both the Transport & Spatial Planning and Highway & Infrastructure Units. However, future reports shall be prepared and submitted by the Highway & Infrastructure Unit.

HIGHWAY AUTHORITY INPUT TO DEVELOPMENT CONTROL

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September 2006

APPENDICES

CONDITIONS OF APPROVAL

A key feature of the successive Planning Acts has been the power given to Local Planning Authorities to impose conditions on planning permissions. The ability to impose conditions enables Authorities to approve applications which may otherwise have to be refused. Although the ability to impose conditions is very wide, that ability is not without constraints and the legislation requires that conditions be carefully framed and imposed.

An important element of the Highway Authority response to consultation on planning applications is the imposition of conditions to ensure that proper, safe and sustainable access is provided in relation to proposed developments.

A particular form of condition – known as a Grampian condition – has arisen through case law. This form of condition usually requires work to be done outside land in the applicant's ownership/control. Such a condition is phrased in the negative or is suspensive, ie. requiring a developer to carry out certain works prior to commencing the main development, or that a development may not be occupied or used until such time as certain works are carried out. This form of condition is usually applied where some form of improvement or alteration to infrastructure is required to enable a development to proceed. The rules for imposing such conditions have been modified on a number of occasions through case law and should be used with caution by Local Planning Authorities.

The following section sets out a set of model conditions for any proposed development. This set of model conditions forms a basis for giving the approval of the Highway Authority for any development. The model need not be followed slavishly but sets the tone for a response.

MODEL CONDITIONS OF APPROVAL

Highway and Access

Details of Construction – Roads and Footpaths

1. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current *Cumbria Design Guide*. Any works so approved shall be constructed before the development is complete.

Reason: To ensure a minimum standard of construction in the interests of highway safety.
To support Local Transport Plan Policies: LD5, LD7, LD8

2. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

Reason: To ensure a minimum standard of construction in the interests of highway safety.
To support Local Transport Plan Policies: LD5, LD7, LD8

Provision of Ramps

3. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.

To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy L53

Visibility Splays

4. The development shall not commence until visibility splays providing clear visibility of metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) Order 1995* (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

NB: See also Condition 10

Reason: In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

Roads/Commencement of Construction of Dwellings – Timing

5. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason: To ensure that the access roads are defined and laid out at an early stage.

To support Local Transport Plan Policies: LD5, LD7, LD8

Roads/Occupation of Dwellings – Timing

6. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Optional Rider – The roads serving the development shall be implemented in accordance with the phasing indicated on Drawing No

Reason: In the interests of highway safety

To support Local Transport Plan Policies: LD5, LD7, LD8

Roads/Commencement of Construction (General) – Timing

7. The new access road as detailed on Drawing No shall be constructed and brought into use by (date or stage).

Reason: To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity).

To support Local Transport Plan Policies: LD5, LD7, LD8

Verge and Footway Crossing

8. Details of proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

Reason: To ensure a suitable standard of crossing for pedestrian safety.
To support Local Transport Plan Policies: LD5, LD7, LD8

9. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure a suitable standard of crossing for pedestrian safety.
To support Local Transport Plan Policies: LD5, LD7, LD8

Surfacing Requirements/Access Road

10. The surfacing of the access road shall extend for at least inside the site, as measured from the highway boundary prior to *(the use first being commenced) (the buildings being occupied)* and shall be carried out in accordance with details of construction which have been approved by the Local Planning Authority as shown on Drawing No (which shall be submitted to the Local Planning Authority. The access road shall be constructed in accordance with a specification approved by the Local Planning Authority).

Reason: In the interests of highway safety.
To support Local Transport Plan Policies: LD5, LD7, LD8

11. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at leastmetres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason: In the interests of highway safety.
To support Local Transport Plan Policies: LD5, LD7, LD8

Surfacing of Access Drive

12. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

Reason: In the interests of highway safety.
To support Local Transport Plan Policies: LD5, LD7, LD8

Access Specification

13. The use of the development shall not be commenced until the access has been formed with metre radius kerbs, to give a minimum carriageway width of metres, and that part of the access road extending metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.

Reason: In the interests of highway safety.
To support Local Transport Plan Policies: LD7, LD8

Use of Approved Access Only

14. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.
To support Local Transport Plan Policies: LD7, LD8

Access Gates

15. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety.
To support Local Transport Plan Policies: LD7, LD8

Access Gates Recessed

16. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason: In the interests of highway safety.
To support Local Transport Plan Policies: LD7, LD8

Highway Boundary Height Reduced

17. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (*before development commences*) (*before the development is brought into use*) and shall not be raised to a height exceeding 1.0m thereafter.
NB. Use in conjunction with Condition 3 if seeking to achieve visibility splays.

Reason: In the interests of highway safety.
To support Local Transport Plan Policies: LD7, LD8

Access Drive Gradient

18. The gradient of the access drive shall be no steeper than for a distance not less than 5m as measured from the carriageway edge of the adjacent highway.

Reason: In the interests of highway safety.
To support Local Transport Plan Policies: LD7, LD8

Surface Water Discharge onto Highway

19. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management.
To support Local Transport Plan Policies: LD7, LD8

20. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management.
To support Local Transport Plan Policies: LD7, LD8

Layout and Access Requirements

- 21. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to the Local Planning Authority for approval. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied.
- 21a. Footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian within and to and from the site shall be provided that is convenient to use.
- 21b. Cycleways shall be provided that link continuously and conveniently to the nearest existing cycleways. The layout shall provide for safe and convenient access by cycle.
- 21c. Footways shall be provided that link continuously and conveniently to the nearest existing public transport service. The layout shall provide for safe and convenient access by public transport
- 21d. The development shall not commence until agreement has been reached for the funding by the developer of a satisfactory bus service to serve the development.

Reason: In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.
To support Local Transport Plan Policies: C2, LD5, LD6 LD7, LD8 and Structure Plan Policies: T25, T27, L53

Close Existing Access

- 22. Before the (*development is*) (*dwelling are*) occupied the existing access to the highway (eg as marked in on the accompanying plan) shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

Reason: To minimise highway danger and the avoidance of doubt.
To support Local Transport Plan Policies: LD5, LD7, LD8

Details to be Constructed

- 23. The (building/dwelling) shall not be occupied until a means of vehicular access has been constructed in accordance with (plans to be approved by the local planning authority/the approved plans).

Reason: To ensure a suitable standard of vehicular access in the interests of highway safety.
To support Local Transport Plan Policies: LD5, LD7, LD8

Highway Drain Culverted

- 24. The roadside ditch shall be piped at the access prior to the development being brought into use, in accordance with details which have first been submitted for approval by the Local Planning Authority. The construction shall be in accordance with a specification which has been approved by the Local Planning Authority.

Reason: In the interests of safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

Protection of Highway Drain

25. The highway drain shall be protected at the access prior to the development commencing in accordance with details which shall be submitted to the Local Planning Authority for approval. The works to protect the drain shall be in accordance with a specification approved by the Local Planning Authority.

Reason: In the interests of highway safety and environmental protection.

To support Local Transport Plan Policies: LD7, LD8

Paired Access

26. The access shall be designed to be paired with that of the adjoining property to the of the site.

Reason: To minimise the number of separate accesses to the highway.

To support Local Transport Plan Policies: LD5, LD7, LD8

Paired Accesses

27. The accesses shall be designed to be paired with each other.

Reason: To minimise the number of separate access points to the public highway.

To support Local Transport Plan Policies: LD5, LD7, LD8

Boundary Wall Rebuilt

28. The existing boundary wall to the boundary shall be taken down and re-built in the same materials, or materials of similar specification, and in the same style immediately behind the visibility splays required by Condition No(s) before the development is brought into use. A full specification of the boundary wall shall be submitted to the Local Planning Authority before development commences.

Reason: In the interests of highway safety and visual amenity.

To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy : E37

Large or Articulated Vehicles

29. No articulated vehicles or vehicles overt Gross Vehicle Weight shall be used on a public highway in connection with the transportation of minerals or plant or machinery from the site as a result of the operations hereby permitted.

Reason: In the interests of highway safety as the local road network is not suitable for large or articulated vehicles.

To support Local Transport Plan Policies: LD8

Heavy Goods Vehicles

30. The total number of laden heavy goods vehicles leaving the site shall not exceed on any weekday and Saturdays. A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator at all times and access to this record shall be afforded to the Local Planning Authority on request.

Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users.

To support Local Transport Plan Policies: LD8

Windows Abutting the Highway

31. New ground floor windows and doors abutting the highway shall be of a type which cannot open outwards into the highway.

Reason: To minimise possible danger to other highway users.

To support Local Transport Plan Policies: LD7, LD8

Overhanging Buildings

32. There shall be minimum clearance of 2.44m between the surface of the highway and the lowest part of the building/structure where it overhangs the highway (including the footway, footpath or verge).

Reason: In the interests of highway safety and to minimise possible danger to other highway users.

To support Local Transport Plan Policies: LD7, LD8

Signs

33. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military). Any signs shall be sited to ensure vertical and horizontal clearance between the sign and footway/carriageway that conforms with highway signing regulations.

Reason: In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

Externally Illuminated Signs/lighting

34. The lighting units shall be erected so that no direct rays of light from the source of illumination shall be visible to the drivers of vehicles using the highway, and shall be maintained in that respect thereafter..

Reason: In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

Turning and Parking Spaces

Access/Turning Area Provision – Domestic

35. The dwelling shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use.

To support Local Transport Plan Policies: LD5, LD7, LD8

Access/Parking – Turning

36. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and

shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use.

To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy: T32

Provision of Vehicle Turning Spaces

37. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

Reason: To ensure that provision is made for vehicle turning within the site and in the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

Provision of Parking/Turning/Loading Space (1)

38. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway.

To support Local Transport Plan Policies: LD7, LD8 and Structure Plan Policy :T32

Provision of Parking/Turning/Loading Space (2)

39. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway.

To support Local Transport Plan Policies: LD7, LD8

40. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring areas shall be kept available for those purpose at all times and shall not be used for any other purpose.

Reason: To ensure a minimum standard of parking provision is made within the site for

vehicles visiting the site.

To support Local Transport Plan Policies: LD7, LD8

Construction

41. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

Parking During Construction Works

42. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

To support Local Transport Policies: LD8

Access During Construction

43. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

To support Local Transport Policies: LD8

Travel Plan

44. Within 6 months of the development (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objectives.

To support Local Transport Plan Policies: WS1, LD4 and Structure Plan Policy T31

Travel Plan Review

45. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason: To aid in the delivery of sustainable transport objectives.

To support Local Transport Plan Policies: WS3, LD4 and Structure Plan Policy T31

REASONS FOR REFUSAL

Whilst applications must be treated on their individual merits and will have site specific characteristics, the conditions most frequently imposed will have the same general format. Such model conditions must, of course, be used with care and modified, when appropriate, where individual circumstances require. By the same token, Reasons for Refusal must be clearly and fully set out so that an applicant can fully understand why an application has been refused.

A set of model conditions, which it is anticipated will cater for the majority of instances, and model reasons for refusal are set out below.

Model Reasons for Refusal

Inadequate Roads

- 1 The Local Planning Authority considers that the road(s) serving the proposed development is (are) inadequate by reason of (a, b, c, d, e,) to accommodate the likely increase in traffic.

- a) insufficient width
- b) vertical alignment
- c) horizontal alignment
- d) structural stability
- e) other (specify)

To support Local Transport Plan Policies: LD7, LD8

Lack of Visibility Splays

- 2 The Local Planning Authority considers that clear visibility of metres cannot be achieved along the public highway in a direction(s) from a point metres from the carriageway edge measured down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.

To support Local Transport Plan Policy: LD7, LD8

Existing Access

- 3 The existing access by which vehicles associated with this proposal would leave and rejoin the county highway is unsatisfactory since the required visibility of metres x metres cannot be achieved at the junction with the county highway and therefore, in the opinion of the Local Planning Authority the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

To support Local Transport Plan Policy: LD7, LD8

Obstruction of Highway

- 4 The Local Planning Authority considers that the proposed development would give rise to additional vehicles waiting in the carriageway and leaving and rejoining the traffic stream on an open stretch of road where vehicle speeds are high, and would thus cause interference with the free flow of traffic and consequent danger to highway users.

To support Local Transport Plan Policy: LD8

Increased Danger

- 5 The Local Planning Authority considers that the proposed development would interfere with the free flow of traffic with consequent danger to highway users by virtue of its proximity to existing junctions.

To support Local Transport Plan Policy: LD7, LD8

On-Site Parking

- 6 The Local Planning Authority considers that in the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on the county highway to the detriment of the free flow of traffic and road safety.

To support Local Transport Plan Policy: LD7, LD8

Forward Visibility

- 7 The Local Planning Authority considers that the proposed development would be likely to result in a material increase in the volume of traffic turning right into the site at a point where inadequate forward visibility from and of such vehicles is available with consequent risk of additional danger to all road users and interference with the free flow of traffic.

To support Local Transport Plan Policy: LD7, LD8 and
Structure Plan Policy: T32

Existing Access Visibility

- 8 The increased use of the access onto the public highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional danger to all users of road.

To support Local Transport Plan Policy: LD7, LD8

Proximity to a Junction

- 9 The use of the site access resulting from the proposed development would be likely to increase the conflict of traffic movements close to a junction which has restricted visibility for emerging vehicles resulting in additional danger and inconvenience to all users of the highway.

To support Local Transport Plan Policy: LD7, LD8

Multiplicity of Access

- 10 The proposed development would result in a multiplicity of accesses onto the public highway, which would be likely to increase the risk and danger and inconvenience to all users of the road.

To support Local Transport Plan Policy: LD7, LD8

Inadequacy of Submitted Information

- 11 Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of

- a) access
- b) visibility splays
- c) off-street parking
- d) road layout

- e) road construction
- f) road gradients
- g) surface water drainage
- h) on site turning facilities
- i) its effect on local traffic conditions and public safety
- j) impact on sustainable travel

To support Local Transport Plan Policy: LD7, LD8

Insufficient Frontage

- 12** The application site has insufficient frontage with the county highway to provide an access with adequate visibility for and of emerging vehicles, with consequent danger to all users of the county highway.

To support Local Transport Plan Policy: LD7, LD8

Piecemeal Development

- 13** The layout of the proposed development would prejudice the comprehensive development of the area in terms of vehicular, cycle and pedestrian access and that of local public transport.

To support Local Transport Plan Policies: LD5, LD7 and Structure Plan Policy T27

Isolated Land

- 14** The land required to gain satisfactory access to a public highway is not included within the application site, nor is the land within the control of the applicant such as to ensure that satisfactory access can be achieved.

To support Local Transport Plan Policies: LD5, LD7, LD8

Non Compliance with Outline Approval

- 15** The proposal does not comply with Condition No(s) of the outline planning permission (reference 0/00/0000).

Off-Street Servicing

- 16** The proposed development does not make adequate provision for the loading and unloading of goods vehicles within the site and would therefore encourage such vehicles to park on the highway with consequent additional danger to all users of the road and interference with the free flow of traffic.

To support Local Transport Plan Policy: LD7, LD8

Turning Space

- 17** The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway with consequent risk of additional danger to all users of the road.

To support Local Transport Plan Policy: LD7, LD8

Loss of Parking

- 18** The proposal would result in the loss of vehicle parking facilities and would therefore encourage parking on the highway, with consequent risk of additional danger to all users of the road.

To support Local Transport Plan Policy: LD7, LD8

Excessive Parking

- 19** The proposal would lead to the over provision of parking resulting in increased traffic.

To support Local Transport Plan Policies: LD7, LD8 and
Structure Plan Policy: T32

Remote Parking

- 20** The remoteness of the parking area from the development it serves would be likely to result in parking on the highway, with consequent additional danger to all users of the road.

To support Local Transport Plan Policy: LD7, LD8

Surface Water

- 21** No provision has been made within the site for the disposal of surface water and it is therefore likely to discharge onto the public highway, which would be prejudicial to public safety and be likely to result in damage to the highway.

To support Local Transport Plan Policy: LD7, LD8

SECTION 278 AGREEMENTS

- 1 Alterations required to the layout or management of the highway network in connection with proposed developments can be secured through an agreement between the developer and the highway authority drawn up under the terms in Section 278 of the Highways Act 1980. This provides that a highway authority may, if they are satisfied it will be of benefit to the general public, enter into an agreement with any person:
 - a) for the execution by the Authority of any works which the Authority are or may be authorised to execute, or
 - b) for the execution by the Authority of such works incorporating particular modifications, additions or features, or at a particular time or in a particular manner, on terms that the person pays the whole or such part of the cost of the works as may be specified in or determined in accordance with the agreement. The cost of the works shall be taken to include:
 - (a) the whole of the costs incurred by the Highway Authority in or in connection with:
 - (i) the making of the agreement
 - (ii) the making or confirmation of any scheme or order required for the purposes of the work
 - (iii) the granting of any authorisation, permission or consent required for the purpose of the work
 - (iv) the acquisition by the Authority of any land required for the purpose of the works if it is in the public interest to do so, and
 - (b) any relevant administrative expenses of the Highway Authority including an appropriate sum in respect of general staff costs and overheads.
 - (c) Any commuted sum, calculated by the Highway Authority or their agent to fund 10 year maintenance of the scheme/modifications or energy costs.
- 2 In the case of trunk roads, a Section 278 Agreement must be made with the Department for Transport through the Highways Agency.
- 3 In the case of publicly maintained roads that are not trunk roads the County Council's Employer's Works Instruction 09/009 1980 Highways Act Section 278 Agreements sets out the procedures to be followed in implementing roadworks, the need for which arises from an approved development proposal.
- 4 It is intended that this general consideration should apply to the securing of funding from developers of enhancements to the local bus service network, where such enhancements are needed to make the service attractive to the occupiers of the development. Such enhancements would be secured under an agreement using s.106 of the Town and Country Planning Act

THRESHOLDS FOR CATEGORY 1 APPLICATIONS

If a proposed development is allocated or identified and in accordance with an adopted Local Plan or Local Development Document, then there will be no need to consult the County Council.

However, in all other cases, the following development should be the subject of a formal consultation with the County Planning Authority:

- A.** All housing development (assuming a density of 30 dwelling/ha) in excess of:
- i) 60 units or 2ha within the Key Service Centres (see definition below); or
 - ii) 30 units or 1ha within any other settlement identified as a Local Service Centre;
 - iii) 7 units or 0.25 ha elsewhere (i.e. rural area); or
 - iv) any development where the annual rate of provision in the JSP is exceeded by 10% (taking account of phasing policies).
- B.** All retail development in excess of:
- i) 2,500 (gross) sqm either out-of-centre, or edge-of-centre locations providing a gross floor space (including outdoor sales) within Key Service Centres; or
 - ii) 1,000 (gross) sqm within the Local Service Centres, or development which would be at a scale inappropriate to the needs and size of the catchment of the Local Service Centre;
 - iii) all retail development within other rural settlements and villages, (smaller than Local Service Centres), where the scale could be harmful to local service provision.
- C.** All employment development [i.e. B1 – B8 of the Use Classes Order (Amendment) 2005] in excess of:
- i) 2ha within identified Key Service Centres; or
 - ii) 1ha, or 2,500sqm (gross) for Use Class B1 developments, or 5,000sqm (gross) for Use Class B2 developments, either on the edge of, or adjoining a Key Service Centre or within a Local Service Centre; or
 - iii) 0.5ha elsewhere in other rural areas; or
 - iv) Any application in connection with any Airport, which would involve a new runway, construction of a new airport terminal, or the expansion of the terminal, which would provide additional capacity; or
 - v) Any application in connection with the ports in Cumbria, which would enable new or extended trading docks, piers and ferry terminals and connected land-based infrastructure.
- D.** Redevelopment for other purposes of existing employment land (or land allocated in a local plan or with planning permission) in excess of 1 ha.
- E.** Any significant tourist/leisure proposal by reason of both size and number of visitors which is not within a Key Service Centre; i.e. caravan chalets, hotels or conference centres.
- F.** Any other significant development proposal outside a Key Service Centre, by reason of its scale, size or potential cumulative impact on: the present character, quality and setting of the landscape; impact on the integrity of an area or feature of national or international conservation importance or within their settings (see definition in JSP Policy E34); or impact on local amenity.
- G.** All significant proposals for service areas on motorways and trunk roads.

- H.** Any wind energy proposal (turbines 15m high to hub and above) within 20km radius of another proposed or approved scheme, or any scheme of 3 or more turbines(15m high to hub and above) elsewhere, and any other renewable energy infrastructure proposals.
- I.** Significant developments with potentially wider than district impact (including sea defence and reclamation works on coastal areas or floodplains).
- J.** Major developments such as prisons, pipelines, oil or gas terminals, energy supply schemes (conventional, nuclear, or large-scale renewable on- or off-shore), water supply schemes, or upgrades to the electricity distribution network required as a result of development.
- K.** Development concerned with spent fuel reprocessing activity and any other new nuclear related development that is a 'District' matter, which is significant in size or impact.

Definition of Key Service Centres:

The definition and level of development appropriate to the Key Service Centres is set out in the Cumbria and Lake District Joint Structure Plan 2001-2016, Policy ST5 and comprise the following settlements:

City of Carlisle, Barrow-in-Furness, Maryport, Ulverston, Whitehaven, Workington, Kendal, Penrith, Brampton, Longtown, Wigton, Aspatria, Cleator Moor, Cockermouth, Dalton-in-Furness, Egremont, Silloth, Millom, Alston, Appleby, Grange-over-Sands, Kirkby Lonsdale, Kirkby Stephen, Milnthorpe, Keswick, Windermere & Bowness, Ambleside, and Sedbergh (for the purposes of highways consultations only).

Local Service Centres are not defined in the Cumbria and Lake District Joint Structure Plan, but instead will be defined by the relevant District Local Planning Authority Local Plan or Local Development Framework.

Category 1 applications – formerly known as 'strategic' consultation applications from the Districts, now the subject of this new Protocol (see Thresholds above).

Category 2 applications – All applications that are County Council development matters, such developments affecting schools and other public buildings.

Category 3 applications – all Waste and Minerals applications.

Category 4 applications – all highways and archaeology matters, which are not Category 1 consultations.

HIGHWAYS AFFECTED BY DEVELOPMENT

A Highway is: a route over which the public has a right to pass and re-pass. The highway authority has a duty to protect and assert the public's rights in this regard.

Highways include: -

- Roads and footpaths maintained at the public expense
- Public Rights of Way defined on the Definitive Map
- Any route that has been in continuous use for twenty years
- Unadopted streets

Section 257 of the Town and Country Planning Act 1990 empowers local planning authorities to authorise the stopping up or diversion of any highway if they are satisfied that it is necessary to do so to enable development for which they have granted planning permission to be carried out. Where a development requires the closure of a highway, Sections 247 and 257 of the Town and Country Planning Act 1990 apply.

In addition to these general principles, for Public Rights of Way the following special conditions apply: Annex D of Department of Environment Circular 2/93 Public Rights of Way sets out the procedures that the Local Planning Authority should follow and draws attention to two matters of particular concern: the need for adequate consideration of the Rights of Way before the decision on the planning application is taken and the need, once planning permission has been granted, for the Right of Way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.

The Highway Authority shall remind the Planning Authority of the route of the footpath or bridleway and shall advise whether there is a need to consider preparation of a stopping up or diversion order. The 1996 General Development Order requires the Planning Authority to advertise on site and in the local newspaper the submission of all planning applications that affect a Public Right of Way. The Planning Authority should advise the Highway Authority as soon as they decide to prepare an order so that the Highway Authority has an early opportunity to comment on the draft proposed.

Where there a proposed development includes a proposal for stopping up or diverting a Public Right of Way the developer should propose an alternative route of equal or better amenity and meet the costs of providing the new route and establishing it on the Definitive Map.

TRUNK ROADS

The *Town and Country Planning (General Development Procedure) Order 1995 (Article 15)* requires that where an application is made to a local planning authority for planning permission for a new access to a trunk road or for new development within 67 metres of a trunk road subject to a speed limit exceeding 40mph the local planning authority shall notify the Secretary of State (ie. the Highways Agency) by sending him a copy of the application. The application shall not be determined unless:

- a) *the local planning authority receive a direction given under Article 14 of the Order*
- b) *they receive notification that the Secretary of State does not propose to give such direction, or*
- c) *a period of 28 days has passed since the Secretary of State was informed of the application.*

The *Town and Country Planning (General Development Procedure) Order 1995 (Article 10.2)* requires that where an application is made to a local planning authority for planning permission for development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a trunk road, the local planning authority shall consult the Secretary of State (ie. the Highways Agency) unless:

- d) *the Secretary of State has advised that he does not wish to be consulted, or*
- e) *the applicant has served a copy of the application directly on the Secretary of State*

The local planning authority shall not grant permission for the development until at least 14 days after the Secretary of State has been informed of the application.

HIGHWAY ADOPTIONS

The highway authority will adopt as highways maintainable at public expense those highways that are designed and constructed in accordance with the County Council's standards and are considered to be of sufficient utility to the general public. Such highways include carriageways, footways, verges, footpaths and cycletracks.

Section 38 Agreements

It is in the best interests of house purchasers, the purchasers of industrial premises and Developers that new estate roads are adopted and maintained by the Local Highway Authority. Purchasers need to be assured that adoption can take place without any further expense to themselves and if such assurances are available Developers find it easier to sell their properties. The Highway Authority needs to know that it is taking over a properly constructed road, and also that, in the event of failure by the builder to do so, roads can be completed without expense to the Authority or the owners of the properties fronting the road. An agreement under Section 38 of the Highways Act 1980 is therefore considered to be the most appropriate and desirable process for new estate roads to become maintainable at public expense.

Before a developer can enter into a Section 38 agreement with the Highway Authority, they will need to prove title to the land and have obtained full planning permission for the development, including the approval of any reserved matters relating to the highway.

In addition the developer will be required to enter into a Section 104 Agreement (Water Industry Act 1991) with the Sewer Authority regarding the drainage for the development. It should be noted that the Highway Authority will not complete the adoption of the highways until confirmation is received from the relevant Sewer Authority that the sewers are adopted. In those circumstances where a Section 104 Agreement is not feasible, advice should be sought from the County Councils Legal Services and the relevant Development Control Engineer.

Section 228

Under some circumstances the developer may not be able to dedicate a certain area of land as highway because he does not own it. In these situations, the road could be adopted using the procedures under Section 228 of the Highways Act 1980. On completion of the works, notices are posted on site. These state that unless objections are received from the owner of the land the highway in question will become maintainable at public expense one month after the date of the notice.

Advance Payments Code

Under the Highways Act 1980 a Highway Authority must protect the owners and prospective owners of residential and industrial premises from the ultimate liability of private street works charges. The two provisions within the Act are:

- i. The Advance Payments Code (Sections 219 to 225).
- ii. A Highway Adoption Agreement (Section 38).

The Advance Payments Code (A.P.C.) places an obligation on the developer to deposit or secure a sum of money to the satisfaction of the highway authority. The sum estimated by the highway

authority represents the future liability for street works charges related to that development. The Code applies as soon as approval under the Building Regulations for a development is obtained (or deposited plans are accepted by exempted bodies or persons) and building works commence.

Any building works that are carried out without the deposit having been made constitute a breach of the law and may lead to prosecution of both the landowner and the builder. If the developer fails to carry out his obligations to provide adequate access to new properties, the monies deposited may be used by the County Council to complete the street works. There will be a financial liability for the outstanding monies on the owners of the plots if the final cost exceeds the sums secured.



**ECONOMY, CULTURE AND ENVIRONMENT
DIRECTORATE**

CLIENT SERVICES DIRECTORATE

**Annual Report Outlining Performance of
Cumbria County Council in Responding to
Planning Consultations as Highway Authority**

June 2006

**Transport & Spatial Planning Unit
Highways & Infrastructure Unit**

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Table 1 Planning Application Consultations

Table 2 Pre-Application Consultations

1. INTRODUCTION

- 1.1 By virtue of Articles 10 and 12 of the Town and Country Planning (General Development Procedure) Order 1995, Cumbria County Council as Local Highway Authority is a statutory consultee for all planning applications submitted to each of the nine Local Planning Authorities in Cumbria (the County Council, the six District Council and the two National Park Authorities).
- 1.2 This input into the development control process and providing pre-application advice is acknowledged as being a critical role for the Council in integrating land use and transport planning, in securing a transport system fit for the future, in maintaining safety on the network and in contributing to the Council's Local Transport Plan objectives. At present this function is primarily delivered by six staff who are each based within one of the County's six Area Highway Teams.
- 1.3 This is the first year that the County Council has been required to provide a report on its performance in meeting the consultation requirements. Section 2 of the report sets out the annual performance achieved with a summary of the reasons as to why the statutory deadline has not been met. Section 3 outlines the measures to be implemented to improve performance whilst Section 4 provides a conclusion.

2. ANNUAL PERFORMANCE 2005/2006

- 2.1 Table 1 shows the County Council's performance as Local Highway Authority in responding to planning application consultations while Table 2 shows the County Council's performance relating to pre-application consultations.

Table 1

Planning Application Consultations			
Area Highway Team	No. received	No. responded to within 21days	No. where deadline not achieved
Allerdale	1274	1245	29
Barrow	415	414	1
Carlisle	1421	1256	165
Copeland	1078	896	182
Eden	1025	954	71
South Lakeland	809	731	78
Totals	6022	5496	526
Percentage		91%	9%

Table 2

Pre-Application Consultations			
Area Highway Team	No. received	No. responded to within 21days	No. where deadline not achieved
Allerdale	57	57	0
Barrow	17	17	0
Carlisle	14	12	2
Copeland	92	52	40
Eden	40	40	0
South Lakeland	*	*	*
Totals	220	178	42
Percentage		81%	19%

* No figures available for the pre-application advice given by the South Lakeland Area Highway Team.

2.2 The lack of resources to deal with the workload within the required timescale is the main reason why deadlines have not achieved. This is because of vacant posts and in certain cases this has been further exacerbated by staff illness.

2.3 Additional reasons given where the deadline has not been achieved include awaiting additional information and as a result of the applicant making several changes to the proposed development.

3. MEASURES TO IMPROVE PERFORMANCE

3.1 The County Council has recently purchased a highways module from Atrium Software in order to utilise available I.T. resources more effectively and improve the administration and delivery of the service. It is intended that usage of the software will be implemented in phases as resources allow and to minimise potential disruption.

3.2 The County Council is also actively trying to recruit suitably qualified staff to provide the service and is working closely with its partners to fill the current gaps.

4. CONCLUSION

- 4.1 Whilst the County Council has limited resources available in order to undertake this duty, it is striving to improve the delivery by making better use of the resources available to it.

Chris Wallace
Head of Service - Highways and Infrastructure

Rob Terwey
Head of Transport and Spatial Planning

Planning Authority:

Date Received:

Reference Number:

TRANSPORT FORM

Applicant Details

Development
Details

N.B. This form must be completed for developments involving new build and/or change of use. It need not be completed for householder applications (extensions etc.)

1. TRAVEL CHARACTERISTICS

Journeys per day

Please provide a total figure for the expected number of journeys to and from the site per day as one total. The figure should include journeys by all means including walking, cycling and public transport.

Number:

Comments:

How will journeys (excluding freight) to and from the site be made?
Please provide figures, based on the total figure above.

Walk

Cycle

Car Driver

Car Passenger

Bus

Taxi

Train

Peak Times

Are there times when traffic will be particularly busy? If so please provide details below.

Freight: expected number of freight/deliveries per day (figures should be split by type/size of vehicles and peak times where possible)

Number:

Comments:

2. SITE LOCATION AND SUSTAINABLE TRANSPORT

Public Transport Facilities

* delete as appropriate

Urban Areas

Is the site within 400metres of a bus stop or a railway station?

YES/NO*

Rural Areas

Is the site within 800metres of a bus stop or railway station?

YES/NO*

Buses

Does the service correspond with staff/workers arrival and departure times?

YES/NO*

Is information on public transport readily available to new residents/ employees?

YES/NO*

Car Parking

Is the car parking adequately allocated – prioritising car sharers, essential users and disabled employees/visitors?

YES/NO*

Cycling

Does the site have good cycle links?

YES/NO*

Are there adequate cycle parking facilities? (covered, lit, secure)

YES/NO*

Are there adequate changing facilities? (lockers, storage, showers)

YES/NO*

Pedestrians

Are there suitable pedestrian links to the existing network?

YES/NO*

Are there suitable links to bus stops/public transport?

YES/NO*

Are the pedestrian links well lit?

YES/NO*

Are there suitable dropped crossings and safe crossing points?

YES/NO*

3. TRANSPORT IMPACTS

Please describe below the transport impacts of the development. Consideration should be given to, amongst other things, the effect on existing transport infrastructure, possible increased risks of accidents, busier junctions, increased parking in the surrounding area, noise generation, air quality, and the effect transport may have on the surrounding townscape, landscape and natural and historic environment.

4. MEASURES TO INFLUENCE TRAVEL

Please describe what measures will be taken to influence travel to and from the site, and within it. Consideration should be given to, amongst other things, promoting walking and cycling (e.g. by providing pedestrian and cycle routes and crossings), encouraging the use of public transport (e.g. improved services, new stops, bus shelters, better information), minimising car-parking provision, ensuring good access through design, providing facilities for the disabled, supporting travel initiatives such as car sharing, ensuring efficient and minimal freight movement.

Signature	Date
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