KEY ISSUE:
To inform members of the role of the Highway Authority as a consultee in the Planning Process.

SUMMARY:
Members may recall that at a previous meeting of this committee the Local Transportation Director undertook to ask the Head of Transportation Development Control to provide a report on the role of the County Council as Highway Authority in the planning process which is undertaken on the majority of occasions by Waverley Borough Council as the Planning Authority for the Waverley Area. This report details this role and the function of the Transportation Development Control Division.

RECOMMENDATION:
That the Local Committee in Waverley should note the contents of the report.
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BACKGROUND PAPERS: None
1. INTRODUCTION AND BACKGROUND

1.1 As part of the planning process, the County Council, as Highway Authority, is consulted by the Borough Councils, as Local Planning Authorities (LPA’s), on the highways and transportation implications of planning applications for which they are the planning authority.

1.2 Briefly, Borough Councils are the planning authorities for residential, office, business and retail development. The County Council itself is the planning authority for minerals and waste proposals, for some school proposals, and for its own development proposals.

1.3 The LPA’s are statutorily obliged to consult the Highway Authority in this way, and they are also obliged to take into account any advice that the Highway Authority may offer in response to the consultation. It is only advice, however, and the LPA is entitled to consider its own view, in the light of that advice and in conjunction with other non-highway related factors, which may or may not conflict with it. The LPA is then entitled to come to a balanced decision, having taken these various factors into account.

1.4 The role of the Highway Authority in response to consultation is to provide advice and only to recommend refusal of an application where it can demonstrate real harm. In effect, from the Highway Authority’s point of view, a totally neutral stance is taken regarding the development itself, and refusal is only recommended where shortfalls in highway standards would lead to a tangible deterioration in highway safety or capacity or where there is a clear conflict with transportation policy.

1.5 The Highway Authority always seeks improvements to the highway infrastructure and transportation network, to accommodate developments where appropriate, and it seeks to maintain high standards. However, it is not the Highway Authority’s role to resolutely recommend refusal of applications unless every highway standard in the vicinity is met to the full.

1.6 The underlying principle is that the Highway Authority will always seek the highest standard of highway provision to accompany development proposals. However, it must take into account the degree or intensity of identified problems and shortcomings, the degree to which those are exacerbated by development proposals, and the practicability of solutions to overcome them.
2. THE ROLE OF THE TRANSPORTATION DEVELOPMENT CONTROL DIVISION OFFICERS

2.1 Officers of the Transportation Development Control Division provide the advice, on behalf of the Highway Authority. This is part of the Planning & Countryside Service in Sustainable Development and these officers are delegated by the Executive to carry out this function.

2.2 The formal advice, in response to consultation, is brief and technical. It is often accompanied by explanatory material, which the planning officers may decide to include in their reports, either verbatim or in précis.

2.3 Typically, these officers are consulted on 4,000 applications per District per year. On many of these, it is clear, at a glance that there would be no highways and transportation implications resulting from the proposals, and the planning authority is simply informed that the Highway Authority has no observations to make.

2.3 Perhaps 350 to 400 of the 4,000 applications appear to require further consideration. Officers will therefore visit those sites and carry out whatever further research work is appropriate to enable them to make a formal response to the consultation.

3. REFERENCE MATERIAL

3.1 There is a great deal of technical material available to help in formulating advice to the planning authorities. Much of the technical detail relating to geometric layout of highway improvements is contained within advice and directives provided by the Department for Transport.

3.2 There is also a wealth of “guidance” material, both from Central Government and the Local Authorities themselves. Examples are “Surrey Design”, Surrey and the Districts’ own residential design guidance, “Places, Streets and Movement”, Central Government’s similar guide, and “PPG 13 Transport”, which is part of Central Government’s range of guidance to Planning Authorities on separate issues.

3.3 The emphasis here is “guidance”. It is recognised that it is impossible to provide technicians in this field with unambiguous and unshakeable standards to apply to every situation. Hence the need to take account of a great deal of guidance, some of which may conflict, to enable balanced and sustainable advice to be provided.
4. CONSULTATION WITH THE LOCAL TRANSPORTATION SERVICE

4.1 Officers from the Transportation Development Control Division hold regular weekly meetings with officers from the Local Transportation Service to discuss new planning applications and to ensure that there is no conflict with Local Transportation initiatives. Where possible, and appropriate, the Local Transportation officers suggest schemes and initiatives that may be sought from applicants to assist in the accommodation of development proposals.

5. RECURS TO APPEAL

5.1 Advice given on behalf of the Highway Authority must be capable of being sustained at appeal. It is not essential to “win” every appeal. To some extent, the appeal can be treated as “bathwater testing”. Nonetheless, it is important to be winning the majority of appeals.

5.2 It is, however, essential to provide sustainable evidence in support of any highway objection, to ensure that an application for costs against the Planning Authority regarding the highway case is not successful. Any such award of costs is against the Planning Authority and not the Highway Authority. This is because it is the Planning Authority who presents the whole of its case, and who owns it fully, albeit with the active support of its consultant, the Highway Authority.

6. CONCLUSION AND REASON FOR RECOMMENDATION

6.1 The role of the Highway Authority as consultee in the Planning process often requires a response from the County Council within a limited time frame and it is for this reason that Officers have delegated authority from the Executive to respond on behalf of the County. Systems are now in place to improve the communication between Officers from Transportation Development Control Division and the Local Transportation Service and members are recommended to note the contents of this report and the constraints under which the County Council operates in this process.