

HIGHWAYS DEVELOPMENT CONTROL

Graham Hill
Principal Engineer
Development Control

Our Main Role

The interface between the County Council in its capacity as Highway Authority and the allocation, design, assessment and implementation of new development insofar as it affects highway and transportation matters.

Main Objectives

To help facilitate new development and economic growth whilst minimizing risks to highway users safety, maintaining the efficient and sustainable operation of the road network and ensuring that new developments are accessible, socially inclusive and of high quality.

The Team Structure

- The highways development control service comprises three main elements:
 - • Planning Liaison
 - • Transportation Schemes and Assessment
 - • Development implementation

This presentation focusses on Planning and in particular the planning consultation process.

Our Role As Consultee

- The Highway Authority is a Statutory Consultee to the 10 Local Planning Authorities in Derbyshire for planning applications, pre-application enquiries and forward planning (Local Plan) work.

Number of Consultations

- Between 8,000 and 10,000 planning applications are submitted to the various Local Planning Authorities each year.
- Approximately 6000 pre-planning enquiries are submitted each year.
- The highways development control service provides advice in connection with almost all of them.

Responding to Consultations

- Officers deal with about 75% of applications straight away at regular liaison meetings with the Planning Authorities.
- About a quarter of applications are referred back for further analysis and assessment.
- The Highway Authority has 21 days to respond to statutory consultations

Assessing Applications

- Most referred applications are subjected to both desktop and site investigation by officers.
- Larger applications have to be supported by a Transportation Statement or Assessment.
- If the Planning Authority sees fit, further negotiation and clarification can be sought from the applicant.

Consultation Response (1)

- A formal written response will be sent to the Local Planning Authority in all cases.
- The response can be no objections, acceptance subject to conditions or refusal.
- All highway responses are recommendations only.

Consultation Response (2)

- The Highway Authority does not 'support' development proposals. A recommendation raising no objections or conditions does not mean there will be no traffic impacts arising from the development nor that the Authority wholeheartedly endorses the proposals

Comments by Third Parties (1)

- The Highway Authority does not determine the application.
- All third party comments should be directed to the Local Planning Authority.
- In planning consultations, the Highway Authority provides impartial technical advice to the Local Planning Authority only.

Comments by Third Parties (2)

- If a third party raises a highway based query, the Local Planning Authority can seek further comment from the Highway Authority.
- Enquirers are welcome to copy their highway based comments to DCC for information
- Highways officers will generally not engage directly with groups or individual lobbyists (either pro or anti-development).

Member Interest

- Highways officers will always be happy to respond to Member enquiries about planning consultations and discuss technical advice.
- Where Members express an interest in a particular proposal, a copy of the Highway Authority consultation response will be provided for them.

Protecting the Council

- The advice of the Highway Authority can be challenged through the appeal process or judicial review.
- Technical advice will always be defended by officers in any appeal.
- Where recommendations are found to be unreasonable, the Council can be open to legal and financial penalties.

Highway Assessment (1)

- The planning system is intended to promote appropriate development.
- The Highway Authority is tasked with helping to facilitate development which is as safe, accessible, sustainable, well designed and inclusive as possible.
- A recommendation of refusal is a last resort and must be based on severe harm (NPPF)

Highway Assessment (2)

- Account has to be taken of extant site use and permitted development changes.
- Additional traffic generation by itself is not a reason to reject a development, the volume of traffic must be sufficiently great and the harm caused by it demonstrably severe.
- Reasons for refusal must be based on sound technical data and empirical evidence.

Highway Assessment (3)

- Any conditions imposed must be directly related to the impact of the development, reasonable, proportionate and enforceable.
- The Highway Authority successfully negotiates many millions of pounds worth of physical works and financial contributions to highway and transportation infrastructure each year.

Thinking Ahead

- Helping to create ways in which several developer contributions can be assembled (together with public funding) to address major infrastructure projects which would not be possible by a single applicant.
- Partnership working with other public and private bodies to secure future maintenance

Other Development Control Topics

- New estate street adoption. (Section 38).
- Development related highway improvement (Section 278)
- Strategic transportation assessment projects
- Development related highway policy
- Other regulatory work (trading and HGV's)

More Information

Graham Hill

01629 583647

graham.hill@derbyshire.gov.uk

Graham Fairs

01629 538648

graham.fairs@derbyshire.gov.uk

Any Questions?