

## Challenge and Improvement Committee – Highways Briefing Note

### 1. Introduction and Purpose

- 1.1 Challenge and Improvement Committee has a role to scrutinise how partner organisations perform when they are contributing to or delivering services within West Lindsey.
- 1.2 The purpose of this briefing note is to explain the role of Lincolnshire County Council as the local highway authority and to set the context to allow councillors to scrutinise their work.

### 2. The Role of the Local Highway Authority

- 2.1 Lincolnshire County Council is the Local Highways Authority for Lincolnshire and as such is responsible for all matters relating to highways in the county with the exception of issues related to trunk roads which are the responsibility of the government's Highways Agency.
- 2.2 In general terms the role is split into two: however they do at times overlap:
  - A strategic role assessing the future highway needs of the county
  - An operational role assessing the impact proposed development will have on the county's road network in terms of such things as capacity, road safety etc. (It also has a role in maintaining the current network and renewing the infrastructure where necessary).

### 3. Strategic Role

- 3.1 The local highways authority's strategic role includes:
  - Planning for the growth and development of the network as demands on it increase through the provision of new developments throughout the county. This can include: new roads (Lincoln Eastern By pass for example); junction improvements; improvement in traffic flows; encouraging modal shift (private car to public transport)
  - Developing traffic models which can help it predict the effect new development and growth will have on the network
  - Providing the resources to develop the network: this can be done through its own budgets; using contributions from developments (s106/CIL); finance allocated to it from central government (although this arrangement is changing) and bidding for funds from the Department for Transport.
  - Working with local planning authorities when they are preparing their local plans to contribute to infrastructure delivery plans.
  - To prepare local transport plans and other strategic planning documents
  - Working with the Greater Lincolnshire Local Enterprise Partnership (GLLEP) to provide the transport infrastructure needed to deliver growth (from 2015 this will be done through a Local Transport Body, which will include the GLLEP and the County Highway Authority)

### 4. Operational Role

4.1 The local highway authority also has an operational role which includes;

- Managing the road network
- Maintenance
- Dealing with road closures and other disruptions to services
- Highway safety
- Providing a highways input into development proposals (usually at the planning application stage)

## **5. Planning Applications and Development Proposals**

5.1 The local highway authority is a statutory consultee in the planning process and is required to be consulted on every planning application which will have potential impact on the highway network.

5.2 In assessing the application the local highway authority will have regard to such things as the capacity of the local highway network to absorb the additional traffic created by the development, traffic speeds, road safety, road widths, capacity of junctions, visibility at the entrance and exit to the site etc. The traffic modelling which is used to develop the highway network can also be used to predict the impact a new development might have on the existing highway network. Information from this modelling is used to inform recommendations from the local highway authority on development proposals.

5.3 It is also open to the applicant and the local planning authority (District Council) to enter into negotiations to improve the access to a site to address the local highway authority's concern. This could include the developer improving the highways within their control (widened visibility splays, widened accesses etc.) or contributing to off-site improvements through a s106 agreement (this could include the provision of turning lanes, junction improvements, stretches of new road etc.).

5.4 There are officers at the local highway authority who have a specific role to comment on development proposals referred to it by local planning authorities.

## **6.0 Conclusion and Next Steps**

6.1 This is an area which Challenge and Improvement Committee are interested in. In order to inform them further I attach a document from Leicestershire County Council which sets out in more detail the role of a local highway authority as it is seen in that county.

6.2 Additionally and in order to answer the specific questions which have been posed by the chair of Challenge and Improvement and to expand on the role of the local highway authority it is suggested that Andy Gutherson the senior commissioning manager at the local highway authority be invited to attend a chairs briefing.

# The Local Highway Authority and its role in the planning process

Your guide to frequently asked questions



## Frequently asked questions

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1. Do I need planning permission to...?
2. This is a dangerous road and cars speed along it - why was planning permission granted?
3. What is a classified road?
4. What is a visibility splay?
5. What does the Local Planning Authority (LPA) do, and how can I contact them?
6. What does the Local Highway Authority (LHA) do, and how can I contact them?
7. What does the Highways Agency (HA) do, and how can I contact them?
8. What is highway development control?
9. What is the planning process?
10. Who's involved in the planning process?
11. What are the stages in the planning process?
12. What's involved in Stage 1 (Pre-application) of the planning process?
13. What's involved in Stage 2 (Application) of the planning process?
14. What's involved in Stage 3 (Appeal) of the planning process?
15. What's involved in Stage 4 (Enforcement) of the planning process?
16. When is transport modelling used on development proposals?
17. How is the planning process changing?
18. Where can more detailed information relating to the planning process be found?



## **1. Do I need planning permission to...?**

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In Leicestershire the Local Planning Authorities (LPA) are the District Councils (other than for education, minerals and waste applications, where the County Council is the LPA).

They manage and administer the planning process and are responsible for making decisions on most planning applications. They will be able to tell you whether you need planning permission for your development. For more information from the LPA please contact the District Council where the development is located:

- **Blaby District Council**
- **Charnwood Borough Council**
- **Harborough District Council**
- **Hinckley and Bosworth Borough Council**
- **Melton Borough Council**
- **North West Leicestershire District Council**
- **Oadby & Wigston Borough Council**

Note: For queries about development in Leicester City please contact **Leicester City Council**.

## **2. This is a dangerous road and cars speed along it - why was planning permission granted ?**

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The highway authority is a statutory consultee (an organisation or individual that must be consulted by law) in the planning process, and can only make recommendations to the Local Planning Authority (LPA). The ultimate decision on whether a development is granted planning permission is taken by the LPA. The highway authority looks at all the available evidence such as injury accidents and traffic speed surveys, to determine whether the perception of a dangerous road or speeding traffic can be proven. If the evidence does not support the concerns raised then the LHA does not have any basis to recommend refusal. If it did so, and the applicant appealed the decision and won, the highway authority could have costs awarded against it.

### 3. What is a classified road?

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**Classified Road** – In simple terms it is a road, which has been given a classification to emphasize its importance to the highway network. In most cases it involves the road name being prefixed with either an A, B or C (for example the B582). A and B roads are part of the national classification system. C roads, which are also classified roads, are designated by the highway authority within Leicestershire.

For information in Leicestershire a **Principal Road** refers to A roads managed by the County Council (excluding trunk roads). Non-principal roads comprise B roads and all lesser roads managed and maintained by the County Council.

### 4. What is a visibility splay?

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Visibility splays are triangular areas of land that are kept free of any obstructions which could obscure visibility. They are provided to ensure that adequate visibility is provided between vehicles using the existing highway (road) and vehicles using accesses and minor roads, on bends and on crests. This is important to ensure that the highway remains safe and convenient to use. The exact measurements of a visibility splay will depend on the type of access / minor road / bend / crest, number of users, type of existing highway (road) and the vehicle speeds on the existing highway.

Pedestrian visibility splays allow drivers exiting driveways and pedestrians an opportunity to see each other and give way. They are measured along the back edge of the highway (often at the back of the footway) and are usually a minimum of 1m x 1m.

More detailed information on visibility splays can be found in the 6Cs Design Guide at [www.leics.gov.uk/6CsDG](http://www.leics.gov.uk/6CsDG) (see *Part 3, visibility splays*)

### 5. What does the Local Planning Authority (LPA) do, and how can I contact them?

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In Leicestershire the LPAs are the District Councils. They manage and administer the planning process and are responsible for making decisions on most planning applications. The County Council is the planning authority for applications for education, minerals and waste

At certain stages in the planning process the district council may ask for the views of statutory consultees, including the County Council (as LHA). These views help the district to make an informed decision about the development application. The County Council will carry out a similar process for education, minerals and waste applications, for which it is the LPA.

If views have been provided to the district council they will be considered before a final decision on the planning application is made.

The district council is also able to provide advice throughout the planning process, if asked. For more information from the LPA please contact the District Council where the development is located:

- **Blaby District Council**
- **Charnwood Borough Council**
- **Harborough District Council**
- **Hinckley and Bosworth Borough Council**
- **Melton Borough Council**
- **North West Leicestershire District Council**
- **Oadby & Wigston Borough Council**

Note: For queries about development in Leicester City please contact [www.leicester.gov.uk](http://www.leicester.gov.uk).

## **6. What does the Local Highway Authority (LHA) do, and how can I contact them?**

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In Leicestershire the LHA is Leicestershire County Council. We manage and maintain roads within Leicestershire (excluding major trunk roads – see Highways Agency below), provide public transport and promote safe and sustainable travel. In addition we consider, and provide advice, on the impact that development may have on the highway.

We work closely with, and liaise with, the Highways Agency, including on land-use planning. Where pre-application schemes are close to the strategic road network (motorways and major trunk roads) and could impact on it we will liaise with the Highways Agency.

The LHA is a statutory consultee in the planning process. The District Council (as LPA) may ask the LHA for its views on the impact that new developments could have on the highway. When asked we will provide advice and make recommendations to the LPA to ensure that the development is safe, it's in a sustainable location and it doesn't increase congestion. Various policies, evidence and, for larger developments, transport studies may be used to help do this.

If the County Council considers that the development will adversely affect the highway, and this impact can't be reduced, it can recommend that the District Council refuses

the planning application. Note: the County Council can't make the final decision on whether an application is approved or refused – this is the District Councils role as LPA.

The LPA and LHA's views and decisions on planning applications must be justified. Otherwise, in an appeal, they could be judged by the Planning Inspector to have acted unreasonably, and costs could be awarded against them.

The County Council is also consulted when the Districts are developing their policies on future areas for growth, to ensure that new development occurs in accessible and sustainable locations.

We also provide advice, when asked, to developers etc. Detailed information is available in the 6Cs design guide: [www.leics.gov.uk/6CsDG](http://www.leics.gov.uk/6CsDG)

**More information:**

- For queries relating to development in Leicestershire contact the Transport Development Control team via email [hdc@leics.gov.uk](mailto:hdc@leics.gov.uk)
- For queries about development in Leicester City contact **Leicester City Council**

## **7. What does the Highways Agency (HA) do, and how can I contact them?**

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The Highways Agency is an Executive Agency of the Department for Transport (DfT), and is responsible for operating, maintaining and improving the strategic road network (motorways and trunk roads such as the A5 and A46) in England on behalf of the Secretary of State for Transport.

The Highway Agency's role includes managing traffic, tackling congestion, informing road users, improving safety and minimising adverse impacts on the environment.

The Highways Agency also comments on planning applications which may have an impact on the strategic road network.

More information is available from [www.highways.gov.uk](http://www.highways.gov.uk)



## 8. What is highway development control?

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Highway development control ensures that new development is delivered in ways that promote sustainable travel and safeguard the efficient and safe functioning of the transport system.

## 9. What is the planning process?

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When an application for a development is received it must go through the planning process, unless it is what is known as permitted development (for more information on permitted development contact your LPA (see question 5). This process is intended to make sure that communities, and society in general, aren't negatively affected by new development.

The planning process assesses proposed land use and the impact of the development on its surroundings. This can include the impact on transport and the highway.

Transport presents unique challenges within the planning process – a development that increases traffic and causes congestion could harm the economy, increase pollution or increase road traffic accidents. Good planning considers its impact on the highway, for instance how will residents and employees get to and from home, work, leisure or will the development affect safety and queues.

Various national and local planning policies / guidance exists to ensure that new development meets current standards. These include Manual for Streets (MfS), the Design Manual for Roads and Bridges (DMRB), DfT guidance on Transport Assessment and Planning Policy Statements and Guidance Notes, the 6Cs Design Guide and Local Transport Plans. These documents are used by the Local Highway Authority (LHA) when assessing, and/or commenting on, planning applications.

More information is available from the Communities and Local Government website: [www.gov.uk/department-for-communities-and-local-government](http://www.gov.uk/department-for-communities-and-local-government)

## 10. Who's involved in the planning process?

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Various authorities, organisations and individuals are involved in the planning process, each with their own unique roles and responsibilities. These include, but are not limited to:

- **The applicant, developer or consultant**
- **The Local Planning Authority (LPA)** (see question 5). In Leicestershire this is the District Council (apart from applications for education, minerals and waste, for which the County Council is the planning authority)

- **The Local Highway Authority (LHA)** (see question 6). In Leicestershire this is the County Council
- **The HA are responsible for motorways and trunk roads.**

Note: For queries about development in Leicester City please contact **Leicester City Council**.

## **11. What are the stages in the planning process?**

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There are four stages in the planning process:

- Stage 1 – Pre-application (also know as ‘pre-apps’)
- Stage 2 – Application
- Stage 3 – Appeal
- Stage 4 – Enforcement

## **12. What’s involved in Stage 1 (pre-application) of the planning process?**

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At a very early stage (before an application is submitted) the applicant is advised to discuss their proposed development with the District Council (as the LPA) and County Council (as LHA), before submitting an application. This provides an early opportunity to resolve issues. Applicants are advised to refer to the LPA website for pre-application advice (see question 5). Pre-application enquiries and responses are confidential.

## **13. What’s involved in Stage 2 (Application) of the planning process?**

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A formal planning application is submitted to the District Council (as LPA), with supporting information.

Minor applications which have little impact on the highway can be dealt with by the LPA using ‘standing advice’ (guidance provided by the LHA for minor applications). More significant developments could require formal comments from statutory consultees (including the County Council as the LHA). Statutory consultees normally have 21 days to respond.

If a request for formal comments is received the County Council (as the LHA) will consider:

- whether the proposed access to the development is safe for all road users
- whether there is congestion on the road network in the vicinity of the development
- the road safety record in the vicinity of the development
- whether the development is in a sustainable location.

If it's thought that the development might impact on the highway the County Council will provide the LPA with its formal comments.

The LPA considers all comments received and then issues its decision (generally within 8 to 16 weeks of receipt of the application, depending on the type of application). The decision may include conditions requiring works to be carried out on the highway.

## **14. What's involved in Stage 3 (Appeal) of the planning process?**

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The applicant has the right to appeal if:

- the application is refused by the District Council (as the LPA) or
- the application is not determined within the statutory time period
- the LPA imposes conditions that the applicant does not agree with.

Appeals are considered by the Planning Inspectorate. An applicant can make a claim for costs against the LPA if he/she considers that the reason/s for refusal are unreasonable and are not based on robust evidence. If the inspector agrees with the claim, costs will be imposed on the LPA. If the claim relates to highway reasons for refusal which have been made by the LHA, then the LHA has to meet those costs (by an agreement between the LHA and LPA)

## **15. What's involved in Stage 4 (Enforcement) of the planning process?**

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Enforcement of planning conditions and unlawful development is the responsibility of the District Councils, as LPA, apart from developments relating to education, minerals and waste, which the County Council is responsible for enforcing.

For more information from the LPA please contact the District Council where the development is located (**see question 5**).

Note: For queries about development in Leicester City please contact  
**Leicester City Council.**

## **16. When is transport modelling used on development proposals?**

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Transport modeling is undertaken using a computer program to estimate the impact of a development, scheme, measures etc on the highway network.

There are no specific thresholds for when modeling is undertaken but it is more likely to be requested where the development could potentially have an impact on the highway network (for instance where it may cause delays or congestion at junctions).

Officers use evidence and experience to assess whether modeling would be beneficial. Where appropriate (for example for major developments) officers may ask the developer to use the countywide transport model (the Leicester & Leicestershire Integrated Transport Model) to predict the impact of the development on future traffic flows and distribution.

## **17. How is the planning process changing?**

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The planning process continues to evolve. The governments approach to the Big Society and Localism is resulting in the public playing an even greater part in the planning process.

In keeping with this approach the government reviewed the planning system and published the National Planning Policy Framework (NPPF) in March 2012 which contains a presumption in favour of sustainable development:

**[www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/)**

The NPPF includes details of Neighbourhood Plans, which provide an opportunity for local people to influence development in their community. These Neighbourhood Plans should reflect and support the strategic policies of the Local Plan.

As the NPPF has only recently been published the way that newer initiatives, such as Neighbourhood Plans, will be delivered are still evolving.

## **18. Where can more detailed information relating to the planning process be found?**

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### **Local Plans and planning applications (the LPA)**

- Contact the appropriate District or Borough Council. For contact details see question 5.

### **Leicestershire County Council (the LHA)**

- **The 6Cs Design Guide:**  
[www.leics.gov.uk/6csdg\\_intro](http://www.leics.gov.uk/6csdg_intro)
- **The third Leicestershire Local Transport Plan (LTP3):**  
[www.leics.gov.uk/ltp/current\\_transport\\_plans](http://www.leics.gov.uk/ltp/current_transport_plans)
- **The LHA role in the planning process leaflet:**  
[www.leics.gov.uk/index/environment](http://www.leics.gov.uk/index/environment) (see Planning)
- **Frequently Asked Question (FAQs):**  
[www.leics.gov.uk/index/environment](http://www.leics.gov.uk/index/environment) (see Planning)

### **National websites**

- **The Handy Guide to Planning 2012:**  
[www.rtpi.org.uk/media/1454776/planning\\_handy\\_guide\\_2012\\_5\\_final.pdf](http://www.rtpi.org.uk/media/1454776/planning_handy_guide_2012_5_final.pdf)
- **Communities and Local Government (CLG):**  
[www.communities.gov.uk/planningandbuilding](http://www.communities.gov.uk/planningandbuilding)
- **The Highways Agency:**  
[www.highways.gov.uk/our-road-network/planning](http://www.highways.gov.uk/our-road-network/planning)
- **Manual for Streets 1 & 2 (MfS):**  
[www.dft.gov.uk/publications/manual-for-streets](http://www.dft.gov.uk/publications/manual-for-streets)
- **National Planning Policy Framework (NPPF):**  
[www.communities.gov.uk/publications/planningandbuilding/nppf](http://www.communities.gov.uk/publications/planningandbuilding/nppf)
- **Design Manual for Roads and Bridges (DMRB):**  
[www.dft.gov.uk/ha/standards/dmr/index.htm](http://www.dft.gov.uk/ha/standards/dmr/index.htm)

