

# Transportation Development Control Good Practice Guide

Sub title

## SUMMARY

This guide is intended to provide information about one of the services that the County Council provides to Surrey's community, including other local authorities, elected members, the public, developers and the businesses.

The guide describes how the County Council considers highways and transportation matters for development proposals in Surrey. The guide introduction outlines the County Council's sustainability agenda. It goes on to describe the sustainable transport policies that shape how the Council's considers highways and transport for development proposals.

The Transportation Development Control Division (TDC) is part of the Planning and Countryside Service. TDC aims to deliver the County's sustainable transport message to developments in Surrey. To ensure that the County gives a quality service to developers, planning authorities and the general public, this document includes points that TDC will adopt as good practice guidance.

The guide is split into the following three subject areas, representing TDC's main work fields:

- planning applications,
- planning and highway agreements, and
- vehicle operator's licences.

The sections below briefly describe and summarise each of these subject areas.

### Planning Applications

Local planning authorities consult the County Council on planning applications for advice on highways and transport matters. The County have a duty to respond to these consultations.

Officers check planning proposals against the following criteria:

- Current national, regional, county and local transport policy.
- Whether the movement of people and vehicles from developments can fit onto Surrey's roads. If not officers request developers carry out road or transport improvements to enable their developments.
- The need to mitigate the cumulative transport impacts of developments, to combat year on year reliance on Surrey's existing roads and transport systems.
- The acceptability of the parking arrangements against county standards.
- That developments encourage walking, cycling and use of public transport.
- That new road accesses, junctions and new roads are safe. And that developments have acceptable vehicle turning and servicing facilities.
- That developments do not occupy necessary parts of Surrey's roads. Or affect land reserved for road improvements.

Officers will also consider public objections to development proposals. However it is important to note that the County Council's transport response on planning matters does not include other considerations, such as impact on residential amenity or the impact of traffic on the character of roads. These matters are beyond the Council's remit as the local highway authority responding to consultations on planning applications.

Once officers have checked an application they respond to the local planning authority. If invited officers attend district planning committees to explain the County's position on large developments. Where the County recommends the local planning authority should refuse a planning application, officers will defend that refusal at planning appeal.

Involvement in planning applications helps the Council achieve its sustainable transport objectives. It also ensures developers properly invest in Surrey's road and transport systems, to mitigate the impact of private development.

#### Planning and Highway Agreements

The County enters into legal agreements with developers:

- To secure highway or transport improvements required by planning permissions,
- So that developers can build highway improvements on Surrey's roads, required by planning permissions, and
- So the County can adopt new roads constructed by housing builders.

By entering into planning and highway agreements with developers, the County Council is able to secure substantial road improvements from developers. And ensure that new adoptable roads are built to minimum County standards.

#### Vehicle Operator's Licences (VOLs)

A VOL is a permission granted by a Traffic Commissioner that enables people to operate lorries. The County Council can make objections to VOL applications on highway safety and environmental grounds.

Officers check VOL applications to ensure:

- That they use acceptable highway accesses and use suitable access roads,
- Proposed operating centres have proper vehicle parking and turning facilities,
- Proposed operating centres are located in environmentally acceptable locations, such as in industrial estates, and
- Lorries do not cause undue noise, pollution or visual intrusion problems.

Like planning applications, officers will consider the public's view and objections to VOL applications. Like planning appeals officers will substantiate the Council's objections at VOL inquiries.

The County's involvement in VOLs helps protect Surrey's roads and the wider environment from problems caused by lorries.

## **CONTENTS**

### **INTRODUCTION**

#### **PLANNING APPLICATIONS**

Overview

Preplanning and Planning Application Assessment, including

- compliance with transport policy,
- compatibility with transport infrastructure,
- developer improvements,
- mitigation of cumulative transport impacts,
- vehicle parking,
- promoting non-car travel,
- highway safety,
- highway encroachment and improvement lines.

Response to the Local and County Planning Authorities

Other Planning Matters

Planning Good Practice Guidance

#### **PLANNING AND HIGHWAY AGREEMENTS**

Overview

Planning Agreements

Highway Agreements

Agreements Good Practice Guidance

#### **VEHICLE OPERATOR'S LICENCES**

Overview

Operator's Licence Assessment

Response to the Traffic Commissioner

Other Operator's Licence Matters

Operator's Licence Good Practice Guidance

#### **Annex A**

Surrey County Council's Standing Advice for Minor Developments

#### **Annex B**

A summary of national, regional and county transport policy.

#### **Annex C**

A Summary of Surrey's Transport Impact Supplement

#### **Annex D**

Surrey County Council's Standard Planning Conditions and Informatives.

#### **Annex E**

A List of the Main Reference Documents Referred to in this Guide.

## INTRODUCTION

- 1 This guide is intended to provide information about one of the services that the County Council provides to Surrey's community, including other local authorities, elected members, the public, developers and the businesses.
- 2 Surrey's roads are some of the most congested in the country. Traffic levels are high in the morning and evening peak hours and at other busy times during the day. Traffic congestion causes delay and uncertainty to journeys and creates other damage, such as air pollution. Surrey recognises that unchecked development has the potential to worsen county road congestion and damage our environment.
- 3 Through 'Making Surrey A Better Place' and 'The Common Agenda For Sustainable Surrey' the County Council aims to improve the quality of life for everyone in Surrey. This objective is central to the Surrey's approach to deliver sustainable development. The sustainable transport themes of Surrey's current strategy come from our need to protect the environment, use natural resources wisely and care for people.
- 4 The 'Surrey Structure Plan 2004' and the Surrey Local Transport Plan 2006/7 – 2010/11' (LTP2) include policies and objectives to achieve transport sustainable development. The key aims of these Plans give the following sustainable transport goals that developments in Surrey should meet:
  - Promoting development in locations where people have good access and a choice of means of transport to everyday facilities. This reduces car dependency, travel distances and the need to travel. (Structure Plan policies LO1, DN1 and LTP2 objective 2).
  - Requiring road designs to emphasise the movement needs of people as well as vehicles. (Structure Plan policies SE4, DN2 and LTP2 objective 4).
  - Ensuring that there is adequate transport infrastructure for developments. (Structure Plan policies DN1, DN2 and LTP2 objective 2).
  - Requiring that developers mitigate the transport impacts of their proposals. (Structure Plan policies DN1, DN2 and LTP2 objectives 1,5).
  - Encouraging non-car travel. (Structure Plan policy DN2 and LTP2 objective 2).
  - Parking restraint. (Structure Plan policy DN3 and LTP2 objectives 1,4).
  - Promoting highway safety. (Structure Plan policy DN2 and LTP2 objectives 3).
  - Helping to manage and maintain Surrey's roads. (LTP2 objectives 1,5).
- 5 The Transportation Development Control function (TDC) is exercised by the County Council. Its role is to deliver the County's sustainable transport

message to development in Surrey. TDC do this within their three main service areas:

- Planning Application Matters.
- Planning and Highway Agreements.
- Vehicle Operator's Licences.

- 6 The role is exercised by officers under delegation from the Executive, as set out in the 'Scheme of Delegation' Report approved by the 6 June 2006 Council Executive Committee. The following information taken from that report describes the main TDC functions that are delegated to nominated officers.

#### Planning Application Matters

- To issue appropriate recommendations on development proposals to local planning authorities on behalf of the Council acting as the local highway authority.

#### Planning and Highway Agreements

- To enter into arrangements with developers concerning financial contributions towards the Council's transportation schemes and other initiatives.
- To enter into legal agreements with developers to enable them carry out development related works on the public highway.
- To adopt new housing estate roads and other areas that have been satisfactorily constructed, as part of the public highway.
- To accept land dedications for highway purposes.

#### Vehicle Operator's Licences

- To object to applications for vehicle operators licences.

#### Miscellaneous

- To serve Highways Act and New Roads & Street Works Act notices.
- To grant consents and licences for buildings and structures to overhang the public highway.
- To approve proposals put forward by the Surrey Districts under their agency agreements.

This document clarifies the policies under which the delegation is exercised and the practices by which it is applied.

## PLANNING APPLICATIONS

### Overview

- 7 Under the General Development Procedure Order (GDPO) the County Council, in its capacity as a local highway authority, is a statutory consultee on planning matters. The eleven Surrey districts are Local Planning Authorities for most planning matters except minerals, waste and county developments which are determined by the County Council. The eleven districts and the County Council as planning authority have to consult the highway authority on the planning applications that they receive. They do not have to follow that advice, although their decisions may be open to challenge if they do not.
- 8 Under Planning Circular 08/2005 the government has set new articles within the GDPO giving highway authorities, like the County Council, a duty to respond to preplanning enquiries and planning applications within 21 days. The response to preplanning enquiries and planning applications can take three forms:
- no comments, or
  - referring to standing advice (see below), or
  - giving specific advice or recommending an application is refused.

TDC also has a County performance target to respond to 80% of applications received from local planning authorities within 21 days. The County has to submit an annual report to the Secretary of State illustrating performance against the Circular 08/2005 21-day target.

- 9 Revised working practices were introduced in April 2005 to maximise the Council's response to developments with potentially significant transport impacts. These changes introduced standing advice for the following types of minor development:
- development on private roads where proposals do not affect public roads;
  - residential extensions and minor commercial extensions;
  - advertisement consent consultations;
  - gates to accesses onto 30 mph minor urban roads;
  - minor changes of use in town and village centres; and
  - telecom masts on minor roads with a speed limit of 40 mph or less.

Surrey's standing advice for minor developments is included in Annex A. TDC consider developments over the standing advice threshold, but will help on proposals under the threshold if requested.

- 10 For large proposals officers often meet with developers and officers from the Surrey local planning authorities before developers submit planning applications. This early liaison helps to identify potential transportation

problems, areas to study and potential mitigation measures. Pre-application discussions help developers submit large-scale development applications where the transport position is either agreed, or at least established. This in turn helps the Surrey LPAs meet their own government planning performance targets.

### **Preplanning and planning application assessment**

- 11 Developments above the standing advice thresholds are assessed to ensure they meet the following criteria:
- compliance with current transport policy (see 12 to 18 below),
  - compatibility with transport infrastructure (see 19 to 21 below),
  - developer improvements (see 22 and 23 below),
  - mitigation of cumulative transport impacts (see 24 to 26 below),
  - vehicle parking (see 27 and 28 below),
  - promoting non-car travel (see 29 to 31 below),
  - highway safety (see 32 to 33 below), and
  - highway encroachment and improvement lines (see 34 to 36 below).

### **Compliance with current transport policy**

- 12 Developments are considered against the following national, regional, county, local policy and other guidance.
- 13 At the national level the key transport policies and principles are set out in the government's planning policy guidance and statements (PPGs and PPSs). The most relevant advice is in the following documents, although increasingly these must be applied in the context of broader policy on sustainable development.
- PPS1 'Delivering Sustainable Development'.
  - PPG3 'Housing'.
  - PPS6 'Planning For Town Centres'.
  - PPG13 'Transport'.

Report Annex B briefly summarises the transport aims of this national policy.

- 14 At the regional level the Government Office for the South-east (GOSE) produces the 'Regional Policy Guidance for the South East' (RPG9) which sets the framework for spatial development and transport plans for this region. The South East of England Regional Assembly (SEERA) produces the 'Regional Transport Strategy' for the South East' (RTS), which set out the transport aims for the region to foster sustainable development. Report Annex B briefly summarises the transport aims of this regional policy for Surrey.

15 At County level the Surrey Structure Plan 2004 echoes the sustainable transport aims of the national guidance. The following Structure Plan policies are referred to:

- LO1 The Location of Development.
- SE4 Design and the Quality of Development.
- DN1 Infrastructure Provision.
- DN2 Movement Implications of Development.
- DN3 Parking Provision.
- DN4 Public Transport.
- DN5 Cycle and Pedestrian Routes.
- DN6 Motorway and Primary Route Network.
- DN7 Freight Transport.

Annex B briefly summarises the transport aims of these County policies.

16 The Surrey Local Transport Plan 2006/7 – 2010/11 (LTP2) contains the following key sustainable travel objectives.

- Objective 1: Tackling congestion to limit delays.
- Objective 2: Improving accessibility to key services and facilities.
- Objective 3: Improving road safety and security.
- Objective 4: Enhancing the environment and quality of life.
- Objective 5: Improving management and maintenance of our transport network.

17 At the local level the movement and other transport relevant policies in the eleven district Local Planning Authorities' Local Plan, and in the Minerals and Waste Local Plans are also taken into account.

18 The County Council has approved supplementary planning guidance and other transport related guidance, including:

- 'A Parking Strategy for Surrey 2003'
- 'Surrey Design, 2003'
- 'Infrastructure and Amenity Requirements to Support New Development – A good Practice Guide to Provision in Surrey'
- Other transport guidance may be included in site specific development master plans, and development briefs.

#### Compatibility with the transport infrastructure

19 The government is producing national traffic impact guidance. Once published officers will use that guidance. In the meantime officers use the advice given by the Institution of Highways & Transportation in their publication 'Guidance on Traffic Impact Assessment'. This advice has been accepted nationally through countless planning inquiries as setting the standard to work to. The advice describes what type or size of development requires a study into traffic flow and capacity affects. It also contains the

widely quoted '5% threshold'. On congested roads, development traffic impact is not considered significant if the predicted change in traffic flow for a particular development is less than 5%. Developers are normally required to support applications above the IHT's size or traffic impact threshold levels with a Transport Assessment (TA), or other movement study. In appropriate cases officers may require developments below the IHT's TA threshold level to be supported by a smaller development movement study.

20 Developments are checked to ensure that the non-car transport infrastructure can accommodate people's everyday movement needs, such as ensuring:

- adequate footways exist, and
- local bus stops are within easy walking distance, and
- people can safely cross the road at junctions, etc.

Where the existing infrastructure is inadequate, officers normally request that the developer design and undertake necessary improvements.

21 These checks ensure that developments meet Surrey Structure Plan policies DN1 and DN2, and Surrey LTP2 objectives.

#### Developer improvements.

22 Developers are normally required to mitigate the adverse affects of their proposals on Surrey's transport infrastructure. This often results in physical improvements to Surrey roads, such as:

- road widening, and
- Junction improvements, and
- bus stop improvements, and
- new cycle lanes, and
- footway widening.

These developer improvements are usually secured with planning conditions.

23 These checks ensure that developments meet Surrey Structure Plan policies DN1 and DN2, and Surrey LTP2 objectives.

#### Mitigation of cumulative transport impacts

24 Smaller developments often do not have enough individual impact to warrant the developer carrying out improvements to Surrey's transport infrastructure. However many developments increase travel demand. Cumulatively small developments have a negative transport impact. Examples of cumulative transport impacts include:

- road congestion, and
- increased journey times, and
- crowding on public transport.

Year on year reliance on the existing transport infrastructure is not

sustainable. Following the guidelines in Surrey's 'Infrastructure and Amenity Requirements to Support New Development', the Council has drafted a 'Transport Impact Supplement' as a strategy to recognise cumulative impact. Annex C contains a summary of the proposed Transport Impact Supplement. This seeks financial contributions from small developments towards schemes to manage traffic flow and promote public transport, cycling and walking.

- 25 The government publication 'Circular 05/2005' sets out tests for planning obligations. It requires that planning obligations should be relevant, necessary, related to the development, fair and reasonable. The Council consider that the proposed Transport Impact Supplement is compatible with the aims of 'Circular 05/2005'. The 'Transport Impact Supplement' is not yet approved by the Council. Work is underway between the Council and the eleven district planning authorities to integrate the Transport Impact Supplement with other infrastructure and service requirements through Local Development Frameworks. In the meantime officers will use the draft 'Transport Impact Supplement' to measure cumulative transport impacts and as a basis for requesting mitigating financial contributions from developers.
- 26 These checks ensure that developments meet Surrey Structure Plan policies DN1 and DN2, and Surrey LTP2 objectives.

#### Vehicle parking

- 27 The County Council adopted supplementary planning guidance 'A Parking Strategy for Surrey' in 2003. The strategy sets standards for vehicle parking on developments. It echoes the parking restraint aims of national and county policy. The strategy provides for less vehicle parking than seen in yesteryear and more cycle parking to meet the policy objective of discouraging excessive car use. However, residents can fear that low development parking will cause unsafe displaced parking on street. Unacceptable displacement is parking that restricts essential highway movement, affects highway safety or undermines Surrey's sustainable transport aims. The application of the policy tries to ensure that development parking matches the restraint aims of policy, but does not cause unacceptable parking displacement.
- 28 These checks ensure that developments meet Surrey Structure Plan policy DN3 and Surrey LTP2 objectives.

#### Promoting non-car travel

- 29 Consistent with advice in PPG13 Transport, developers are requested to accompany major proposals for jobs, shopping, leisure, housing and education with travel plans. Travel plans ensure that developments reduce car reliance and encourage use of public transport, walking and cycling. Travel plans can also include measures such as car sharing schemes and company or school buses. Travel plans actively promote non-car travel options and coordinate the individual non-car travel incentives. Developers are required to provide financial contribution(s) to enable the Council to

monitor and enforce development travel plans.

- 30 Following the occupation of a development The Council normally receive and assess the site's annual travel plan performance report. Officers liaise with the site travel plan coordinator to ensure that occupied developments meet their travel targets.
- 31 These checks ensure that developments meet Surrey Structure Plan policy DN2 and Surrey LTP2 objectives.

### Highway Safety

- 32 To ensure that developments do not prejudice highway safety the following are considered:

#### Highway Accesses.

New and altered highway accesses and junctions are normally required to reasonably meet current layout and road user visibility standards. Where appropriate road injury accidents records are reviewed. Officers will consider the highway safety consequences where proposals depart from accepted highway standards.

#### Highway Alterations.

Significant highway alterations are assessed by road safety audits. Officers will consider the highway safety consequences where proposals depart from accepted highway standards.

#### New Housing Estate Designs.

New housing estate roads are assessed against current guidance that stems from the objectives of PPG3, LTP2, Structure Plan policy SE4 and Surrey Design. These require designs to put the movement needs of people ahead of convenient vehicle access and to promote slow speed road environments.

#### Vehicle Turning and Servicing.

Developments should include adequate vehicle turning areas and off-road servicing / delivery facilities, as necessary.

When making the above highway safety checks TDC refer to the current design advice, including:

- Surrey Design and its Technical Appendix, and
- DETR Technical Directive TD42/95, Geometric Design of Major / Minor Priority Junctions.
- DETR publication Places Streets and Movement – A Companion Guide to Design Bulletin 32.
- DoE/DoT publication Design Bulletin 32 second edition.
- FTA publication Designing for Deliveries.

- 33 These checks ensure that developments meet Surrey Structure Plan policy DN2 and Surrey LTP2 objectives.

#### Highway Encroachment and Improvement Lines

- 34 Occasionally developments take public highway land into a private site, for example by moving a boundary to include a piece of highway verge or public footpath. Officers only agree to developers including highway land within development sites where that land is not required for highway purposes and is 'stopped-up' to remove its highway status.
- 35 District development plans show land reserved for future County road improvements. Officers check that development proposals do not affect land that is set aside for future Surrey highway schemes.
- 36 These checks ensure that developments meet Surrey Structure Plan policy DN2 and Surrey LTP2 objectives.

#### Response to the Local and County Planning Authorities

- 37 After assessing a development, officers make a response to the local planning authority as follows:
- Stating no transportation objections, or
  - requesting that the developer submits further information or changes the development to address a particular concern, or
  - recommending that the developer accept a planning obligation, for example to secure funds from a development to mitigate a transport impact. A section 106 agreement or unilateral undertaking is normally required to secure a development planning obligation, or
  - recommending that planning conditions be attached to any planning permission granted, for example to require a road improvement is built before a development is started or occupied. Annex D contains Surrey's list of standard planning conditions, that meet the requirements of Planning Circular 11/95, or
  - recommending an application is refused, for example on highway safety grounds or failure to comply with transport policy.
  - Giving general advice.
- 38 Transport is one of a variety of issues that the local planning authorities must consider before determining a planning application. County requests for developer funding towards transport improvements, such as via the 'Transport Impact Supplement', must compete with other planning objectives, such as affordable housing and other improvements to the public realm.

## **Other Planning Matters**

### **Consistent Planning Advice**

- 39 Planning consultees like the County Council must give consistent advice to local planning authorities. For example, if the County Council inconsistently recommended the refusal of an application, then at a planning appeal the developer could request the planning inspector awards costs against the authority. Officers check the planning history of developments to give consistent application advice and provide an even service across the county. Successful awards of costs against districts councils arising from the Council's advice are extremely rare.

### **Environment, amenity and other planning impacts**

- 40 The local planning authorities often receive representations from the general public about planning proposals that raise highway concerns. The planning authorities can ask the County Council for comments in the light of the local representations or interest from elected members. If requested County will officers briefly comment on relevant transport matters.
- 41 It is important to distinguish road safety, capacity and other directly transport considerations from other matters arising from traffic such as environment and amenity impacts. The divide between transport and non-transport matters is not always black and white. Officers use their professional judgement and consider the nature of an anticipated impact against the aims of the relevant transport policies to decide whether a concern is transport related or not. The transport matters relevant to the Council's role as the local highway authority in responding to development proposals are generally set out above. Issues such as development traffic eroding the character of an area, or reducing residential or visual amenity, for example, are not transport matters.
- 42 It is for the local planning authorities consider these matters, and to take their own view on the environmental and amenity impacts of traffic, albeit in discussion with the highway authority where appropriate.

### **Attending District Planning Committees**

- 43 County officers can be invited to attend the district council's planning committee meetings, committee site-visits and committee pre-meetings. Officers will normally attend pre-meetings if they are held during the working day. Officers will consider invitations to attend committee site-visits and committee meetings where a significant development proposal has major transport issues, such as:
- for large applications over about 100 houses, or
  - if development significantly departs from County transport policy, or
  - if there are substantial public representations about transport matters.

When it is necessary to attend district council's planning committees, officers will explain the Council's application response on transport matters. Officers will also respond to member's questions, against the background of current transport policies and standards.

### Planning Refusals & Appeals

- 44 Officers may recommend that local planning authorities refuse applications that are unacceptable against transport policy or on highway safety grounds. Developers can lodge planning appeals against planning refusals. Appeals take the form of written representations, informal hearings and public inquiries. Recommendations for refusal may be supported at appeals by evidence, at the request of the local planning authority. For written representations officers often submit a short report. For informal hearings and public inquiries officers produce more detailed reports and appear at the appeal to present and answer questions on their evidence.

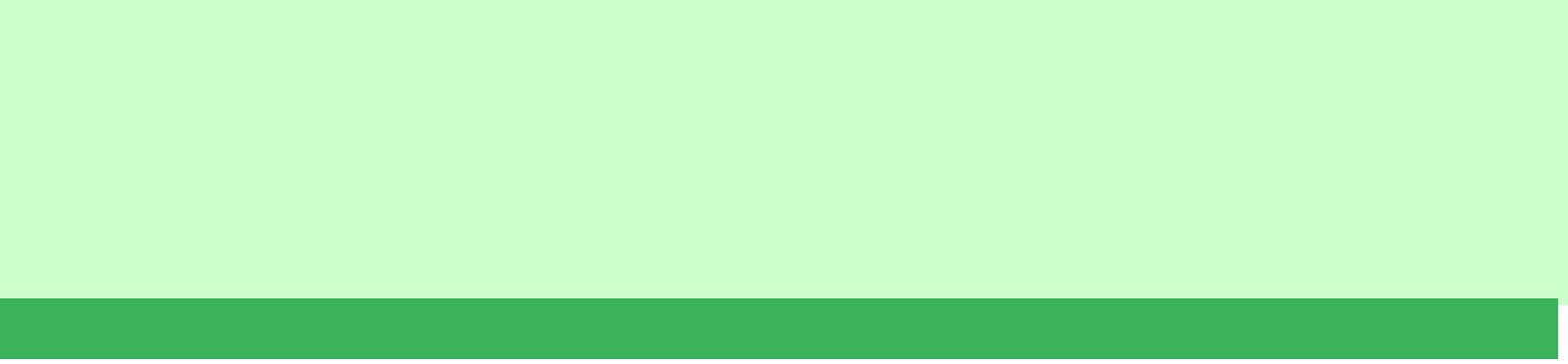
### Planning Good Practice Guidance

- 45 The following points provide the basis of good practice guidance for officers responding to planning applications and pre-planning enquiries.
- The Council will respond to preplanning enquiries and planning applications within 21 days in accordance with Planning Circular 08/2005. The Council will also meet the County target by responding to 80% of planning application consultations from district councils in 21 days.
  - The Council will submit an annual report to the Secretary of State following the end of each financial year to set out its preplanning enquiry and planning application performance.
  - When responding to preplanning enquiries and on planning applications the Council will consider the development proposals against current national, regional, county, local transport policy and other relevant guidance.
  - The Council will normally require developers to support larger planning applications with Transport Assessments.
  - The Council will require developers to mitigate significant transport impacts arising from their proposals.
  - Where appropriate, the Council will seek financial contributions from developers towards schemes to manage traffic flow and promote public transport, cycling and walking, in accordance with Surrey's TIS.
  - The Council will ensure that there is sufficient transport infrastructure to accommodate the movement needs of development and will expect developers to improve deficient transport infrastructure.
  - The Council will ensure that requests to developers for transport infrastructure improvement or contributions towards those improvements comply with Circular 05/2005.

- The Council will apply the Counties' adopted 'Parking Strategy for Surrey' to deliver developments with restrained vehicle parking, but more cycle parking.
- The Council will request that major developments comprising jobs, shopping, leisure, housing and education be accompanied by development travel plans.
- The Council will request that developers give Surrey sufficient funds to enable the future monitoring of development travel plans, to ensure that developments meet their travel plan targets for reduced car use.
- The Council will ensure that development proposals promote highway safety by:
  - (a) so far as is practicable checking road accesses against current highway standards and where appropriate by reviewing road injury accident records, and
  - (b) checking significant development highway works with road safety audits, and
  - (c) requiring new housing designs put the movement needs of people ahead of convenient vehicle access and to promote a slow speed road environment, and
  - (d) ensuring that proposals include adequate vehicle turning areas and off-road servicing / delivery facilities.

The County will consider the highway safety and transport policy consequences where proposals depart from accepted standards.

- The Council will ensure that development sites do not encroach or obstruct the public highway that is required for highway purposes.
- The Council will ensure that development proposals do not adversely affect land reserved for future highway improvements.
- The Council will give consistent transport responses on individual cases and provide a uniform service across the county.
- The Council will listen to and consider representations received from the general public about planning proposals. Where appropriate officers will respond in writing or appear in person to explain Surrey's transport position against prevailing policies and standards.
- Where officers of the Council recommend an application be refused on transport grounds, if requested by the LPA they will defend the County refusal reason at any planning appeal with suitable evidence.



## **PLANNING AND HIGHWAY AGREEMENTS**

### **Overview**

- 46 The resolution to grant planning consent by a planning authority may require developers to enter into agreements. There are two main types of developer agreements - planning agreements and highway agreements.

### **Planning agreements**

- 47 Planning authorities often grant planning permission to large developments if the developer enters a planning agreement. Planning agreements are usually written under Section 106 of the Town and Country Planning Act 1990 (S106). Alternatively developers submit unilateral undertakings (UUs). S106s and UUs enable planning authorities to:

- prescribe the nature of a development, such as requiring affordable housing, or
- compensate for a loss, such as requiring extra public open space, or
- mitigate an impact, such as the transport impact from developments.

- 48 The Council request S106s and UUs to secure transport obligations from developments, such as:

- Funds to ease direct or cumulative transport impacts, and
- Large development travel plans, and
- Securing land from development sites for future transport infrastructure schemes.

- 49 The eleven districts have different practices concerning the County Council's role in S106s and UUs. Some districts always invite the Council to be a party to a S106 and UUs. Others rarely do. Some include the Council in certain cases. The County Council normally expects to be included in all S106s and UUs that secure transport obligations. This is so that officers can efficiently deploy developer's funds for transport improvements and the Council can itself enforce the terms of overdue planning obligations on developers. Some districts fear that involving the County Council in S106s and UUs could delay the planning process and prevent them meeting their application response targets. Officers work with the Surrey districts and developers, preplanning and during the lifetime of applications, to help them draft S106s and UUs that secure transport obligations from developers without this delaying the planning process. Furthermore officers only recommend S106s and UUs be employed if the use of planning conditions is inappropriate.

### **Highway agreements**

- 50 Following the grant of planning permission, developers may need agreements with the County Council to build works on the public highway. Officers administer these works under section 278 of the Highways Act 1980 (S278s).

Developers also approach the Council to adopt new housing estate roads as public roads. If the new road has sufficient public utility to be adopted, officers administer the works under section 38 of the Highways Act 1980 (S38s). From time to time highways are adopted under sections 36, 37, 72 and 228 of the Highways Act 1980.

- 51 Developers' S278 and S38 works must meet the Council's highway safety and construction standards. Surrey's Transportation Service safety audit developers' S278 designs and help TDC ensure that they meet the Council's quality, durability and safety standards. Surrey's Transportation Service inspects the works during construction.
- 52 Developers are charged with commuted payments for S278 and S38 works that involve Surrey in extra, special or expensive future maintenance. Surrey normally but not exclusively takes commuted payments for the following:
- new traffic signals, and
  - soakaway drainage systems, and
  - trees and soft landscaping, and
  - innovative construction materials.
- 53 Developers pay the Council fees to cover S278 and S38 administration costs. Developers are currently charged 12% of the cost of the works, or a minimum fee, whichever is the larger sum. The Council also requires S278s and S38s to be 100% bonded. If a developer does not complete his works properly or performs badly, the Council can use the bond to complete the S278 or S38 works.
- 54 S278 and S38 agreements help the Council to achieve the following Surrey LTP2 objectives:
- Improving road safety and security.
  - Enhancing the environment and quality of life.
  - Improving management and maintenance of our transport network.

### **Agreements Good Practice Guidance**

- 55 The following points provide the basis of good practice guidance for officers negotiating planning and highway agreements.
- Where officers consider that it is necessary and appropriate, the Council will enter into planning agreements to secure transport obligations from developers. The Council will assist the local planning authorities planning agreements and unilateral undertakings. The Council will expect to be included in any agreement or undertaking that contains transportation matters.
  - The Council will enter into section 278 agreements (S278) with

developers to help them construct highway works required by planning consents.

- The Council will enter into section 38 agreements (S38s) with developers where their new roads are of sufficient public utility to warrant adoption by Surrey. Where appropriate the Council will also adopt new highway under other sections of the Highways Act 1980.
- The Council will ensure that developer's S278 and S38 designs meet Surrey's safety and construction standards.
- The Council will secure commuted payments from developers for S278s and S38s for works that involve Surrey in extra, special or expensive future maintenance.
- The Council will secure fees from developers to cover Surrey's costs in administering S278s and S38s.
- The Council will ensure that S278s and S38s are fully bonded. Where necessary and reasonable the Council will use the bond to finish incomplete or unsatisfactory works.

## **VEHICLE OPERATOR'S LICENCES**

### **Overview**

- 56 Vehicles over 3.5 tonnes gross vehicle weight require a 'vehicle operator's licence' (VOL) to carry goods in connection with a trade or business. Vehicles owners make applications for VOLs to the Traffic Commissioner at their Local Traffic Area Office. The process is legislated by The Good Vehicles (Licensing of Operators) Act, Regulations and (Fees) 1995.
- 57 The Council can statutorily object to VOL applications under one of the following categories:
- The proposed operating site is not available or is unsuitable.
  - Environmental grounds.
  - The applicant is unfit because of incompetence, lack of financial resources, etc.
- Officers of the Council mainly consider applications under the first two categories.

### **Vehicle Operator's Licence Assessment**

- 58 The Local Traffic Area Office regularly issues lists of new, revised and determined applications for VOLs in their publication 'Applications & Decisions' (As&Ds). Officers review these to identify proposals in the county then check them to ensure that they meet the following highway safety and environmental criteria:
- Have suitable access onto the public highway, and
  - Join onto roads that are suitable for the proposed licensed vehicles, and
  - Include space to park the vehicles off the public highway, and
  - Have space in the operating centre to turn vehicles so they can enter and leave the public highway forwards.
  - Are in an environmentally suitable area, and
  - Do not create noise, pollution, vibration, and visual intrusion problems.
- 59 Generally new operating centres are acceptable in established industrial areas. Similarly new operating centres are usually unacceptable in established residential estates or the countryside. Some sites have an established land use, for example for transport, storage of plant or as builders yards and may be near housing or be in sensitive locations. In these cases Officers pragmatically balance the proposed operating centre movement and environmental impacts against the activity likely from the established use. Where feasible officers negotiate conditions to control the proposed operating centre activities, such as:
- controlling hours of vehicle operation, and
  - loading or unloading, and
  - vehicle maintenance, and
  - vehicle size, and

- site access routes.

### **Other Operator's Licence Matters**

- 60 The council often receives representations from the general public about VOLs. These situations provide a good opportunity to hear and consider the public's views. Officers support the public by explaining Surrey's role and by helping them to make their own representations to the Traffic Commissioner.
- 61 Sometimes the Council's objections cannot be overcome by adding conditions on a VOL. In these cases the Traffic Commissioner will often hold a public inquiry to examine an application. The Traffic Commissioner may also hold an inquiry if he receives substantial public representations. Officers support the Council's objections at these hearings with sound evidence. Officers also appear at the hearing to present Surrey's highways and environmental concerns and to answer questions.
- 62 VOLs help the Council to achieve the following Surrey LTP2 objectives:
- (LTP2) Improving road safety and security.
  - (LTP2) Enhancing the environment and quality of life.

### **Vehicle Operator's Licence Good Practice Guidance**

- 63 The following points provide the basis of good practice guidance for officers in dealing with VOL matters.
- The Council will review VOL applications within Surrey to ensure that they will not create highway safety problems or environmental damage.
  - The Council will exercise its statutory powers to lodge objections with the Traffic Commissioner on unacceptable VOL proposals.
  - The Council will where feasible negotiate conditions on VOLs to mitigate and control harmful highway and environmental affects.
  - The Council will listen to and consider representations received from the general public about VOL proposals. Officers will assist the public lodge their own objections to the Traffic Commissioner.
  - Where the Council lodges an objection against a VOL application, officers will defend Surrey's case at public inquiry with suitable highways and/or environmental evidence.

## **ANNEX A**

### **Surrey's Standing Advice for Minor Developments**

## **Surrey County Council** **Highway Design Advice for Minor Development**

### **How and when to use this advice**

The following design advice is intended to inform local planning authority planning officers, planning applicants and their agents of SCC's normal highway design criteria for planning applications for minor development. It should be used for the purposes of assessing minor planning application and preplanning application proposals. It may also be used by anyone wishing to submit a development proposal falling below Surrey County Council's thresholds for the issue of formal highway related responses. The thresholds are as follows; development on a private road or street if the proposal does not adversely affect a publicly maintained highway; residential extensions or minor commercial extensions; advertisement consent consultations; gates onto 30 mph D class urban roads; minor changes of use in town and village centres; and telecom masts on D class roads with a speed limit of 40 mph or less.

Users of the advice should be satisfied that the appliance of its content is compatible with the site and its locality. There may be particular circumstances where the use of the advice may be incompatible with a proposal or where there are site-specific concerns. In these cases, informal guidance may be sought from Transportation Development Control Officers at SCC. The advice may be used on all development proposals but if used on proposals above the SCC thresholds users should note that it might not represent the full extent of the Highway Authority requirements.

### **Parking Spaces.**

Car parking spaces are normally 2.4m wide by 4.8m long. Spaces for disabled persons are normally 3m wide by 4.8m long. Any spaces positioned 'end to end' should measure 6.0m in length. A 6m clearance (aisle width) is required behind spaces if located back to back; 6.8m is required if measured to a vertical obstruction and 7.3m for opposing garages.

### **Cycle Parking**

Separate space is normally required in flatted development at a ratio of 1 space per dwelling. Houses should normally be able to accommodate cycle storage within their curtilage. Commercial development should provide parking in accordance with "A Parking Strategy for Surrey". Cycle parking spaces normally require a floor area of about 1m<sup>2</sup> per cycle. Provide cycle parking spaces in well-lit, secure and convenient locations, preferably under cover.

### **Driveways Fronting Garages**

Drives are normally 6m (5.5m recommended minimum) in length. This measurement allows the majority of cars to park on the drive whilst retaining enough space for the operation of the garage door. In minor culs de sac and near the end of larger culs de sac it is normally acceptable to reduce the driveway to between 1m and 3m long.

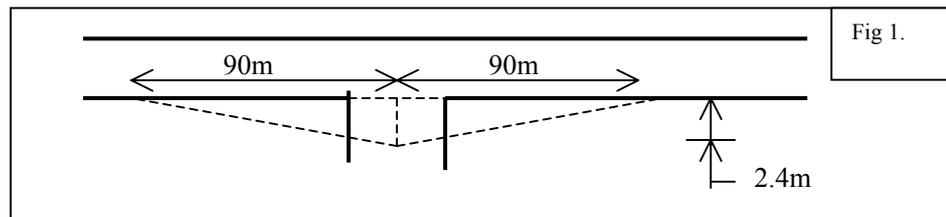
### **Vehicle Accesses**

Location. SCC normally prefers that accesses not be sited onto road junctions, on the inside of sharp bends, onto the brows of steep hills.

Vehicular Visibility: Visibility splays from private accesses serving up to around six dwellings onto 30 mph speed limit urban roads should ideally measure 2.4m x-distance by 60m – 70m y-distance. In minor culs de sac and in traffic calmed roads the y-distance can normally be reduced to about 35m – 45m. The x-distance may be reduced to 2m where 2.4m is not available and is measured from the edge

of the road to a driver's eye-point. The y-distance is measured from the driver's eye point (middle of the access) along the edge of the road in both directions. Within visibility splays there should be no sightline obstructions between 0.6m and 2.0m high, except slim poles such as streetlights and telegraph poles or clear-stemmed trees, (see fig3). In other circumstances the y-distances are normally calculated according to the speed limit of the road by which they are served. For example:

- 30mph – 90m
- 40mph – 120m
- 50mph – 160m
- 60mph – 215m



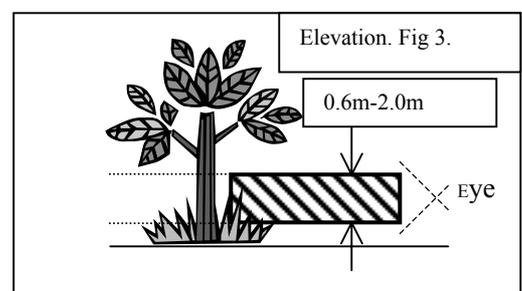
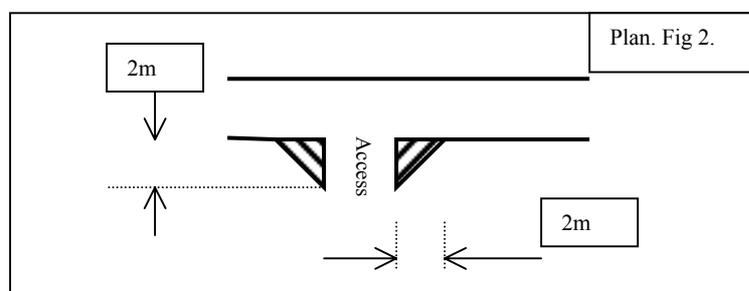
**Size / Width:** Accesses to single drives or parking spaces should normally be between 2.75m to 3.2m wide. If emergency access is required a fence to fence width of 3.7m will be required. Double garages or parking spaces placed side by side can be wider. A 3m wide access can normally serve a group of up to about six houses.

**Headroom:** Normally 2.1m is sufficient for most private cars and 4.0m headroom will accommodate most service vehicles.

**Gradient:** 1 in 10 (10%) maximum gradient. Disabled Discrimination Act compliant driveways / pedestrian routes should normally be 1 in 20 (5%) maximum gradient.

**Street Furniture:** Existing highway features like streetlights, telegraph poles and utility cabinets that require relocation should be relocated at an applicant's expense.

**Visibility to Pedestrians:** Vehicles emerging from private drives should be able to see pedestrians on the footway. Pedestrians using the footway should be able to see vehicles emerging from private drives over the footway. The provision of 2m x 2m pedestrian visibility zones at both sides of vehicle accesses allows this inter-visibility. The splay should be clear of obstructions between 0.8m and 2.0m high, except slim poles such as streetlights and telegraph poles or clear stemmed trees.



### Servicing / Refuse Collection.

It is normally acceptable for a refuse collection vehicle or other service vehicle to reverse off of a minor road into a private drive. The normal reverse distance is up to 40m, with an absolute maximum of 60m. The maximum refuse carry distance from the collection vehicle to the bin is around 25m for

individual bins and 10m for communal bin stores. On long drives where a 40m reverse plus 25m or 10m carry distance is exceeded, a remote refuse storage point can be included closer to the road.

### **Emergency Services.**

It is usual for fire appliances to be able to access up to a maximum distance of 45m from an external door for normal low-rise housing. If a fire appliance needs to enter a private drive to get within this 45m distance, a 3.7m wide driveway corridor will normally be sufficient.

### **Highway Encroachment / Rights of Way**

Residential developments should not enclose or encroach onto the adopted public highway or onto public rights of way footpaths / bridleways.

### **Illuminated Advertisements & Signs**

Location: Private signs should not be sited on the public highway land, including roads, footways, cycleways, verges, footpaths, and cycle paths. Permitted exceptions are when for example a sign or advertisement is included as part of something like a bus shelter or similar. It is normally acceptable for signs / adverts to overhang the public highway.

Headroom: Signs etc that overhang the public highway should have the following minimum headroom – 2.1m over footways, 2.4m over cycleways, 5.3m over roads.

Sideways Clearance: Signs, etc should have the following sideways clearance between the sign and the edge of the road, to prevent them being damaged by passing vehicles:

Road Speed Limit (mph)	Sideways Clearance (m)
30	0.45
40	0.60
50+	0.90

### **Telecom Masts on the Public Highway**

Location: Telecom masts and their accompanying equipment cabinets should not be sited in roads, but can be sited on roadside footways, verges and footpaths. Large equipment cabinets that can obstruct sightlines if they are over about 1m high. Refer to the above guidance on ‘ Visibility’ for information on sightlines.

Movement: On minor pedestrian routes a minimum 1.2m wide footway or footpath should be maintained past the cabinet (mast). A sideways clearance of at least 0.45m/0.6m between the mast/cabinet and the edge of the road, should be applied to 30/40mph roads to prevent them being damaged by passing vehicles.

## **ANNEX B**

### **A summary of the National, Regional and County transport policy.**

#### A Summary of National Transport Policy

- PPS1 'Delivering Sustainable Development' sets out to promote sustainable urban and rural development with the transport aim of ensuring that development supports communities by providing good access for all people to jobs and key services.
- PPG3 'Housing' has the transport aims of:
  - (a) creating sustainable development that delivers accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services,
  - (b) place people's needs before ease of traffic movement in residential development layouts,
  - (c) reduce car dependence by facilitating walking, cycling and improved public transport links between housing and jobs, local services and local amenity, and through mixed use developments,
  - (d) PPG3 also recommends parking restraint for housing and includes the much quoted 'on average no more than 1.5 parking spaces per dwelling' recommendation.
- PPS6 'Planning For Town Centres' promotes town centres to be the focus for major development and this has the transport aims of
  - (a) ensuring good general accessibility by a choice of means of transport,
  - (b) reducing the need to travel,
  - (c) providing alternatives to car travel.
- PPG13 'Transport' aims to:
  - (a) integrate planning and transport to reduce the need to travel, especially by car,
  - (b) to give people sustainable transport choices, and
  - (c) to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling.

#### A Summary of Regional Transport Policy

- Regional Policy Guidance for the South East (RPG9) aims to provide a framework for the development of spatial and transport plans in the south-east, setting out the following main principles to govern transport for development in this region, including Surrey:
  - (a) Focus development in urban areas to improve accessibility. And not develop on dispersed or greenfield sites unless all other alternatives have been considered, including reviewing transport availability.
  - (b) Develop sustainable housing to improve access to homes and jobs.
  - (c) Make jobs, services, leisure and cultural facilities less dependent on longer distance movement and less car reliant. And enable access by walking, cycling and public transport.

Following its formal adoption, the South East Plan will replace RPG9.

- 'Regional Transport Strategy' for the South East (RTS) set out the region's transport aims to foster sustainable patterns of development, including the following transport objectives that relate to Surrey:
  - (a) To improve transport connections to rail stations that are transport hubs (Guildford, Reigate/Redhill and Woking) or interchanges (Staines).
  - (b) To facilitate urban renaissance and foster social inclusion through measures that encourage modal shift from car to non-car and particularly public transport.
  - (c) To reduce transport impacts and manage urban transport systems to reduce car dependence.

And the following transport policies that relate to Surrey to encourage:

- (1) Sustainable patterns of urban development.
- (2) Development that reduces the length of journeys and encourage non-car travel particularly by public transport.
- (3) Focusing developments on transport corridors and at transport hubs.
- (4) Innovative transport solutions for rural areas.
- (5) Transport safety, security and transport forms that encourage social integration.
- (6) Reductions in the environmental impacts of transport.
- (7) Improved surface access to airports; i.e. Airtrack - Heathrow.
- (8) Integrating transport with other movement management measures.
- (9) Restrained development parking, particularly in highly accessible areas and to manage the total stock of parking.
- (10) The use of development travel plans.
- (11) Encourage intense commercial and freight development near to transport corridors and interchanges.

#### A Summary of County Structure Plan Transport Policy

- LO1 'The location of development' promotes reuse of land in the urban area with good non-car accessibility.
- SE4 'Design and the Quality of Development' sets high design standards for the quality of developments and requires that developments should enhance movement by pedestrians, cyclists and public transport.
- DN1 'Infrastructure Provision' enables development in areas with adequate transport infrastructure, considers of the cumulative impact of development and requires developers to contribute towards providing / enhancing transport infrastructure.
- DN2 'Movement Implications of Development' requires that development should be compatible with transport infrastructure and promote non-car travel modes; requires the transport impact of development to be assessed and developers to mitigate harmful transport impacts.
- DN3 'Parking Provision' promotes maximum parking standards for development and parking restraint, as well as requiring cycle parking.
- DN4 'Public transport' supports public transport friendly development, particularly

where this assists strategic transport proposals.

- DN5 'Cycle and pedestrian routes' promotes local development frameworks to detail walking and cycling routes to human centres and nodes.
- DN6 'Motorway and primary route network' resists development that adversely affects the efficient operation of motorways / primary routes in the county and safeguards land required for improvements.
- DN7 'Freight transport' promotes a shift of freight movement to sustainable / nonroad transport.

**ANNEX C**

**A Summary of Surrey's Transport Impact Supplement**

**[NOT ADOPTED BY THE COUNCIL  
– see Paragraph 25 of the Guide]**

## **DRAFT** Transport Impact Supplement (TIS) Guidance Notes

- 1 If you are making, or are about to make, a planning application for a residential scheme, you may need to enter into a legal agreement with the Council. This User Guide should help to clarify the Council's requirements with regards to any transportation related obligations that may arise as a result of your development and also sets out the information, which will be required from you as the applicant.
- 2 The Council is required to place great emphasis on dealing with all planning applications within the Government's target time periods and the Council therefore hopes for the co-operation of applicants in discussing any planning obligations which may be required prior to submitting their applications in order to assist us in meeting these time scales.
- 3 The Transport Impact Supplement (TIS) is a standardised approach to determining transport related developer contributions. It is designed primarily to address the collective impact of smallscale residential developments on the transport network. TIS seeks to secure transport infrastructure improvements to enhance accessibility by all modes. The Transport Impact Supplement will be applied initially to all residential developments, (below a threshold of 100 units) with the exception of small-scale residential extensions.
- 4 Developments, which exceed 100 units, shall continue to be assessed on the basis of a Transport Assessment and negotiated on a site-by-site basis using the TIS method as a starting point with any additional contributions negotiated on a site-specific basis. If appropriate, non-financial transportation benefits arising from a development, such as pedestrian links or land dedication, can be considered in lieu of the Transport Impact Supplement.
- 5 Based on the existing level of Surrey related travel and the current transportation expenditure, used to manage this current level of travel, the costs of accommodating additional demands on the transportation infrastructure over a finite period have been derived. For car travel this has been estimated as £1404 and for non-car travel: £756. These baseline impact values are contained within the calculator table and are adjusted up or down, based on the site-specific information (parking provision and land use occupancy levels) provided by the developer.
- 6 Worked Examples of the TIS approach based on one additional dwelling are set out below with reference made to the Land Use Occupancy Table.

### Example – Residential

Devpt	Occupancy ( see land use table)	Parking Provision	Vehicle Access Contribution (No. Parking spaces x £1404)	Sustainable Access Contribution (Occupancy - No. Parking x £756)	Transport Impact Supplement
1 bed uni	1.31	0 ( town centre with no parking opportunity )	0 x £1404 = 0	(1.31-0) x £756 = £990	<b>£990</b>
1 bed unit	1.31	1 space per unit	1 x £1404 = £1404	(1.31 – 1) x £756 = £234	<b>£1,63</b>
2 bed uni	1.76	1 space per unit	1 x £1404 = £1404	(1.76 – 1) x £756 = £575	<b>£1,97</b>
2 bed uni	1.76	1.5 spaces per unit	1.5 x £1404 = £2,106	(1.76-1.5) x £756 = £197	<b>£2,30</b>

## Transport Impact Supplement Form

- 7 The Transport Impact Supplement should be calculated using the table below. This table along with the standard agreement form, also included with this guidance, should be completed and submitted with the planning application to the Local Planning Authority.

Calculator table for Residential Development:

		A	B	C		E	F	G
	No. of bedrooms	Landuse (See table)	Total no. of dwellings GFA for commercial	Total Access (BxA or E commercial)	No. of Streets	Vehicle Contribution (D x £756)	Sustainable Contribution (C-D x £756)	Transport Supplement (E + F)
Proposed								
Existing								
Transport Impact Supplement (Proposed G – Existing G)								

- 8 TIS contribution is based on the net transport impact therefore provision has been made to address an application for a change of use or where a proposal replaces an existing development<sup>1</sup>. In such scenarios, the total impact supplement will be calculated by subtracting a notional impact supplement associated with the existing consented use from the calculated impact supplement for the proposed development<sup>2</sup>.
- 9 When calculating the notional impact supplement of an existing non-residential development, the developer is required to input the GFA of the existing use (rather than the number of bedrooms) and divide this by the land use occupancy (rather than multiply these factors as one would do for a residential use) to derive the total access demand (column C). The TIS method would be applied to affordable housing however there may be scope to apply a credit to factor down the value of the TIS in proportion to the decrease in scheme viability as a result of the provision of affordable housing.

## Land use Occupancy Table

<b>Land Use</b>	<b>Sqm per worker</b>
Retailing	34.4
Financial/professional services	15
Restaurant or Pub	31.6
Offices	17.6
Research & Development	67
<b>Light Industrial</b>	37.5
Manufacturing	33.1
Storage & Distribution	46.2
Community Services	14.6
Leisure	25.4
<b>Housing</b>	<b>Occupancy</b>
1 bed	1.31
2 bed	1.76
3 bed	2.51
4 bed	2.86
+ 4 beds	3.73

### Notes\*:

- 1) The Transportation contribution will be directed towards relevant items contained within the list of TIS schemes, which can be obtained from the Local Transport Service.
- 2) The Base Line Impact values of £1404, £756 and the differential used to calculate these will be reviewed on an annual basis.
- 3) A 5% fee will be deducted from the contribution to cover the costs incurred by the County Council in administering the system.

1 Where a site has an extant permission but is not currently in use, the Highway Authority will need to be satisfied that the trip generating potential of the site reflects current on-site conditions.

2 Where a negative TIS value is calculated this will indicate a net reduction in travel demand. This would accord with policy objectives of delivering sustainable development and reducing the need to travel, and as such the Highway Authority will not be expected to pay developers in lieu of reduced travel demands.



**ANNEX D**

**Surrey County Council's Standard Planning Conditions and Informatives**

# **SURREY COUNTY COUNCIL**

## **STANDARD HIGHWAY & TRANSPORT PLANNING CONDITIONS, REASONS AND INFORMATIVES**

For use by the Highway Authority in responding to formal

## **CONSULTATIONS BY PLANNING AUTHORITIES**

2<sup>nd</sup> Edition, March 2006

Transport Development Control Division  
Environment & Regulation  
County Hall  
Kingston upon Thames  
KT1 2DY  
Tel: 0208 541 9320  
Fax: 0208 541 9335

## NOTES ON USING THIS DOCUMENT

1. This document should be used in conjunction with DoE Circular 11/95 “The Use of Conditions in Planning Permissions”.
2. Following the advice in The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000 it is necessary to include reference to Surrey County Council Structure Plan Policies in all conditions and reasons for refusal. The advent of Regional Assemblies and the Planning and Compulsory Purchase Act, 2004, means that policies in the Regional Spatial Strategy will be quoted, at least in coded form.
3. Standard conditions reasons and/or informatives shall be used ONLY when they properly meet the case. When particular circumstances demand individual conditions, reasons or informatives, they should follow similar construction. Care must be taken to ensure they are consistent with any used in the standard form and are not mutually exclusive. For example, a developer cannot comply with two conditions which begin “Before any other operations commence” and accordingly both might be unenforceable.
4. It is essential when relying only upon codes in completing form CR1 for the author of the recommendation to read the full text to ensure compatibility, grammatical continuity and enforceable consistency between the selected elements.
5. DoE Circular 11/95 requires that a reason must be given for the imposition of conditions. This document offers a standard reason to be used in relation to standard conditions. They may also be suitable in most cases where non-standard conditions are formulated, but care must be taken in their selection or in formulating specific reasons for a nonstandard condition. The Informatives and Policies may also be applied to non-standard conditions.
6. An outline application seeking approval to ‘means of access’ must be treated as a detailed matter at the outline stage. Permission, if granted, can be held to extend throughout the site of a residential layout and not simply the road access junction, even though no other details are proffered. In those circumstances, either the applicant should change the application to reserved matters of access or modify the description on the application form specifically identifying the elements of access to be considered. Full details of such elements should then be included in the outline submission.
7. Remember the six tests for conditions, which should not be imposed unless they are necessary, effective and do not place unjustifiable burdens on applicants. In brief the tests are: -
  - a) necessary
  - b) relevant to planning
  - c) relevant to the development to be permitted
  - d) enforceable
  - e) precise
  - f) reasonable in all other respects

8. In 2005 TDCD introduced the use of a pro-forma response to planning applications (see MaPS Vol.2, chapter 7 - Appendix J). This can be issued to the LPA on the scheduling day without the benefit of a site visit and contains simplified versions of the standard conditions which we recommend be applied to any given planning application, by use of tick-boxes. There are fewer conditions on the pro-forma than in this document but they have been carefully selected for use on applications that can be responded to in this way.

## STANDARD CONDITIONS

### HC1 New Access/Modified Access (as part of other development)

(Before any other operations are commenced or the development is occupied) the proposed vehicular/pedestrian/cycle (access or modified access) to ..... road name/number (shall be or has been) designed/constructed and provided with visibility zones in accordance with (the approved plans or a scheme to be submitted to and approved in writing by the Local Planning Authority), all to be permanently maintained to a specification to be agreed in writing with the Local Planning Authority and the visibility zones shall be kept permanently clear of any obstruction (specify height if appropriate).

Reason: HR1

Informative: HInf7, 13, 18 & 23

Policy: DN2

### HC2 New Access Only/Modified Access Only (not part of other development)

The proposed vehicular/pedestrian/cycle (access or modified access) to ..... (road name/number) shall be designed/constructed and provided with visibility zones, in accordance with (the approved plans or a scheme to be submitted to and approved in writing by the Local Planning Authority), all to be permanently maintained to a specification to be agreed with the Local Planning Authority and the visibility zones shall be kept permanently clear of any obstruction (specify height if appropriate).

Reason: HR1

Informative: HInf7, 13, 18 & 23

Policy: DN2

### HC3 New Road

No development shall take place until the new access road, including its junction with ..... (road name or number) has been constructed in accordance with (the approved plans or a scheme to be submitted to and approved in writing by the Local Planning Authority). No development shall begin before that junction and .....m of the new road have been completed and the visibility zones included in the design shall be part of the new road and shall not be included in any plot or other sub-division of the site.

Reason: HR1

Informative: HInf3 or 5, 16 & 23

Policy: DN2

### HC4 Restriction on Location of Access

- (a) The means of access to the development shall be from ..... (road name or number) only.
- (b) There shall be no means of access, either vehicular (and/or pedestrian/cycle) from ..... (road name or number).
- (c) The premises, the subject of the application, shall not be occupied until a permanently maintained physical barrier fronting ..... (road name or number), as may be agreed in writing with the Local Planning Authority, has been erected to prevent the formation of unauthorised access to that road.
- (d) The existing access/es from the site to ..... (road name or number) shall be permanently closed and any kerbs, verge, footway, fully reinstated by the applicant, in a manner to be agreed in writing with the Local Planning Authority.

Reason: HR1

Informative: HInf7, 14 & 23

Policy: DN2

#### HC5 Drainage

The development hereby permitted shall not be implemented until the surface water drainage of the site has been designed so as to prevent the discharge of water onto the public highway. Details to be submitted to and approved in writing by the Local Planning Authority.

Reason: HR1

Informative: HInf7 & 13

Policy: DN2

#### HC6 Parking & Turning/Retention of Parking & Turning

- (a) No new development shall be occupied until space has been laid out within the site in accordance with (the approved plans or a scheme to be submitted to and approved in writing by the Local Planning Authority) for maximum (number) cars/(minimum (number) cycles to be parked (and for the loading and unloading of number vehicles) (and for vehicles to turn so that they may enter and leave the site in forward gear). The parking/turning area shall be used and retained exclusively for its designated purpose.
- (b) The existing parking (and turning) area at the premises (as shown on the application drawings) shall be permanently maintained for that purpose.

Reason: HR1

Informative: HInf7

Policy: DN2, DN3

#### HC7 Management of Parking

The development shall not be occupied until details of the management and use of the existing/proposed parking have been submitted to and agreed in writing by the Local Planning Authority, this will include:

- (a) A hierarchy for priority of use (eg: disabled, parents & toddlers, visitors, high occupancy vehicles)
- (b) The removal of parking spaces (other than disabled) over an agreed period of time, following improvements for pedestrians, cyclists and users of public transport.

These details shall be submitted for approval by the Local Planning Authority or included in a Travel Plan and only the approved details shall be implemented.

Reason: HR2

Informative: HInf7

Policy: DN2, DN3

#### HC8 Method of Construction Statement

No development shall start until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
- (shall be/has been) submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: HR1

Informative: HInf7, 12 & 23

Policy: DN2

#### HC9 Deliveries/Servicing (including HGV movements)

No development shall start until a scheme specifying arrangements for deliveries to and removals from the site, to include details of:

- (a) Specification of types of vehicles and hours of operation
- (b) Design of delivery areas
- (c) Specifications for lorry parking and turning spaces
- (d) The restriction of the average number of HGV movements to no more than ..... per day (on a ..... day average)
- (e) Records of HGV movement to and from the site, maintained for up to ..... year/s and to be made available to the Local Planning Authority on request (shall be/has been) submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented..

Reason: HR1

Informative: HInf7

Policy: DN2

#### HC10 Protection of Highway from Mud etc

Before any of the operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided as must be agreed with the Local Planning Authority, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.

Reason: HR1

Informative: HInf15

Policy: DN2

#### HC11 Screening of Illumination

The proposed lighting shall not be brought into use until measures to avoid unacceptable glare to users of the public highway have been provide in accordance with (the approved plans or a scheme to be submitted to and approved in writing by the Local Planning Authority) and thereafter retained in perpetuity.

Reason: HR1

Informative: HInf8

Policy: DN2

#### HC12 Provision for Sustainable Modes

No new development shall be occupied until space has been laid out within the site in accordance with (the approved plans or a scheme to be submitted to and approved in writing by the Local Planning Authority) to provide:

- (a) Secure cycle parking, changing facilities, safe pedestrian & cycle routes
- (b) Facilities for public transport ie: bus stops, bus shelters, lay-bys, real-time information
- (c) Information for residents, staff and visitors regarding public transport, walking and cycling to the satisfaction of the Local Planning Authority and shall thereafter be permanently maintained.

Reason: HR2

Informative: HInf7

Policy: DN2, DN4

#### HC13 Travel Plan

Prior to the commencement of the development the applicant shall:

- (a) Submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998) and in general accordance with the 'Heads of Travel Plan' document (if appropriate, specify).
- (b) The applicant shall then implement the approved travel plan (trigger point to be added

on site specific basis) and for each subsequent occupation of the development, thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

Reason: HR2

Informative: HInf7, 20, 22 & 24

Policy: DN2, DN3

#### HC14 Developer Contributions/Improvements

Before any of the operations hereby approved are commenced on site or Before occupation of the new development), a proposal to improve the public highway/transport facilities (specify) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: HR1

Informative: HInf7 & 22

Policy: DN2

#### HC15 Provision of Pedestrian Inter-Visibility Splays

Before any of the operations hereby approved are started on site, a pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: HR1

Informative: HInf7

Policy: DN2

#### STANDARD REASONS

HR1 The above condition(s) is/are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

HR2 The above condition(s)is/are required in recognition of Planning Policy Guidance Note 13 - Transport.

#### **STANDARD INFORMATIVE NOTES**

HInf1 There would be no objection in principle, from the highway point of view, to the proposed development if the applicant were to gain control of sufficient land to enable the necessary access to be constructed and provided with visibility splays all to the Highway Authority's minimum standard.

HInf2 In order to comply with Condition No ..... above, land outside the application site but shown as under the applicant's control will be affected. (Note: Controllers should ensure that the red edged application site is amended to include essential elements such as visibility zones and not rely upon this informative)

HInf3 Design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with the requirements of the County Highway Authority.

HInf4 There would be no objection in principle from the highway point of view to the proposed development following the completion of ..... (Specify the bypass, relief road or other mitigating improvement).

HInf5 The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in

the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

HInf7 Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council.

HInf8 Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

HInf9 All bridges, buildings or apparatus (with the exception of projecting signs) which project over or span the highway may be erected only with the formal approval of the Head of Transportation under Section 177 or 178 of the Highways Act 1980.

HInf10 The applicant is advised that an area of land within the curtilage of the application site may be required for future highway purposes, details of which may be obtained from the Transportation Development Control Division of Surrey County Council.

HInf12 The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Transportation Service.

HInf13 The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority Local Transportation Service before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

HInf14 When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Transportation Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense. (Note: It is preferable where possible to arrange for the adjacent highway to be included in the area edged red on the application when Circular 11/95 provides that conditions may be suitable to control this).

HInf15 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

HInf16 When access is required to be 'completed' before any other operations, the Highway Authority will normally agree that wearing course material and in some cases edge restraint may be deferred until construction of the development is virtually complete, provided all reasonable care is taken to protect public safety.

HInf17 The applicant is advised that (Public Footpath/Public Bridleway/BOAT) Number..... crosses the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

HInf18 A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

HInf19 The Highway Authority advise that the proposed estate road(s) are of insufficient public utility to warrant adoption as highway maintainable at public expense.

HInf20 A standard fee may be charged for input to, and future monitoring of, any Travel Plan

HInf21 The road layout shown on the application drawings does not conform with Surrey Design and is not eligible for adoption.

HInf22 Any unilateral undertaking shall be in accordance with Surrey County Council's standard format.

HInf23 The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

## **ANNEX E**

### **Key Reference Documents Referred to in this Guide**

- Surrey 'Making Surrey A Better Place'
- Surrey 'The Common Agenda For Sustainable Surrey'
- Surrey 'Structure Plan 2004'
- Surrey 'Local Transport Plan 2006/7 – 2010/11' (LTP2)
- Surrey 'People First' initiative
- General Development Procedure Order (GDPO)
- Planning Circular 08/2005
- Planning Circular 05/2005
- Planning Circular 11/1995
- Surrey 'Standing Advice for Minor Development'
- PPS1 'Delivering Sustainable Development'
- PPG3 'Housing'
- PPS6 'Planning For Town Centres'
- PPG13 'Transport'
- SEERA 'Regional Policy Guidance for the South East' (RPG9)
- SEERA 'Regional Transport Strategy' for the South East' (RTS)
- Surrey Local Planning Authorities' 'Local Plans'
- Surrey Local Planning Authorities' 'Local Development Frameworks'
- Surrey 'A Parking Strategy for Surrey 2003'
- SLGA 'Surrey Design' / 'Surrey Design Technical Appendix'
- Surrey 'Infrastructure and Amenity Requirements to Support New Development – A Good Practice Guide to Provision in Surrey'
- IHT 'Guidance on Traffic Impact Assessment'
- Surrey 'Transport Impact Supplement' (TIS)
- HMSO 'TD42/95, Geometric Design of Major / Minor Priority Junctions'
- DETR 'Places Streets and Movement – A Companion Guide to DB32'
- DoE/DoT 'Design Bulletin 32 second edition'
- FTA 'Designing for Deliveries'
- Town and Country Planning Act 1990
- Highways Act 1980
- The Good Vehicles (Licensing of Operators) Act 1995
- The Good Vehicles (Licensing of Operators) Regulations 1995
- The Good Vehicles (Licensing of Operators) (Fees) 1995