

Committee: Environment

Agenda Item

Date: 17 March 2011

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Title: Use of Essex County Council “Highways Development Management Policies” as Council approved planning guidance.

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Item for decision

Divisional Head: Planning and Building Control x657

Summary

1. This report explains why it would be appropriate for the Committee to approve the new highways development management policies for development control purposes.
2. The report recommends that the new policies be used as Council approved planning guidance. The policies have been prepared by Essex County Council (ECC) in partnership with the Essex Planning Officers Association (EPOA).

Recommendations

3. That the Committee resolve that Essex County Council’s “Highways Development Management Policies” February 2011 document be used as Council approved planning guidance.

Financial Implications

4. None. There are no costs associated with the recommendations.

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Essex County Council “Highways Development Management Policies”
February 2011.

Impact

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Communication/Consultation	ECC carried out extensive public consultation on the proposed new standards. A UDC Officer sat on the Review Group representing the District
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	Council.
Community Safety	The new policies take into account the safety of all highway users.
Equalities	The new policies make adequate provision for people with disabilities.
Health and Safety	The new policies take into account the health and safety of all highway users.
Human Rights/Legal Implications	None.
Sustainability	The new policies reconcile the need to promote sustainable development with making adequate provision for car parking in a rural area where car use will remain an integral part of day to day life.
Ward-specific impacts	The new policies would apply district wide.
Workforce/Workplace	None.

Situation

7. The current ECC policies are contained within Appendix M of the Local Transport Plan. As part of a general review of transport policies ECC have carried out public consultation and are due to adopt a new Local Transport Plan in 2011.
8. ECC have withdrawn Appendix M which the Highways Teams have been using to comment on planning applications and have adopted the Highways Development Management Policies. All the consultation responses the Council received from ECC in relation to highways now refer to this new document.
9. The Uttlesford Local Plan contains its own transport policies in Chapter 9. These relate to transport improvement schemes (T1), A120 widening (T2) and airport parking (T3). The local plan does not contain any more general policies against which new development can be assessed.
10. For this reason it is important that the new Highways Development Management Policies are adopted for this Council's use. The Council will then be able to use them to assess planning applications and to base our decisions on them. Similarly if our decisions are challenged at appeal we will need to rely on these policies to defend our decision.
11. The general thrust of the policies has not changed and there are still policies relating to safe access to the highway, transport assessments etc. I would like to highlight a few policies specifically which may be of interest to Councillors.

- DM10 requires Transport Plans to be submitted for larger new development,
- DM12 Policy relates to Rural Diversification and states that there is no general presumption against the use of farm buildings in rural areas. It notes that each site should be addressed on its own merits.
- DM16 specifically relates to areas within Air Quality Management Areas (see other report on this agenda) and would assist the Council in resisting new development which would further harm air quality in these designated areas.
- DM20 looks at construction traffic on larger schemes.

12. I therefore recommend that the new Highways Development Management Policies be adopted for Council development control purposes.

Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
That the change in emphasis may be challenged by developers at appeal.	1. Evidence may be needed at appeal to show an Inspector that the new policies are the right choice for the local area.	1. Failure to implement the new policies could result in unacceptable development with a harmful impact on highway safety.	Periodic review of the new policies is proposed, taking on board Government guidance at that time, listening to feedback and following a programme of monitoring on the ground. UDC will take part in any review.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.