



Leicester
City Council

WARDS AFFECTED
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

PLANNING AND DEVELOPMENT CONTROL COMMITTEE	4TH SEPTEMBER 2007
OVERVIEW & SCRUTINY MANAGEMENT BOARD	11th OCTOBER 2007
CABINET	15TH OCTOBER 2007

Highways Development Control Policy and Guidance for Leicester and Leicestershire

Report of the Corporate Director Regeneration and Culture

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval for the adoption of the document entitled 'Highways, Transportation and Development'.

2. SUMMARY

- 2.1 Government planning policy and guidance relating to highway infrastructure is set down in Planning Policy Statement 3 (Housing), Planning Policy Guidance 13 (Transport), Manual for Streets, and Guidance on Transport Assessments. Local guidance is set down in the Local Transport Plan (2006-2011), Supplementary Planning Guidance – Vehicle Parking Standards, Leicester City Council Highways Development Control Procedure (including guidance for developers).
- 2.2 In 2004, Leicestershire County Council published the document 'Highways, Transportation and Development' which contains up to date guidance for developers.
- 2.3 The adoption of the document 'Highways, Transportation and Development' by Leicester City Council will assist the Council in meeting the following emerging Corporate Plan Priorities:
- Safe, green and clean;
 - More affordable, more sustainable homes;
 - Quality regeneration in the built environment; and
 - Health and well-being
- 2.4 The document focuses on accessibility to development by all modes, highlights the requirement for travel plans, and contains a section on Air Quality Management Areas.

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The guide ensures that road layouts are designed so that 20mph zones can be introduced. With regard to sustainable homes, the guide applies maximum parking standards, and promotes accessibility by alternative modes to the car. Promotion of walking and cycling also meets the policy on health and well-being. The guide itself gives confidence to developers and therefore facilitates investment and regeneration.

2.5 There are 3 options available to address the issues relating to our now out of date guidance:

1. To prepare and maintain a Leicester City Council Highways, Transportation and Development' Guide.
2. To adopt the 'Highways, Transportation and Development' 2004 guide (2006 revision) amended to suit City Council requirements.
3. To do nothing.

2.6 The preferred option is option 2. The report recommends the adoption of the 2004 (revised) guidance and for the Council to enter into an agreement with the County Council to maintain the guidance.

3. RECOMMENDATIONS

3.1 Members are recommended to:

1. Approve the adoption of the document 'Highways, Transportation and Development'. It is proposed that the new adopted guidance would be applied to planning applications received by the Planning Authority from 1st November 2007.
2. Approve entering into an agreement with Leicestershire County Council.
3. Agree that the Leader Member – Regeneration and Transportation be kept informed of progress in reviewing the document, with reports where appropriate to the Regeneration and Transportation Task Group Lead.
4. Planning and Development Control Committee to note the contents of this report.

4. REPORT

4.1 Government planning policy and guidance relating to highway infrastructure is set down in Planning Policy Statement 3 (Housing), Planning Policy Guidance 13 (Transport), Manual for Streets, and Guidance on Transport Assessments.

4.2 Leicester builds on this national policy and guidance to advise developers of our local requirements. This local guidance is set down in the Local Transport Plan (2006-2011), Supplementary Planning Guidance – Vehicle Parking Standards and the Leicester City Council Highways Development Control Procedure (including guidance for developers).

4.3 Development Co-ordinators in the Travel Planning and Development Control Team, Transport Strategy Section currently refer to our Highway Development Control procedure and guidance when preparing comments on planning applications on behalf

of the Highway Authority. The guidance informs Development Co-ordinators of design requirements for development. These requirements include road widths, visibility splays, turning facilities and access requirements.

- 4.4 The current guidance does not reflect the latest planning policy and guidance or local requirements. Hence, apart from not supporting our local plans we are also concerned that recommendations made by the Highway Authority, by the Development Co-ordinators, to the Planning Authority based on the guidance will not be upheld by inspectors at appeal. For example, the guidance doesn't reflect changes to PPG3 (Housing), PPG13 (Transport), Manual for Streets, Guidance on Transport Assessments, or the Central Leicestershire Local Transport Plan (2006-2011).
- 4.5 In 2004, the County Council published the document 'Highways, Transportation and Development'. A revised version of the Guide was published in April 2006 and is available on the County Council's website. The Guide is recognised at a regional level as an example of good practice. Other Local Authorities in the region (Nottinghamshire County, Derby City and Derby County) have expressed an interest in adopting the guidance.
- 4.6 The adoption of the document 'Highways, Transportation and Development' will assist the Council in meeting the following emerging Corporate Plan Priorities:
- Safe, green and clean;
 - More affordable, more sustainable homes;
 - Quality regeneration in the built environment; and
 - Health and well-being
- 4.7 The document focuses on accessibility to development by all modes, highlights the requirement for travel plans, and contains a section on Air Quality Management Areas. The guide ensures that road layouts are designed so that 20mph zones can be introduced. With regard to sustainable homes, the guide applies maximum parking standards, and promotes accessibility by alternative modes to the car. Promotion of walking and cycling also meets the policy on health and well-being. The guide itself gives confidence to developers and therefore facilitates investment and regeneration.
- 4.8 Leicestershire County Council have estimated the cost of Officer time in preparing and maintaining the new guidance to be in the region of £108,500 (approximately 3350 hours). The cost to Leicester City Council of adopting the guidance would be £6600 per annum for a period of 10 years. The annual fee would allow Leicester City Council to use the guide, and to be involved in the annual review process. Leicestershire County Council would retain responsibility for maintenance.
- 4.9 The review process is outlined in the document 'Highways, Transportation and Development – Our review process' dated 13.06.2006 (attached). In summary, Leicester City Council would have a seat on the Review Project Team that meets on a monthly basis. This Project Team considers and determines any proposed changes to the guidance. It is anticipated that one chapter of the guidance will be reviewed per annum in addition to other proposed changes. However, the first annual review will

consider the impact of new 2007 Department for Transport Guidance on Transport Assessments, and the 'Manual for Streets'.

4.10 If the City Council adopts the guidance it can be easily amended to become a joint document as it is web based. Amendments could include the addition of a Foreword by the Leader of Leicester City Council, and links to Leicester City Council standard construction drawings for example.

4.11 Below is a summary of the contents of 'Highways, Transportation and Development'.

Part 1: Introduction: Describes the background to the document, including the consultation process. It outlines the general approach to development, and the highways development control policy.

Part 2: Preparing development proposals: Provides developers with guidance on preparing and considering development proposals. It explains when transport assessments, travel plans and other supporting information is usually required.

Part 3: Design guidance: Details design requirements, to ensure the safe movement of all road users.

Part 4: Materials and construction: Details requirements in terms of materials and construction, and explains how alternative proposals will be dealt with. It also includes a commuted sums policy (a policy for securing contributions from developers for future maintenance).

Part 5: Adopting new roads and the advance payments code: Provides developers with guidance on how to get new roads adopted under Section 38 of the Highways Act 1980. It also details the advance payments code procedure.

Part 6: Working on existing highways – Section 278 procedures: Provides developers with guidance on construction works within the existing public highway.

Companion documents: Companion documents include specifications for highway works for new developments, and standard drawings.

4.12 There are 3 options available to address the issues relating to the now out of date guidance:

1. To prepare and maintain a Leicester City Council Highways, Transportation and Development' Guide.
2. To adopt the 'Highways, Transportation and Development' Guide prepared by the County Council amended to suit City Council requirements.
3. To do nothing.

The advantages and disadvantages of the 3 options are considered below:

Option 1: Prepare and maintain a Leicester City Council Guide

4.13 This option would involve preparing a City Council equivalent of the Leicestershire Guide.

Advantages:

- The guide would be specific to Leicester City, and would contain only Leicester City policy and specifications.

Disadvantages:

- Implications in terms of staff resources to produce and maintain the document.
- Time implications whilst a new guide is being produced Development Co-ordinators would continue to use guidance that does not reflect current and local policy.
- Financial implications associated with the document (estimated between £110,000 and £250,000).
- Lack of consistency for developers. Leicester City and County have joint policies in the Central Leicestershire Local Transport Plan (2006-2011) but different highways design guidance.

Option 2: To adopt the 'Highways, Transportation and Development' guide

4.14 This option involves amending the Leicestershire Guide to reflect both County and City local requirements and entering into an agreement with the County Council to maintain the Guide for both councils.

Advantages:

- The guide would be available for use from 1 November 2007.
- The guide is regionally recognised as an example of good practice.
- There would be no staff resource implications in terms of preparation.
- Would provide consistency for developers.
- The guide is web based and can be easily updated to include Leicester City specifications.
- The guide would be reviewed and maintained as necessary.
- The guide will be updated annually.
- Annual fee as opposed to a one off cost.

Disadvantages:

- The guide needs to be updated to include Leicester City specifications.

Option 3: Do nothing

4.15 This option would involve continuing to use the 1991 guidance.

Advantages:

- No financial implications.

Disadvantages:

- Developer funded schemes would not contribute effectively to progressing our key plans such as the Local Transport Plan
- Risk of decisions not being upheld by inspectors at appeals because the current adopted guidance does not reflect current policy
- Inconsistency for developers

Conclusion and Recommendations

- 4.16 Option 3 should be immediately discarded as future developments will not fully contribute to the City's key plans if we continue to refer to out of date guidance.
- 4.17 Option 2 is the preferred option as it means developers only need to refer to one document and receive a joined up message from the City and County Councils. Option 2 builds on the joint City/County transport services work and is the most financially and timely attractive option when compared to option 1.
- 4.18 Three options have been considered: to prepare a Leicester City Highways Design Guide, to adopt the Leicestershire County Council Guide 'Highways, Transportation and Development' guide, and to do nothing. Considering the advantages and disadvantages of the three options it is recommended that Cabinet approve the adoption of the Leicestershire County Council document 'Highways, Transportation and Development' at a cost of £6600 per annum for a period of 10 years.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**5.1. *Financial Implications***

The cost of entering into an agreement with Leicestershire County Council for use of the guide (option2) would be £6,600.00 per annum for a period of 10 years. This annual fee would cover the costs of preparation and maintenance of the document, and would be funded from the Transport Strategy Section's Budget.

- 5.2 It is estimated that the cost to Leicester City Council of officer time to prepare and maintain a Leicester City Council Highway Design Guide (option 1) would be in the region of £100,000 to £250,000 (based on an estimate of costs incurred by Leicestershire County Council during the preparation of their guidance).
Paresh Radia, Deputy Head of Finance, R. & C. (296507)

5.3 *Legal Implications*

Leicester City Council will be required to enter into a legal agreement with Leicestershire County Council.

- 5.4 The purpose of the Agreement is to enable the Council to formally adopt the County Council guidelines without breaching copyright provisions.
Lawrence Mawson, Principal Legal Officer (296347)

6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph References Within the Report
Equal Opportunities	No	
Policy	Yes	2.1, 4.1, 4.2, 4.6
Sustainable and Environmental	Yes	2.1, 4.6, 4.10
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

7. RISK ASSESSMENT MATRIX

	Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
1	Not entering into a Trading Agreement with Leicestershire County Council	L	H	Work closely with Leicestershire County Council to ensure an agreement is entered into
2	Not reviewing/updating the guide	L	M	Work closely with Leicestershire County Council to ensure the guide is reviewed and updated
3	Loss of appeals after adopting the guide	L	M/H	Ensure annual reviews are undertaken

L - Low

M - Medium

H - High

L - Low

M - Medium

H - High

8. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

- Highways, Transportation and Development 2004 available at: www.leics.gov.uk/index/highways/road_improvements/htd.htm
- Highways, Transportation and Development – Our review process dated 13.06.2006 (attached)
- PPG 3 (Housing)
- PPG13 (Transport)
- Manual for Streets
- Central Leicestershire Local Transport Plan (2006-2011)
- SPG – Vehicle Parking Standards, May 2006
- Leicester City Council Highway Development Control procedure.

9. CONSULTATIONS

Consultee

R&C Finance (Paresh Radia)
R&C Legal Services (Lawrence Mawson)

Date Consulted

19/06/2007
19/06/2007

9.1 During the preparation of the guide, Leicestershire County Council carried out the following consultation:

- Initial fact finding consultations with a wide range of public and private bodies to seek views on the 'Highway Requirements for Development' document
- Carried out a survey of around 2900 Leicestershire households in developments laid out in line with the standards contained in the 'Highway Requirements for Development' document
- Actively took part in the Office of the Deputy Prime Minister's research projects 'PPG3 and Highway Adoption Procedures' and on residential parking
- Organise regional meetings on commuted sums for future maintenance and on shared-surface roads and Home Zones; and
- Held a six week consultation covering around 150 public and private bodies, including all Leicestershire planning authorities and many development companies

10. REPORT AUTHOR

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DECISION STATUS

Key Decision	Yes
Reason	Significant effect on one or more wards
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)