

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY
REGIONAL PLANNING COMMITTEE**

Date: 27 September 2006

Subject: **Planning of the Strategic Road Network– Consultation
Response**

Report of: Planning Implementation Director

Recommendation:

It is recommended that the Committee agree the response set out in Annex A.

Purpose of Report:

To agree a response to the Department for Transport consultation on “Planning and the Strategic Road Network”.

Key Issues:

The draft circular was published in early August revising the basis on which the Highways Agency engages with the planning system. At the same time supplementary guidance on agreements for developers to fund Highways Agency works (Section 278 agreements) and transport assessments was also published.

The arrangement set out in the circular is one that is broadly consistent with the approach adopted in the region during the preparation of the South East Plan; an approach that has proved to be beneficial to the plan making process. Formalising this arrangement will help ensure that the longer term objectives underpinning the Highways Agency’s investment programme support the spatial planning framework. However there are a number of detailed questions associated with the circular and its proposals on which there is a need for further discussion between the Regional Assembly and the Department for Transport.

1. Background

- 1.1 The Department for Transport published a consultation draft circular on 'Planning and the Strategic Road Network' on 7 August. This document sets out how the relationship between statutory planning authorities and the Highways Agency (HA) should operate in future following enactment of the Planning and Compulsory Purchase Act 2004.
- 1.2 Guidance on the involvement of the HA in the planning system is currently set out in Circular 04/2001 (DETR). The current guidance fails to define clearly the role of the HA in the preparation of the Regional Spatial Strategy (RSS), or the scope of issues that the Agency may raise in regards to developments adopted in an RSS.
- 1.3 At present there is no statutory requirement for Regional Planning Bodies to consult the HA in the development of the RSS. However the benefit of early involvement has long been recognised in this region. An ongoing dialogue has been maintained with the Agency throughout the development of the South East Plan and the HA has always been treated as a key consultee at each stage in the process.
- 1.4 The main aim of the draft circular is to ensure consistency between the objectives of the RSS and the Agency's 'Forward Plan of Work'. Providing clarity on this relationship will help ensure that broad principles are agreed at an early stage in the plan making process. Tackling this issue as part of the development of the RSS will help avoid matters of principle being discussed on a case-by-case basis as part of individual planning applications.
- 1.5 In addition to the circular, the DfT has published two additional documents:
 - Draft Guidance on section 278 (Highways Act 1980) agreements (developer contributions towards strategic transport infrastructure).
 - Draft Guidance on Transport Assessment.

While the content of the draft circular is of greater significance given the Assembly's role as the statutory Regional Planning Body, this paper also considers issues arising from the supplementary documents as appropriate.

2. Summary of Key Issues

- 2.1 Consultation Circular
 - 2.1.1 The circular is principally concerned with clarifying the role of the HA in the preparation of statutory development plans. The circular also provides clarification on the way in which the future programme for investment into the Strategic Road Network (SRN) will take place. The SRN is defined as the network managed by the HA. Investment in the core routes that form part of the SRN is provided as part of national investment programmes managed directly by the DfT. Investment in non-core routes is provided as part of the

Regional Funding Allocation, advice on the priorities for which is provided by the region.

2.1.2 Headline messages from the consultation document include:

- i. Emphasis on the importance of ensuring that the HA is involved at an early stage in the preparation of any spatial development plan.
- ii. Clarification of the scope of issues the HA may comment on in respect of a planning application.
- iii. Emphasis on the HA providing advice to the Regional Planning Body during the preparation of the RSS, including advice on the affordability of potential improvements. Where the Agency believes that potential improvements are not deliverable they will be required to provide justification.
- iv. Clarification that in commenting on planning applications the HA will not be allowed to question the principal of the development that has been explicitly identified in adopted RSS.
- v. Emphasis on the need to promote measures to reduce travel demand before considering the need to promote investment in additional capacity.
- vi. A general presumption that there will be no capacity enhancements on the SRN purely to accommodate new developments.
- vii. Emphasis on the need to identify proposals to enhance the capacity of the SRN as part of the Spatial Development Plan (the RSS and Local Development Framework).

2.2 Draft Guidance on Section 278 Agreements

- 2.2.1 The draft revisions to the guidance on the use of Section 278 Agreements does not alter their scope to provide a mechanism through which the cost of improvements to the SRN can be recovered from the promoters of a major new development proposal. The revised guidance reaffirms that any such improvement needs to be designed in such a way as to ensure that conditions on the SRN in the immediate vicinity of the development do not deteriorate.
- 2.2.2 The revised guidance promotes the potential of the “ringmaster” approach as a mechanism by which contributions from more than one developer can be “pooled” towards an investment in the SRN. However it is made clear there is no presumption that the HA itself will take on the role of the “ringmaster”.

2.3 Draft Guidance on Transport Assessments

- 2.3.1 There has been a long standing commitment on the part of the DfT to prepare guidance on the scope and use of Transport Assessments as a means of assessing the impact of a development proposal on the transport system. Unlike the current Transport Impact Assessment (TIA), a Transport Assessment (TA) is required to consider all modes of transport and to give greater weight to the potential for mobility management measures to reduce the need to travel. The draft guidance makes it a requirement for developers to submit a TA in support of a planning application where such a proposal will require access to the SRN.

2.3.2 The new guidance changes the time horizon to be used for a TA to 10 years from the date the planning application is submitted. This compares favourably with the time horizon for TIAs which was 15 years after the date of completion for the development. The guidance also emphasises the importance of ensuring that the approach adopted in the TA is consistent with the principles set out in Local Transport Plans and Spatial Development Plans.

3. Discussion

3.1 A key principle underpinning the South East Plan is the provision of timely investment in infrastructure in order to support delivery of planned levels of development. Achieving this in practice requires input from key delivery agencies, such as the HA, throughout the plan making process.

3.2 The circular proposes early, 'front loading', consultation with the HA to ensure that the spatial principles set out in the South East Plan are not in conflict with the objectives of the Agency, and vice versa. Such an approach has been adopted throughout the preparation of the South East Plan. It has proved invaluable in many instances in understanding the constraints and opportunities that exist for the SRN to accommodate development. However there have been instances where the demands for information that such an approach requires has exceeded the capacity of the HA to respond.

3.3 There is currently no proposal to make the HA a statutory consultee in terms of the preparation of the South East Plan. Effective engagement in the plan making process will ultimately speed up delivery of investment in the SRN. The failure to make the HA a statutory consultee could result in inadequate resources being made available by the DfT to enable the Agency to support the plan making process. The draft circular's expectation in terms of the level of engagement by the HA could therefore be frustrated, which in turn may adversely affect the quality of the plan making process.

3.4 The proposal to limit the ability of the HA to object to the principle of a development which has been identified within an adopted Spatial Development Plan is welcomed. This will address a frustration experienced in many parts of the region where proposals in adopted plans are being held up as a result of concerns raised by the HA. There is a further implication arising from this change however that needs to be highlighted.

3.5 If the presumption is that the Agency's role is to support delivery of proposals included within adopted plans then there is an implied assumption that the funds required to deliver the investment so identified will be available. Clearly the presumption arising from the circular is that where investment is associated with development then the funds will be available in the form of a contribution secured through the planning system. However in those instances where the investment is the responsibility of the HA the implication is that it (the Agency) will be resourced accordingly.

This serves to illustrate once again the importance of the Implementation Plan that forms part of the South East Plan. By identifying the investment required to support delivery of planned levels of growth the Implementation Plan provides a powerful basis on which the HA can seek an appropriate level of funding from the Government.

- 3.6 The emphasis placed on the HA needing to promote measures to manage travel demand is strongly supported. However it serves to emphasise the importance of ensuring that the Agency is adequately resourced. More importantly it serves to emphasise the importance of providing sufficient revenue funding to enable the full potential of such measures to be realised.
- 3.7 The draft circular emphasises the role of the South East Plan in helping to shape the forward programme of investment in the SRN. The progress made in the region as part of the work associated with the Regional Funding Allocation process means that investment in transport priorities is aligned with the need to deliver the strategic objectives of the South East Plan and the RES. The emphasis on promoting measures to manage demand should reduce the need to invest in additional capacity on the SRN however it will not remove the need for such investment entirely. The circular needs to be amended to reflect this reality.
- 3.8 The support expressed for the “ringmaster” approach in dealing with investment funded by private sector development is welcomed. However, the lack of clarity on who performs such a role is worrying. Experience to date suggests that initially the “ringmaster” is most likely to be a public sector agency. The circular should therefore at the very least allow for the possibility that the HA could be allowed to perform this role.

4. Next Steps

- 4.1 Clarifying the role of the Highways Agency in the preparation of spatial strategies is important to ensuring alignment of their forward programme of work with strategic objectives of the South East Plan. Where there are issues that need further consideration these are highlighted in the draft response.

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7 September 2006

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