



# 66

## BEST PRACTICE IN HANDLING PLANNING APPLICATIONS AFFECTING TRUNK ROADS



SCOTTISH EXECUTIVE  
Development Department

## **Planning Advice Note**

**PAN 66**

# **Best Practice in Handling Planning Applications affecting Trunk Roads**

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## PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars** which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development control.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

PAN 66 and the accompanying Annexes have been produced jointly by the Scottish Executive Development Department's Planning and Road Network Management and Maintenance Divisions.

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## INTRODUCTION

### BACKGROUND

1. PAN 40 (Revised): Development Control, provides best practice advice on development control. It emphasises the priority that Scottish Ministers attach to the provision of a high standard development control service.
2. Paragraph 41 of PAN 40 refers to the need for regular consultation on applications with other bodies and the need to periodically review working arrangements to identify where improvements might be made. Although not specifically mentioned, the Scottish Executive Road Network Management and Maintenance Division (RNMMMD) and its Operating Companies are such a body and have an important role to play in the processing of planning applications affecting trunk road interests.
3. The third annual report of the Scottish Executive's Planning Audit Unit (published March 2001 and available on the web at <http://www.scotland.gov.uk/planning/> ) sets out the main findings and recommendations for action to improve existing consultation arrangements. RNMMMD have agreed to set targets for responding to all applications they are consulted on, and to increase the level of electronic communication between themselves and local authorities.

### EFFECTIVENESS IN RELATION TO DEVELOPMENT PLAN POLICY

4. In PAN 40 (under the heading of Effectiveness) it is noted that relevant and up-to-date development plans are a pre-requisite for efficient, sound and consistent development control decisions. This is equally important for the consideration of applications affecting trunk roads. It is therefore important that RNMMMD have the opportunity to contribute to, and comment on, Development Plans no later than draft consultative stage so that any implications of development proposals on the trunk road network can be assessed.

### THE ROLE OF RNMMMD IN LOCAL PLANS

5. RNMMMD is consulted at both the draft and finalised stages of a Local Plan. Their comments are co-ordinated by Planning Division as part of the Scottish Executive formal response to these drafts. In responding to Local Plans, RNMMMD will have regard to Government policies aimed at achieving a sustainable, integrated and safe transport system. In particular, they will seek compliance with NPPG 17: Transport and Planning. RNMMMD can, on occasion, maintain an objection to a Local Plan at the finalised stage and, as a consequence, be invited to appear at the Local Plan Inquiry to give evidence. Their role in this regard is explained in the booklet 'Code of Practice for Local Plan Inquiries'.

## PERFORMANCE TARGETS AND INDICATORS

6. Delays in reaching decisions on planning applications have been a longstanding issue to many involved in the development process. There is a statutory duty for planning applications to be decided in 2 months from the receipt of a valid planning application (4 months where an Environmental Assessment is necessary), although an extension of time can be agreed in writing with the applicant. It has been a matter of concern to planning authorities that delays in responding to trunk road consultations by RNMMMD have contributed to difficulties in meeting this deadline. Targets for responding to consultations have now been established and these are set out at paragraph 8.
7. The reasons for delays in processing consultations on planning applications affecting the trunk road vary, but the most common factor is the lack of sufficient information from the applicant to enable RNMMMD to comment. This PAN is intended to provide advice on best practice with the overall aim of enabling RNMMMD to reduce the time taken to process consultations.
8. RNMMMD are committed to issuing a consultation response (TRNPA/2) to **60% of minor applications within 14 days of receipt** by the operating company, and to issue a response on **all major applications within 14 days from receipt** of acceptable supporting data provided by the applicant (i.e. an audited Transport Assessment). RNMMMD will advise planning authorities where they are unlikely to be able to respond within 14 days. Progress against targets will be reported annually on the web site at the address below.
9. These performance targets will be monitored and should be progressively improved. More detailed information on targets and performance is currently available on the Scottish Executive Web site. [www.scotland.gov.uk/planning/](http://www.scotland.gov.uk/planning/)

## THE TRUNK ROAD NETWORK AND DEVELOPMENT CONTROL

10. The Scottish Trunk Road Network is shown at Figure 1. The primary purpose of the network is to provide for the safe and effective movement of long-distance through traffic. This means that the full implications for traffic flow and road safety are taken into account when proposals are made for new development in the vicinity of trunk roads. It is recognised, however, that in some cases the trunk road provides the only road access to a development or forms an important and inseparable part of the local road network. In such cases care is needed to ensure a balance is struck between local and wider interests when assessing proposals.
11. Under the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (which will be consolidated in 2003), planning authorities are required to consult the Scottish Ministers as trunk road authority in relation

to planning applications affecting existing or proposed trunk roads or special roads under the following circumstances:

- proposed developments within 67 metres of the middle of the road;
  - where the development consists of, or includes, the formation, laying out or alteration of any means of access to such a road; or
  - where the development is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving the road.
12. In cases of doubt planning authorities should consult RNMMMD, who make the decision on what constitutes a material increase in volume or change in character affecting the trunk road.

## PROCESSING APPLICATIONS

### PRE-APPLICATION DISCUSSIONS

13. PAN 40 recognises the value of pre-application discussions for the more efficient handling of applications. Pre-application discussions clarify the planning authority's information requirements and, in some cases, identify the need for additional information.
14. PAN 40 also recognises that, in some circumstances, other parties may have to be involved in discussions, and although RNMMMD is not listed separately their involvement is invaluable in trunk road cases. RNMMMD welcomes the opportunity to be involved in discussions at an early stage so that agreement on any additional information required can be reached.
15. Pre-application discussions enable RNMMMD to advise the planning authority and applicants on the general acceptability of proposals and their likely requirements for mitigating the traffic and safety effects of the development. The onus is on the applicant to initiate these discussions and to ensure that all parties are kept informed of on-going negotiations.
16. The overall process followed for trunk road planning consultations is shown in Figure 2. The process cannot start until the planning authority sends form TR/NPA/1 to RNMMMD and the drawings, form and supporting information to the operating company. This should be done without delay following the receipt of the planning application. Email addresses have been created for electronic transmission of Form TR/NPA/1 and local authorities have been informed of these. Form TR/NPA/1 should also be accompanied by a Transport Assessment Form,<sup>1</sup> which will enable a quick assessment of the scale of transport impact to be made. Both forms will be made available on the SE website.

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<sup>1</sup> see Guide to Transport Assessment in Scotland: Appendix A, draft for consultation issued January 2003

17. In assessing the acceptability of applications adjacent to, or affecting trunk roads, RNMMMD will have regard to road safety, operation, design standards and traffic impacts. Where a proposed development is not in accordance with the Development Plan, they may also consider the proposal in relation to NPPG 17: Transport and Planning.

### **REQUESTING MORE INFORMATION**

18. In many cases, particularly where pre-application discussions have not taken place, further information will be required from the applicant to enable the application to be assessed. Until such further information is supplied and acknowledged, the target time for dealing with consultations on applications cannot start.
19. For developments likely to generate significant travel demand, a full Transport Assessment (TA) is likely to be required. Reference should be made to 'The Guide to Transport Assessment in Scotland', which sets out the type of information required. The requirement for Transport Assessment is set out in NPPG 17: Transport and Planning and is seen as a means of demonstrating how development proposals follow the principles of sustainability. Emphasis is given to providing access in new development by non-car modes of transport first, walking and cycling and improved public transport provision. Only then will measures for mitigating the impact of any residual increase in road traffic arising from the proposed development be considered. RNMMMD will follow these principles when assessing development proposals and in auditing TAs.
20. For major developments affecting trunk roads, Transport Assessments will be audited by consultants appointed by RNMMMD. This process requires continuing dialogue between the applicant and RNMMMD and can be time consuming. Planning authorities and applicants should therefore make due allowance for this process. Annex B explores the factors and reasons that can lead to delay.

### **USE OF CONDITIONS**

21. RNMMMD have drafted a set of standard conditions that have been checked for compliance with the aims of Circular 4/1998 on the Use of Planning Conditions. These will be used in responses to trunk road consultations, adapted where appropriate to suit the particular circumstances of the case, and are aimed at being enforceable but reasonable. The use of standard conditions should provide some consistency for developers and planning authorities implementing planning consents.

### **TYPICAL CONDITIONS**

22. Typical conditions include the following:
- The proposed means of access to the trunk road shall be constructed to a design approved by the planning authority in consultation with the Trunk Roads Authority (RNMMMD). It shall be in accordance with the Design Manual for Roads and Bridges and the Specification for Highway Works and the developer shall issue a signed certificate to that effect.

- The development shall not commence/be occupied until road works/access/visibility improvements have been carried out in accordance with a scheme to be agreed with the planning authority in consultation with RNMMMD.
- The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the planning authority.
- The new access to the site shall be formed and the existing access closed off before any works commence on the site
- A barrier (fence) of a type approved in writing by the planning authority, after consultation with RNMMMD, shall be provided as shall the details of the arrangements for maintenance by the developer or subsequent owner of the land along the boundary of the site with the trunk road.
- The development shall not commence/be occupied until a footpath/cycleway is provided to link the development to the existing/proposed footpath/cycleway network.
- Before any work on the site commences, a scheme of screening shall be provided and agreed by the planning authority following consultation with RNMMMD and shall thereafter be implemented to the satisfaction of the planning authority before the development is occupied.

A full list of the standard conditions and reasons is available on the planning website as referred to at paragraph 30.

### **NOTIFIED APPLICATIONS**

23. Planning authorities who decide to grant planning permission against the advice of RNMMMD, or do not propose to attach planning conditions that have been recommended by RNMMMD, are required to notify the Scottish Ministers (Circular 4/1997 explains). The Scottish Ministers have 28 days from receipt of full documentation (or such longer period as they may require) in which to decide whether to call-in the application for determination or return it to the planning authority for decision.
24. Where an application is called-in it is normal practice for the matter to be considered by means of written submissions and a site inspection or at a Public Local Inquiry. A reporter will be appointed to conduct the proceedings and will make recommendations to the Scottish Ministers. Any conditions attached to the grant of consent following call-in and determination by the Scottish Ministers are enforceable by the planning authority, not RNMMMD.

### **REFUSAL OF PLANNING PERMISSION**

25. Where a planning authority refuses planning permission, or grants permission subject to conditions, it must give clear reasons for its decision. An applicant can appeal to the Scottish Ministers within 6 months of the council's decision.

## MONITORING

26. Monitoring of the implementation of consents and compliance with conditions attached to the grant of consent is an integral part of an effective development control service. RNMMMD and their Operating Companies will undertake such monitoring to assess the effectiveness of the measures imposed. It is important therefore that planning authorities inform RNMMMD of decisions on planning applications on which they have been consulted and highlight relevant conditions and sections of planning agreements.

## FURTHER ADVICE

27. Additional advice on developments and trunk roads can be found in the two annexes that accompany this PAN. In addition to being integral to the PAN these documents are intended to serve as self standing leaflets:
- Annex A: Advice on Minor Developments affecting Trunk Roads, and
  - Annex B: Advice on Major Developments affecting Trunk Roads and Motorways.

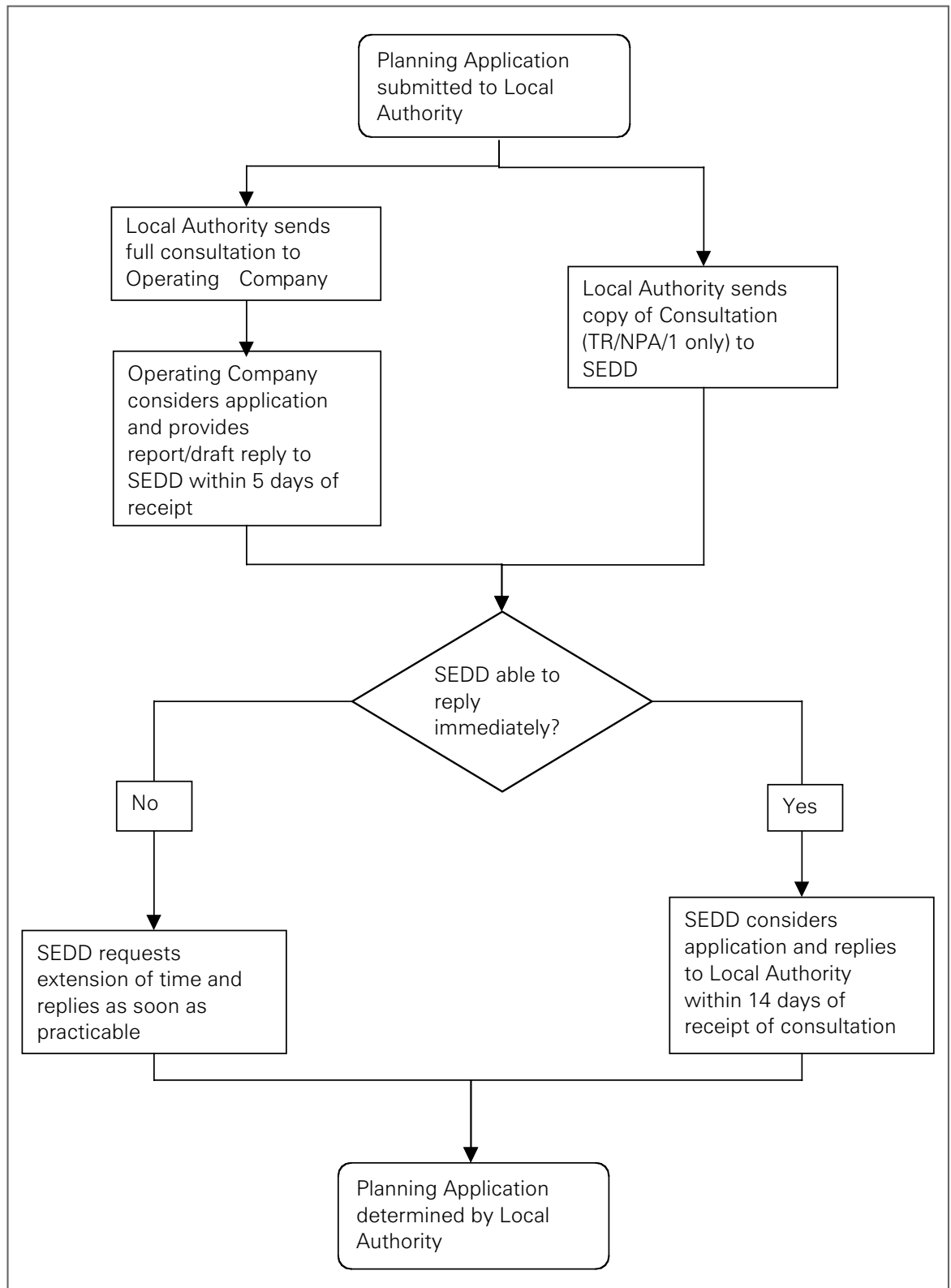
## CONCLUSIONS

28. Measures to improve the delivery of the development control service have been put in place by planning authorities in response to a number of initiatives including recommendations of the Scottish Executive Planning Audit Unit. It is equally important that other parties, including Scottish Executive divisions involved in the development control service also play their part. The advice contained in this PAN should help deliver a more effective service.
29. Enquiries about the content of this PAN should be addressed to Kester Gibson, Planning Division 2, Area 2-H, Victoria Quay, Edinburgh, EH6 6QQ (0131 244 7087) or by e-mail to [kester.gibson@scotland.gsi.gov.uk](mailto:kester.gibson@scotland.gsi.gov.uk). Further copies can be obtained by contacting the Planning Helpline on 0131 244 7888. A copy of this and other PANs are also available on the Scottish Executive web site at [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning).

**FIGURE 1: SCOTTISH TRUNK ROAD NETWORK**



FIGURE 2: CONSULTATION PROCESS



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