

NOTES OF AN INFORMAL ACRA MEETING WITH DCC 6th FEBRUARY 2014

Dorset County Council (DCC) as the County Highway Authority was represented by Colin Graham a Transport Development Liaison Engineer within the Transport Development Management team within the County Planning Division. ACRA was represented by Jim Biggin, Secretary

1. The objective of the informal meeting was for ACRA to gain an understanding of how the County Highway Authority operate and the limitations and constraints that they have to observe.
2. DCC employs 5 qualified Engineers in the Planning Division who divide responsibility for the County (excluding Bournemouth and Poole) between them. Colin is responsible for Christchurch and East Dorset.
3. DCC Highways Planning is (a) an agent of Central Government Highways Agency and (b) a Statutory Consultee to the Local Planning Authorities including Christchurch Borough Council (CBC). Thus on the one hand CBC Officers must consult them if a planning application involves a highway interest but on the other can – at least in theory – ignore the guidance they're given. In practice a negotiation takes place between interested parties with a view to reaching a consensus decision. The County Highway Authority must consult the Highways Agency when trunk roads are affected.
4. DCC Highways Planning is involved in all stages of the planning process from initial enquiries including scoping reports through to recommendations relating to final planning submissions and any planning conditions.
5. The over-riding function of DCC Highways Planning is to first assess the risks presented by a planning proposal and then to facilitate a solution that mitigates and manages those risks if possible. Thus the emphasis is upon approval of the proposed scheme subject to conditions and restrictions; to offer guidance and assistance in producing a scheme that presents an acceptable level of risk, not some form of central control that operates by diktat
6. In reaching a consensus view DCC Highways Planning must always bear in mind (a) the various statutes that cover highways and planning (b) actual legal case precedents (c) the remit and attitude of the Planning Inspectorate (regional offices in Bristol) – an appeal to the Planning Inspectorate that is unsuccessful can result in considerable costs falling upon the authorities and subsequently the local taxpayers.
7. The attitude of the Planning Inspectorate is guided by the attitudes of Central Government. If Central Government was to pursue a laissez faire attitude then the Inspectorate will to some degree also adopt that line. In such an environment there is a pressure upon County Highway Authority to meet the requirements of the planning applicant in so far as it can.
8. One current example of such a situation relates to the provision of car parking spaces. Central Government has let it be known that it favours obliging people to walk or cycle rather than to take their car. This has resulted in a reduced number of parking spaces being required for any given development to improve sustainability. On-street parking in the public highway is not a right, and is certainly not allocated to individuals or properties despite what properties deeds might suggest. The majority of issues relating to obstructions of the carriageway (and footway) fall outside of planning law as they are covered by highway law and its enforcement. Experience has shown that planning refusals based on such issues are invariably lost.

9. In assessing the degree of safety of any scheme the County Highway Authority use both recorded injury accident data (not minor shunts) and the history of traffic volumes and can use Computer Aided Design techniques to simulate the operation of proposed schemes. Thus, if a scheme would result in an increase flow of traffic at a roundabout the County Highway Authority are able to assess to what extent the accident rate might change. If need be they visit the site of the proposed development and measure traffic speeds and volumes at various times of the day in addition to analysing the applicants submitted data.
10. In assessing safety the County Highway Authority are only required to assess the possible effect upon the average law abiding driver. Thus the fact that risk might increase for a road user travelling at 90mph is reasonable because that road user is driving illegally. In considering recorded speeds at any particular site it is accepted practice to eliminate the most extreme activity up to 15% of the recorded results (in statistical terms, they are using the 85th percentile as a cut-off point).
11. The existing use "or credit" of sites seeking a change of use must always be taken into account and is virtually impossible to resist as is the case for permitted change of use planning applications.
12. "B" roads as well as "A" roads are considered part of the strategic road network and are therefore not excluded from carrying HGV traffic.
13. The various types of road signs and markings need to be correctly understood; an example being the use of advisory cycle lanes (marked by intermittent lines) that can be entered by all traffic such as when a road narrows but the use by cyclists is being highlighted.
14. On significant applications where alterations to the highway are proposed Road Safety Audits (RSA) may be required with up to 5 stages and involve a variety of experts and frequently the Police including over several years of operation of some implemented schemes.
15. Larger applications are usually required to provide either a Transport Plan or if larger a Transport Assessment that considers the existing provisions including buses and trains and possible effect on the transport network, particularly junctions.
16. Larger applications may also be require the applicant to enter into a Travel Plan to ensure sustainable transport is actively encouraged.
17. Planned highway improvement schemes are also taken into account both in terms of their possible effect, delivery and compatibility with the planning application.
18. Alterations to the public highway or creation of new ones are covered by Highway Law and incurred costs are covered by the applicant by way of a legal agreement.
19. Impact on Statutory Undertaker's plant (Statutory Undertakers are the various companies and agencies with legal rights to carry out certain development and highways works. Generally speaking they are utilities and telecoms companies or companies such as Network Rail) may also be a consideration though the consultation and cost of alterations is the responsibility of the applicant.
20. In assessing any risk or impact the County Highway Authority are not allowed to take account of presumed likely increases in noise or pollution. These are amenity issues considered by the Local Planning Authority and do not impact upon risk assessment.

Jim Biggin

February 2014