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ANNEX B: ADVICE ON MAJOR DEVELOPMENTS
AFFECTING TRUNK ROADS AND MOTORWAYS





SCOTTISH EXECUTIVE
Development Department

Planning Advice Note

PAN 66

Annex B: Advice on Major Developments affecting Trunk Roads and Motorways

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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.

WHO SHOULD READ THIS ADVICE?

- Developers
 - Local Authority planning officers
 - Planning and transport consultants
1. Private individuals and professionals applying for planning permission on behalf of clients for alterations or minor developments will also find it helpful, but some requirements may not apply to them. A companion leaflet "Advice on Minor Developments Affecting Trunk Roads" (Annex A to PAN66) gives useful information. Advice may also be obtained from your Local Authority Planning Department.

WHY IS IT NECESSARY TO CONSULT ON APPLICATIONS AFFECTING TRUNK ROADS?

BACKGROUND

2. The Scottish Executive is responsible for Scotland's trunk road and motorway network (shown on the back page of this leaflet). The primary purpose of this network is to provide for the safe and efficient movement of long distance through traffic. This means strictly limiting the number of direct accesses on to trunk roads and ensuring the full implications for traffic and road safety are taken into account. It also means restricting access where new developments are proposed in the vicinity of trunk roads, particularly on to dual carriageways where speeds are high. This is the case whether development involves the creation of a new access or increased use of an existing access.

WHO IS CONSULTED AND WHEN?

3. Local Authority planning departments are required to consult the Scottish Executive under Article 15(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 before granting planning permission for any development within 67 metres of a trunk road, where the development includes the formation, laying out or alteration of any means of access to a trunk road or where a development is likely to increase the volume or alter the type of traffic entering or leaving a trunk road. In addition, this requirement includes any prospective trunk road or motorway shown in the development plan or notified to the planning authority, or to be constructed under an order under the provisions of the Roads (Scotland) Act 1984. Early consultation is essential.
4. The planning authority is required to give the Scottish Executive not less than 14 days notice of their intention to consider and determine a planning application.

IMPACT OF DEVELOPMENTS ON THE TRUNK ROAD

5. A large development may have a material effect on the volume or character of traffic some considerable distance from the site and planning authorities should ensure that they have sufficient information to make a judgement of these impacts. It would not be appropriate to set out percentage traffic increase thresholds due to the disproportionate effects quite small increases can have on congested parts of the network. In most cases, if a measurable increase occurs the application should be referred to RNMMMD (Road Network Management Maintenance Division of the Scottish Executive). In cases of doubt, the planning authority should consult RNMMMD, who can determine whether the development constitutes a material increase in volume or change of character.

ARE PRE-APPLICATION DISCUSSIONS WELCOMED?

6. Yes. In many cases, it will benefit developers to discuss their proposals with RNMMMD at an early stage. This will enable the acceptability of the development and any requirements the Authority may have to be clear from the outset, allowing changes to be made where necessary. Through early discussion it may be possible to set the scope of any Transport Assessment, thereby allowing the work to commence and shortening the consultation period once the application is submitted.

WHAT HAPPENS WHEN THE SCOTTISH EXECUTIVE IS CONSULTED?

7. RNMMMD will deal with the consultation. Before coming to a decision on the application, RNMMMD will require all the necessary information to enable it to do so. This will usually involve the applicant supplying sufficient information about the travel generated by the development to enable an assessment of the impact on the trunk road to be made and any mitigating measures identified. In the case of smaller developments or alterations, a simple statement or Transport Assessment Form will suffice (see Guide to Transport Assessment¹), but larger developments will require a full Transport Assessment. Developers or their consultants should refer to the "Guide to Transport Assessment in Scotland" before preparing this. RNMMMD has appointed firms of transport consultants to check the information supplied by applicants and carry out audits of Transport Assessments.

¹ Guide to Transport Assessment in Scotland, draft for consultation issued January 2003

8. When a consultation is received for a development where a Transport Assessment is required, RNMMMD will advise the planning authority and instruct its consultants to contact the applicant with a view to starting the Transport Assessment audit process. In most cases it is not possible to conclude the audit within the 2-month time limit for dealing with applications and in such circumstances it is usual for applicants to agree with the planning authority for consideration of the application to be deferred. If no such agreement can be reached, and RNMMMD is not in a position to give a response, it will issue a recommendation that the application be refused.

HOW ARE TRANSPORT ASSESSMENTS AUDITED?

9. All Transport Assessments prepared for developments affecting the trunk road require to be audited by RNMMMD's consultants. The audit process includes an examination of the scope of the Transport Assessment, basic assumptions such as number of journeys and mode of travel, distribution of trips, calculations or computer programmes and analysis of results. Applicants preparing Transport Assessments will usually find it helpful to discuss the above matters with RNMMMD's consultant before starting work as this can save time and prevent abortive work.
10. As part of the process of auditing the Transport Assessment, it will often be necessary for RNMMMD and the applicant to discuss in some detail the issues likely to influence the impact on the trunk road and the measures necessary to mitigate it. These discussions may result in the negotiation of detailed planning conditions or, relatively infrequently, matters to be the subject of an agreement between the planning authority and the developer in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 (a "planning agreement"). In the latter case, RNMMMD will advise the planning authority accordingly as part of its consultation response.
11. Once the Transport Assessment has been audited, it will be possible for RNMMMD to issue its consultation response. This will take the form of a recommendation to the planning authority for one of the following:
 - Refusal
 - approval without conditions
 - approval subject to conditions
12. Conditions typically include measures to encourage sustainable travel associated with the development and alterations to the road infrastructure to safely accommodate the traffic generated.

13. When considering how to respond to consultations on developments affecting the trunk road, RNMMMD will have regard to Government policies aimed at achieving a sustainable, integrated and safe transport system. In particular, it will seek compliance with National Planning Policy Guideline (NPPG) 17, Transport and Planning.
14. Where a proposed development is in accordance with the Development Plan (specifically, the Local Plan) it will be assumed that the appropriateness of the site in transport terms has been fully considered, and RNMMMD will focus on the transport impacts arising.
15. However, where a proposed development is **not** in accordance with the Development Plan, it is likely that the suitability of the site in transport terms has either not been considered, or that it has been considered and rejected. In such circumstances, RNMMMD will look carefully at the development in the light of the locational policies set out in NPPG17 and may recommend refusal in cases where these are not adhered to. In particular, developments which by virtue of their location create unsustainable private car travel demand on the trunk road, or are not accessible by a range of non-car transport modes, leading to increased use of the trunk road, are likely to be recommended for refusal.

IMPACTS

16. RNMMMD will consider the impact of the development under the headings of **trips, traffic** and **safety**. Some effects may take place at a considerable distance from the development and Transport Assessments will be required to be sufficiently widely drawn to identify these.

Trips – The effect of trips or journeys generated by the development on the transport infrastructure as a whole, including public transport, cycling and walking, should be fully assessed. The relationship between the number of journeys on each mode and the level of provision should be clearly established.

Traffic – Traffic effects will be considered principally in terms of congestion. Where congestion occurs at present, or where a trunk road is approaching capacity, attention will be focussed on increases in queuing or delay, not only at junctions but also on the trunk road between junctions where appropriate. Most congestion occurs at peak periods, and analysis should be concentrated on these. Many roads cannot accept more traffic at peak periods, and increased demand results in peak-spreading. Analysis should explore these effects fully, and it will not be acceptable merely to look at peak **hour** flows which may not show an increase.

Safety – Road safety problems arise usually as a result of increased use of junctions. In some cases, existing junctions may no longer be appropriate for the volume and/or speed of traffic. **There is a presumption against new junctions on the trunk road and motorway network.**

MITIGATION

17. Developers will be expected fully to mitigate the traffic effects of their developments. Mitigation starts with minimising the amount of traffic generated by the development, and RNMMMD will require to be satisfied that all possible appropriate measures have been taken to this end. Measures are likely to include green travel plans and ensuring that the development is accessible by a wide range of non-car modes. Where the traffic generated is assumed to be reduced as a result of these measures, planning conditions or planning agreements may be required to secure the delivery of reduced traffic levels.

NO NET DETRIMENT

18. Infrastructure improvements to mitigate the traffic effects of a development will be expected to result in no net detriment to flow or safety. This means that congestion, delays, or accidents on the network will be **no worse** than they would have been without the development. It does not mean that developers will be expected to cure existing problems on the network, although where the solution involves a step jump in provision, such as from at-grade to grade-separated junction, it may appear to be the case.

MULTIPLE DEVELOPMENTS

19. At many locations a number of developments in close proximity come forward together or in sequence, such that their traffic effects are cumulative. RNMMMD will consider such cases on their merits, but will usually seek to identify the overall effects and apportion the mitigation. However, delivery is often problematical due to differing development programmes, and in such circumstances RNMMMD will apply similar suspensive conditions on all applicants for delivery of the total mitigation work. It will be then for the various developers to agree between themselves how to bring forward the work.

STAGED DEVELOPMENTS

20. Some large developments, particularly housing, are brought forward as a series of smaller applications which individually do not justify significant infrastructure improvements. RNMMMD will consider such cases on their merits, but will usually seek to identify the overall effect of the development, determine appropriate mitigation, and establish thresholds for its provision. Applications not adopting this approach are likely to be recommended for refusal.

HOW ARE OUTLINE AND RESERVED MATTERS APPLICATIONS DEALT WITH?

21. When an outline planning application is made, it is not always possible to determine the traffic impact at that stage due to uncertainty as to the details of the development or the nature of the activity which will take place. In such cases RNMMMD may require transport and traffic matters to be considered as part of any reserved matters application which may follow. This is because there is no legal requirement for the Trunk Road Authority to be consulted at reserved matters stage.

WHAT HAPPENS IF THE APPLICATION IS GRANTED AGAINST ADVICE?

22. When the planning authority receives the consultation response from RNMMMD, it is normal practice to incorporate this in the report to the planning committee. The planning committee may, when it considers the application, decide to accept the recommendations or not. However, if it decides to grant planning permission against the advice of RNMMMD, or does not propose to attach planning conditions that have been recommended by RNMMMD, it is required to notify the Scottish Ministers, who have overall responsibility for planning matters in Scotland. 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 pass it back to the planning authority for decision.

PLANNING INQUIRIES AND THE CALL IN PROCESS

23. 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.
24. 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.

WHERE DO I GET PERMISSION TO WORK ON THE TRUNK ROAD?

25. If planning permission is granted and work is required to be carried out on the trunk road then a standard "Minute of Agreement" will be required to be signed between the Scottish Executive and the applicant/developer. This minute of agreement contains details of the conditions that a developer will require to adhere to if work is to be carried out on the trunk road and if the completed works are to be incorporated as part of the trunk road. Applicants are advised to allow sufficient time for the drafting of the minute of agreement and acceptance of the construction drawings which should be submitted to RNMMMD well in advance of the start of works on site.
26. Applicants should note that the minute of agreement contains a mechanism to allow the recovery of all reasonable costs incurred by RNMMMD as a result of the works on the trunk road.
27. It will be expected that infrastructure improvements required as part of planning consent will meet or surpass the standards that are contained in the Design Manual for Roads and Bridges (DMRB), updated quarterly published by The Stationery Office. Departures from Standard will generally not be supported by RNMMMD. It is generally a requirement that most major works are subject to safety audit procedures.

MONITORING

28. RNMMMD will monitor compliance with, and the effectiveness of, planning conditions and planning agreements. Where outcomes, such as mode share targets in a travel plan are not achieved, RNMMMD will seek enforcement action by the planning authority.



WHERE CAN I GET FURTHER ADVICE?

29. Contact before a planning application is submitted is encouraged if there is any doubt about the acceptability of any proposed development alongside or affecting a trunk road or if there are any questions about standards. Contact should be made first with the Scottish Executive for enquiries about major applications.
30. If you require advice on the acceptability of any other aspect of your application then you should contact your planning authority.
31. Also listed below are the contact details for the 5 operating companies responsible for managing the trunk road network and who may be involved in supervising or advising on the construction of infrastructure improvements required as part of planning permission.

CONTACT DETAILS	
<p>North West Unit BEAR Scotland Ltd North West Unit Office Balblair Quarry BEAULY Inverness-shire IV4 7BG Tel: 01463 784300 Fax: 01463 783822</p>	<p>North East Unit BEAR Scotland Ltd BEAR House Inveralmond Road Inveralmond Industrial Estate PERTH PH1 3TW Tel: 01738 448600 Fax: 01738 453175</p>
<p>South West Unit Amey Highways Ltd Bargeddie Office Langmuir Road GLASGOW G69 7RW Tel: 0141 771 6900 Fax: 0141 771 0893</p>	<p>South East Unit Amey Highways Ltd Gilmerton Depot 600 Gilmerton Road EDINBURGH EH17 8RY Tel: 0131 660 8100 Fax: 0131 663 8016</p>
<p>Autolink Concessionaires (M6) plc The M6 DBFO Project Office Nethercleuch, Lockerbie, Dumfriesshire DG11 2SQ Tel: 01576 205200 Fax: 01576 204666</p>	<p>Scottish Executive Development Department Road Network Management and Maintenance Division Area 1-D Victoria Quay EDINBURGH EH6 6QQ Tel: 0131 244 0469 Fax: 0131 244 0492 www.scotland.gov.uk</p>

REFERENCES

National Planning Policy Guideline: NPPG17
Transport and Planning, April 1999

Planning Advice Note: PAN 57
Transport and Planning, April 1999

Guide To Transport Assessment in Scotland. (Draft) January 2003

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