

To: Members of the Joint Transportation Board.

From: David Brazier, Cabinet Member for Highways & Transport, Kent County Council

Subject: Involvement in the highway aspects of planning applications

Summary: KCC receives many requests from local Members asking to be kept informed and involved in the highways aspects of planning applications. Whilst KCC recognises Members intent is to understand the impacts and mitigations for planning applications to support their local communities, it is not possible for direct involvement for several reasons which are outlined in this report.

Recommendation: The JTB is asked to note the report.

1. Involvement in highways aspects of planning applications advisory note

- 1.1 Any pre-application advice is confidential and cannot be disclosed even under a Freedom Of Information request as it can affect the commercial viability of the site.
- 1.2 Once an application is submitted and KCC Highways are consulted officers have a 21-day turnaround time to submit the statutory response. The level of scrutiny that needs to take place on each application and the number of applications received would make any further consultation within this time period untenable.
- 1.3 Any correspondence on the application **must** be made via the Local Planning Authority (LPA). It is not possible for KCC Highways to have external discussions with developers/members of the public/Members or Parish Council's and other local organisations outside of this process.
- 1.4 KCC Highways, as a statutory consultee, need to give a response to the plans that are submitted before them based on the supporting evidence and **unbiased** technical opinion of the Highway Officer.
- 1.5 It is not the position of the Highway Authority to come up with better ideas, suggest alterations or to attempt to change the mindset of a developer who has presented a workable solution whether or not that solution is popular with local residents and businesses. Our response must be based on fact and cannot take account of assumptions or opinions of the local community.
- 1.6 Our responses cannot be influenced by political persuasion.
- 1.7 Our responses to the applications already set out the key impacts and any mitigation proposed, and this response is uploaded to the LPA website for all to see, in advance of the planning committee meeting.

- 1.8 Parish councils and Town councils are consulted at the same time as KCC Highways and all the details are available on the LPA website. Any comments from us can be viewed publicly.
- 1.9 In accordance with the National Planning Policy Framework there is a **presumption in favour of development** and it is the duty of KCC Highways to work with the developers to try to ensure that development can proceed.
- 1.10 KCC Highways ensure that development proposals align with both National and KCC Policies and Standards in all highway associated areas.
- 1.11 KCC Highways seek to promote sustainable travel options above that of the private car to offer a mode choice whenever possible.
- 1.12 KCC Highways offer update meetings to KCC Members at least twice per year to discuss the District/Borough Local Plan growth and associated highway infrastructure and any external funding bids.
- 1.13 KCC Highways ensure that any Transport Models used to support a proposal are validated, current and suitable.
- 1.14 KCC Highways will always determine the extent of the area to be covered by a Transport Assessment by scoping out the specific links and junctions on the network that are necessary in order for us to make an informed appraisal.
- 1.15 Mitigation is proposed by the developer for the scrutiny of KCC Highways. The only time a developer might be told what mitigation or contribution **must** be delivered is when the mitigation has been previously agreed as part of a wider District or Borough Transport Strategy and a policy has been attached to an allocated site setting out the infrastructure requirements required for the site to come forward. Such transport strategies and subsequent Infrastructure Delivery Plans will have been previously consulted upon and approved by the District and County Council Members.
- 1.16 KCC Highways Officers are fully aware that most of the allocated sites within a Local Plan, particularly the larger ones, are likely to be unpopular with neighbouring residents, particularly when being built on green space and impacting on views and amenity. Many people hinge their objections on highway impacts because we all use the road network on a daily basis, albeit walking, cycling, driving, by public transport etc. and are familiar with the local junctions and how they operate in peak traffic conditions. What they are often not aware of is that in the vast majority of cases the junctions that they report to be operating above capacity and causing extended queuing are not unusual traffic conditions and these same queues are replicated in exactly the same way in the majority of towns and also some villages across most of Kent and indeed across the country. Most of our network is historic and is constrained by frontage development, conservation and environmental constraints and listed building protection. In view of this it is not always possible to make physical improvements by expanding the road space to create more room to allow cars to travel through junctions more quickly. Often when these improvements are

carried out and the network operates better in a particular area, other traffic then assigns to the improved route and the former scenario quickly resumes.

- 1.17 KCC Highways, where possible, are not now looking to amend the network to accommodate more cars. Instead, they are looking to see how people could travel more sustainably from new development sites and are asking developers to provide the infrastructure to make this happen. This is known as “Vision and validate” or “decide and provide” as opposed to the former use of “predict and provide” which always looked at the worst-case future year scenario and tried to adjust the network to cope with it. The hope is that in the future it will be more inviting and easier to walk and cycle short trips than to use the private car and that public transport will be more accessible with reliable journey times.
- 1.18 KCC Highways officers appreciate that Members are trying hard to support their constituents by trying to change or prevent certain development proposals and its associated network changes but ultimately if a site has been allocated it needs to happen and KCC Highways will always work hard to ensure that the best possible outcome is achieved in terms of minimising highway impacts, promoting sustainability, and creating a sense of place. Inspectors are routinely approving appeals in favour of development. Congestion, journey time reliability and extended queuing are not often being upheld as reasons to refuse development. The only realistic chance of an appeal being upheld on highway grounds is if highway safety is directly compromised and this has to be robustly evidenced.

2. Recommendation

- 2.1 The JTB is asked to note the report.

3. Contract Details

David Brazier
Kent County Council
Cabinet Member, Highways & Transport