

Draft Planning Conditions (and notes) for adoption of new roads

The purpose of these draft conditions is to ensure that arrangements for the future management and maintenance of new roads within developments, is confirmed at the planning stage. In addition that roads are then completed to an appropriate level and maintained in an appropriate way in advance of public adoption via agreements under Section 38 of the Highways Act 1980 or until a suitable private management and Maintenance Company / Agreement is in place.

The conditions are set out as general guidance only and any local planning authority should give proper consideration to:

- ❖ The appropriateness of using these or any other conditions having regard to the detailed policy and guidance set out in DoE Circular 11/95 'The Use of Planning Conditions in Planning Permissions' (in particular the '6 tests' therein), and within the relevant legislative framework.
- ❖ Where any local planning authority are in any doubt in seeking to use these or any other conditions they should take their own legal advice.
- ❖ When using these draft conditions clear, precise and full reasons must be given (in decision notices) for each condition used. This is a requirement of legislation. See Article 31(1) (a) (iii) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010. The suggested reasons stated below, should be considered along with any others pertinent to each case.

1 Completion of Streets / Estate Street Phasing Plan - Conditions

- 1.1 No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policies [X, Y and Z] of the Development Plan.

- 1.2 [*No dwelling or dwellings / No dwelling or dwellings within phase 1 / No more than X number of dwellings*]* shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

** delete as applicable*

Reasons:- To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policies X, Y and Z of the Development Plan.

Completion of Streets / Estate Street Phasing Plan – Note

The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition **X**, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.

2 Management and Maintenance of Estate Streets – Condition

- 2.1 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Management and Maintenance of Estate Streets – Note

The applicant is advised that to discharge condition **X** that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

3 Submission of Details – Adoptable Streets – Condition

- 3.1 No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies [X, Y and Z] of the Development Plan.

Submission of Details – Adoptable Streets – Note

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition **X** of this consent.

Addendum A

Response Sheet - for use by local authority planning officers for preliminary comments on the use of the draft planning conditions. Please return comments to the Working Group as below – by April 2014

We are not seeking comments and views on the applicability of any individual condition, but on the overall effectiveness of the draft planning conditions as an additional tool in alleviating the problems faced.

PART 1 - Information about you

Name		
Email		
Telephone		
Address		
Postcode		
Return to:	<p>Chris Bond Team Leader - Development Management Highways, Transport and Infrastructure Northamptonshire County Council Riverside House Riverside Way Northampton NN1 5NX</p> <p>01604 364317 CBond@mgwsp.co.uk</p>	<p>Ann Morley Department for Transport Great Minster House 33 Horseferry Road London SW1P 4DR</p> <p>020 7944 2298</p> <p>Ann.morley@dft.gsi.gov.uk</p>

QUESTION	RESPONDENT'S COMMENT
Please describe the circumstances and timing of your use of any of the draft planning conditions.	

Please describe the applicability of the conditions to your particular circumstances.	
Please describe preliminary outcomes / effectiveness of their use.	
Do you consider any further action is needed in this area and in what form?	
And finally.....	
If you have any views / comments you wish to provide in relation to use of the conditions not covered above.	