

North Yorkshire County Council
Business and Environmental Services

Executive Members

27 March 2020

Highway Design Guide, Model Highway Conditions and Specification Revisions

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 To inform the Corporate Director, Business and Environmental Services (BES) and BES Executive Members of:
- i. The revision of the standard highway conditions to create a set of new model highway conditions, to enable consistent responses to be made, by the Local Highway Authority, in its role as statutory consultee to the planning process
 - ii. Work to revise the existing NYCC standard details, specification and design guidance for highway delivery, to inform responses to planning applications, direct NYCC superintendence and to permit a robust adoption process

2.0 Background to the report

- 2.1 North Yorkshire County Council (NYCC), in its capacity as Local Highway Authority (LHA), is statutory consultee to the planning process on highways matters.
- 2.2 Following planning approval, NYCC works with developers (charging a superintendence fee for the costs of monitoring the works and associated administration, the fee is assessed as a percentage of the total calculated bond value for highway works), to ensure that roads are designed and constructed to a standard which enables it to confidently adopt the new infrastructure and accept it as highway maintainable at the public expense.
- 2.3 This report seeks to inform the Corporate Director, BES and BES Executive Members of work to revise the existing guidance and specification documents which support NYCC Officers in both undertaking its role as statutory consultee to the planning process and in the subsequent adoption process.
- 2.4 It is critical to this process that the advice given by the LHA when undertaking its duties as statutory consultee to the planning process is impartial, being technical in nature and involving a consideration of the evidence provided by developers to the local planning authority (LPA), in line with national and local guidance, to enable the LHA's substantive response.
- 2.5 The recommendations given by the LHA inform the decisions taken by the relevant planning committee. In two tier authorities, the planning function in the majority of cases sits at district council level (or with the national park authorities within their boundaries) though there are occasions when a decision will rest with the County Council's Planning Committee (primarily mineral and waste applications). The planning committees will ultimately take the decision on the suitability of any given application.

- 2.6 It is vital to ensure that colleagues from LPA's who base their reports on NYCC recommendations are assured that the NYCC position is robust, and would stand up to any challenge at appeal.
- 2.7 It is clear then that NYCC guidance and specification must be based on current best practice and permit advice to be consistently offered to LPA's across the county area.

3.0 Local Highway Authority Guidance and Model Conditions

- 3.1 In recent years, there have been significant changes to the National Planning Policy Framework (NPPF), with revisions undertaken most recently in February 2019. It is therefore considered timely to review NYCC guidance and standard conditions, to ensure that responses and recommendations issued by NYCC in its capacity as LHA are reasonable and in line with current planning practice and legislation.
- 3.2 At the time of writing, existing NYCC Highway Design Guidance is being reviewed. The review will be based on the existing national highway design guidance, given by the Design Manual for Roads and Bridges(Highways England)and also the newer document Manual for Streets (Department for Transport), which was not in existence when the last full review of the NYCC guidance was undertaken. It has however become an integral part of residential design since its introduction in 2007, (its stipulations having instead been incorporated through additional interim guidance notes and a matrix stipulating when the use is appropriate). The review will also take into consideration recent changes in national policy such as the focus on sustainable development, place making, the incorporation of sustainable drainage into highway design, EV charging as well as more traditional highway design matters.
- 3.3 This is a significant piece of work, with a comprehensive review having not been undertaken since 1994. Design guidance chapters will therefore be brought to the BES Executive Members meeting separately, for approval, as part of an on-going process, starting with the areas where NYCC guidance has not previously existed and the content requires to be introduced.
- 3.4 It has been possible to review the standard highway conditions in advance of this report and what is proposed here has been agreed with all local planning authorities. New model highway conditions have therefore been developed and are included as Appendix A to this report.
- 3.5 It had become clear that previous standard conditions were sometimes overly prescriptive and were not always suitable to the delivery of each specific development. Consequently, the new model conditions act as a template, upon which officers may base their considered response, rather than a standard condition to apply in all circumstances.
- 3.6 It was considered appropriate to develop these in advance of the new guidance, due to feedback received from Local Planning Authorities as the end users, to offer a more robust and consistent basis for Local Highway Authority responses.
- 3.7 Joint training has been delivered across the county through a series of workshops, on LHA and Lead Local Flood Authority (LLFA) responses, and in particular the appropriate use of the new model conditions. These sessions have been delivered with development management, local area highway office and local planning representatives all being present. The intended result being both a shared understanding and ownership of the conditions and to foster closer working relationships across NYCC teams and the local planning authorities.

3.8 It is intended that the new model conditions will be introduced on the 1 April 2020. A similar workshop session will be delivered annually going forward, to offer the appropriate training directly to new starters with the various authorities, to ensure the appropriate use and understanding of the conditions and the legislation and guidance supporting them is retained.

4.0 Highway Specification and Standard Details

4.1 The opportunity has also been taken to look at standard details and specification to ensure it is based on present best practice and infrastructure delivery, to benefit the adoption process and to ensure that new roads delivered in North Yorkshire are of an appropriate quality and can be efficiently maintained.

4.2 It is also imperative that specification and guidance is renewed and based on present best practice to permit the emerging work of the Highway Design Service which will require clear design principles to be applied by Officers offering design and build services through NYCC, as opposed to auditing the designs of third parties.

4.3 The emerging standard details have been reviewed and are available following the link below: <https://www.northyorks.gov.uk/road-adoption>

4.4 It is intended that work to look at specification and standard details will continue into the next financial year.

5.0 Financial implications

5.1 It is estimated that the further development of the guidance and specification, with consultant input where required, will cost up to £100k and it is proposed that this is funded using the Transport and Development Revenue Budget which is derived from the income from Superintendence fees.

6.0 Legal implications

6.1 North Yorkshire County Council is Local Highway Authority and as such, in a two tier authority area is a statutory consultee to the planning process as well as in those cases where the County Council is the planning authority, as set out in Article 22 of the Town and Country Planning (Development Management Procedure)(Order)2015. Consultees are under a duty to provide a “substantive response” (as defined in the Article).

6.2 Local planning authorities must provide such consultees with information that will enable them to provide a substantive response.

6.3 The substantive response should include reasons for the consultee’s views so that where these views have informed a subsequent decision made by a local planning authority the decision is transparent.

6.4 New and existing roads can be adopted by highway authorities so that they become maintainable at public expense, pursuant to Section 38 of the Highways Act (1980).

6.5 This report concerns the revision of NYCC guidance and specification that enable the substantive response to the planning process and to enable subsequent adoption of the roads, delivered to an acceptable standard, in accordance with the legislation above.

7.0 Equalities implications

- 7.1 There are no equalities implications arising from this report. The initial equality impact assessment screening form is included as Appendix B accordingly.

8.0 Recommendations

- 8.1 It is recommended that: the Corporate Director, BES, in consultation with BES Executive members notes and supports:
- i. The revision of the model highway conditions and their use commencing 1 April 2020
 - ii. The on-going work to revise the design guidance, highway specifications and standard details
- 8.2 The Corporate Director, BES, in consultation with BES Executive Members approves the use of the Transport and Development revenue budget, up to a value of £100k to support this work.

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Background Documents:
Design Manual for Roads and Bridges (DMRB)
Manual for Streets
NYCC 2020 Standard Details
NYCC Standard Highway Conditions
NYCC 2020 Model Highway Conditions
NYCC interim guidance note on parking
NYCC Matrix for use of DMRB/MfS

NORTH YORKSHIRE COUNTY AND DISTRICT COUNCILS AND NATIONAL PARKS
MODEL HIGHWAY CONDITIONS AND REASONS

Advisory Note for using these conditions

When using these conditions please consider the following matters:

- *Is conditioning the matter the appropriate solution or does other legislation apply?*
- *Does the condition comply with paragraphs 54 to 57 of NPPF (2019) and meet the five tests (necessary; relevant; enforceable; precise and reasonable)?*
- *Is the standard wording appropriate for the case in question or should it be amended to make it more appropriate?*
- *Can the condition be enforced?*

Additional guidance notes (shown in italics) on the specific use of individual conditions are provided before the condition title.

If in doubt please discuss with a colleague, the planning officer, or Legal Services as appropriate. *Colleagues in Development Management are always available to provide advice on these matters*

Approval reserved matters

Details of the layout, scale, appearance and landscaping and access (hereinafter called 'the reserved matters') must be submitted to and approved in writing by the local planning authority before any development begins and the development must be carried out as approved.

Advisory Note: To be used where adoptable layout is being created.

MHC-01 Detailed Plans of Road and Footway Layout

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason for Condition

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

Please note there is an informative that accompanies this condition – (MHi-B)

MHC-02 Construction of Adoptable Roads and Footways

No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason for Condition

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

MHC-03 New and altered Private Access or Verge Crossing at INSERT LOCATION

The development must not be brought into use until the access to the site at **INSERT LOCATION** has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The access must be formed with **INSERT DIMENSION** metres radius kerbs, to give a minimum carriageway width of **INSERT DIMENSION** metres, and that part of the access road extending **INSERT DIMENSION** metres into the site must be constructed in accordance with Standard Detail number **INSERT TEXT** and the following requirements.

Or

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number **INSERT TEXT** and the following requirements.

- Any gates or barriers must be erected a minimum distance of **INSERT DIMENSION** metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending **INSERT DIMENSION** metres into the site from the carriageway of the existing highway must be at a gradient not exceeding **INSERT TEXT**.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on drawing **INSERT TEXT** and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within **INSERT DIMENSION** metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason for Condition

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Please note there is an informative that accompanies this condition –(MHi-C)

MHC-04 Closing of Existing Access at INSERT LOCATION

The development must not be brought into use until the existing access onto **INSERT LOCATION** has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason for Condition

In the interests of highway safety and the amenity of the area.

MHC-05 Visibility Splays at INSERT LOCATION

There must be no access or egress by any vehicles between the highway and the application site at **INSERT LOCATION** until splays are provided giving clear visibility of **INSERT DISTANCE** metres measured along both channel lines of the major road from a point measured **INSERT DIMENSION** metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

In the interests of highway safety.

Please note there is an informative that accompanies this condition –(MHi-D)

MHC-06 Pedestrian Visibility Splays at INSERT LOCATION

There must be no access or egress by any vehicles between the highway and the application site at **INSERT LOCATION** until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

In the interests of highway safety.

Please note there is an informative that accompanies this condition –(MHi-E)

Advisory Note: Please consider whether a S106 clause to secure off site highway works etc is more suitable prior to the use of this condition?

MHC-07 Delivery of off-site highway Works

The following schemes of off-site highway mitigation measures must be completed as indicated below:

- **INSERT MITIGATION works description at INSERT LOCATION prior to INSERT TRIGGER DATE**
- **INSERT MITIGATION works description at INSERT LOCATION prior to INSERT TRIGGER DATE**

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason for Condition

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Please note there is an informative that accompanies this condition –(MHi-F)

Advisory Note: Where the crossing of a ditch is to be temporary the matter should be included in the CMP. The condition should only be used for a permanent crossing. The commentary should make it clear that this condition relates to highways matters and other permissions relation to drainage matters will also apply.

MHC-08 Detailed Plans of Ditch to be Piped at INSERT LOCATION

There must be no access or egress by any vehicles between the highway and the application site at **INSERT LOCATION** until:

- full technical details relating to the bridging or culverting of the watercourse at **INSERT LOCATION** have been approved in writing by the Local Planning Authority; and,
- Amendments to the ditch at **INSERT LOCATION** have been undertaken in accordance with the details approved in writing by the Local Planning Authority.-

Reason for Condition

To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

Please note there is an informative that accompanies this condition –(MHi-G)

Advisory Note: This condition is to be used when details have not been submitted. The condition is relevant where there are public areas which will not be adopted, e.g. factory employment units or blocks of flats.

MHC-09A Details of Access, Turning and Parking at INSERT location

There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at **INSERT LOCATION** until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at **INSERT LOCATION** have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Please note there is an informative that accompanies this condition –(MHi-H)

Advisory Note: This condition is to be used when details have been submitted and the timing of delivery is being conditioned. The condition is relevant where there are public areas which will not be adopted, e.g. factory employment units or blocks of flats.

MHC-09B Provision of Approved Access, Turning and Parking Areas at INSERT LOCATION

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at **INSERT LOCATION** have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

MHC-10 Parking for Dwellings

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

Advisory Note: This condition should only be used in exceptional circumstances where there would be a demonstrable harm from vehicles parked in the highway resulting from the loss of parking consequent upon the conversion of garaging. It will be extremely unlikely that this will be able to be applied to the whole of a site; specific plots will need to be listed. If used the specific circumstances which justify the use will need to be included in the reason.

MHC-11 Garage Conversion to Habitable Room INSERT PLOT NUMBERS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason

In accordance with policy **number** and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development. **INSERT DETAILED JUSTIFICATION**

Advisory Note: This condition should only be used for sites where the permanent use requires wheel washing facilities. Where wheel washing is required to prevent mud etc being drawn onto the carriageway during construction one of the Construction Management Plan conditions should be used.

MHC-12A Wheel Washing Facilities (Mineral Extraction)

Prior to the site opening to operational traffic vehicle wheel washing facilities must be installed on the site access road at **INSERT LOCATION** in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities must be kept in place in full working order and available for use whilst the site is operational. All vehicles involved in the transport of waste materials or finished products from the site must leave the site through the wheel washing facility so that no mud or waste materials are deposited on the public highway.

Reason for Condition

In the interests of highway safety and amenity.

Advisory Note: This condition should only be used for sites where the permanent use requires wheel washing facilities. Where wheel washing is required to prevent mud etc being drawn onto the carriageway during construction one of the Construction Management Plan conditions should be used.

MHC-12B Wheel Washing Facilities (Mineral Extraction) (Prescriptive)

Prior to the site opening to operational traffic, details of wheel and underside chassis cleaning facilities as shown on **INSERT DOCUMENT/PLAN** must be installed on the site access road at **INSERT LOCATION**. These facilities must be kept in place in full working order and available for use whilst the site is operational. All vehicles involved in the transport of waste materials or finished products from the site must leave the site through the wheel washing facility so that no mud or waste materials are deposited on the public highway.

Reason for Condition

In the interests of highway safety and amenity

Advisory Note: The following matters need to be considered before using this condition:

- *Would the matter be better controlled by a S106 clause?*
- *It is expected this condition will only be used on smaller sites where a TP has not been submitted as part of an outline application?*
- *Is a phased TP needed e.g. where a site contains residential and employment.*

MHC-13 Travel Plans

Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.-

Reason for Condition

To establish measures to encourage more sustainable non-car modes of transport.

Please note there is an informative that accompanies this condition –(MHi-J)

Advisory Note: The following matters need to be considered before using this condition:

- *Would the matter be better controlled by a S106 clause?*
- *This condition will only be applicable when a Travel Plan has been submitted and approved as part of the application process.*
- *Are any phasing clauses required e.g. for a mixed employment/ residential site.*

MHC-14 Travel Plan Delivery

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason for Condition

To establish measures to encourage more sustainable non-car modes of transport.

Please note there is an informative that accompanies this condition –(MHi-K)

Advisory Note: This condition is only relevant for major sites, a simplified version is available for smaller sites. Officers will need to determine which of the issues listed below are relevant to the site and delete those clauses not required.

MHC-15A Construction Management Plan

No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of **INSERT LOCATION** access for construction purposes;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. details of ditches to be piped during the construction phases;
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason for Condition

In the interest of public safety and amenity

Advisory Note: This condition is only relevant for small sites. Officers will need to determine which of the issues listed below are relevant to the site.

MHC-15B Construction Phase Management Plan- Small sites

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of **INSERT LOCATION** access for construction purposes;
3. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. details of site working hours;
7. details of the measures to be taken for the protection of trees; and
8. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason for Condition

In the interest of public safety and amenity

North Yorkshire Highways Informatives

MHi-A Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority.

Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

MHi-B Detailed Plans of Road and Footway Layouts (MHC-01)

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

MHi-C New and altered Private Access or Verge Crossing –(MHC-03)

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20and%20highways%20and%20pavements/Specification for housing and industrial estate roads and private street works 2nd edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20and%20highways%20and%20pavements/Specification%20for%20housing%20and%20industrial%20estate%20roads%20and%20private%20street%20works%202nd%20edition.pdf).

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

MHi-D Visibility Splays –(MHC-05)

An explanation of the terms used above is available from the Local Highway Authority.

MHi-E Pedestrian Visibility Splays –(MHC-06)

An explanation of the terms used above is available from the Local Highway Authority.

MHi-F Delivery of off-site highway works –(MHC07)

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

MHi-G Ditches to be Piped –(MHC-08)

It is recommended that the applicant consult with the Internal Drainage Board, the Environment Agency and/or other drainage body as defined under the Land Drainage Act 1991 (as amended and including all instruments, orders, plans, regulations and directions). Details of the consultations must be included in the submission to the Local Planning Authority. The structure may be subject to the Local Highway Authority's structural approval procedures.

MHi-H Details of Access, Turning and Parking –(MHC-09A)

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf

MHi-J Travel Plans –(MHC-13)

Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at: https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf

MHi-K Travel Plan Delivery –(MHC-14)

Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at: https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf

MHi-L Protection of Routes for New Streets:

A New Street Order under the Highways Act 1980 exists fronting the site. You are required to contact the Local Highway Authority to discuss the implications of this order on the site.

You should not undertake any works until the new street boundary has been set out in accordance with details that have been agreed in writing the Local Highway Authority.

MHi-M Public Rights of Way

- i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary – please see the attached plan.
- ii) If the proposed development will physically affect a Public Right of Way **permanently** in any way an application to the Local Planning Authority for an appropriate legal order Order will need to be made under S.257 of the Town and Country Planning Act 1990.
- iii) If the proposed development will physically affect a Public Right of Way **temporarily** during the period of development works only, an application to the Highway Authority for a Temporary Closure Order is required
- iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
- vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any proposals for altering the route.

MHi- N Village Green/ and /or Common Land

The applicant is advised that the proposals affect Registered Village Green and/or Common Land and further information can be obtained from commons.registration@northyorks.gov.uk. For information, a plan of the registered Village Green and/or Common Land is enclosed. No works should be carried out on the Registered Common Land until such time as formal Consent has been granted under Section 38 of the Commons Act 2006. For works on registered Village Greens any necessary deregistration of and/or provision of exchange land should be arranged.

MHi-P Overhead Cables

You are advised that there are overhead cables within the existing highway in the vicinity of the site. You should contact the owner of the cables to find out what protective measures are required before you can work in the vicinity of the cables. All lengths of existing or amended overhead line crossing the publicly maintained Highway or Definitive Rights of Way will need to be erected such that no part of the line comes within **INSERT height** metres of the surface of the Highway or Right of Way.

In addition, a separate licence will be required from the Local Highway Authority in order to allow any works in the existing adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this informative.

MHi-Q Landscaping Works

Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.

Advisory Note: this informative is to be used when a Traffic Regulation Order or statutory process is required. Examples are Speed limit, Traffic Calming etc

MHi-R Statutory Processes

To make the proposals acceptable to the Local Highway Authority a **INSERT type of Statutory process is required**. This is governed by legislation outside the planning process and administered by the Local Highway Authority. Consequently, you should not commence your permitted works until details of the **INSERT type of Order at INSERT location** have been submitted to the Local Highway Authority. The approved details will be required to undergo the legal process required, including any public consultation -, at the applicant's expense. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost.

MHi-S Doors and Windows Opening over the Highway

You are advised to ensure that any doors and windows on elevations of the building(s) adjacent to the existing and or proposed highway are constructed and installed such that they do not open over the public highway for a height of 2.4 metres from the level of the adjacent highway. Above 2.4 metres no part of an open door or window must come within 0.5 metres of the carriageway. Any future replacement doors and windows should also comply with these dimensions.

MHi-T Projections over Footways

You are advised to ensure that any projection overhanging the footway is securely fixed and no part is less than 2.4 metres above the footway level and no closer than 0.5 metres to the edge of the carriageway.

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	To inform members of work to revise highway design guidance, model conditions and specification.		
Officer(s) carrying out screening	Emily Mellalieu		
What are you proposing to do?	Revise highway design guidance, model conditions and specification, and use the existing Transport and Development budget to enable consultant support this work.		
Why are you proposing this? What are the desired outcomes?	To ensure guidance and specification is fit for purpose and reflects current national guidance and practice associated with the delivery of new roads and developer funded work.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	It is requested that up to £100k is allocated to support the review of specification and guidance, given the scale of the task. This will be taken from the annual allocated Transport and Development Budget.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
Age		No	
Disability		No	
Sex (Gender)		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	

NYCC additional characteristic			
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
Decision (Please tick one option)	EIA not relevant or proportionate:	X	Continue to full EIA:
Reason for decision	The proposal involves the revision of technical guidance so does not adversely affect any one interest group differently to another. There may however be positive benefits for accessibility given it is an opportunity to consider how we can improve this and also consider how we promote the delivery of more sustainable transport opportunities.		
Signed (Assistant Director or equivalent)	<i>Barrie Mason</i>		
Date	16/03/20		