

THE HIGHWAYS AGENCY'S ROLE IN THE PLANNING SYSTEM: OUR IMPROVEMENT PLAN

As part of our continuing improvement process and commitment to being an effective delivery partner to growth, we have produced a plan that identifies opportunities for better engagement with the planning system that can help deliver better outcomes for all of our stakeholders.

This plan identifies the steps already being taken by the Highways Agency to meet the objectives set out in the 2011 Autumn Statement and expanded upon in the National Infrastructure Plan, and outlines further measures we will introduce to promote continued performance improvement.

Highways Agency's role

The Highways Agency is an executive agency of the Department for Transport (DfT) and is responsible for operating, maintaining and improving the strategic road network in England on behalf of the Secretary of State for Transport.

We ensure that England's motorways and all-purpose trunk roads continue to operate safely and effectively while helping development to take place to contribute to economic growth. Our assigned role as delivery partner to sustainable development promoted through the Plan-led system requires that we engage with developers, local planning authorities, local highway/transport authorities, public transport providers, local enterprise partnerships (LEPs), and Government departments at all stages of the planning process to proactively seek transport solutions that enable the delivery of development.

The Agency is a statutory consultee on planning applications that may impact on the strategic road network, and a named consultee to the local planning process. We are also a statutory consultee to applications for development consent for nationally significant infrastructure projects, and also identify and promote our own highway improvement schemes that help support economic growth.

In responding to planning consultations there is a statutory duty that our engagement must be 'substantive' in nature. We take this statutory duty at face value and are committed to full engagement. At the Plan-making stage this engagement will assist local authorities in developing proposals that can be supported by the strategic road network (through enhancement where necessary). At the pre-application stage it will assist developers in taking forward their projects in a manner that reduces both the potential for impact on the network and, with this, the risk that planning permission is delayed or not granted.

Our Planning Protocol

To help local authorities and developers understand how we deal with development proposals, a planning protocol was developed in conjunction with Local Authorities, national developers, and specialist consultancies to ensure that a broad range of interests were taken into account. The protocol¹ sets out the processes for our engagement in the planning process, and explains what to expect from us, and what information we are looking for, to inform a positive timely response.

The Agency has identified that the absence of pre-application discussions can seriously hinder understanding and delivery in the planning application process. To address this, in 2011, we introduced a template² setting out what the Agency seeks to accomplish from the pre-application discussions, the types of information that will be needed, and the help and advice the Agency is able to provide.

Improved engagement at the pre-application stage will bring benefits for developers in terms of producing proposals that are broadly agreed when a formal application is submitted. The effect should be to reduce the need to issue holding directions whilst discussions on agreeing transport impact and any necessary mitigation measures take place.

We commit to providing contact details for a nominated case officer of appropriate seniority on receipt of a pre-application inquiry, or at formal consultation, as appropriate. We also include named contacts for each region on our website.

We meet regularly with the Spatial Planning Steering Group, which is made up of a number of national developers, consultants with a key role in the wider planning industry, a number of umbrella organisations, (e.g. Town and Country Planning Association, Home Builders Federation, etc.) and key figures from the HA's planning policy and delivery roles. The Group meets quarterly to review the performance and level of change within the Agency and seeks action where necessary. The Group also plays a wider role in communicating with developers and local planning authorities on the role of the Agency and the protocols and processes which it adopts.

Work undertaken by the Group includes a review of the planning protocol and the development of protocols for securing and delivering section 278 agreements needed to deliver third-party funded highway improvements, and for engagement with Local Enterprise Partnerships on enterprise zones and the delivery of the Development Orders through which their proposals are consented.

The objective of the s278 protocol is to inform developers of the process for drawing up such agreements and what they may expect from the Agency so as to enhance timely engagement for the discharge of pre-commencement conditions.

¹ <http://www.highways.gov.uk/our-road-network/planning/>

² <http://www.highways.gov.uk/our-road-network/planning/>

To assist developers and authorities, we will publish links to our revised policy (when published) and other post-NPPF guidance and advice on the planning page of the Highways Agency website and will create regional libraries of all existing traffic models. Our modelling capability can be shared with developers as long as they pay for the model runs and analysis.

To assist parishes and neighbourhood forums we will produce and publish an advice note on engagement with the Highways Agency.

It is important that we are transparent in how we handle complaints relating to our planning role, and how these are subsequently addressed. To this end the Agency has developed further clarification of its complaint procedures, as an amendment to the Planning Protocol.

We also intend to improve our awareness of the customer experience of working with the Agency by developing a customer satisfaction survey to capture feedback on working with the Agency through the planning system. The results will be reviewed and the findings reported to the Highways Agency Board and published on the Agency website. Based on those findings we will develop further action plans to drive continuous improvement.

Although the details are still being refined through a trial process, the surveys will be carried out on an ongoing basis, as and when cases are completed. The first set of findings will be published in March 2013 and then annually thereafter.

Performance Measurement and Visibility

As a statutory consultee in the planning process, the Agency reports annually to DCLG its performance against statutory requirements, primarily numbers of consultations received and success in meeting statutory response times.

Metrics on the Agency's' engagement in the planning process is produced on a monthly basis. It is used to both inform about the nature and scale of engagement we've had on planning issues and to improve performance by influencing our internal working practices. Performance is reported each month to our Board, including actions for delivering continued improvement.

The monthly summary of the Metric report can be found on the planning part of the Agency Website by means of the following link:

<http://www.highways.gov.uk/our-road-network/planning/>

Using these metrics, we have been able to explore the underlying causes of directions of non-approval and holding directions. We now require senior management approval for directions of non-approval, and these are also subject to peer review. In addition, all

failures to meet our response time targets must be explained to the relevant board director.

The headline figures for the 2011 calendar year:

- the Highways Agency received 2,795 planning applications as part of the consultation process, and 99.9% (all but four) were responded to within the statutory 21-day deadline,
- the median average response time was 10 days.
- out of 2,948 responses, 1,799 (i.e. 61%) were 'no objection'.
- only 12 responses (i.e. 0.4%) required a direction of non-approval.
- of the remaining responses, some 313 (i.e. 11%) necessitated a request for additional information, often because the applicant had failed to submit adequate information to enable the Agency to reach a view.
- 399 (i.e. 14%) applications involved the direction of conditions to mitigate the impact on road users, and the remainder were miscellaneous responses (e.g. advisory, or were not applicable to the strategic road network)

As a result of the responses in 2011, developments that would facilitate over 50,000 new dwellings and nearly 88,000 jobs would be enabled should these developments proceed to construction.

Since the introduction of these metrics nearly two years ago, the actions described above have delivered an improvement in response times and a reduction in the number of holding and non-approval directions. To increase the transparency of our reporting we will actively share our performance data more widely with applicants, LHAs and other government departments, which we will use to show progress on delivering sustainable development.

Revision of Policy

To reflect the changes to the planning system through the introduction of the Localism Act and the emerging National Planning Policy Framework, we are working with central DfT on a revision of the DfT policy for the Agency's engagement in the planning process that will set out how we will work to fulfil our enhanced remit to promote sustainable development.

We will take the opportunity presented by the policy review to identify areas of planning in which we need not be involved due to low levels of risk.

To embed behavioural change and alignment with the new planning policy, we will also refresh our internal working instructions and processes in line with LEAN principles. This will deliver greater assurance of consistent delivery of the Agency's remit to

encourage sustainable development.

Subject to regulatory clearances, we expect the draft policy to be published for consultation by before the end of 2012, with a view to publishing a final version during the next financial year.

Implementing Penfold review recommendations

There are a range of actions that the Agency has taken and continues to take to implement the recommendations of the Penfold Review. The Highways Agency is committed to supporting the implementation of the key recommendations of the Penfold review, including playing its part in the 13-week target for determining non-planning consents. The Agency itself is not a consenting body, and so its delivery against the 13-week consenting deadline is less direct.

The key action for the Agency is to avoid the need for Development Consent Orders (DCOs). In most cases, this can be achieved by agreeing works outside of the highway boundary at the planning stage by way of conditions, with works inside the boundary being done using the Agency's delegated general powers of improvement. This removes the need for any highway related non-planning consents and can achieve significant time and costs savings for all interested parties.

For this approach to be successful, it is essential that planning authorities and developers are aware of the time and costs benefits to them of early engagement and pre-application discussions that enable works to be designed and agreed prior to the granting of planning permissions. To this end, the Agency will be positive in seeking to promote the benefits of this approach.

However, this approach will not always be an option, particularly where the work required is remote from the site on which planning consent is sought. In such cases we will work with developers to support the process of obtaining the DCO consent from the IPC/Planning Inspectorate.

To improve transparency on the range of activities underway and planned, we will publish a report setting out progress against each of the recommendations in the Penfold Review and refresh it twice yearly.

Our Improvement Plan

The most important milestone for the Agency in the next financial year, in relation to its role in the planning system, is the publication by DfT of new policy that will ensure that the Agency's planning role is fully aligned to the Government's priority for the delivery of sustainable growth. This will clearly set out how we will deliver against our remit to promote sustainable development. Meanwhile, we propose to support the publication of that guidance with a series of measures set out in the table attached below.

Highways Agency Improvement Plan Actions:

| Ref | Title | Description | Timescales |
|-----|--|--|---|
| 1 | Policy Guidance | <ul style="list-style-type: none"> Work with Department for Transport policy colleagues on new policy setting out how the Agency will work to its new remit to promote sustainable development. | Commence consultation Autumn 2012. Publication 2013 |
| 2 | Performance Reporting | <ul style="list-style-type: none"> Analyse the performance measures within our reporting system and make recommendations to drive further positive behaviours in the business e.g. to reduce the number and frequency of holding directions, to encourage pre-application discussions. Increase the transparency of our reporting by sharing our performance data more widely with applicants, local authorities and other government departments. | Completed Immediate |
| 3 | Highlight improved ways of working with developers and LHAs | <ul style="list-style-type: none"> We will encourage pre-application discussions by refreshing our protocol for dealing with planning applications in line with NPPF, and re-launch it to ensure that it is widely publicised and accessible to all. This will enable us to work with developers in identifying solutions that will facilitate the delivery of their proposals in a manner that avoids the need for highway related non-planning consents, and to reduce the number of holding directions. Where this would not compromise our statutory response requirements in respect of new application consultations, we will prioritise responses to re-submissions or modifications and replies to our requests for additional information We will develop and introduce a protocol for securing and delivering Section 278 agreements, which are needed to deliver 3rd party funded highway improvements. | December 2012 Immediate December 2012 |

| | | | |
|---|--|--|--|
| | | <ul style="list-style-type: none"> We will develop and introduce a protocol for engagement with Local Enterprise Partnerships and the delivery of Development Orders We will ensure that all local authorities are provided with a copy of the revised planning protocol and the new protocols as and when these are published. | <p>December 2012</p> <p>As soon as these are published</p> |
| 4 | Improve internal practices | <ul style="list-style-type: none"> We will establish a structure of peer reviews of planning activity within the Agency to share best practice and specifically to review individual cases involving directions of non approval. We will refresh our internal processes in line with LEAN principles to ensure the successful operational implementation of planning policy. | <p>October 2012</p> <p>Commence October 2012</p> |
| 5 | External checklist for developers | <ul style="list-style-type: none"> We will disseminate our pre- application meeting check list and agenda via our external website to enable developers to prepare for pre-application discussions with the Agency therefore saving time and financial cost. | Immediate |
| 6 | Local Enterprise Partnerships | <p>We are proactively working with LEPs across all areas and have contacted all to pledge our support to enable growth and the support of Enterprise Zones. We meet regularly with established LEPs and will continue to forge relationships with all as their presence is developed.</p> | Immediate |
| 7 | Improved pre-application service | <ul style="list-style-type: none"> We will meet our statutory duty to provide responsive consistent pre-application advice to discuss issues early on in the planning process. | Immediate |
| 8 | Maintaining and improving relationships with developers and LHA | <ul style="list-style-type: none"> We will build and maintain relationships with the developer community by continuing our quarterly Spatial Planning Steering Group and identifying opportunities for closer working. This group is attended by key developers and agencies where we consult attendees on the operational implementation of planning policy. | Quarterly in 2012/13 |

| | | | |
|----|---|--|--|
| | | <ul style="list-style-type: none"> We will compile and publish links to our revised policy (when published) and other post-NPPF guidance and advice on the Highways Agency website. We will create regional libraries of all existing traffic models, which may be shared with developers. We will bring forward further clarification of the Agency's complaint procedures, as an amendment to our Planning Protocol, for agreement by the Spatial Planning Steering Group | <p>Revised policy by 06 April 2013; other by December 2012</p> <p>March 2013</p> <p>October 2012</p> |
| 9 | Implementing Penfold | <ul style="list-style-type: none"> We will publish a report setting out progress against each of the recommendations in the Penfold Review and refresh it twice yearly. | First report has been published in July 2012 |
| 10 | Working with Parishes and Neighbourhood Forums | <ul style="list-style-type: none"> We will develop and publish advice note on engagement with the Highways Agency in the development of Neighbourhood Plans and Neighbourhood Orders | September 2012 |
| 11 | Improving customer service | <ul style="list-style-type: none"> We will improve our awareness of the customer experience of working with the Agency by developing a customer satisfaction survey to capture feedback on working with the Agency through the planning system on a case-specific basis. The results will be reviewed and the findings reported to the Highways Agency Board and published on the Agency website. Based on those findings we will develop further action plans to drive continuous improvement. We will undertake a review of all long-term holding directions. As part of this process we will write to the relevant LPA to ascertain the position in respect of all cases where there has been no contact with the developer for a period of six months | <p>Immediate</p> <p>March 2013 and annually thereafter</p> <p>Immediately and ongoing thereafter</p> |