

Consultation with Hampshire County Council as the Local Highway Authority

Notification to Local Planning Authorities

1. Introduction

- 1.1. The level of advice provided by the local highway authority (LHA) when consulted on planning applications will vary depending on the scale, location and nature of the proposals. This document provides clarity to the local planning authority (LPA) on when and how to consult the LHA on planning applications that have an impact on the operation of the public highway (the highway). The primary focus of the LHA will be on applications that have a material impact on the safe and appropriate operation of the highway for all users and securing appropriate mitigation.
- 1.2. The consultation process for planning applications is governed by the Town and Country Planning (Development Management Procedure) Order (TCPO) 2015 ('the Order'). The LHA's approach reflects the requirements of the Order.

2. Statutory requirements

- 2.1. LPAs must consult Hampshire County Council as LHA using the criteria set out in the Order, where development:
 - Is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway
 - Is likely to prejudice the improvement or construction of a classified road or proposed highway
 - Involves the formation, laying out or alteration of any means of access to a highway
 - Involves the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force
 - Includes the laying out or construction of a new street
(*Schedule 4 of the Order*).
- 2.2. Section 18 (1) (C) of the Order sets out that the LPA is not required to consult with an authority where that authority has advised that they do not wish to be consulted. Section 18 (1) (D) sets out that where development is subject to standing advice, consultation with that authority is not required.

3. Notification – consultation with the LHA

- 3.1. Hampshire County Council in its role as the LHA, formally notifies LPAs that they should adopt the following approach to consulting the LHA on planning applications. The LHA should be consulted on all applications unless stated below as not requiring consultation. Where consultation is stated as not

required, this is because the LHA consider the scale of development is not likely to trigger any of the criteria set out in Schedule 4 of the Order. This standing advice applies only to planning.

- 3.2. In all cases, where a new point of access is created or an existing one amended, the LPA should consult the LHA on this aspect of the application.
- 3.3. In all cases, the LHA can be formally consulted on applications captured by Standing Advice where the LPA believe there is a specific demonstrable road safety issue arising from, or worsened by, the proposed development.
- 3.4. The LHA should be consulted on all commercial development where appropriate in line with the consultation requirements of the Order.

4. Householder applications

- 4.1. Where householder applications do not create a new or amended point of access, the LHA does not wish to be consulted (under S18 (1) (C) of the Order).

5. Applications for one to five new dwellings

- 5.1. For residential development creating between one and five new dwellings inclusive, the LHA only wishes to be directly consulted where the development proposals include the creation or amendment of a point of highway access (the LHA should only be consulted on the access proposals).
- 5.2. For any residential development of between one and five new dwellings with no new or amended access, the LHA does not wish to be directly consulted and Standing Advice applies; see, [Appendix A, Section 2](#).
- 5.3. It is not considered that the internal layout of residential development of up to and including five dwellings will result in the laying down of a new street as set out in Schedule 4 of the Order; as such, the LHA does not wish to be consulted on the internal layout of development of this scale. Further guidance and recommended conditions and informatives are included within Standing Advice, [Appendix A, Section 2](#).

6. Residential application LHA consultation summary

- 6.1. The LHA should be directly consulted on all residential applications of six dwellings or more.

- 6.2. For residential applications of between one and five dwellings inclusive, the summary table below sets out when the LPA should consult the LHA and/ or refer to the Standing Advice.

Summary Table – Guide to consulting the LHA on new residential applications

Scale of development proposals	No consultation with LHA required	Consultation with LHA on Access Only	Standing Advice applies for internal layout	Consult with LHA
Householder applications with no new/ altered vehicle access	✓			
Householder applications with a new/ altered vehicle access		✓		
1-5 dwellings with a new/ altered access		✓	✓	
1-5 dwellings with no new/ altered vehicle access			✓	
Applications for 6 or more dwellings				✓

7. Signs and advertisements

- 7.1. The LHA should not be directly consulted on internally illuminated and non-illuminated static signs or advertisements falling outside the criteria in 7.2 below; standing advice applies in these cases. These applications should meet the condition requirements set out within [Appendix A section 3](#).
- 7.2. The LHA should be consulted on signage/ advertisement applications when:
- on or oversailing highway land
 - animation, moving features or flashing are visible from the public highway
 - externally illuminated/ floodlit where directly visible to users of the public highway
 - directional or public information panels requiring scrutiny by highway users or confusion with traffic signs are proposed
 - this potentially obscures the line of sight for drivers using or accessing the public highway
 - illuminated signs are within 100m of traffic signals
 - the internal illumination brightness is greater than the limits set out in [Appendix A, section 3](#).

8. Residential and houses in multiple occupancy (HMO) change of use

- 8.1. The LHA should not be directly consulted on change of use applications (including Prior Notification works under the GPDO for changes of use) with no change in access when the following criteria applies:

- Any change of use to residential up to and including five dwellings
- Any change of use to a HMO with up to and including six bedrooms.

8.2. Standing Advice for the above is the same as for an application of up to and including five new dwellings; see [Appendix A, Section 2](#).

9. Gates

- 9.1. The LHA should not be directly consulted on standalone applications for gates serving up to and including five residential properties; standing advice applies in these cases. The exception to this is where access is onto a classified road and the 6m setback distance is not proposed; in this case the LHA should be consulted. For further advice on the acceptability of this application type and conditions/ informatives, see Standing Advice - [Appendix A, section 4](#).
- 9.2. The LHA should be consulted on all standalone applications for gates (include security barrier(s) and any other obstacle/ barrier restricting access to a site) when serving six or more dwellings, where access is onto a classified road and the 6m setback distance is not proposed or when any form of land use other than residential is served.

10. Public rights of way (PRoW)

- 10.1. The LHA should not be consulted on applications taking direct access from a PRoW where the total number of dwellings remains five or fewer (including existing dwellings and the application proposals). The LHA should also not be consulted where the PRoW is already utilised legally by vehicles (whether that be private rights or through the PRoW status), unless points 1-6 of paragraph 10.2 below apply (where the LPA have safety concerns, [paragraph 3.3](#) above applies). For all developments accessed from a PRoW, regardless of scale, it is strongly recommended that the LPA advise the Applicant to check that appropriate legal rights of access for the development proposals exist. Whilst not a planning matter, the absence of appropriate rights over a PRoW may result in any permission granted being undeliverable, or enforcement action being taken if illegal access occurs.
- 10.2. The LHA should be consulted when any of the following criteria apply, in order to comply with the TCPO, the Highways Act 1980 and the NPPF:
1. Six or more dwellings in total are proposed to be accessed from a PRoW (including existing or consented dwellings)
 2. Any new access (including active modes) onto or across a PRoW is proposed

3. Significant physical works to a PRow are proposed¹
 4. A PRow will be closed and/ or obstructed during construction
 5. Any proposals affecting the legal line, width or use of a PRow, including:
 - introducing vehicular use, including temporary use for construction purposes
 - permanently extinguishing, diverting or realigning the PRow
 6. Proposed temporary surfacing, abnormal loads, works that require the presence of banksmen or other construction-related measures that may affect the safety of PRow users or restrict their free passage.
- 10.3. Minor physical works such as vegetation trimming and small-scale works filling ruts/ potholes do not require consultation with the LHA at the planning stage. However, permission must still be sought from the LHA before works are carried out (see Appendix A, Section 5, informative C).
- 10.4. For further information and suggested on Conditions and Informatives see [Appendix A, section 5](#).

11. Suggested Supporting Information

- 11.1. The requirements LPAs have in place for the validation of planning applications already includes relevant highway information for most applications. However, in order to support the planning authority, particularly when using standing advice, the LHA would recommend that the following information is provided to support applications:
- Classification of the road at the point of the site access
 - Existing and proposed site layout showing boundary treatments and internal road/ parking layout (including tracking of turning areas)
 - Highway Boundary
 - All public rights of way within and adjacent to the development site.
- 11.2. This list is intended to supplement validation requirements to facilitate use of Standing Advice; it does not replace any existing validation requirements.

¹ Alteration of the surface/ resurfacing/ construction of a new surface; works associated with reconstruction, drainage characteristics or accessibility features of the PRow; installation, removal or alteration of furniture or structures; building on or over a PRow; significant vegetation clearance/ arboricultural works or additional planting/landscaping; any new gates/ stiles/ fences/ bollards or any other physical obstruction of the PRow are proposed.

12. Contacting the LHA

- 12.1. The LHA can be contacted for further clarification on these requirements prior to consultation requests being made. The LHA will not respond to any application where it considers that a response is not required in accordance with this notification, or that the response can be provided directly through the use of Standing Advice, noting [paragraph 3.3](#) above.

Appendix A – Standing Advice

1. Overview

- 1.1. In accordance with Section 18 (1) (d) of the Order, Hampshire County Council has determined that it will discharge its consultee responsibilities as the LHA through the provision of Standing Advice for the application types set out above.
- 1.2. If the LPA is satisfied that the application is in accordance with the Standing Advice, then it can conclude that there are no highway reasons for refusal.
- 1.3. The information contained within the Standing Advice represents the extent of the formal advice that the LHA will provide on these applications. Standing Advice is provided to assist LPAs in determining matters that may have an impact on the safe and appropriate operation of the highway for all users. It is recommended that the following advice is applied where relevant.
- 1.4. Regarding the standard planning conditions below, these can be amended as necessary to meet the requirements of specific applications without agreement from the LHA, provided the intent of the condition remains.

2. Residential Dwellings and Change of Use Applications

Requirement for vehicles to enter and leave the highway in a forward gear

- 2.1. It is the LHAs advice that for a vehicular access point serving a single dwelling from an unclassified road, there is no requirement for vehicles to access and leave the highway in a forward gear.
- 2.2. The LHA requires that for any development of more than 2 dwellings inclusive using a shared vehicular access from the highway, or a single dwelling accessing a classified road, vehicles must be able to enter and exit the development onto the highway in a forward gear. Guidance on appropriate on-site [turning provision](#) to facilitate this is provided below. This also applies to new vehicular accesses to existing dwellings.
- 2.3. Given the above, for single dwelling applications onto unclassified roads, turning areas will not be required unless it is considered by the LPA to be necessary for the internal operation of the development (e.g. a resident would be required to reverse down a driveway for a considerable distance).

- 2.4. Where access onto the highway in a forward gear is required, the following condition should be placed on the permission:

Prior to occupation the area shown on the approved plan for the parking and turning of vehicles shall be provided and reserved for these purposes at all times.

Reason: To ensure that vehicles parked on the site are able to enter and leave in forward gear

Turning provision

- 2.5. Where vehicles are required to enter and leave the highway in a forward gear (set out above), provision should be made within the site boundary for turning. This should include consideration of small delivery vehicles where it is necessary for this type of vehicle to enter the development.
- 2.6. A tracking drawing can be requested from the applicant to demonstrate that the layout can accommodate the required turning manoeuvres. Guidance on the appropriate vehicle dimensions to be tracked are provided with HCC's TG2 guidance at paragraph 3.2.6 [TG2 - Alignment Design](#).

Connections to an existing footway/ cycleway

- 2.7. The internal layout of the development should link pedestrian/ cycle access to the existing pedestrian and cycle facilities across the immediate frontage of the site. This can be along a shared driveway or frontage or through a path within the development. Should the LPA have safety concerns regarding these connections, [Paragraph 3.3](#) above applies. Any works to the highway will require an appropriate license from the LHA.

Parking provision

- 2.8. Parking provision should be in accordance with the adopted parking standards of the LPA. Parking needs to be considered as part of the design and layout of the site so that overspill parking on the highway does not create a safety or operational issue on the highway. Should the LPA have highway safety concerns regarding overspill parking, [Paragraph 3.3](#) above applies.
- 2.9. In relation to parking, the following condition could be used, with the second sentence to be included if a migratory material is proposed for the driveway surface.

Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be

retained thereafter. If the surface is made up of a migratory material, then a minimum 1.0m non-migratory buffer strip must be provided to prevent the spread of loose materials onto the highway.

Reason - To ensure adequate on-site car parking provision for the approved development.

Refuse collection points

- 2.10. The requirement for a refuse vehicle to enter the site should be checked with the local authority refuse collection team. If a refuse vehicle is required to enter the site, the geometry required should be determined in consultation with the local authority refuse collection team. Guidance on the appropriate vehicle dimensions to be tracked are provided with the County Council's TG2 guidance at paragraph 3.2.6 [TG2 - Alignment Design](#).
- 2.11. Where a refuse vehicle is not going to enter the site and refuse is to be collected from the kerb-side, a bin collection point would be required close to the site entrance. This should be sufficient to hold all bins required per dwelling, dependent on the individual district's collection service. This is to ensure that bins are not left causing an obstruction on the highway (including footways and cycleways).
- 2.12. In relation to bin and cycle storage, the LHA recommend use of the following condition as appropriate

No development shall commence on site until plans and particulars showing details of the provisions of bin/ cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation and shall be retained thereafter.

Reason - To ensure adequate provision within the site.

3. Signs and Advertisements

- 3.1. Where the Standing Advice criteria is met and the sign or advertisement is illuminated, the following standard requirements shall be applied:

Illuminated area	Maximum luminance cd/m ²
Not more than 10m ²	600
More than 10m ²	300

- 3.2. Conditions to be applied to illuminated signs.

The illumination of the consented sign(s) shall be no greater than 300 / 600 candela per square metres and no light source shall be visible from the highway.

Reason: In the interests of highway safety/amenity

The consented illuminated signs shall not display video motion adverts and must be static in nature, with a change frequency of no less than 10 seconds between images.

Reason: In the interests of highway safety

4. Gated Access Points for Vehicles

- 4.1. The LPA should ensure the following when independently reviewing and permitting applications that fall within Standing Advice:
1. Any new or replacement gate shall not open over the public highway; this usually means gates should open inwards.
 2. For applications accessing onto unclassified roads, there is no need for gates to be set back a certain distance, subject to point 1 above. Should the LPA have highway safety concerns with this, [Paragraph 3.3](#) above applies.
 3. For applications accessing onto classified roads, the gates should be set back at least 6m from the back of the carriageway/ footway/ cycleway and open inwards, so vehicles do not obstruct highway users (including those travelling by active modes) when being opened and closed. The following condition should be placed on this type of permission unless clearly demonstrated by the supplied drawing:

Any gates provided shall be set back a minimum distance of 6m from the edge of the carriageway/ footway/ cycleway of the adjoining highway and open inwards.

Reason - In the interests of highway safety.

5. Public Rights of Way (PROW)

- 5.1. Should the LPA or applicant require details of any PROW in Hampshire or order processes, further information is available at:
<https://www.hants.gov.uk/landplanningandenvironment/rightsofway>
- 5.2. The LPA should ensure that proposals submitted consider all public rights of way, both within and adjacent to the development site.
- 5.3. Any planting associated with the permission should be located to prevent future encroachment on, obstruction of or root damage to adjacent PROWs. Planting should be set back as appropriate to prevent this.

- 5.4. Construction access from a PRow should be avoided and alternative routes used where possible. If it is necessary for construction traffic to use a PRow, the LHA would need to understand this impact and therefore the Construction Site Management Plan condition set out in paragraph 6.2 below should be included within any permission. Any damage resulting from the construction of the planning permission is the responsibility of the applicant to rectify. Where it is anticipated this may happen, a Construction Traffic Management Plan should be secured (see [paragraph 6.2\(h\)](#) below), to include a condition survey and remedial measures.
- 5.5. Suggested conditions and informatives to be applied to applications impacting a PRow as appropriate are provided below.

A. Grampian condition for works to the PRow.

Where works are proposed to the PRow, but these are minor and do not trigger consultation with the LHA, the following Grampian style condition should be imposed:

The development shall not be commenced/ occupied until the works consisting of XXX/ as shown on plan XXX have been completed to the satisfaction of the Local Planning Authority, in consultation with the Local Highway Authority.

Reason - In the interests of highway safety.

Informative C below should also be included.

B. PRow to remain unobstructed and suitable for use (Informative)

All public rights of way must remain unobstructed and suitable for travel by the prescribed public users at all times unless the relevant permissions have been obtained from the local highway authority. No vehicles, equipment, materials, spoil, scaffolding or any other items associated with construction or the operation of the development shall be left on the public right of way where they could obstruct, hinder or create a hazard for lawful users unless the relevant permissions have been obtained from the local highway authority and any required safeguarding implemented.

C. Works to the PRow (Informative)

Planning permission does not grant any authority to carry out works to a PRow, including minor vegetation trimming or small-scale filling of ruts/potholes. Any unauthorised interference may constitute an offence under the Highways Act 1980. The relevant permissions must be obtained from the local

highway authority prior to undertaking any works. The Applicant should seek permission by emailing PROW@hants.gov.uk outlining the proposals

D. Temporary closures (Informative)

Should a temporary closure be necessary, the applicant must not close or restrict the PRow without obtaining the appropriate Temporary Traffic Regulation Order/ notice from Hampshire County Council under s14 Road Traffic Regulation Act 1984. Further details can be found at: <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap/temporaryclosures/temporary-closures-guidance-notes>

6. Other Conditions and Informatives

Conditions

- 6.1. In addition to the planning condition and informatives recommended above, there may be additional planning conditions and informatives that the LPA consider necessary. Examples are given below, to be used as appropriate.
- 6.2. In relation to construction of the development, the LHA recommend use of the following condition as appropriate.

No development shall commence on site until a construction site management plan has been submitted to and approved in writing (in consultation with the Local Highway Authority) by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;*
- (b) The provision of long term facilities for contractor parking;*
- (c) The arrangements for deliveries associated with all construction works;*
- (d) Access and egress for plant and machinery;*
- (e) Protection of pedestrian and cycle routes during construction;*
- (f) Location of temporary site buildings, compounds, construction material, and plant storage areas;*
- (g) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process.*

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

When appropriate the following may be added to the construction site management plan:

(h) highway condition surveys prior to commencement and post completion of construction work, and the rectification of any damage to the highway (including PROWs where applicable) resulting from construction of the development.

Informatives

- 6.3. Whilst it will be for the LHA to confirm that the access arrangements are satisfactory, it is considered good practice for all planning applications that require a new access, the following informative is provided to specify that an appropriate licence or legal agreement will be required to permit the works to take place on the highway.

Before undertaking any work which affects a public highway, including a public right of way, specific written approval from the Director of Universal Service at Hampshire County Council must be obtained and any necessary legal agreements or consents and temporary Traffic Regulation Orders to enable the works on a public highway to lawfully proceed must be secured. It is an offence to carry out unauthorised works on a public highway including public rights of way. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping up of existing access(es) or other works on or to the public highway, including Public Rights of Way. Full details of how to apply and the required documents to be submitted can be found via the following link: <https://www.hants.gov.uk/transport/developers/section-278>

- 6.4. Regarding applications in controlled parking zones, the following informative should be included where appropriate.

This development is located within a resident's parking scheme and it is Council policy that resident of all new developments will not be eligible for parking permits. The term development means the construction of new or replacement buildings, or existing buildings that result in an increased demand for parking not catered for within the development.

- 6.5. Where adoption of internal streets is proposed, the following informative should be added.

As the proposed secondary street is to be offered for adoption, the applicant should enter into the S38 process with the Highway Authority at the earliest opportunity to finalise the detailed design matters associated with conditions XXXX to ensure that the proposed development and detailed

design is agreed and constructed in accordance with adoptable design standards prior to first occupation.