

## **Topic Paper 7 – Highways and Transport**

*This document is one of the supporting topic papers of Suffolk’s supplementary guidance “Section 106 Developers Guide to Infrastructure Contributions in Suffolk”. It is intended as a guide for landowners, developers and residents and sets out how Suffolk County Council will deal with planning applications where contributions towards highways and transport may be sought.*

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### **1 INTRODUCTION**

- 1.1 The Highway Authority will assess the overall transport requirements of proposals, to include a comprehensive assessment of opportunities for use of public transport, travel planning, walking and cycling. Contributions to highways and transport improvements should be considered part of a holistic package to facilitate sustainable travel, as reflected by Suffolk’s Local Transport Plan (LTP). For those towns specifically identified within the LTP, the holistic approach should take account of the proposed transport network improvements for each town. The three strands of the LTP strategy are:
  - 1.1.1 reducing demand for travel,
  - 1.1.2 Making efficient use of transport networks; and,
  - 1.1.3 Improving infrastructure.
- 1.2 Depending on the size of the development, a travel plan will be an essential element because it will identify the opportunities to minimise car use and set targets for this. New developments may be expected to contribute to improvements as identified by the LTP implementation plan where relevant, but not be limited to these, i.e. further mitigation may be required.
- 1.3 In some instances a ‘pooled’ approach to developer contributions may be used, for example, in relation to the provision of major new road schemes where these are necessitated by more than one development. However, from April 2014 there will be restrictions on pooling under the CIL Regulations.
- 1.4 A breakdown of contributions for specific network, public transport and sustainable transport initiatives to serve the development will be derived from the transport assessment, travel plans and relevant strategies. The onus will be on the developer to demonstrate with evidence any proposed alternative solution to that put forward by the Highways Authority. Indicative thresholds for transport assessments are available from the Department for Transport website.

### **2 HIGHWAYS IMPROVEMENTS**

- 2.1 The highway works deemed necessary as a result of a development proposal may include accommodating public transport, pedestrians and cyclists; any works for improving the existing highway network; providing new highways; associated engineering works; and necessary legal and administrative costs, e.g. in implementing Traffic Regulation Orders.
- 2.2 Development Plan policies may provide the basis for seeking specific items of new road infrastructure in connection with specific land allocations, e.g. provision of a new relief road.

- 2.3 Planning obligations may require the provision of highway works by the developer, or may require the payment of a contribution to the Highway Authority, which in turn will undertake the works, together with payment of a commuted sum for future maintenance. In the case of the former, the Highway Authority will wish to retain control over the detailed design of the works.
- 2.4 It may be necessary for developers to enter into Section 278 agreements with the Highway Authority to allow for works within the existing adopted highway. The adoption of new highway works will be covered under Section 38 of the Highway Act.

### **3 PUBLIC TRANSPORT**

- 3.1 Public transport accessibility within new development must be taken into account in the design and layout, in terms of the road widths, bus routes and linkages with existing routes, distances of residential properties from bus stops (maximum 400 metres) and pedestrian accessibility (including attractiveness of routes) to bus stops.
- 3.2 Contributions towards public transport services may be by way of physical infrastructure provision, e.g. bus lay bys and shelters or in terms of 'pump priming' contributions towards new bus services.
- 3.3 Planning obligations may be used to secure off-site improvements to existing bus corridors in terms of bus stop provision, information provision and pedestrian accessibility. Due to the wide geographic nature of public transport it may be a requirement that contributions from more than one development that are not always in the same immediate vicinity may be combined to provide a coherent service. Similarly, contributions may be requested towards these types of infrastructure where a new route is planned. Where developments will rely on interchange facilities within local or town centres or at other transport nodes, then contributions may be sought towards improvement of those interchange facilities (or creation of new interchange facilities). In addition car parking provision may be required relating to and facilitating interchange on to public transport services.
- 3.4 Contributions may be sought towards improvements to rail facilities where there is a direct relationship between the development and the rail service.
- 3.5 Contributions may also be sought under Section 106 towards other forms of public transport provision, particularly in rural and less accessible areas, such as taxi and community bus services. However, the provision of such facilities must be reviewed carefully in relation to the overall acceptability of development in such areas.
- 3.6 Pump priming contributions towards new bus service provision will normally be required for a period of five years from commencement of development or from completion of the first phase of development, as appropriate. Buses must meet the county council's specification and should be fitted with real time passenger information, to be linked with information displays at bus stops. The period of contribution should allow for the establishment of a commercially viable service. The county council's Passenger Transport Procurement Manager can advise regarding routes and frequency requirements. In order to encourage full use of new bus services from the outset, planning obligations may require developers, for instance, to provide public transport information packs and free bus passes, typically for one year, to new residents.

## 4 RIGHTS OF WAY

- 4.1 Any works for diversion or stopping up of rights of way which are necessary as a result of development will be dealt with either under the Town and Country Planning Act, Sections 257, 258 or 261, or under the Highways Act. Contributions towards improvements to existing rights of way may be obtained through planning obligations.
- 4.2 Public rights of way are classified as footpaths, bridleways, restricted byways or byways open to all traffic and their alignment is recorded on a legal document, known as the Definitive Map. A route may also have a recorded width, as described in the accompanying Definitive Statement. It may be necessary in some cases to upgrade footpath routes to accommodate equestrian and cyclist use. Developments should also take account of any claims submitted to the county council, in its capacity as surveying authority.
- 4.3 Improvements to the existing network required as a result of development may also necessitate provision of new routes linking existing rights of way. The measures for improvement in each case will be determined in relation to the scale of development and securing opportunities for modal shift as well as ensuring an appropriate access strategy to strategic facilities including green infrastructure.
- 4.4 Planning obligations may be required for off-site improvements to public rights of way and cycle routes and for management measures for a defined period of time. Contributions will cover the cost of carrying out works as well as legal costs for any required Public Path Orders. Improvements to rights of way will be integrated with the overall package of sustainable transport measures.

## 5 TRAVEL PLANS

- 5.1 Travel plans are becoming an increasingly important tool in the delivery of sustainable outcomes. They provide, together with transport assessments, the mechanism for assessing and managing access to sites. In addition, they can help improve accessibility, both to and from the site, and to local amenities and services.
- 5.2 The National Planning Policy Framework reinforces the importance that a travel plan should be submitted alongside planning applications that are likely to have significant transport implications. Travel plans are likely to be sought on applications for retail, leisure, business, employment, health, residential and educational development as appropriate. This includes applications for redevelopment, mixed use schemes, changes of use of buildings and applications to extend the duration of an existing planning permission. It may also be necessary for audits to be prepared covering road safety and provision for safety for motorbikes, pedestrians, and cycles.
- 5.3 The Council will generally seek travel plans for developments where they fall within the thresholds indicated in Appendix B of the Department for Transport's: [Guidance on Transport Assessment](#) (2007).
- 5.4 Travel plans may be secured by condition or by financial contributions where their provisions relate to on-site and related off-site improvements or management measures. However, where these relate to off-site provisions, or are linked with other travel plans in the area, then it is likely that a planning obligation may be required, in order to ensure effective enforcement of the plan. A standard form of travel plan is available in Appendix 1 at the end of this topic paper.
- 5.5 Travel plans will contain targets for reducing single occupancy vehicles and include measures to show how targets will be reached and implemented over a five year period. Where development is phased, the travel plan may be required for the duration of the phased development with an additional five years after final occupation.

- 5.6 A travel plan approval fee may be requested to cover the costs of county council officer time to review and approve the travel plan. This may be required as an upfront fee and may be in the region of £500 but this will be determined on a case by case basis.
- 5.7 A travel plan monitoring and support fee may be required to cover the cost of the county council's time spent providing monitoring and support. The fee may also be used to cover the cost of the council evaluating travel plan progress reports and survey results.
- 5.8 The thresholds on which fees are based and a schedule of charges for residential land use are listed in Table 1 below. Any fees will need to be justified and be CIL compliant.

Size of development	Annual monitoring and support fee	Cost of five year annual reporting
<b>Small Development</b>		
Residential development – up to 79 dwellings	£1,000 per annum	£5,000
<b>Large Development</b>		
Residential development – 80 dwellings and above	£2,000 per annum	£10,000
<b>Large Development mixed</b>		
Large development – 80 dwellings and above with a mixed use element including retail	£3,000 per annum	£15,000

**Table 1. Fees and charges for residential development**

- 5.9 For some development, a travel plan implementation bond may be required as part of a planning obligation. The travel plan implementation bond acts as surety against failure by the developer to implement the travel plan. The bond is based on the cost of implementing the travel plan, which is to be calculated by the developer. The timescale on which the bond is based covers a five year period, but can vary depending on phasing of the development. Where bonds are secured, the travel plan will be monitored annually, with one fifth of the bond (depending on development phase) released back to the developer if the travel plan is successfully implemented. If the developer fails to implement the travel plan then Suffolk County Council will use the bond to deliver the travel plan measures.
- 5.10 For large development (see Appendix B of the Department for Transport's: [Guidance on Transport Assessment](#) (2007) or development located in existing areas where there are transport problems a travel plan target bond may be required in addition to the implementation bond. An annual target to reduce vehicle use and increase sustainable transport will be agreed between the developer and the county council. If annual monitoring shows that targets have not been met, part of the bond will be called upon by the county council to address the situation. If targets are partially met then a percentage may be deducted from the bond and provided back to the developer, with the rest being used to tackle unmet areas. The travel plan target bond may be secured through a planning obligation.
- 5.11 A car share contribution may be requested to support the running and promotion costs of Suffolk Car Share. The cost is based on £5 per dwelling/ employee depending on the type of development. The fee includes use of the website, provision of promotional literature and support. This contribution may be required through a planning obligation.

## Topic Paper 6 Appendix 1

### Standard travel plan template

#### Travel Plan Definitions:

Final report	a report prepared by the developer which details the outcome of the mode of travel survey, evaluation of the framework or full travel plan progress and any outstanding issues; and any proposed changes as a result of the mode of travel survey findings.
Framework travel plan	the travel plan submitted to the county council by the developer for approval by the Travel Plan Coordinator in writing.
Full travel plan	the framework travel plan amended as a result of mode of travel surveys, modified targets and additional information, issued 12 months after the date of first occupation of the development submitted to the county council by the developer and approved by the county council Travel Plan Coordinator in writing.
Mode of travel survey	a survey conducted by the developer of development on residents, staff and visitors, approved by the Travel Plan Coordinator, regarding their current mode of travel and travel plan actions that would encourage use of sustainable transport conducted annually after the date of first occupation of the development.
Monitoring report	a report prepared by the developer based on the results of a mode of travel survey and the effectiveness of the travel plan in force at the time, and detailing the outcome of the mode of travel survey; evaluation of the current travel plan progress; and any changes as a result of the survey findings.
Occupation date	the date of first occupation of any part of the development.
Surety	one of the four main clearing banks or other surety approved in writing by the county council Travel Plan Coordinator.
Travel plan bond	a performance bond of £x (IN WORDS) which covers the implementation and compliance of both the framework and the full travel plan. If the developer defaults on any obligation then the county council will call upon the surety to provide the full value of the bond to carry out the requirements of the framework or full travel plan.
Site travel plan coordinator	the person appointed by the developer to implement and monitor the framework and full travel plan.
Travel plan coordinator	the person employed by Suffolk County Council to monitor and support the framework and full travel plan.
Travel plan notice	a notice in writing served on the developer specifying the steps required within 28 days to implement the framework and full travel plan measures and monitoring requirements.
Travel plan monitoring fee	the sum of £x (IN WORDS) index linked towards the cost of monitoring the framework and full travel plan by the county council.
Travel Plan Update	an update to the full travel plan based on the relevant mode of travel survey and on information gathered during the first three years of occupation of the development, prepared in consultation with the county council submitted to and approved by the Travel Plan Coordinator.

## **1. Travel Plan Coordinator**

- 1.1 The developer shall ensure that a named site travel plan coordinator is appointed for a minimum of five years to coordinate, implement and review the framework and full travel plan. The appointment must take place six months before completion of the development. The site travel plan coordinator's contact details must be registered with the Travel Plan Coordinator and contained within the framework and full travel plan.

## **2. Developer obligations**

The developer shall;

- 2.1 Provide a 'starter information pack' to residents/employees, to include – one set of 7 day bus tickets (dependent on service provision) for every resident; current public transport information for bus and rail services, where available, such public transport information to include maps and timetables; and provision of maps of pedestrian and cycle routes in the local area
- 2.2 Provide one covered notice board, where it is accessible to all residents/employees. This notice board to display posters with current public transport information for bus and rail services, and provide maps of pedestrian and cycle routes in the local area; and sustainable transport leaflets.
- 2.3 Not commence development before the framework travel plan has been approved in writing by the Travel Plan Coordinator.
- 2.4 Implement, monitor and enforce the framework and full travel plan in accordance with the written approval of the Travel Plan Coordinator.

## **3. Travel plan timetable**

The developer shall;

- 3.2 Submit a draft framework travel plan and obtain the written approval of the Travel Plan Coordinator prior to commencement of development.
- 3.3 Implement, monitor and enforce the framework travel plan from the occupation date, and to continue to do so until written approval by the Travel Plan Coordinator of the full travel plan.
- 3.4 Conduct the mode of travel survey (hereinafter "the first mode of travel survey") in the three months prior to the first anniversary of the occupation date.

- 3.5 Compile a monitoring report based on the first mode of travel survey (hereinafter called “the first monitoring report”).
- 3.6 Provide the first monitoring report and the full results of the first mode of travel survey to the Travel Plan Coordinator no less than one month prior to the first anniversary of the occupation date.
- 3.7 Prepare a draft full travel plan taking into account the results of the first mode of travel survey and the first monitoring report, and submit the draft full travel plan to the Travel Plan Coordinator prior to the first anniversary of the occupation date.
- 3.8 On written approval of the Travel Plan Coordinator of the full travel plan, implement, monitor and enforce the full travel plan, and continue to do so until the written approval by the Travel Plan Coordinator of the travel plan update.
- 3.9 Conduct a mode of travel survey (hereinafter called “the second mode of travel survey”) in the three months prior to the third anniversary of the occupation date.
- 3.10 Compile a monitoring report based on the second mode of travel survey (hereinafter called “the second monitoring report”).
- 3.11 Provide the second monitoring report and the full results of the second mode of travel survey to the Travel Plan Coordinator no less than one month prior to the third anniversary of the occupation date.
- 3.12 Prepare a draft travel plan update taking into account the results of the second mode of travel survey and the second monitoring report, and submit the same to the Travel Plan Coordinator prior to the third anniversary of the occupation date.
- 3.13 On written approval of the Travel Plan Coordinator of the travel plan update, implement, monitor and enforce the full travel plan as amended by the travel plan update.
- 3.14 Conduct the mode of travel survey (hereinafter called “the third mode of travel survey”) in the three months prior to the fifth anniversary of the occupation date.
- 3.15 Compile a monitoring report based on the third mode of travel survey (hereinafter called “the third monitoring report”)

3.16 Provide the third monitoring report and the full results of the third mode of travel survey to the Travel Plan Coordinator no less than one month prior to the fifth anniversary of the occupation date.

3.17 Prepare the final report and submit the final report to the Travel Plan Coordinator.

#### **4. Payment of contributions**

The developer shall;

4.1 Pay the travel plan monitoring fee to the county council prior to the first occupation of the development.

4.2 Not permit or allow occupation of the development prior to the payment of the travel plan monitoring fee.

4.3 Obtain and provide the travel plan bond with a surety to the county council.

4.4 Not allow occupation of the development until the developer has obtained and provided the travel plan bond with a surety to the county council.

#### **5. Breach**

5.1 In the event that the developer fails in the reasonable opinion of the county council to perform the obligations and deliver the requirements of the framework and full travel plan the county council will serve a travel plan notice on the developer, specifying the actions required by the developer.

5.2 After 28 days from the date of service of the travel plan notice, if the developer has failed in the reasonable opinion of the county council to comply with the requirements of the travel plan notice, the county council may call in the travel plan bond and carry out the requirements of the framework or full travel plan without further recourse to the developer.

#### **6. Obligations of the county council**

6.1 On approval by the Travel Plan Coordinator of the first mode of the travel survey, first monitoring report and full travel plan, and provided that in the opinion of the Travel Plan Coordinator the developer has fulfilled the requirements of the framework travel plan the county council will reduce the travel plan bond by one fifth of the original sum.



6.2 On approval by the Travel Plan Coordinator of the second mode of the travel survey, second monitoring report and travel plan update, and provided that in the opinion of the Travel Plan Coordinator the developer has fulfilled the requirements of the framework travel plan and full travel plan, the county council will reduce the travel plan bond by two fifths of the original sum.

6.3 On approval by the Travel Plan Coordinator of the third mode of the travel survey, the third monitoring report and the final report, and provided that in the opinion of the Travel Plan Coordinator the developer has fulfilled the requirements of the full travel plan, the county council will release any part of the travel plan bond still outstanding.