

Part Four

LEGISLATION, POLICIES AND ROLES

4.1 Designations

Suffolk is a particularly important part of the country in terms of landscape quality, built heritage and ecology. As a result, not only are large areas of land in the County covered by general designations which afford a degree of special protection, but there are also specific, individual locations and features which are recognised as being of particular importance.

General designations, for example, include large tracts of coastal Suffolk and the Stour Valley which are areas of outstanding natural beauty, or the 150 conservation areas which exist in the County.

Other specific locations and sites which are afforded differing degrees of protection include trees that are covered by Tree Preservation Orders, Protected Roadside Verges and hedges which are covered by the Hedgerows Regulations. There are also buildings and structures that are Listed as being of architectural or historic importance and sites which are designated as being of archaeological importance.

This plethora of planning, environmental and wildlife designations can be very confusing for not only the general public and their elected representatives but often for professionals as well. This confusion is compounded by the many legal and technical terms which are used to describe the status of public highways in the county. Suffolk County Council as Highway Authority maintains 11,900km of highways, ranging from major roads connecting regional centres to lanes and footpaths in isolated rural locations. All are given a particular legal designation or status which can affect the type of maintenance and improvements which the County Council is obliged to undertake.

To ensure that those who are promoting or undertaking projects which affect the highway are fully aware of the implications of their proposals, the local authorities in Suffolk are working towards bringing together as much of the above information as possible on an electronic mapping system, called 'EnCheck'.

Appendix A contains definitions of planning, environmental and highway designations and terms.

4.2. Legislation

4.2.1. Planning and Environmental Legislation

Statutory Planning Controls

Local planning authorities can, using the powers vested in them under planning legislation, control the location and form of many new developments within rural areas, but they do not have the power to control all the changes that take place. Even in environmentally important areas such as conservation areas and areas of outstanding natural beauty, substantial work can still be carried out on both private and public land without the need for consent under the Town & Country Planning Acts. Significant change can, therefore, take place which can be extremely damaging to the character and appearance of an area.

Details of the Planning Acts which are relevant to the work of the Highway Authority are included in Appendix B.

The Highway Authority applies to the County Planning Authority when planning permission is necessary to carry out work on the highway. The Planning Authority is then required to consult the district and town or parish councils.

Other Environmental Controls

Beyond the statutory planning process, other legislation serves the purpose of protecting the countryside and its natural features. European and national legislation offers protection to wildlife, plant species and habitats. There are also laws that cover works to watercourses and drainage systems. Refer to Environmental Management Systems Manual Chapter 4. Details are also included in Appendix B.

4.2.2. Highway Legislation

Suffolk County Council as Highway Authority has a duty to maintain public highways (Section 41 of the Highways Act 1980). Standards to which this duty is discharged are recommended in the Code of Practice for Maintenance Management which, although not statutory, is adopted

by the County Council with local variations in its Network Management Plan.

Under the Road Traffic Regulation Act 1984, the Road Traffic Act 1988 and the Traffic Calming Act 1992 together with secondary legislation, the County Council is empowered to prepare and carry out a programme of works to promote road safety, traffic management and traffic calming. In areas of outstanding natural beauty and other environmentally important areas, the reasons for making traffic orders may include "the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or for recreation or the study of nature in the area." (Section 22 Road Traffic Regulations Act 1984).

The *New Roads and Street Works Act 1991* requires statutory undertakers to give advance notice of their works to the highway authority when working in the highway. There is an obligation for them to reinstate to a standard which at least matches the condition of the highway before the work was undertaken.

4.3. Central Government Advice

4.3.1. Planning Policy Guidance Notes

Current Central Government advice to local authorities which should influence the way highway works are designed and undertaken in rural areas is contained in the Planning Policy Guidance Notes (PPGs).

There are various PPGs covering a number of topics and relevant extracts are reproduced in Appendix C.

The general thrust of Government advice emphasises the need to:

- create a safe and efficient transport system
- conserve the cultural heritage and natural resources
- minimise the environmental impacts of transport; and
- ensure that highway and planning authorities set common objectives

4.3.2. Traffic Advisory Leaflets

The Department for Transport (DfT) sponsors a wide range of research into traffic management issues and the results

are published in Traffic Advisory leaflets. They seek the most effective traffic management and parking techniques for the benefit, safety and convenience of all road users.

A list of Traffic Advisory leaflets is included as Appendix C.

4.4. Policies

4.4.1. The Structure Plan

The Suffolk County Structure Plan has strategic aims and policies designed to sustain and enhance the natural environment.

Strategic Aim 1 states:

"The overall aim of the Structure Plan for Suffolk will be to sustain and enhance the health, quality and integrity of the built and natural environment.

1. **To protect and enhance areas of recognised landscape quality.**
2. **To minimise the impact of development on other landscapes.**
3. **To protect and enhance historic landscape features.**
4. **To protect and enhance important wildlife habitats.**
5. **To maintain and increase biodiversity throughout the county.**
6. **To promote an increase in the area and management of wildlife habitats.**
7. **To protect the County's archaeological inheritance.**
8. **To conserve water resources . . ."**

The full text of Strategic Aim 1 is included in Appendix D along with the relevant environmental policies included in the Structure Plan.

Under the transport section of the Structure Plan, Policy T13 states:

Policy T13

"All new transport projects including road schemes and alterations or improvements to existing roads will be located and designed to minimise adverse impact on and wherever possible enhance the landscape, built environment, ecology, archaeology and natural resources of the County."

4.4.2. The Local Transport Plan (LTP)

The first Local Transport Plan was published by the County Council in July 2000. It details a set of aims and objectives consistent with Central Government's integrated transport policy including sustaining and enhancing the natural and built environments. The five-year programme of major road and bridge construction and maintenance schemes is included in the LTP. Reference is made to small parish/rural initiatives, which lead to the implementation of locally desirable projects.

The LTP focuses on five themes in its aims: accessibility, economy, environment and health, safety and integration. There are a number of performance targets for the County Council in the Plan.

4.4.3. Local Plans

The district councils in Suffolk have produced district-wide local plans. The plans contain policies which seek to provide both an adequate and safe transport network throughout the county as well as conserving the area's unique local identity. Local Plans must generally conform to the County Structure Plan and once adopted, the district councils are required to ensure their satisfactory implementation, not just through the statutory development control system, but also by influencing change which is outside normal planning control. It is likely that imminent primary legislation will change the nature of development plans in the future.

4.4.4. Biodiversity Action Plans

Recognising the need to maintain a diverse range of species and habitats the UK Government issued guidelines for the production of local biodiversity action plans in 1994. Species numbers and areas of habitats have continued to decline and action is required to prevent them from disappearing altogether. Species and

habitats which are considered most at risk have been given priority status and Local Action Plans have been prepared to underpin their conservation and at the same time have allowed local communities and groups to identify what they consider important. The Suffolk Biodiversity Action Plan has been drawn up by representatives from all Suffolk's local authorities, Suffolk Wildlife Trust, Suffolk Biological Records Centre, English Nature, Environment Agency, Suffolk Farming and Wildlife Advisory Group and the Royal Society for the Protection of Birds. The plans are constantly reviewed to ensure information is accurate and current.

4.4.5. Environmental Management Systems

The County Council agreed its policy on environmental issues on 16 November 2000. This states that the Council is "committed to protecting and enhancing the Suffolk environment and to contributing to the sustainable management of the global environment". In addition, the Council is committed to complying with environmental legislation, to the prevention of pollution and to the continual improvement of environmental performance. The district councils of Suffolk also have similar policies.

The County Council also agreed environmental targets to minimise pollution and waste; improve energy and water efficiency; reduce the impact of vehicle travel; to consider environmental issues in purchasing decisions; minimise environmental impacts in relation to existing and planned Council activities and protecting and enhancing biodiversity in Suffolk.

The Environmental Policy also committed all departments within the County Council to seek certification to ISO 14001 (the International Standard for Environmental Management Systems). The Environment and Transport Department has implemented an Environmental Management System (EMS) which meets ISO 14001, a key component of which is the consideration of environmental impact of all schemes. EnCheck is an essential procedure in designing a scheme as are issues such as the choice, source and transportation of materials, waste arising from schemes and prevention of pollution during and after construction (including air quality/light/noise/dust/potential oil spillage). This is covered in Chapter 16

(Advice Note 1) of the County Council's EMS Manual.

4.4.6. Conclusion

From the above it can be seen that there are adopted policies which require all the Suffolk Local Authorities to consider the environmental impact of highway works. Safety has to be of paramount importance, with ease of movement, capital and maintenance costs being important considerations. However, these should be balanced with visual and conservation considerations. Such an approach is not only necessary in areas which are the most important for landscape and wildlife, but should also be adopted throughout the countryside as a whole.

4.5. Roles of the Relevant National Organisations

There are various national organisations which have a role in influencing highway works in rural areas. The roles of the most important organisations are described below.

4.5.1. Environment Agency

Established by the 1995 Environment Act as a non-departmental public body, the agency is mainly sponsored by Department of Environment, Food and Rural Affairs (DEFRA) and the National Assembly for Wales. It is the leading authority for protecting and improving the environment for England and Wales, making sure that air, land and water are protected from pollution and making sure wildlife flourishes and resources are used wisely. Through issuing permits, licences, consents and registrations, the Environment Agency is the most important environmental regulator in England and Wales.

4.5.2. Highways Agency

The Highways Agency is an executive arm of the Department for Transport and oversees the management of trunk roads. The Highways Agency works to its own policies and standards. The Agency consults the Highway Authority on work to trunk roads which affects county roads. The A11, A14 and A12 south of Copdock Mill and north of the Bascule Bridge, Lowestoft, are trunk roads.

4.5.3. Countryside Agency

This is the government's adviser on countryside matters. Part of its work is to conserve and enhance the countryside and promote social equality and economic opportunity for the people who live there. One of its priorities is to reduce the impact of traffic growth on the rural environment and improve the quality of life while overcoming rural isolation.

4.5.4. English Nature

This is a statutory body funded by DEFRA and is the government's adviser on nature conservation. Part of its work is to provide advice and information to other organisations and individuals, to designate SSSIs and NNRs, and issue licences to permit work with protected species (see Appendix A).

4.5.5. English Heritage

This is a statutory body and is the government's principal adviser on the historic built environment. Part of its work involves the protection of ancient monuments and listed buildings and the preservation and enhancement of conservation areas.

4.5.6. National Joint Utilities Group (NJUG)

This group was formed to explore ways in which mutual co-operation could overcome difficulties encountered during street works. It is jointly funded by its members, who represent the water, gas, electricity and telecommunication industries. It has promoted various initiatives and has published guidelines for operatives working in the vicinity of trees (NJUG 10).

4.5.7. Highway Authorities and Utilities Committee (HAUC)

HAUC is a joint body made up of highway authorities and utility companies. This body was formed as a result of the introduction of the New Roads and Street Works Act 1991. HAUC oversees the operational issues arising out of the Act and associated codes of practice.

4.6. Roles of Local Authorities

When implementing highway works in rural areas, it is important that the respective roles of the County Council, its

agents and the district councils are recognised and there is a level of agreement over the procedures that should be followed. In many instances town and parish councils also have an important role to play.

The Environment and Transport Department of the County Council has responsibilities as both Highway and Planning Authority.

4.6.1. The County Council as Highway Authority

- Promote schemes to achieve the aims and objectives of the Local Transport Plan
- Notify the County Planning Authority and the district or borough council as soon as possible of work that is likely to have a significant impact on the character, appearance or ecology of the countryside. This should be before any design or other consultations are carried out. Any comments received should be duly considered.
- Respond to consultations on proposals for work within the highway put forward by the County Planning Authority, district and borough councils
- When working in partnership with other organisations, take account of other partners aims and objectives
- Provide technical advice
- Adopt completed work where carried out in accordance with County Council specifications
- As resources permit, use high quality materials, specifications and methods sensitive to the environment and consider contributing to any extra cost of these
- Co-ordinate all works carried out on the highway under the New Roads and Street Works Act
- Ensure that utility companies and other organisations carry out reinstatement and other works to an appropriate standard

4.6.2. The County Council as Planning Authority

- Act as development control authority for highway works which require planning permission
- Advise on the need to carry out statutory or informal environmental impact assessments prior to undertaking work
- Advise the County Highway Authority, as appropriate, on changes in Structure Plan, Local Plans and other planning documents, and any new or altered legislation
- Advise the County Highway Authority on works that will have a significant effect on the character, appearance or ecology of the countryside, particularly in the case of international, national and locally designated areas
- Liaise with other sections of the County Council's Environment and Transport Department and other organisations involved in undertaking work in the highway
- Advise the County Highway Authority, district and borough councils on design, landscape and ecological issues, including the implementation and detailing of work, specifying materials and the implications of the Environmental Management System
- Encourage all parties concerned to adopt a flexible approach to programming and timing of highway works, especially in environmentally important areas
- Help secure extra funding from other sources and, as resources permit, consider contributing financially where this would result in a more environmentally acceptable solution

4.6.3. District Councils as Planning Authorities

- To consult the County Council's Environment and Transport Department on any proposed new conservation designations, including those proposed as part of a local plan review
- To provide early advice to the County Highway Authority on proposed schemes in order that they accord with the transport and environmental objectives and policies of local plans
- Notify the County Council's Environment and Transport Department at an early stage of any proposed works which affect the highway. This should be before any design or other consultations are undertaken.
- As agreed with the County Council, to assist with consultation exercises, provide design and technical advice and ensure the satisfactory implementation of work on site
- As resources permit, consider contributing financially to highway works where this would result in a more environmentally acceptable solution
- Help to secure extra funding from other organisations, such as town and parish councils and other local and national funding bodies
- Adopt a flexible approach to funding and programming of work

4.6.4. District Councils as Highway Agents

- Some district and borough councils have delegated highway functions to a greater or lesser degree within all or a part of their administrative areas. The role of these agents is much the same as the Highway Authority and they operate in accordance with the policies determined by the County Council.

4.6.5. Town and Parish Councils

- Assist the County Highway Authority in identifying problems relating to highway maintenance, traffic management and safety
- Assist the district and County Council by helping to identify locations which either have special environmental or ecological qualities, or where it would be desirable to implement improvements
- As agreed with the County and district councils assist with consultation exercises and ensuring the satisfactory completion of works on site
- Consider contributing financially to highway works, particularly where this would result in a more environmentally acceptable solution

4.7. Role of Utility Companies

- Notify the Highway Authority when placing apparatus in the highway
- Carry out work, including reinstatement, in accordance with the New Roads and Street Works Act 1991 and its associated standards, and the National Joint Utilities Group guidelines (NJUG10)
- Liaise with the Highway Authority through joint working groups
- Consider contributing financially to highway works, including measures where this would result in a more environmentally acceptable solution