

CABINET
12 JANUARY 2021

SKERNINGHAM DEVELOPMENT HIGHWAY ACCESS POINTS

Responsible Cabinet Member – Councillor Alan Marshall
Economy Portfolio

Responsible Director – Ian Williams
Director of Economic Growth and Neighbourhood Services

SUMMARY REPORT

Purpose of the Report

1. The purpose of the report is to consider a motion from Council regarding access from the Skerningham development to the highway network and the integrity of Green Lane.

Summary

2. The motion proposed at the November 2020 Council meeting requested Cabinet to consider a report which would prevent highway access from the Skerningham Development at various locations and maintain the integrity of Green Lane. This report has therefore looked at whether Cabinet can legitimately substantiate any restriction to the public highway at this point in time.
3. Highway law dictates that where roads are public highways, there is (in general) no limit to the additional use of those highways, and any restriction of use must be founded by convincing highways evidence.
4. As part of the Local Plan process Members will recall briefings explaining the further control stages in place that would consider any necessary highway restrictions or mitigation if, and when, the Local Plan is adopted.
5. The traffic modelling work undertaken by the Council for the Local Plan is a strategic assessment that indicates that the proposed allocations can come forward and this will be independently tested through the inspection process. Some additional work was undertaken to consider whether the Springfield Park link road was critical, a high-level assessment found the link road to be beneficial but not critical.
6. The assessment did look at other existing roads and found there was sufficient theoretical link capacity to carry additional traffic, but it did recognise that it potentially adds significant traffic onto the existing local roads. It also identified new roads and infrastructure would be required over the plan period.
7. There are no detailed planning applications submitted for the Council to consider at this stage. Therefore, Officers would advise that Cabinet is not in a position to be able to legitimately substantiate any restriction to the public highway at this point in

time. Members should also note that any attempt to impose restriction to the public highway ahead of due consideration of evidence via a planning application would not be a material consideration in considering that planning application, or that it is one which would carry little weight in that consideration.

8. The Local Plan is a long-term strategy with development coming forward gradually over time with a review of the plan every 5 years. Therefore, there are already controls in place that will enable the concerns expressed by residents to be considered in much greater detail at the appropriate time with the level of detail that would legitimately enable Members to consider whether there is sufficient evidence to substantiate and defend any restriction to the public highway.
9. The motion also identified a number of specific locations and most of them would fall under the above position with the planning and legal advice clear.
10. Green Lane is a Public Right of Way (Bridleway) and already afforded protection under Highway Law requiring processes to be considered and followed if any modifications or amendments were proposed to the integrity of the route. The Council would consider any proposals that may or may not come forward having regard for the function and amenity that Green Lane currently provides.

Recommendations

11. It is recommended that:

- (a) Members consider this report, and note paragraph 7 above which is that Cabinet are not in a position to legitimately substantiate any restriction to the public highway at this point in time.
- (b) Members note the protection under Highway Law already afforded to the integrity of Green Lane.

Reason

12. The recommendations are supported following the Council Motion to consider a report to examine possible restrictions on access to the proposed Skerningham development and the integrity of Green Lane:

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

Briefing note to Members and the public information material on the Springfield Park Access Road considerations.

S17 Crime and Disorder	The report has no direct impacts as any access proposals would consider these at the time any detailed proposals come forward.
Health and Wellbeing	The report has no direct impacts as any access proposals would consider these at the time any detailed proposals come forward.
Carbon Impact and Climate Change	The report has no direct impacts as any access proposals would consider these at the time any detailed proposals come forward.
Diversity	The report has no direct impacts as any access proposals would consider these at the time any detailed proposals come forward.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	The report has no direct impacts as any access proposals would consider this at the time any detailed proposals come forward.
Efficiency	The report has no direct impacts as any access proposals would consider this at the time any detailed proposals come forward.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

13. At the meeting of Council of 26th November 2020 a motion was submitted and agreed that requested Cabinet to *“consider a report at its meeting on 12th January 2021, which will prevent vehicular highway access between the proposed Skerningham development and the existing highway network between the A167 at its junction with the A1150 to the west, and the river Skerne to the east.”*
14. The motion also requested that *“this report to specifically give consideration to preventing access from the Skerningham development onto Whitebridge Drive, Beauly Drive, Sparrowhall Drive, Whinbush Way (including any potential access between Caithness Way and Galloway) and Barmpton Lane, and to maintain the integrity of Green Lane from its junction with Whinfield Road to its junction with Glebe Road.”*

Preventing access to the existing highway network.

15. The first part of the motion requests members to consider preventing access to the existing highway network.
16. Whether this is over a limited area or generally preventing access, highway law dictates that where roads are public highways, there is (in general) no limit to the

additional use of those highways, and any restriction of use must be founded by convincing highways evidence.

17. The traffic modelling work undertaken by the Council is a strategic assessment that indicates that the proposed allocations can come forward. When submitted the Local Plan will be examined by an independent Inspector, and they will examine at the high level the strategic traffic modelling that has been undertaken to ascertain whether development can be delivered.
18. As part of the Local Plan process Members will recall that they have been briefed and advised that there are further control stages in place, that would consider any necessary highway restrictions or mitigation schemes if and when the Local Plan is adopted and when specific Planning Applications come forward.
19. As part of developing the Local Plan officers were asked to specifically consider whether the Springfield Park link road was required. A high-level assessment found it to be beneficial but not critical. The assessment did look at other existing roads and found there was sufficient theoretical link capacity to carry additional traffic but did recognise it does add significant traffic onto the existing local roads. It also identified new roads and infrastructure would be required over the plan period. This information was presented to both Members and to the Public to inform views and the decisions taken on the Springfield Park Link Road.
20. As part of the briefing and public meetings it was explained that further assessments would be required when detail is known on how developers plan to bring forward sites if the Local Plan is adopted.
21. Developers would be required to submit planning applications detailing their proposals for housing, layout and access arrangements. It is at this stage, the detail would be assessed to determine the impact on the highway network, whether that is acceptable or not and what mitigation schemes might be required.
22. It would not be feasible or reasonable for the Council to predict what may or may not come forward as a specific application and therefore is not reasonably practicable to undertake the comprehensive studies on the many numerous scenarios that developers could come forward with in order for it to reach a reasoned conclusion. This is why the planning process offers further control measures if the Local Plan is adopted.
23. Referring to the fact that to consider preventing access there must be a detailed proposal to consider and there must be convincing highways evidence to consider objecting or preventing access. There are no detailed planning applications submitted for the Council to consider at this stage and it should be noted that Highway Officers can only object to a development where there are sufficient highways grounds to do so. Therefore, Cabinet are not in a position to be able to legitimately substantiate any restriction to the public highway at this point in time.
24. Members should also note that any attempt to impose restriction to the public highway ahead of due consideration of evidence via a planning application would not be a material consideration in considering that planning application, or be one which would carry little weight in that consideration.

25. The Local Plan is a long-term strategy and development will come forward gradually over time with a review of the plan every 5 years. Therefore, managing development with the control measures outlined in this report will enable concerns to be considered in much greater detail at the appropriate time.

Integrity of Green Lane

26. The motion also requested that the integrity of Green Lane from its junction with Whinfield Road to its junction with Glebe Road be maintained.
27. Green Lane is a Public Right of Way (Bridleway) and already afforded protection under Highway Law requiring processes to be considered and followed if any modifications or amendments were proposed to the integrity of the route. The Council would consider any proposals that may or may not come forward having regard for the function and amenity that the Green Lane currently provides.

Legal Implications

28. The legal advice is contained within the report.

Equalities Considerations

29. Equalities considerations would be considered if and when detailed proposals come forward as part of planning applications.

Consultation

30. As part of the Local Plan process there is a statutory consultation process that has been followed. When submitted the Local Plan will be examined by an independent Inspector, and they will examine at the high level the strategic traffic modelling that has been undertaken to ascertain whether development can be delivered.
31. There has also been specific consultation regarding the considerations of the Springfield Park Link road and the other access points.