

UNCONTROLLED COPY



# Consultations required for developer led proposals

Guidance

02/09/2015 version 1

Economy Enterprise & Environment

**Consultations required for developer led proposals**  
Guidance

<b>Introduction</b>	<b>3</b>
<b>When will an additional consultation be required?</b>	<b>3</b>
<b>The consultation process</b>	<b>4</b>
<b>How do I obtain further information or make an application?</b>	<b>5</b>
<b>Who will carry out the works?</b>	<b>5</b>
<b>How much will the consultation cost?</b>	<b>5</b>
<b>Definitions</b>	<b>6</b>
<b>Further Information</b>	<b>6</b>

## Introduction

1. During the planning process, planning applications are consulted on in accordance with the requirements of the planning legislation. At this stage proposals may be outline and may not contain sufficient detail for the public and other interested parties to be aware of proposed highway works and their potential effect. As the Highway Authority Cornwall Council must also discharge its duties with regards to legislation which relates to works on the highway. Therefore where planning proposals include works which will be carried out on existing roads and highways or include the creation of new roads and highways further consultation may be required prior to the works being approved or implemented. This guidance clarifies those situations where an additional consultation process will need to be undertaken by the highway authority.

## When will an additional consultation be required?

2. Consultations will need to be undertaken where a design incorporates any of the following features
3. Traffic Regulation Orders (TRO's)  
TRO's are legal documents implemented under the Road Traffic Regulation Act 1984 which support enforceable highway measures such as speed limits and waiting restrictions. TRO's can be placed upon any road or highway following a statutory consultation which must be carried out prior to a traffic order being made.
4. Pedestrian crossings  
The Road Traffic Regulation Act 1984 also requires a statutory consultation to be carried out for controlled pedestrian crossings such as Pelican and toucan or zebra crossings which are to be constructed, amended or deleted on any road or highway.
5. Traffic calming  
The Highways (Traffic Calming) Regulations 1999 and The Highways (Road Humps) Regulations 1999 require statutory consultations to be carried out on any traffic calming and road humps to be installed on a highway. Traffic calming also includes build outs, chicanes, gateways, islands, overrun areas, pinch points and rumble devices.
6. Traffic Signals  
Cornwall Council sets down its own policy for consultation requirements for highway schemes. In addition to the statutory consultations that are carried out in accordance with the above legislation Cornwall Council also requires consultations to be carried out for new traffic signal installations on the highway network.

7. Where one of the above features is proposed a separate consultation will need to be carried out as per the following table

Consultation matrix				
Location	TRO	Pedestrian crossing	Traffic calming	Traffic Signals
Publicly maintained highway	Y	Y	Y	Y
Non maintained highway	Y	Y	Y	n/a
Road	Y	Y	N	n/a
Proposed road or highway	Y *note 1	Y *note 2	N	N
Private access/way not open to the public	n/a	n/a	n/a	n/a

Note 1 – although a consultation may be undertaken in advance of the road being opened to traffic the traffic regulation order can only be made and come into effect once the road is opened to the public

Note 2 – consultations may be carried out in advance of the road being opened to the public

## The consultation process

8. The consultation process will depend upon the type of works that are undertaken and the route by which these are procured. Applications can either be standalone where only a simple TRO is required, which may include signs and lines but no other highway works, or as part of a S38 or S278 application where further alterations to the highway or creation of new highways/roads are required.

### 8.1. TRO applications

For simple TROS where no other highway works are required the consultation will usually take approximately 3 months to complete from application. The applicant will be advised of the consultation outcome and the cost of any requisite works which will be programmed for construction on receipt of payment. Upon completion of the works the traffic order will be sealed and the TRO will become operational.

### 8.2. S38/S278 applications

For other consultations or TRO's that are included within a S38 or S278 application the consultation will take place during the technical approval process. A scheme must be sufficiently developed prior to the consultation being undertaken. Depending upon the complexity of the scheme it may also be necessary to complete the Stage 2 road Safety Audit prior to the consultation. Consultations usually take approximately 3 months to complete although this may be extended where objections

are received or where modifications to the scheme are deemed necessary, therefore adequate time must be allowed for this within your programme. Following completion of the consultation the highway authority will then consider any objections or comments received and liaise with the applicant to resolve these prior to the final scheme being agreed. The highway authority will make the final decision as to what works, if any, are to be included within the final scheme. Where significant changes are made it may be necessary to carry out a further consultation prior to final approval of the works. Any additional consultation will incur a further fee.

9. A consultation remains valid for 2 years from the date that it was first advertised. If works are not completed within this time a further consultation may be required. For schemes involving traffic regulation orders, the works must be completed, approved by the council and the order sealed within the 2 year time period otherwise a further consultation will need to be carried out before the traffic order can be made. Please note that additional fees will be incurred should a further consultation be required.

### **How do I obtain further information or make an application?**

10. Please contact the Infrastructure Adoptions team using the contact details on the website if you wish to discuss your proposal in more detail prior to making an application.
11. Applications for S38 & S278's should be made to the infrastructure adoptions team using the S38 or S278 application form on the website. Any consultations required as part of the technical approval will be addressed as part of this application.
12. Applications for traffic regulation orders where a S38 or S278 is not applicable should be made to the infrastructure adoptions team using the TRO application form on the website.

### **Who will carry out the works?**

13. Where an application is made for a S38 or S278 then the works will be carried out by either the developer or Cornwall Council in accordance with the Adoptions Policy.
14. Where an application is made for a Traffic Regulation Order the works will be carried out by Cornwall Council. Please note that if the works incorporate any changes to the highway other than just signs and lines a S278 application should be made.

### **How much will the consultation cost?**

15. Our fees are published on our website

## Definitions

16. Road – a road is defined as ‘any length of highway or of any other road to which the public has access, and includes bridges over which a road passes’. Roads also include footpaths, Bridleways and other rights of way. Generally roads which only serve the properties along them such as cul de sacs and provide no further connection to any other road, footpath or right of way will not be considered to be a road open to the public.
17. Highway – a highway is defined as a route over which the public have the right to pass and repass and includes carriageways and public rights of way eg footpaths and bridleways. This includes publicly maintained highways as listed in the List of Maintained Streets as well as any non maintained highway which may or may not be recorded.

## Further Information

18. For further information including our standard documents please visit our website <http://www.cornwall.gov.uk/roadadoptions>

Prepared by:

**Sharon Bundy**

Infrastructure Adoptions Team Leader

Highways & Drainage

3 September 2015

If you would like this information  
in another format please contact:

**Cornwall Council  
County Hall  
Treyew Road  
Truro TR1 3AY**

Telephone: **0300 1234 100**

Email: **[enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk)**

**[www.cornwall.gov.uk](http://www.cornwall.gov.uk)**