

This is Document “Schedule 8 Part 2” referred to in this Contract

SCOTTISH MINISTERS’ REQUIREMENTS

SCHEDULE 8 PART 2

DEVELOPMENT CONTROL

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1 PLANNING APPLICATIONS

1.1 Consultation with the Scottish Ministers

- 1.1.1 Planning authorities are required to consult the Scottish Ministers under Article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 before granting planning permission for a development.

The 1992 Order requires that the Scottish Ministers shall be consulted where any of the following circumstances apply

- (i) where a development is within 67 metres of the centre of the Trunk Road
- (ii) where a development includes the formation, laying or altering of any means of access to a Trunk Road
- (iii) where a development shall be likely to result in material increase in the volume or a material change in the character of traffic entering or leaving a Trunk Road.

- 1.1.2 The Scottish Office Development Department Circular 4/1997 "Notification of Planning Applications" Annex D which shall be as included at Annex 8.2/C to this Part 2 of this Schedule 8 permits some relaxations regarding the types of development proposal on which the Scottish Ministers shall be required to be consulted.

These relaxations include minor developments that shall be unlikely to have any significant affect on the Trunk Road.

1.2 Notice to Consider

- 1.2.1 The planning authority shall give the Scottish Ministers not less than 14 days notice of its intention to consider and determine the application.

1.3 Assistance with Response

- 1.3.1 The Operating Company shall assist the Director in responding to planning authorities on individual planning applications and for this purpose shall appoint a designated Planning Application Officer who shall be the Operating Company's point of contact for all matters relating to planning applications and who shall manage the system for planning applications as referred to in paragraph 1.4.1.1 to 1.4.1.8 inclusive of this Part 2 of this Schedule 8.

1.4 System for Processing Planning Applications

- 1.4.1 The system for the processing of planning applications shall be as follows

- 1.4.1.1 A copy of the planning application and form TR/NPA/1 as referred to in Annex 8.2/B to this Part 2 of this Schedule 8 shall be passed by the planning authority to the Operating Company along with all details and enclosures particularly plans.

The Director shall also receive details of the planning application from the planning authority.

- 1.4.1.2 The Operating Company shall inform the Director in writing immediately if the applicant for planning permission has any connection with the Operating Company or any of its members or associates including but not limited to

- (i) sub-consultants
- (ii) contractors and the like
- (iii) sub-contractors
- (iv) any parent company or local authority partner of the Operating Company

such that there could be a possibility of any conflict of interest.

The Director shall advise the Operating Company in writing should he consider it inappropriate for the Operating Company to consider the application further.

- 1.4.1.3 The Operating Company shall ensure that the planning authority has provided all the information required on form TR/NPA/1 and any other associated information to allow the application to be properly assessed.

Where all of the information required shall not have been provided the Operating Company shall raise the matter with the planning authority and request in writing to the planning authority that the outstanding information shall be provided as soon as possible.

The Operating Company shall also immediately advise the planning authority in writing that the statutory consultation period cannot commence until the outstanding information shall be received by the Operating Company.

At the same time the Operating Company shall inform the Director in writing that insufficient information has been provided by the planning authority and that the planning authority has been advised that the consultation process cannot commence until the outstanding information has been provided.

On receipt of the outstanding information the Operating Company shall advise the Director in writing of the date of receipt of all of the outstanding information.

- 1.4.1.4 The Operating Company shall keep an electronic register of all applications and these shall be geographically referenced using ordnance survey grid references in order that they can be displayed on a digital map to which the Director and the Performance Audit Group have access at all times.

The Director shall arrange for details of previous applications to be passed to the Operating Company and using such details the Operating Company shall advise the Director of any previous planning applications in the vicinity of the new application.

The Operating Company shall also confirm the status of the previous planning applications where this information shall be available to them to ensure a consistency of approach.

- 1.4.1.5 The Operating Company shall inspect the Trunk Road in location of the planning application and consider the application on its merits.

The Operating Company shall then submit to the Director a response on form TR/NPA/2A as referred to in Annex 8.2/B to this Part 2 of this Schedule 8 which shall include but not be limited to relevant details covering

- (i) visibility
- (ii) traffic flow
- (iii) accident record as recorded on the Director's accident database
- (iv) speed limit and
- (v) the like.

The Operating Company shall make a recommendation to the Director by preparing draft advice on form TR/NPA/2 as referred to in Annex 8.2/B to this Part 2 of this Schedule 8 taking into account all the details available from the inspection and records.

The draft advice shall adopt where appropriate

- (vi) typical reasons for refusal or
- (vii) conditions and reasons for conditions

similar to those as referred to in Annex 8.2/A to this Part 2 of this Schedule 8.

The Operating Company shall provide relevant photographs of the site location.

The Operating Company shall take into account any advice relevant to previous applications in the vicinity of the new application as referred to in paragraph 1.4.1.4 of this Part 2 of this Schedule 8

The Operating Company shall complete forms TR/NPA/2 and TR/NPA/2A and shall submit them together with site location photographs to the Director as Electronic Copies in the format required by the Director to arrive within 5 days of receipt of the planning application and form TR/NPA/1 by the Operating Company.

A copy of this information shall be retained within the records held by the Operating Company in the Central Office.

- 1.4.1.6 The Operating Company shall ensure that the staff engaged in providing advice to the Director shall be experienced and/or qualified in this area of expertise.
- 1.4.1.7 The Operating Company shall not pass copies of the completed forms TR/NPA/2 and 2A forms to the planning authority.
- 1.4.1.8 The advice on each planning application to the planning authority shall be issued by the Director taking into account the recommendation of the Operating Company.

The Director shall at the same time issue a copy of the advice given by him to the planning authority to the Operating Company.

The Operating Company shall within 5 Working Days of receipt of the Director's advice to the planning authority update its plans and maintain a record of the advice issued by the Director for each application both within its records and on the Scottish Executive's planning application record location plans.

The Operating Company shall also update its records and maintain records of planning authority decisions.

The Director and Performance Audit Group shall have remote access at all times to electronic registers and records using the Information and Communication Technology System referred to in Part 2 of Schedule 5.

1.5 Transportation Assessments

- 1.5.1 The system referred to in paragraphs 1.4.1.1 to 1.4.1.8 inclusive of this Part 2 of this Schedule 8 shall cover the majority of applications.

Planning applications requiring a transportation assessment as referred to in the “Guide to Transport Assessment for Development Proposals in Scotland” published by the Scottish Executive shall be passed by the Operating Company to the Director within 1 Working Day of receipt.

The Director shall manage such applications directly.

Normally the audit of these transportation assessments shall be carried out by consultants employed directly by the Scottish Executive.

The Operating Company may be required to provide assistance with such applications and these shall be the subject of an Order for information including but not limited to that referred to in paragraph 1.4.1.5 of this Part 2 of this Schedule 8 but excluding the completion of form TR/NPA/2.

1.6 Local Development Plans and Local Planning Public Inquiries

- 1.6.1 From time to time applications shall result in Local Planning Public Inquiries being held.

Assistance for these shall normally be provided by consultants directly employed by the Scottish Executive.

However where assistance shall be required from the Operating Company this shall be instructed under an Order.

Similar arrangements are in place regarding consultation on Local Development Plans.

1.7 Preliminary Advice to Developers

- 1.7.1 The Operating Company may be approached by developers prior to the submission of a planning application to provide advice as to how a particular type of application may be viewed.

The Operating Company shall provide such preliminary advice but shall make it clear that such advice shall be given as its own and that it cannot guarantee that the Director shall agree with any such preliminary advice given.

In cases of doubt the Operating Company shall advise the developer in writing to write to the Director to seek preliminary advice.

2 WORKS WITHIN THE TRUNK ROAD

2.1 Need for Consent

- 2.1.1 The Director’s advice contained in form TR/NPA/2 allows

- (i) for the inclusion of advice that any planning consent does not carry with it the right to carry out works within the Trunk Road and
- (ii) that the applicant shall consult the Operating Company on terms and conditions under roads legislation to be agreed between the developer and the Director before approval shall be given to the developer to undertake works within the Trunk Road boundary.

Where a developer requires to

- (iii) execute works in or
- (iv) make excavations under a Trunk Road whether or not planning consent shall be required

the developer shall be required to liaise with the Operating Company to obtain authorisation for such works before commencement of any such works.

2.1.2 The Operating Company shall ensure that before authorisation shall be given to carry out works within the Trunk Road with the Unit that

- (i) plans and
- (ii) detailed proposals
- (iii) for the works have been submitted to the Operating Company in sufficient detail for the Operating Company to satisfy itself that all terms and conditions relating to the design and construction of the works have been complied with and to allow it to authorise such works.

2.1.3 The Operating Company shall be responsible for undertaking whatever inspections shall be necessary to ensure that the works shall not cause unnecessary inconvenience to all categories of road user including but not limited to

- (i) motorists
- (ii) pedestrians
- (iii) cyclists
- (iv) motorcyclists
- (v) equestrians and

and that the work undertaken meets the required standards of design and construction.

2.1.4 The Operating Company's

- (i) duties
- (ii) responsibilities and
- (iii) powers

as referred to in paragraphs 2.1.1 to 2.1.3 inclusive of this Part 2 of this Schedule 8 shall be as contained in the relevant sections of the Roads (Scotland) Act 1984 which shall be delegated to the Operating Company as referred to in paragraphs 1.1.1 to 1.1.6 inclusive of Part 9 of Schedule 3.

2.1.5 The attention of the Operating Company is drawn to the requirements referred to in paragraphs 2.1.1 to 2.2.1 inclusive and Annex 4.3/B of Part 3 of Schedule 4 in relation to updating network and inventory changes respectively.

2.1.6 The Operating Company shall advise the Director in writing in the event of any failure by a developer to comply with the terms and conditions imposed in relation to its work as referred to in this Part 2 of this Schedule 8 notwithstanding that the Operating Company shall have taken all reasonable steps to ensure that the developer complies with its obligations.

2.2 Minute of Agreement

2.2.1 For certain works on the Trunk Road resulting from planning applications developers may be required by the Director to enter into a

(i) minute or

(ii) letter

of agreement with the Scottish Ministers which specifies conditions relating to approvals and consents for work to be carried out by a developer on the Trunk Road and for adoption of the completed works.

When the subject of an Order the Operating Company shall assist the Director in drawing up and administering such minutes or letters of agreement including but not limited to

(iii) providing technical and programming advice on proposals

(iv) site supervision of any works on the Trunk Road and

(v) undertaking the requirements referred to in paragraphs 2.1.1 to 2.2.1 inclusive and Annex 4.3/B of Part 3 of Schedule 4 regarding the updating of the network and inventory respectively.

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ANNEX 8.2/A – Standard Planning Application Consultation Responses

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ANNEX 8.2/A – Standard Planning Application Consultation Responses

1 BACKGROUND

(Extracted in Part From Scottish Executive Circular 4/1998 - The Use of Conditions in Planning Permissions)

1.1 Tests

1.1.1 Test 1 : Need for a Condition

In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

Conditions should be tailored to tackle specific problems, rather than impose unjustified controls. In so far as a condition is wider in its scope than is necessary to achieve the desired objective, it will fail the test of need

1.1.2 Test 2 : Relevance to Planning

A condition which has no relevance to planning is ultra vires (beyond the powers).

Some matters are the subject of specific control elsewhere in planning legislation, for example advertisement control, listed building consent or tree preservation. If these controls are relevant to the development the planning authority should normally rely on them and not impose conditions on a grant of planning permission to achieve the purposes of a separate system of control. This could mean that perceived problems such as, for example, on street parking should rightly be addressed by a traffic regulation order.

A condition which duplicates the effect of other controls will normally be unnecessary and one whose requirements conflict with those of other controls will be ultra vires because it is unreasonable.

1.1.3 Test 3 : Relevance to the Development to be Permitted

Unless a condition fairly and reasonably relates to the development to be permitted, it will be ultra vires.

It is not, therefore, sufficient that a condition is related to planning objectives: it must also be justified by the nature of the development permitted or its effect on the surroundings.

1.1.4 Test 4 : Ability to Enforce

A condition should not be imposed if it cannot be enforced.

1.1.5 Test 5 : Precision

The framing of conditions requires great care, not least to ensure that a condition is enforceable. Conditions should be not only precise but clear. Where the wording of a condition may be difficult to follow, it may be helpful to attach to the permission an illustrative plan (eg describing sight lines required at the entrance to an access road).

1.1.6 Test 6 : Reasonableness

A condition can be ultra vires on the grounds of unreasonableness, even though it may be precisely worded and apparently within the powers available.

1.1.7 Control over Land

Particular care needs to be taken over conditions which require works to be carried out on land in which the applicant has no interest at the time when planning permission is granted. If the land is included in the site in respect of which the application is made, such conditions can in principle be imposed, but the authority should have regard to the points discussed in the original Circular 4/1998. If the land is outside that site, a condition requiring the carrying out of works on the land cannot be imposed unless the authority are satisfied that the applicant has sufficient control over the land to enable those works to be carried out.

1.1.8 Conditions Depending on Others' Actions

It is unreasonable to impose a condition worded in a positive form which developers would be unable to comply with themselves, or which they could comply with only with the consent or authorisation of a third party. Similarly, conditions which require the applicant to obtain an authorisation from another body, such as the Scottish Environment Protection Agency, should not be imposed.

Although it would be ultra vires to require works which the developer has no powers to carry out, or which would need the consent or authorisation of a third party, it may be possible to achieve a similar result by a condition worded in a negative form, prohibiting development until a specified action has been taken.

This is known as a “Grampian” condition and should be used where the works necessary to allow a development are:

- (i) not in the power of the applicant to deliver
- (ii) unreasonable (i.e. too expensive) for the applicant to provide unless in conjunction with other developers in the vicinity
- (iii) to be provided by others (i.e. a bypass) but not to a timescale appropriate to the development.

Whereas previously it had been understood that the test of whether such a condition was reasonable, was strict; to the effect that there were at least reasonable prospects of the action in question being performed, the House of Lords (in the *British Railways Board v the Secretary of State for the Environment and Hounslow LBC* [1994] JPL32; [1993] 3 PLR 125) established that the mere fact that a desirable condition, worded in a negative form appears to have no reasonable prospects of fulfilment does not mean that planning permission need necessarily be refused as a matter of law. Thus, while an authority will continue to have regard to all relevant factors affecting a planning application and whether it

should be granted with or without conditions, there is no longer a legal requirement to satisfy a reasonable prospects test in respect of any negative condition they may decide to impose. For example, if it could be shown that improvements to sewerage facilities for a new housing development were planned but there was no clear indication that they would be built within the time limits imposed by the permission, it might still be possible to grant consent subject to a condition that the houses should not be occupied until the relevant sewerage works were completed. It might also be reasonable to use a condition requiring that a development should not commence until a particular road had been stopped up or diverted, even if the timing remained uncertain. Authorities should therefore note this recent House of Lords ruling and its implications for a less restrictive view in the use of negative conditions.

1.2 Regulations

(The Town and Country Planning (General Development Procedure) (Scotland) (Order) 1992 sets out the procedure for applications for planning permission).

1.2.1 Outline Permissions

An applicant who proposes to carry out building or other operations may choose to apply either for full planning permission, or for outline permission with one or more of the following matters reserved by condition for the subsequent approval of the planning authority:

- (i) the siting
- (ii) design or
- (iii) the external appearance of the building
- (iv) the means of access
- (v) or the landscaping of the site ("reserved matters").

Even although an application may be in outline the Director may wish to consider, for example, the access details as they may be affected by a worst case development scenario. For example the traffic generation characteristics for a particular use class may be widely variable and thus trunk road impact and mitigation requirements may be greater. Applications and any associated Transportation Assessment should be considered on this basis. Reference may be made to the TRICS database to determine Use Class traffic generation ranges.

An applicant cannot seek an outline planning permission for a change of use alone.

1.2.2 Details Supplied in Outline Applications

An applicant can, however, choose to submit as part of an outline application details of any of these "reserved matters". Unless he has indicated that those details are submitted "for illustrative purposes only" (or has otherwise indicated that they are not formally part of the application), the planning authority must treat them as part of the development in respect of which the application is being made. The authority cannot reserve that matter by condition for subsequent approval, unless the applicant is willing to amend the application by withdrawing the details.

1.2.3 Conditions Relating to Outline Permissions

Any conditions relating to anything other than the reserved matters should be imposed when outline permission is granted. The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those matters. So, where certain aspects of the development are crucial to the decision consultees should consider advising relevant conditions when outline permission is granted.

If the planning authority consider that, whatever the precise form the development is to take, access to the buildings should be from a particular road (or, alternatively, that there should be no means of access from a particular road), then a condition to this effect must be imposed on the outline permission. Approval of the details of the means of access to the permitted buildings can be refused on the grounds that there should not be access to the site from a particular road only if the need for such a restriction arises from the details of the development which have been submitted for approval (e.g. from the density which is indicated by submitted details of the design and siting of the buildings).

A condition requiring the developer to obtain approval of reserved matters within a stated period should not be used, since the timing of an approval is not within the developer's control. A condition, therefore, should set time-limits only on the submission of applications for approval of reserved matters.

Applications for approval under an outline permission may be made either for all reserved matters at once, or for one at one time and others at another.

1.2.4 Access

Similarly, if it is desired that there should be no direct access on to a main road, or that access must be taken from a particular side road, a condition to that effect should be imposed on the outline permission, as without such a condition these restrictions could not normally be introduced when details are being considered.

1.2.5 Lorry Routing

Planning conditions are not an appropriate means of controlling the right of passage over public roads. Although negatively worded conditions which control such matters might sometimes be capable of being validly imposed on planning permissions, such conditions are likely to be very difficult to enforce effectively. It may be possible to encourage drivers to follow preferred routes by posting site notices to that effect, or by requiring them to use a particular entrance to (or exit from) the site. But where it is judged essential to prevent traffic from using particular routes, the appropriate mechanism for doing so is by means of an Order under section 1 of the Road Traffic Regulation Act 1984.

1.2.6 Cession of Land

Conditions may not require the cession of land to other parties, such as the roads authority.

2 STANDARD RESPONSE

2.1 Typical Reasons for Refusals

2.1.1 The development is contrary to the advice contained in Planning Advice Note 66-Advice on Major Developments Affecting Trunk Roads and Motorways (par. 20)

insofar as the impact of the development has not been considered on the basis of a Master planning exercise for the area necessary to establish cumulative impact on the trunk road.

- 2.1.2 The location of the development does not accord with the sustainable objectives set out in National Planning Policy Guideline 17 - Transport and Planning; Planning Advice Note 57 - Transport and Planning; and Planning Advice Note 66 - Advice on Major Developments Affecting Trunk Roads and Motorways. As such it is likely to result in substantial additional traffic movements, particularly on the A_ trunk road.
- 2.1.3 The proposed development does not accord with the requirements of National Planning Policy Guideline 17 - Transport and Planning; and Planning Advice Note 57 - Transport and Planning; insofar as the development is not sufficiently well located to allow for access/accessibility to and from the site by modes other than the private car.
- 2.1.4 The proposed development is affected by the line of the proposed A_ trunk road improvement.
- 2.1.5 The proposed development could result in a material change in the number and/or type of vehicles entering and leaving the traffic stream at a point where visibility is restricted (or OTHER REASON) thus creating interference with the safety and free flow of the traffic on the Trunk Road.

Or

The proposed development could result in a material change in the number and/or type of vehicles entering and leaving the traffic stream thus creating interference with the safety and free flow of the traffic on the Trunk Road.

- 2.1.6 The proposed access is substandard and could create interference with (the overtaking opportunities) the safety and free flow of traffic on this length of Trunk Road where vehicle speeds are high (and traffic volumes are heavy).
- 2.1.7 The proposed access is substandard by reason of inadequate visibility/alignment/design and would unduly affect the safety and free flow of traffic on the section of the trunk road.

Or

- 2.1.8 The proposed access is substandard by reason of inadequate visibility/alignment/design and would unduly affect the safety and free flow of pedestrians on the trunk road footpath.
- 2.1.9 The development would result in the construction of a new access onto the trunk road which would result in an isolated/contribute to a proliferation of individual access (as) which would be to the detriment and free flow of traffic on this unrestricted length of the development would result in the trunk road.
- 2.1.10 The site is too small to cater adequately for the turning manoeuvres within the site to ensure that all vehicles entering and leaving the site can undertake the movements in a forward gear.
- 2.1.11 The proposed (development) change of use would (result in an intensification of manoeuvres which) lead to a reduction in the level of service on this route where vehicle speeds (and volumes) are high and traffic is free flowing.
- 2.1.12 There is insufficient information to determine this application.

2.2 Standard Conditions

2.2.1 Before development commences written approval from the planning authority, in consultation with Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division must be obtained for the details of the [specify (e.g. means of access, junction layout)]

2.2.2 The building/use [specify] hereby permitted shall not be occupied/commenced until vehicular, cycle and pedestrian access routes have been constructed in accordance with the approved plans.

Or

A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with a specification to be agreed with the planning authority in consultation with the Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division.

2.2.3 The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans.

Or

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of adjoining carriageway before the development permitted is occupied/ becomes operational and shall be retained and kept clear thereafter.

Or

Prior to the commencement of any works a plan for the provision of visibility splays of ____metres by ____metres at the junction of the proposed development access road with the trunk road shall be provided in accordance with a plan to be submitted to and approved by the local authority in consultation with Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division.

Or

Prior to the occupation of the development hereby approved visibility splays of ____metres by ____metres at the junction of the proposed development access road with the trunk road shall be implemented in accordance with a plan to be approved by the local authority in consultation with Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division.

2.2.4 The development hereby permitted shall not (be commenced/ be occupied/ become operational) until the existing access(es) marked ____ on the approved plans (has/ have) been permanently closed and the road properly reinstated.

2.2.5 There shall be no means of direct access to the Trunk Road either pedestrian or vehicular.

2.2.6 No development shall take place until details of the road lighting/road drainage have been submitted to and approved by the planning authority, in consultation with Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division.

- 2.2.7 No development shall take place until suitable fencing/screening has been erected in a manner and position to be agreed with the planning authority in consultation with Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division at [specify location].
- 2.2.8 Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division.
- 2.2.9 The development shall not be started until vehicle wheel cleansing facilities have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the planning authority in consultation with Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division.
- 2.2.10 Before commencement of development on the site details of a footpath link between points A and B on [specify drawing reference] shall be submitted to and approved in writing by the planning authority in consultation with Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division. The construction of any such link to be completed prior to the occupation of any of the development.

Or

- Before the occupation of the development any footpath link approved by the planning authority must be constructed and completed to the satisfaction of the planning authority in consultation with Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division.
- 2.2.11 The access gate indicated on the approved plan shall be set back at least X metres from the adjacent trunk road carriageway and the gate shall only be capable of opening away from the road.
- 2.2.12 The land which is the subject of this permission shall be used for [specify use] and for no other use notwithstanding the provisions of Class [specify] of the Town and Country Planning (Use Classes) (Scotland) Order and the General Permitted Development Order [specify dates].
- 2.2.13 The car parking spaces shown on [specify drawing reference] shall be constructed and surfaced in accordance with the approved details before the building hereby permitted is occupied.
- 2.2.14 The service bay shown on [specify drawing reference] shall be constructed and surfaced in accordance with the approved details before the building hereby permitted is occupied
- 2.2.15 The roadside ditch (stream) shall be culverted (piped) for a distance of X metres under and adjacent to the access.
- 2.2.16 The development hereby permitted shall not exceed [specify] dwellings
- 2.2.17 The building/use [specify] hereby permitted shall not be occupied/commenced until vehicular, cycle and pedestrian access routes have been signed in accordance with the approved plans.
- 2.2.18 No development shall take place until adequate fencing /screening has been agreed with the planning authority, in consultation with Trunk Roads Network Management Division, at [specify location].

2.3 Standard Reasons for Conditions

- 2.3.1 To minimise interference with the safety and free flow of the traffic on the Trunk Road.
- 2.3.2 To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the Trunk Road.
- 2.3.3 To be consistent with the requirements of National Planning Policy Guideline 17– Transport and Planning/Planning Advice Note 66/Planning Advice Note 57
- 2.3.4 To ensure that the use of the existing access is discontinued (restricted, reduced) and the safety of traffic on the Trunk Road is improved.
- 2.3.5 To minimise the risk of pedestrians and animals gaining uncontrolled access to the Trunk Road.
- 2.3.6 To ensure that vehicles may park (load, unload) clear of the Trunk Road.
- 2.3.7 To ensure that vehicles may enter and leave the site in a forward gear.
- 2.3.8 To ensure that accessing vehicles can stand clear of the Trunk Road carriageway when the gates are being opened or closed.
- 2.3.9 To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the Trunk Road carriageway and join the traffic stream safely.
- 2.3.10 To ensure that the future improvement of the Trunk Road is not prejudiced.
- 2.3.11 To ensure that there will be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished.
- 2.3.12 To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the Trunk Road.
- 2.3.13 To maintain safety for both the Trunk Road traffic and the traffic moving to and from the development.
- 2.3.14 To ensure that the standard of the access layout complies with current standards and that the safety of traffic on the Trunk Road is not diminished.
- 2.3.15 To ensure that material from the site is not deposited on the Trunk Road to the detriment of road safety.
- 2.3.16 To ensure that vehicles entering or leaving the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the Trunk Road.
- 2.3.17 To minimise the distraction to drivers on the Trunk Road.
- 2.3.18 To ensure that water run-off from the site does not enter the Trunk Road.
- 2.3.19 To be consistent with the submitted Transport Assessment.

2.4 Advisory Notices

- 2.4.1 Trunk Road modifications works shall in all respects comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by The Stationery Office. The developer shall issue a certificate to that effect, signed by his design organisation.

- 2.4.2 The road works the subject of Condition will require Road Safety Audits as specified by the Design Manual for Roads and Bridges.
- 2.4.3 All the works and audits in respect of road conditions and associated requirements will be undertaken at the expense of the developer.
- 2.4.4 All the road construction associated with the development both in relation to new and existing trunk roads shall be the subject of a Minute of Agreement between the developer and the Scottish Executive.

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**The Scottish Executive Enterprise Transport and Life Long Learning Department
Trunk Road Network Management Division**

TR/NPA/1

**Form of Notification by a Planning Authority to the Scottish Ministers
of an application for development affecting Trunk Roads and Special Roads**

To The Scottish Executive Enterprise, Transport and Lifelong Learning Department- Trunk Road Network Management Division Victoria Quay, Edinburgh, EH6 6QQ	<table><tr><th style="text-align: center;">Name & Address of Planning Authority</th><th style="text-align: center;">Name of Relevant Trunk Road Operating Company (TR-OC)</th></tr><tr><td style="height: 100px;"></td><td></td></tr><tr><td style="text-align: center;">Planning Authority Reference</td><td style="text-align: center;">Copy of this Form sent to TR- OC(date)</td></tr><tr><td style="height: 20px;"></td><td></td></tr></table>	Name & Address of Planning Authority	Name of Relevant Trunk Road Operating Company (TR-OC)			Planning Authority Reference	Copy of this Form sent to TR- OC(date)		
Name & Address of Planning Authority	Name of Relevant Trunk Road Operating Company (TR-OC)								
Planning Authority Reference	Copy of this Form sent to TR- OC(date)								

The Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (General Development Procedure)

(Scotland) Order 1992 S.I. 1992 No 224 (S.18)

In accordance with Article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 notice is hereby given that an application has been received for permission for development as described below.

1	Type of Application	Planning Permission Outline Planning Permission Approval of Reserved Matters Notice of Intended Development	<div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div>
2	Type of Development	Building or Engineering Operation Mining or Quarrying Operation Other Operation Material Change in use of land or building	<div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div>

3	Name and address of applicant	
4	Name and address of agent: (if applicable)	
5	Location of Site (see footnote):- (including name/number of Trunk Road)	
5a	O.S. Grid Reference (12 digits):- (Point of access to Trunk Road or nearest point to trunk Road)	

Footnote: A site plan (marked with the Planning Authority's reference number) should be attached showing area of the site and the area under the applicant's control, details of the proposed building, means of access, engineering, mining or other operation. In the case of a building or means of access, the plan should also show the position of any buildings or access points already on or near the site.

6	Brief description of development:-	
7	Applicant's interest in the site:- eg Owner, Lessee, Prospective Purchaser, etc)	
8	Date of receipt of the application by Planning Authority	
9	Particulars of building operation a) Proposed use of building.	
	b) Distance from Trunk Road centre line	
10	Particulars of engineering, mining or other operations (other than means of access) a) Description of operation	
	b) Estimated maximum depth of any permanent excavation	
11	Particulars of material change of use of any building or other land:-	
12	Particulars of means of access:- (delete as appropriate) a) Description of existing means of access	
	And	
	b) Description of proposed means of access	
	Or	
	c) Description of alteration to existing access	
	d) Purpose requiring access, indicating any change of use	
13	What is the status of the appropriate Structure Plan/Local Plan	
14	Does the application conform with Structure Plan/Local Plan land use?	

15	Additional comments on the application by the Planning Officer of the Authority determining the Application	
16	Signed on behalf of the Planning Authority	Signed:- Date:-
17	Contact name of Planning Officer dealing with application	Name: Fax Number: Telephone Number:

SE USE ONLY		
Date of receipt by Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division	Signed:-	Trunk Road Network Management Division reference:-

The Scottish Executive Enterprise Transport and Life Long Learning Department
Trunk Road Network Management Division

TR/NPA/2

Form of Notification on Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (General Development Procedure)

(Scotland) Order 1992 S.I. 1992 No 224 (S.18)

To the Director of*****,
***** Council

***** (Address)

Council Reference:-
SEETLLD
Reference:-

Application(s) made by ***** and received by or on behalf of the Council on
***** for permission for development located at*****affecting the *****Trunk
Road.

Type of application:-

Planning permission
Outline Planning Permission
Approval of Reserved Matters
Notice of Intended Development

Type of application:-

Building or Engineering Operation
Mining or Quarrying Operation
Other Operation
Material Change in use of land or building

Director's Advice

1. The Director does not propose to advise against the granting of permission ☐
2. The Director advises that planning permission be refused(see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached
to any permission the Council may give (see overleaf for reasons). ☐
4. In issuing planning permission the applicant should be informed that
the consent does not carry with it the right to carry out works within
the Trunk Road boundary and that the applicant must consult with the
Enterprise Transport and Life Long Learning Department -Trunk Road Network Management
Division through its Operating Company (see below) on the terms and
conditions, under Roads legislation, that require to be agreed to enable
works within the Trunk Road boundary to be approved (see overleaf for
Trunk Road details). ☐

Operating Company:-

NB - SDD Circular 29/1988 - Notification of Applications - Annex D.

Planning Authorities are requested to provide The Scottish Executive Enterprise Transport and Life Long Learning Department-Trunk Road Network Management Division with a copy of the decision notice. Reference should be made to the General Development Order regarding procedures to be adopted in the event that SEETLLD-TRNMD advice is not accepted.

CONDITIONS to be attached to any permission the Council may give:-	
	(Refer to Item 3, overleaf)
	(continue on separate sheet if required)

REASON for the advice at 2, or 3:-	
	(Numbered as above)
	(continue on separate sheet if required)

DETAILS of works necessary within the Trunk Road boundary:-	
	(Refer to Item 4, overleaf)
	(continue on separate sheet if required)

Signed:-

Date:-

(on behalf of the Director)
The Scottish Executive
Enterprise Transport and Lifelong Learning Department
Trunk Road Network Management Division
Victoria Quay,
Edinburgh,
EH6 6QQ.

Tel No. 0131 244-****

Fax. 0131 244 ****

**The Scottish Executive Enterprise Transport and Life Long Learning Department
Trunk Road Network Management Division**

TR/NPA/2A

**Development Application Information
to be Provided by the Operating Company**

Applicants Name:-	Council Reference:-
Location and Trunk Road affected:-	
Ordnance Survey Grid Reference (12 digits):-	Point of access to Trunk Road or nearest point to Trunk Road
Completed by:-	OC Reference:-
Signature:-	Date:-
SEETLLD Reference (to be completed by SEETLLD):-	

Requirements on Application		YES	NO	N/A
1	Sufficient Information and date received.			
2	Council's Comments (append to this form).			
3	Transportation Assessment prepared (append to this form).			
4	Complies with Local and Structure Plans.			
5	Parking, manoeuvring and servicing contained within site.			
6	Environmental measures (eg wheel wash, screening)			
7	Is Safety Audit required?			
8	Subject to previous application or Inquiry? (Append decision notice)			

Application Parameters		Details	Attached
9	Traffic Flow - AADT and Peak Hour (including modal split and seasonality).		
10	Existing Speed Limit (extent, location, etc) and Traffic Speeds		
11	Cross section of Trunk and adjacent roads (carriageway/footway width, crossfall, etc)		
12	Longitudinal gradient of Trunk Road, site access and side roads.		
13	Visibility on Trunk Road, site access and side roads (existing and possible)		
14	Percentage Increase in traffic flows at site access junction.		
15	Junction spacing along Trunk and affected adjacent local roads (spacing and type of junctions).		

16	Presence and affect of proposals on Overtaking Opportunities.		
17	Accident statistics for Trunk and adjacent local roads (minimum 5 year records).		
18	Location and type of adjacent roadworks or other construction works.		
19	Photographs covering site, all approaches, junctions affected, etc.		
20	Photographs showing all visibility splays from junctions affected.		
21	Existing and Proposed road layout (including road markings).		
22	Extent of existing street lighting.		

Additional Comments and Data	
<p>Signed:- _____ Date:- _____</p> <p>(on behalf of the Operating Company)</p>	

SCOTTISH MINISTERS' REQUIREMENTS
SCHEDULE 8 PART 2
DEVELOPMENT CONTROL

ANNEX 8.2/C – Annex D of Circular 4/1997

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SCOTTISH MINISTERS' REQUIREMENTS

SCHEDULE 8 PART 2

DEVELOPMENT CONTROL

ANNEX 8.2/C – Annex D of Circular 4/1997

The Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (Article 15(1)(j)(i) and (ii)) requires planning authorities to consult the Secretary of State on certain types of development proposals affecting trunk roads. This consultation should be on Form TR/NPA/1 which should be completed by planning and roads authorities and sent to the Departments Director of Roads who will consider the case and give his formal advice. If the planning authority propose to grant planning permission against such advice they are required to notify the application to the Secretary of State. The Director of Roads need not be consulted where development proposals in the categories below fall within 67 metres of an existing Trunk or Special Road and do not involve a new or altered access thereto. This relaxation does not apply to any development proposals listed below falling within 67 metres of the preferred line for a proposed improvement to an existing Trunk or Special Road. The categories are:

- (a) extension to any building not involving additional accommodation of more than 250 cubic metres or half the cubic content of the original building (whichever is the smaller;
- (b) changes of use with no change in type or volume of traffic generated;
- (c) erection of up to 5 houses on sites not having direct access to a trunk road;
- (d) erection of a private garage not exceeding 100 cubic metres where there is already a vehicular access and turning facilities are or will be made available;
- (e) formation of a vehicular access (other than to a trunk road) for an existing private dwelling where turning facilities are or will be made available.

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