
**VOLUME 10 ENVIRONMENTAL
DESIGN AND
MANAGEMENT
SECTION 7 GUIDANCE DOCUMENTS**

PART 1

HA 99/01

POLICY AND GUIDANCE

SUMMARY

This Advice Note gives guidance on current environment legislation, statutory requirements, policy and advice in relation to highway design, implementation and management.

INSTRUCTIONS FOR USE

This is a new document to be incorporated into the manual.

1. Insert HA 99/01 into Volume 10, Section 7.
2. Archive this sheet as appropriate.

Note: A quarterly index with a full set of Volume Contents Pages is available separately from The Stationery Office Ltd.



THE HIGHWAYS AGENCY



**THE SCOTTISH EXECUTIVE DEVELOPMENT
DEPARTMENT**



**THE NATIONAL ASSEMBLY FOR WALES
CYNULLIAD CENEDLAETHOL CYMRU**



THE DEPARTMENT FOR REGIONAL DEVELOPMENT*

Policy and Guidance

* A Government Department in Northern Ireland

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**GENERAL PREFACE TO THE VOLUME
10 SERIES OF ADVICE NOTES
(REVISED)**

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PART 1

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1 POLICY

1.1 Transport Policy

The Government's policy on transport is detailed in "A New Deal for Transport: Better for Everyone (DETR 1998)". This White Paper fulfils the Government's manifesto commitment to create a better, more integrated transport system and to tackle problems of congestion and pollution. Chapter 3 of the publication "A New Deal for Trunk Roads in England" (DETR 1998) emphasises how we can find ways of reducing adverse impacts of the trunk road on the environment.

The strategic aim of the Highways Agency is "To contribute to sustainable development by maintaining, operating and improving the trunk road network in support of the Government's integrated transport and land use planning policies."

The Highways Agency's key objective with regard to the environment is "To minimise the impact of the trunk road network on both the natural and built environment."

1.2 The New Approach to Appraisal (NATA)

The new approach to appraisal was developed in 1998 to enable the prioritisation of trunk road investment proposals and to provide a choice between different options for solving the same problem.

In order to ensure that the appraisal of proposed trunk road initiatives is effective it is essential that the specific objectives which are to be achieved are clearly understood. For guidance purposes, the Government has set five transport objectives which are based on current transport policy. These are:

- to protect and enhance the built **environment**;
- to improve **safety** for all travellers;
- to contribute to an efficient **economy**, and to support sustainable economic growth in appropriate locations;
- to promote **accessibility** to everyday facilities for all, especially those without motor vehicles; and
- to promote **integration** of all forms of transport and land use planning.

It is possible that a trunk road initiative may contribute towards the achievement of one objective, but work against the achievement of others. NATA has therefore been designed to enable the decision-maker to determine the appropriate balance between the five objectives.

The findings of the EIA and cost-benefit analysis are used in combination with other relevant sources of information to compile an Appraisal Summary Table (AST). The AST is presented on a single page and is designed to have all the relevant information available on the five objectives.

2 STATUTORY REQUIREMENTS

2.1 Introduction

Environmental planning and management of highway construction and improvement schemes is controlled by a wide range of legislation. It is important to ensure that those responsible for environmental planning and management are aware of the relevant statutory requirements and that they are familiar with the role of Government environmental organisations and agencies. This Chapter provides a brief summary of the principle agencies and the statutory requirements.

2.2 UK Legislation

2.2.1 Highways Act 1980

The Highways (Assessment of Environmental Effects) Regulations 1999 amend Section VA of the Highways Act 1980 and specify the requirements and duties for the production of Environmental Statements for certain highway construction and improvement proposals of the Secretary of State. These Regulations implement the requirements of EC Directives 85/337 and 97/11.

2.2.2 Wildlife and Countryside Act 1981

This Act provides for the protection and conservation of particular bird, animal and plant species, and stipulates requirements for the protection of Sites of Special Scientific Interest (SSSI's), National Parks and the countryside. This Act also places restrictions on the introduction of certain plants and animals into areas where they would not normally be found.

2.2.3 Environmental Protection Act 1990

This is a comprehensive Act that provides for the protection of the general environment. It deals with issues regarding integrated pollution control, air pollution control, waste management, contaminated land, nuisance, radioactivity and nature conservation. The Act also details the responsibilities and duties of the relevant authorities regarding the control of actions that may be harmful to the environment.

2.2.4 Town and Country Planning Act 1990

This Act is concerned with development planning and control. It includes requirements for the preparation of development plans, details planning permission

procedures and clarifies the role of local authorities and other relevant bodies in the planning process.

In relation to transport, the Act deals with the impact of development on highways, and vice versa, and includes the statutory requirements for planning permission for highway projects.

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 detail the statutory requirements and procedures for the production of Environmental Impact Assessments for certain development projects via the planning application process. They also specify the responsibilities and duties of the local authorities in this process, and cater for the requirements of EC Directives 85/337 and 97/11 on the assessment of the effects of certain public and private projects on the environment.

2.2.5 Protection of Badgers Act 1992

This Act concerns the protection of badgers and identifies procedures for consent to move badgers.

2.2.6 Conservation (Natural Habitats) Regulations 1994

These regulations implement the requirements of the EC Directives on Habitats (92/43) and Wild Birds (79/409) into British Law. They provide for the protection on certain animals and plants and impose a duty on the Government to designate Special Areas of Conservation (SAC) and Special Protection Areas (SPA).

Specifically, these Regulations provide for an assessment in areas where highway construction or improvements have implications for a site's conservation objectives. This assessment would be carried out by the relevant authority.

2.2.7 Hedgerow Regulations 1997

These regulations provide for the protection of important hedgerows within the UK.

2.2.8 Please note that the above is not a comprehensive list of all the relevant legislation.

2.3 European Union Legislation

The European Union (EU) makes legislation that becomes part of UK law either directly (EU regulations) or by implementation. EU directives are relevant to environmental planning and management of highway construction and improvement include:

- 79/409 Directive on the Conservation of Wild Birds
- 85/337 Directive on the Assessment of the Effects of Certain Public and Private Projects on the Environment
- 92/43 Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora
- 97/11 Directive amending Directive 85/337 on the Assessment of the Effects of Certain Public and Private Projects on the Environment

Please note that the above is not a comprehensive list of all the relevant legislation.

2.4 Environment Agency/SEPA/Environment and Heritage Service

The Environment Agency is a government statutory body responsible for environmental protection in England and Wales. It is their legal duty to protect and improve the environment and they have specific responsibilities for water resources, pollution control, flood defence, protection of groundwater, fisheries, navigation, recreation and water based nature conservation. They are also statutory consultees to the local authorities for development plans and planning applications.

The Scottish Environment Protection Agency (SEPA) is the statutory body responsible for the protection of land, air and water in Scotland. The Environment and Heritage Service is an executive agency within the Department of Environment for Northern Ireland and is required to control air, water and land pollution.

2.5 English Nature/Countryside Council for Wales/Scottish Natural Heritage/Environment and Heritage Service

English Nature is the statutory body responsible for the conservation and enhancement of England's wild plants

and animals and its natural features including Geological interests. It is their policy to protect wildlife from development and land use which may have an adverse and irreversible impact on irreplaceable natural assets.

The Countryside Council for Wales (CCW) is the Government's statutory advisor on sustaining natural beauty, wildlife and the opportunity for outdoor enjoyment in Wales. Scottish Natural Heritage (SNH) is concerned with the conservation and enhancement of the Scotland's natural heritage and ensures that any development that may impact on this heritage is designed and carried out in a sustainable manner.

In addition to its environmental protection duties, the Environment and Heritage Service of Northern Ireland is also responsible for conservation and the maintenance and management of country parks, nature reserves and areas of special scientific interest.

2.6 English Heritage/CADW/Historic Scotland/Environment and Heritage Service

English Heritage are concerned with every building and site in England that contributes to its historic environment and an understanding of the past. English Heritage also provide expert building conservation advice to Local Authorities on the management of conservation areas and are statutory consultees to Local Authorities on development planning application issues.

CADW: Welsh Historic Monuments conserves, protects and presents the built heritage of Wales and undertakes statutory responsibilities for securing and protecting monuments for the future.

Historic Scotland is an Agency within the Scottish Executive Education Department and is responsible for protecting Scotland's built heritage. Scheduled monuments, listed buildings and buildings situated within conservation areas are protected by Scottish legislation and consent is normally required before these buildings may be altered or developed. The Environment and Heritage Service of Northern Ireland has duties to protect historical monuments and buildings, and to record the built heritage.

2.7 Countryside Agency

The Countryside Agency (previously known as the Countryside Commission) is the statutory body responsible for conserving and enhancing the English countryside. They also promote social equity and economic opportunity for the people who live in these areas.

One of the principle aims of the Countryside Agency is to reduce the impact of traffic growth on the rural environment and quality of life, whilst overcoming rural isolation.

2.8 Ministry of Agriculture, Fisheries and Food

The Ministry of Agriculture, Fisheries and Food (MAFF) is the UK Government Department concerned with the viability of profitability of farming, food and drink, and fishing industries. They are also involved with public and animal health, the protection of the rural environment, and seek to balance the demands put on the countryside.

3. GUIDANCE DOCUMENTS

3.1 Introduction

In addition to the statutory requirements, there are a number of important government documents and guidance notes that need to be taken into consideration when planning for highway construction and improvement schemes. This chapter provides a brief description of some of these documents and guidance notes.

3.2 Central Government Guidance

3.2.1 Policy Planning Guidance Notes

The 24 Policy Planning Guidance (PPG) Notes first started to be issued in 1988 and form part of the Town and Country Planning Act 1990. These guidance notes provide Government policy for various components of development projects. The notes most relevant to highway construction and improvement include:

- PPG 2 (Green Belts) – provides guidance for Green Belt development and includes a general presumption against inappropriate development within these areas.
- PPG 7 (The Countryside - Environmental quality and economic and social development) - sets out the Government's policies on the countryside. It informs local authorities on protection of the countryside and rural development.
- PPG 9 (Nature Conservation) - provides guidance on how the Government's policies for the conservation of our natural heritage are to be reflected in land use planning. It embodies the Government's commitment to sustainable development and to conserving the diversity of wildlife.
- PPG 11 (Regional Planning Guidance) - provides guidance for Regional Planning Conferences and Local planning authorities in the preparation of their policies and plans. It gives advice on the preparation, scope and content of Regional Planning Guidance. It provides advice on developing a regional vision and strategy and ensures that local plans contribute to the overall framework for regional development. RPG provides a regional land use and transport context

on which other relevant policies and strategies can be based and provides a means through which the Government can achieve its sustainable development objectives regarding social, environmental and economic issues.

Regional Development Agencies (RDA) are involved in the preparation of the RPG along with other Stakeholders. Their role is to enable economic development and regeneration issues to be addressed at a strategic level. RPG will assist the RDAs in providing long term development and investment strategies on which the RDAs can base their work.

- PPG 12 (Development Plans) - sets out the Government's policies on different aspects of planning.
- PPG 13 (Transport) – provides advice on how Local Authorities should integrate land use planning and transport in ways that result in multi-modal uses of transport and a reduction in reliance on environmentally unacceptable means of travel, particularly motor vehicles.
- PPG 15 (Planning and the Historic Environment) - provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment).
- PPG 16 (Archaeology and Planning) - sets out the Government's policy on archaeological remains on land and how they should be preserved and recorded both in an urban setting and in the countryside.
- PPG 23 (Planning And Pollution Control)- provides guidance on the relevance of pollution controls to the exercise of planning functions.
- PPG 24 (Planning and noise) – provides advice on the use of planning powers to minimise the impact of noise. It also outlines the main considerations in determining applications for noise sensitive development and for activities that generate noise.

3.3 Local Government Guidance

3.3.1 Local Transport Plans

The notion of Local Transport Plans (LTP) has been developed, as part of the Transport White Paper, to replace the Transport Policies & Programmes (TPP) system for allocating resources for local transport capital expenditure. The LTPs will incorporate all forms of transport and will aim to co-ordinate and improve local transport provision. As with TPPs, Local Authorities will take the lead in producing these plans.

3.3.2 Local Plans

Local plans (LP) set out detailed policies and specific proposals for the development and use of land and guide most day to day planning decisions. The LP should set out the authority's policies for the control of development and make proposals for the development and use of land.

3.3.3 The Unitary Development Plan

The Unitary Development Plan (UDP) is a form of development plan that is geared exclusively towards metropolitan areas and replaces the Structure and Local Plans that previously had to be prepared by Local Authorities. The UDP sets out local policies and proposals for all development and land use issues, and includes policies regarding transport, environmental protection and enhancement, and conservation. The UDP also provides a framework for encouraging and controlling development by allocating land for specific purposes and setting out the local standards and requirements which any new development must satisfy.

3.3.4 Structure Plans

Structure plans (SP) provide a strategic policy framework for planning and development control locally. They ensure that the provision for development is realistic and consistent with national and regional policy. They also secure consistency between local plans for neighbouring areas.

3.3.5 Landscape Character Assessments

Landscape Character Assessments are compiled by regional and local authorities. They classify and define different local landscape types and provide landscape guidelines to assist in the formulation of policies regarding countryside management, stewardship and development control.

3.3.6 Local Biodiversity Action Plans

In order to successfully implement the *UK Biodiversity Action Plan* (BAP), there needs to be effective action at local level. This has resulted in the need for Local BAPs which are prepared by Local Authorities. The Local BAPs include lists of endangered and threatened species, together with costed actions for their protection and management. The contents of these documents will need to be considered for planning and management of highway construction and improvement schemes. They are subject to a 5 year review.

3.4 Government Organisations: Guidance

3.4.1 Landscape Character Map of England

English Nature and the Countryside Agency (previously the Countryside Commission), together with input from English Heritage, have produced *The Character of England: landscape, wildlife and natural features* which depicts the natural and cultural characteristics of the English landscape. The map consists of a number of 'building blocks' which, together with their accompanying series of descriptions, provide a summary of nature conservation, heritage and landscape information. In addition to meeting the needs of English Nature and the Countryside Agency, this framework acts as a strategic tool for organisations that have an interest in or impact on English landscape, wildlife and heritage.

3.4.2 Pollution Prevention Guidelines

The Environment Agency, in collaboration with SEPA and the Environment and Heritage Service, has produced a range of Pollution Prevention Guidance Notes. Each note targets a particular industrial sector or activity and aims to provide guidance on statutory responsibilities and good environmental practice. Those guidance notes particularly relevant to highway construction and improvements include:

- PPG 01 General guide to the prevention of water pollution
- PPG 05 Works in, near or liable to affect watercourses
- PPG 09 Pesticides
- PPG 10 Highway depots
- PPG 22 Dealing with spillages on highways

3.5 Other Information Sources

3.5.1 Countryside Information Service

The CIS is a geographical database application which enables information providers to process, store and distribute information relating to the UK countryside, and users to access this information to answer key questions about the countryside. It is available in two versions, for Great Britain and Northern Ireland.

4. ENQUIRIES

All technical enquiries or comments on this Advice Note should be sent in writing as appropriate to:

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