



Our ref: 90345  
Your ref: **R/2020/0819/ESM**

Our ref: 90350  
Your ref: **R/2020/0820/ESM**

Our ref: 90354  
Your ref: **R/2020/0822/ESM**

Our ref: 90362  
Your ref: **R/2020/0823/ESM**

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9 March 2022

**FAO: David Pedlow**  
**Redcar and Cleveland Borough Council**

Dear David,

**Re Planning Applications R/2020/0819/ESM, R/2020/0820/ESM, R/2020/0822/ESM & R/2020/0823/ESM.**

Following National Highways' issue of a conditional response on planning application ref. **R/2020/0821/ESM** there are now no reasons for us to maintain our recommendations of non-determination on the four other applications which have had their assessment linked to application **R/2020/0821/ESM** provided that similar criteria as applied in that instance are applied here also.

Alongside the general requirements set out in 'DfT Circular 02/2013 – The Strategic Road Network and the Delivery of Sustainable Development' at paragraph 11 and 'The Strategic Road Network – Planning for the Future' at paragraphs 37-39, the requirements for road safety audit that National Highways work to for highway schemes on the trunk road and motorway network are identified in 'GG119 – Road Safety Audit' (Design Manual for Roads and Bridges (DMRB)).

Within GG119 it is stated, at paragraph 5.43.1 that *"A stage 1 RSA report should be undertaken before planning consent is applied for as this demonstrates that the potential for road user safety issues has been addressed."*

As is apparent from this paragraph, this is defined as a "should" requirement of the DMRB. The process around 'should' requirements is defined in 'GG101 – Introduction to the Design Manual for Roads and Bridges' where it is stated that *"The verb 'should' indicates advice expressed as a recommendation. Note: Recommendations with this verb*

*form are good practice and can be varied without recourse to the departures process, but require justification and a safety risk assessment where the recommendation is not followed.”*

So in assessing the above four applications, as was the case for planning application ref. **R/2020/0821/ESM**, National Highways is proposing that the permitted variation of a justification and a safety risk assessment is able to be used for these planning applications as well and we are willing again to allow the permission to be granted for the planning application prior to the Stage One Road Safety Audit having been completed.

National Highways justification for this is:

- That the designs proposed as mitigation have been through a number of review cycles already, so are well advanced in the review process. The fundamental safety issues that were prevalent within previous designs have been designed out of the currently proposed mitigation.
- That there appear to be no concerns that have emerged from the reviews that the latest iteration of the designs is fundamentally unsuitable, or will be unable to be implemented successfully
- That establishment of Freeports is government policy. These applications have been advanced as a response to a specific and energetically pursued government economic policy initiative. Hence a degree of flexibility in the timing of the road safety audit can be agreed.
- That planning conditions requiring road safety audit to be completed are being set by the planning authority. For the avoidance of doubt, it will be a requirement of the planning condition that the Road Safety Audit be undertaken prior to occupation of the development.
- That these applications are promoted by the Tees Valley Mayor, so the Mayor and local authorities have an ongoing vested interest in ensuring that the road transport networks continue to operate safely and effectively as the sites controlled by these planning applications are built and occupied.
- That the current set of conditions relate to a trigger level of traffic associated with an element of the overall development proposed. Beyond that trigger level of traffic there exists further opportunity, controlled again by planning conditions, that will allow National Highways to identify the requirement for any further mitigation measures at the Strategic Road Network.

National Highways would note that this justification is extremely particular, and so should not be taken to form any precedent for deferring Stage One Road Safety Audits under other circumstances.

Please find attached with this letter conditional responses to each of the four above applications.

I trust this is clear but please get in contact should we be able to assist further in anyway.

Yours sincerely



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