

FD.EVR23

Cambridgeshire and Peterborough Minerals and Waste Local Plan

Policy 23: Traffic, Highways and Rights of Way

(was Policy 25 at the Preliminary Draft stage)

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1. Introduction and National Policy Context

Introduction

- 1.1. Cambridgeshire County Council and Peterborough City Council are reviewing their joint adopted Minerals and Waste Development Plan and supporting documents. These comprise the following documents (with adoption date):
 - Core Strategy Development Plan Document (DPD) (July 2011)
 - Site Allocations DPD (February 2012)
 - Block Fen and Langwood SPD (July 2011)
 - Location and Design of Waste Management Facilities SPD (July 2011)
 - RECAP Waste Management Design Guide SPD (February 2012)
- 1.2. The above Local Development Documents are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2036. The new Local Plan will set the overall spatial framework and development management policies for sustainable mineral and waste management development across the plan area.
- 1.3. This Evidence Report provides a narrative on the development of and justification for Policy 23: Traffic, Highways and Rights of Way in the emerging new Local Plan.

National policy

- 1.4. The National Planning Policy Framework (NPPF 2019) and National Planning Practice Guidance (NPPG) provide the basis of national planning policy. Of specific relevance to Policy 23 are the following areas of the NPPF:
 - Paragraph 98 - *“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”*
 - Paragraph 102 - *“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
 - a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised - for example in relation to the scale, location or density of development that can be accommodated;...
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account ± including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains;...”*
 - Paragraph 108 - *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
 - a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms*

of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

- Paragraph 109 - *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

- 1.5. In addition to the NPPF, other national legislation or policy relevant to Policy 25 is the National Planning Policy for Waste (NPPW).
- 1.6. Paragraph 5 states: *“Waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against each of the following criteria: ... the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport;”*
- 1.7. The NPPW Appendix B ‘Locational Criteria’ also advises LPAs, when testing the suitability of sites to consider:

“f. traffic and access: Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports. “

2. Local Context in Relation to Policy 23: Traffic, Highways and Rights of Way

- 2.1. Cambridgeshire and Peterborough’s road network is heavily used, with a high proportion of Heavy Commercial Vehicles (HCVs) (i.e. heavy goods vehicles, plus a wide range of farm related vehicles which use the road network). Minerals and waste management operations can add significantly to this congested network, and primarily means even further increase in HCV usage.
- 2.2. Much of the road network is also historic, and often goes through the middle of settlements, which themselves are ill designed to cope with the volume and type of traffic, especially HCVs. In addition, HCVs can, in certain circumstances (for example where homes are close to roads, and on peat based soils), causes homes to ‘vibrate’ and ‘shake’ when HCVs pass by.
- 2.3. In Cambridgeshire, the County Council has adopted a ‘Heavy Goods Vehicle’ policy, which includes an ‘Advisory Freight’ route map, which includes the designated HCV Route network. Full details are here, though the latest map (as sourced Jan 2019) is attached at appendix 1 to this Evidence Report.

3. Minerals & Waste Local Plan Policy

- 3.1. The Preliminary Draft Plan was published on 16 May 2018 and consulted on over a six week period to 26 June 2018.

- 3.2. The basis of including Policy 23 (was 25) in the new Local Plan is generally a merging of two currently adopted policies - CS32 Traffic and Highways and CS37 Public Rights of Way.
- 3.3. During the Preliminary Draft Consultation, there were 6 representations made on this policy, most of which were in objection to it, although representations of support were also received. In summary, the main issues raised were:
- Support for HCV element and environmental protection element.
 - A number of comments relating to criterion 'd' and the requirement for binding agreements in respect of lorry back loading and routing agreements and whether they are appropriate, necessary and enforceable:
 - There may some cases where binding agreements may simply be not necessary. However, the current wording of the Policy does not allow for any flexibility on this point. There should be more flexibility in this Policy so that routing agreements are only required where they are necessary to make the development acceptable and it has been demonstrated that this is the case.
 - Off-site routing agreements on the public highway are inherently difficult to enforce and probably not lawful. The routeing requirements should be termed measures to ensure that specified routes are followed.
 - Certainly, in so far as waste transfer is concerned, backloading cannot be a prescribed / binding requirement. Waste vehicles are highly likely to be only suitable for importation or exportation. As an example, a Refuse Collection Vehicle will only ever import waste to a site. It would never be used or be capable of exporting, say processed waste, from the same site.
 - Criterion a) (modal evaluation) is flawed.
 - Criterion b) fails to comply with the NPPF (para 32, 3rd bullet) in that highway mitigation works should only require improvements that can be undertaken within the transport network that cost effectively limit the significant impacts of the development. (NPPF equivalent para = 108)
 - Criterion c) fails to comply with the NPPF (para 32, 3rd bullet) in that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (NPPF equivalent para = 109).
 - This policy should be given a strong and suitable weighting and ideally moved up the policy order to be policy 1, 2 or 3.
- 3.4. All representations were carefully considered.
- 3.5. As a consequence of the representations, as well considering any new evidence which may have emerged, the policy has been amended for the Further Draft Local Plan as follows:
- 3.6. In response to comments received, criteria (a) and (b) have been replaced by new criteria (a) - (c), which better reflect NPPF para 108.
- 3.7. Similarly, criteria (d) (was (c)) has been amended to better reflect NPPF para 109.
- 3.8. Criterion (e) (was (d)) has been amended by making it clear that such agreements will only be sought 'if necessary and reasonable to make a development acceptable'. The criterion has also

been adjusted to include 'and/or', to make it clear that agreements may relate to one or more of the items referred, not necessarily all three.

- 3.9. The HCV Routing section of the policy has been adjusted slightly, partly to be consistent with national policy. A link to the CCC policy and advisory freight map (and associated HCV Route network) has also been added to the supporting text, alongside other supporting text updates.
- 3.10. It is not considered necessary to re-order the policies within the plan. Policies are not read individually, but rather, the plan is read as a whole, the ordering of policies does not dictate their relative importance.

4. Alternative Reasonable Options

- 4.1. The following alternative options have been considered (including in the Sustainability Appraisal Report):

- Option 1 (preferred policy): Include a comprehensive policy on this important topic, ensuring proposals are robustly considered against transport and highway matters. This is the preferred option, as it provides a clear, comprehensive, yet concise, approach. It will ensure the highway impact of proposals do not adversely affect: health and safety; conservation of the built environment; and wider sustainability matters.
- Option 2: No policy
- Option 3: Less comprehensive policy (e.g. remove reference to HCV routes).

Both Options 2 and 3 have been rejected for the same reasons. The rejection is due to the heavily congested road network of the area, the high use of HCVs in the area, and the inappropriateness of some roads (especially those which go through the middle of communities / areas of high heritage value) to take additional HCVs. Highway matters are often a very important part of considering minerals and waste management proposals, and therefore a no policy/less comprehensive approach would not adequately assist decision makers, particularly in an area with considerable highway issues.

5. Conclusion

- 5.1. This evidence report demonstrates the rationale for the inclusion of this policy in the Further Draft Plan, and also demonstrates a summary of the issues raised at the earlier Preliminary Draft stage, and how the Councils have considered those issues raised.
- 5.2. Any representations received at the Further Draft consultation stage will be carefully considered, and this Evidence Report will be updated prior to the third and final consultation stage due in late 2019.

Appendix 1: Cambridgeshire Advisory Freight Map (source, Jan 2019:

https://ccc-live.storage.googleapis.com/upload/www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/Cambridgeshire_freight_map.pdf?inline=true)

