

Policy Evidence Report

Policy 24: Transport

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



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1. Introduction

- 1.1. Hertfordshire County Council is reviewing its adopted Minerals Local Plan, Waste Local Plan and supporting documents. These comprise the following documents (with adoption date):
- Minerals Local Plan Review (March 2007)
 - Minerals Consultation Areas SPD (November 2007)
 - Waste Core Strategy and Development Management Policies DPD (November 2012)
 - Waste Site Allocations DPD (July 2014)
 - Employment Land Areas of Search SPD (November 2015)
- 1.2. The documents listed above are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2040. The new MWLP sets the overall spatial framework and development management policies for sustainable minerals and waste management development in Hertfordshire.
- 1.3. This Policy Evidence Report provides a context and justification for the creation of Policy 24: Transport in the emerging Minerals and Waste Local Plan. It also contains a reasoning for the changes made to the policy between the Draft Plan publication and the Proposed Submission Plan publication.

2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2023) and National Planning Practice Guidance (PPG) provide the basis of national planning policy.
- 2.2. The following points within the NPPF relate to Policy 24:
- Paragraph 20 – ‘*Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for ... b) infrastructure for transport ...*’.
 - Paragraph 108 – ‘*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;*
 - c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*

- 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; and*
 - e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.'*
- Paragraph 110 – *'Planning policies should ... b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned ... '.*
- Paragraph 114 – *'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 ...*
 - d) *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 115 states that *'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.'*
- Paragraph 117 – *'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'*
- Paragraph 135 states that planning policies should ensure that developments *'e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks ... '.*
- Paragraph 216 – *'Planning policies should ... f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality ... '.*
- The NPPF glossary includes a definition for a Transport Assessment – *'A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.'*

2.3. The PPG includes a number of relevant sections:

- *‘Travel Plans, Transport Assessments and Statements can positively contribute to:*
 - *encouraging sustainable travel;*
 - *lessening traffic generation and its detrimental impacts;*
 - *reducing carbon emissions and climate impacts;*
 - *creating accessible, connected, inclusive communities;*
 - *improving health outcomes and quality of life;*
 - *improving road safety; and*
 - *reducing the need for new development to increase existing road capacity or provide new roads.’*

Travel Plans, Transport Assessments and Statements, Paragraph: 006 Reference ID: 42-006-20140306

- *‘In determining whether a Transport Assessment or Statement will be needed for a proposed development local planning authorities should take into account the following considerations:*
 - *the Transport Assessment and Statement policies (if any) of the Local Plan;*
 - *the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Transport Assessment or Statement);*
 - *existing intensity of transport use and the availability of public transport;*
 - *proximity to nearby environmental designations or sensitive areas;*
 - *impact on other priorities/strategies (such as promoting walking and cycling);*
 - *the cumulative impacts of multiple developments within a particular area; and*
 - *whether there are particular types of impacts around which to focus the Transport Assessment or Statement (eg assessing traffic generated at peak times).’*

Travel Plans, Transport Assessments and Statements, Paragraph: 013 Reference ID: 42-013-20140306

- *‘The siting of waste management facilities will be driven by a number of issues including ... suitability of local transport infrastructure and availability of sustainable transport methods.’*

Waste, Paragraph: 037 Reference ID: 28-037-20141016

2.4. The National Planning Policy for Waste (NPPW) states that *‘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 ... ’.*

- 2.5. The Locational Criteria in Appendix B of the NPPW also includes criteria f). traffic and access, which states: *'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.'*

3. Local Context

- 3.1. In May 2018 the County Council adopted the Hertfordshire Local Transport Plan 4 (LTP4). The plan sets out how transport can help deliver a positive future vision for Hertfordshire by having a major input into wider policies such as economic growth, meeting housing needs, improving public health and reducing environmental damage whilst also providing for safe and efficient travel.
- 3.2. LTP4 includes Policy 2: Influencing Land Use Planning which states that *'the county council will encourage the location of new development in areas served by, or with the potential to be served by, high quality passenger transport facilities so they can form a real alternative to the car, and where key services can be accessed by walking and cycling.'*
- 3.3. LTP4 Policy 5: Development Management includes a set of criteria for which the county council will work towards in development proposals. These include:
- *Ensure location and design reflect the LTP transport user hierarchy*
 - *Ensure safe and adequate access arrangements*
 - *Secure developer mitigation measures to limit the potential impacts*
 - *Require a Travel Plan to be produced*
 - *Resist development which affects the character, access or use of a road or right of way.*
- 3.4. LTP4 includes Policy 16: Freight and Logistics. The policy states that *'the county council will seek to manage freight and logistics traffic, by:*
- a) *Encouraging HGV's to use the primary route network.*
 - b) *Providing clear advice to local planning authorities in respect of highways and freight implications of new development proposals.*
 - c) *Encouraging a shift from road-borne freight to less environmentally damaging modes, including rail, water and pipelines ...*
 - d) *Utilising traffic management powers, where appropriate to do so, to manage access and egress from specific locations.'*

4. Minerals & Waste Local Plan Policy

4.1. The Draft Minerals and Waste Local Plan was published for a Regulation 18 public consultation from 22 July to 31 October 2022. During the consultation period, members of the public, industry and other bodies were invited to comment on the policies within the Plan. This report shows the draft policy as published within the Draft Plan document, along with the main issues raised and the council's response to them.

Minerals and Waste Local Plan Draft Plan 2022

4.2. The Regulation 18 Draft Plan document included Policy 24: Transport. The policy read as follows:

Policy 24: Transport

Development proposals should seek to minimise transport movements and distances travelled by road, through the use of sustainable methods such as rail and water. Where transportation by road is necessary, proposals should, where practicable, be well located in relation to the primary route network and must clearly demonstrate:

- a) why transportation by road is justified;
- b) how movements on the highway will be minimised; and
- c) the merits of the site's location in relation to the primary route network.

Such proposals must also clearly demonstrate that the provision of vehicle movements within the site, access to and from the site, and the conditions of the local highway network are such that, the traffic effects likely to be generated would not have an unacceptable adverse effect on:

- d) highway safety including Public Rights of Way;
- e) the effective operation of the highway network;
- f) amenity;
- g) human health; and
- h) the natural, built and historic environment.

Proposals for new or replacement rail and/or water terminals to transport mineral and/or waste will be particularly supported, subject to the suitability of the local road network for secondary collection and distribution.

Proposals which generate significant transport movements must be supported by a Transport Assessment which details as a minimum:

- i) the potential cumulative effects arising from transport movements and how the impacts will be mitigated;
- j) the scale of the proposed development and its potential for additional trip generation;
- k) how access to the highway network is suitable and how impacts in road safety, congestion and any current restrictions have been assessed;
- l) the existing intensity of transport use and the availability of public transport;
- m) the proximity to nearby environmental designations or sensitive areas;
- n) the impact on other plans/strategies including the Local Transport Plan and its supporting documents*;
- o) an assessment of the opportunities for providing electric vehicle charging infrastructure, including where appropriate the use of electric Heavy Commercial Vehicles or other low emission technologies; and
- p) any other specific transport related impacts that the proposal may generate.

Where required, proposals may need to include one or more of the following:

- q) highway and/or rights of way improvements;
- r) traffic management measures;
- s) other mitigation measures that may be needed to minimise the effect of increased traffic associated with the development.

Routing agreements and/or planning obligations will be sought, where appropriate, to mitigate unacceptable adverse impacts of development, where this cannot be dealt with through planning conditions.

*these include, but are not limited to, Growth and Transport Plans, the Rights of Way Improvement Plan, and the Road Safety Strategy.

4.3. During the Regulation 18 consultation, 9 representations were made in relation to this policy. The main issues of these are summarised below:

- a) It is suggested that the policy be amended to include specific reference to the use of enforcement powers and CIL/S106 to avoid debris being deposited on the highway.
- b) The Hertfordshire LTP should be listed within the criterion as the starting point at the heart of assessing any development proposals.
- c) Criterion n) should be amended to read: 'the ~~impact on~~ **compatibility with** other plans/strategies including the Local Transport Plan and its supporting documents'
- d) Policy 24 should include information regarding employees at the sites or initiatives aimed at green methods of travel for them commuting e.g., car share schemes rather than focusing solely on transportation of aggregates.

- e) It is considered important to include the following text within Policy 24, on developments that generate high number of HGV movements leading to the increase in road degradation:
- ‘Developments with high number of HGV movements will create long-term highway maintenance expense to the County Council. Therefore, a S106 Agreement or Unilateral Undertaking will be required to secure a financial contribution to cover any ‘extraordinary’ future maintenance costs prior to commencement on site. Appropriate financial contributions for the likely increase in maintenance costs will be calculated and agreed, based upon established highway maintenance costs by taking account of the anticipated extraction period and proposed frequency of HGV movements.’**
- f) It is considered that criterion o) should be for development with higher transport impact and that should be made clearer. It is considered that for smaller development it might be too onerous.
- g) The blanket application of the policy will be too onerous and it is suggested that the term **‘where appropriate’** be included within the policy because the transport assessment requirement starts at a threshold.
- h) It is suggested that the second paragraph needs to include reference to the consideration of the scale and nature of traffic movements associated with the development.
- i) It is suggested that criterion d) be amended to read: ‘highway safety ~~including Public Rights of Way~~’ as policy content for Rights of Way is provided elsewhere.
- j) There should be acknowledgement that materials will need to travel some distances to meet requirements of the construction industry.
- k) It is suggested that the policy refer to the reduction of use of local roads and avoiding the road network.
- l) The policy could include more support for a reduction of on-site vehicles as well where alternatives could be used for movement of mineral around-the site.
- m) It is suggested that the policy could support of the creation of temporary railheads as a way of reducing the requirement for vehicular transportation.

4.4. The council’s response to the main issues is as follows:

- a) The council does not deem it necessary to make reference to the use of enforcement powers.
- b) All criteria within the policy must be adhered to and therefore, the impact on the LTP should be a key focus of any development proposal.
- c) The policy will be amended to say “n) the degree to which proposals conform with other plans...”
- d) Additional criterion will be added to the Policy to reflect this
- e) Additional wording will be added to the Policy to explicitly reference highway maintenance costs

- f) The criterion applies only to proposals which generate significant transport movements, therefore no change required
- g) A Transport Assessment is only required for proposals which generate significant transport movements, therefore no change required.
- h) Policy wording will be amended accordingly
- i) It is considered necessary to include reference to Rights of Way here as they should be a consideration within the context of transport movements.
- j) By virtue of the fact that the policy requires development proposals to seek to minimise transport movements and distances travelled by roads, it acknowledges the fact that the nature of some development proposals can involve the transport of materials over significant distances. No change to the policy therefore proposed.
- k) Criteria a) to c) require specific considerations in this regard, therefore it is not necessary to amend the policy wording.
- l) This point is covered within Policy 23: Transport Infrastructure Sites.
- m) The opening paragraph of the policy promotes the consideration of sustainable methods of transportation such as via rail. No change therefore required to the policy.

5. Alternative Reasonable Options

5.1. The following reasonable alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):

- Option 1 – A policy which requires justification for road transport and its effect on various factors such as health and amenity, as well as requiring a full Transport Assessment for developments with significant transport movements (preferred)
- Option 2 – Two separate policies for transport – one relating to operational transport and the other relating to strategic transport matters, together covering the same elements as Option 1
- Option 3 – A similar policy to Option 1, but less comprehensive and with fewer requirements
- Option 4 – A similar policy to Option 1 which also deals with Rights of Way

6. Conclusion

6.1. This Policy Evidence Report demonstrates the justification for the inclusion of this policy in the emerging Minerals and Waste Local Plan Proposed Submission Plan. It summarises the national policy context and local context, along with the main issues raised through previous consultation and how the council has addressed those issues.

- 6.2. Any representations received on this policy at the Regulation 19 consultation stage will be submitted alongside the Local Plan to the Secretary of State as part of the examination process.
- 6.3. This Policy Evidence Report was written to support the Proposed Submission Plan (Regulation 19) consultation. This report forms part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.