

# Policy Evidence Report

# Policy 24: Transport

**Hertfordshire Minerals and Waste  
Local Plan 2040**

**Hertfordshire County Council**



Supporting Regulation 22(c)(iii)(iv)

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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 will set 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.

## 2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2021) 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 104 – ‘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 106 – '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 110 – '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 111 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 113 – '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 130 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 210 – '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. Prior to the publication of the emerging MWLP, the Council was preparing separate Minerals and Waste Plans, which were at differing stages of production. The emerging

Minerals Local Plan (MLP) was published for a Regulation 19 Proposed Submission consultation in 2019, and the emerging Waste Local Plan (WLP) was published for a Regulation 18 Draft Plan consultation in 2021. These emerging Plans have now been brought together into a single MWLP. The Policy which this Evidence Report relates to has been formulated from one or more relevant policies in those previous emerging Plans, and takes into account the representations received at those previous stages of consultation.

## **Proposed Submission Minerals Local Plan 2019**

- 4.2. The Proposed Submission Minerals Local Plan was published for a ten week Regulation 19 consultation from 14 January 2019 to 22 March 2019. This document included Policy 20: Strategic transport and Policy 21: Operational Transport. The policies read as follows:

### **Policy 20: Strategic Transport**

Mineral extraction sites and associated development must be well located in relation to the primary route network as defined by the Local Highway Authority.

Proposals for mineral extraction, associated development and reclamation should seek to use sustainable transport and where possible minimise transport movements and distance travelled by road, through the use of sustainable methods such as rail or water or use on site.

Proposals for mineral extraction and associated development must demonstrate:

- how opportunities for alternative methods of transport have been evaluated;
- how movements on the highway have been minimised; and
- the consideration of the site's location in relation to the primary route network.

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

All proposals will need to take into account any unacceptable adverse impacts on the local road and rights of way networks, public health, amenity, wildlife habitats and the natural, built and historic environment.

- 4.3. During the Regulation 19 consultation, 6 representations were made in relation to this policy including several comments regarding the plan's site allocations. The main points of these are summarised below:
- a) The policy should make specific reference to mitigating any potential negative impacts of any mineral extractions, and associated developments, on AQMAs within the County.

- b) It is considered that the policy should clearly state that proposals would need to demonstrate mitigation to an acceptable level of any unacceptable adverse impacts.
- c) The policy could include additional methods of demonstration such as traffic management plans to control HGV movements.
- d) Specific mention should be given to the council's commitment to non road-based transport methods.

4.4. The county council's response to the above representations is as follows:

- a) The policy has been amended such that a development proposal must demonstrate that traffic generated will not have an unacceptable adverse effect on human health or the environment.
- b) The policy has been amended to include the requirement for a transport assessment to accompany a development proposal.
- c) The policy states examples of non-road based transport and that road based transport should be minimised. The need for sustainable alternatives to road based transport is included within the policy.

#### **Policy 21: Operational Transport**

Proposals for mineral extraction, associated development and reclamation will be permitted where it is clearly demonstrated that the provision for vehicle movements within the site, access to and from the site and the conditions of the local highway network are such that the traffic impacts likely to be generated would not have an unacceptable adverse impact on:

- highway safety;
- the effective operation of the highway network;
- amenity;
- human health; and
- the natural, built and historic environment.

Proposals which generate significant transport movements must be supported by a Transport Assessment. The Transport Assessment must detail all of the following:

- the potential cumulative impacts arising from transport movements and how the impacts will be mitigated if necessary;
- the scale of the proposed development and its potential for additional trip generation;
- how access to the strategic highway network is suitable and how impacts on road safety, congestion and any current restrictions have been addressed;
- existing intensity of transport use and the availability of public transport;
- proximity to nearby environmental designations or sensitive areas;
- impact on other priorities/ strategies including the Local Transport Plan for Hertfordshire and local Growth and Transport Plans; and



- any specific impacts that the proposal may generate;

Where needed, proposals must include one or more of the following:

- highway improvements; or
- traffic management; or
- other mitigating measures that may be provided in association with the development to minimise the impact of traffic movement.

Routing agreements and planning obligations will be sought, where appropriate, to mitigate and/or compensate for the effects of minerals development where unacceptable adverse impacts cannot be mitigated by planning conditions.

- 4.5. During the Regulation 19 consultation, this policy received 5 representations. However, four of these relate to the highways impacts of the plan's site allocations. The points raised are summarised below:
- a) It is considered that the policy should reference and include policies 1 (transport user hierarchy) and 5 (section G) from the Hertfordshire Local Transport Plan.
  - b) Public Rights of Way should be included in the policy with highway safety, given that Rights of Way also constitute highways.
- 4.6. The county council's response to the above representations is as follows:
- a) The Local Transport Plan is referenced within the policy and in the supporting text. The policy does not include specific elements from the Local Transport Plan in order to avoid policy duplication.
  - b) Public Rights of Way are referenced in the Policy to clarify that they must be considered within the context of highway safety, however Policy 25: Public Rights of Way contains specific provisions to ensure PROWs are not adversely affected by development.

## **Draft Waste Local Plan 2021**

- 4.7. The Draft Waste Local Plan was published for a ten week Regulation 18 consultation from 11 January 2021 to 19 March 2021. This document included Strategic Policy 7: Strategic Transport and Non-strategic Policy 8: Operational Transport. The policies read as follows:

### **Strategic Policy 7: Strategic Transport**

Waste development proposals must be located in close proximity to the primary route network as defined by the Highway Authority. Proposals for waste development should seek to use sustainable transport as a priority and where possible, minimise transport

movements and distance travelled by road, through the use of sustainable methods such as rail and water. Proposals must demonstrate:

- how opportunities for alternative methods of transport have been evaluated;
- how movements on the highway have been minimised; and
- the merits of the site's location in relation to the primary route network.

Proposals for rail and/or water terminals to transport waste will be supported subject to the suitability of local roads to support the collection/delivery of operational waste material to/from the site.

- 4.8. During the consultation on the Draft Waste Local Plan, this policy received 8 representations. Generally, they were in support of the inclusion of this policy. The points raised are summarised below:
- a) The references to the primary route network should be removed to recognise that waste management facilities may need to be located away from the primary network and that waste movements can have varying load sizes.
  - b) The policy could be strengthened by referencing the Local Transport Plan.
  - c) There is limited capacity for non-passenger sustainable transport modes and therefore, the County Council should promote the increase of this capacity.
  - d) The policy should further reference the movement of waste by water and also reference the Town and Country Planning Association's Policy Advice note: Inland Waterways (2009), which supports moving waste by water. The movement of waste by water should be promoted in a more positive way in the plan, in particular, the use of wharves.
  - e) The mention of the proximity to the Primary Route Network limits facilities that are often situated away from infrastructure, such as water recycling facilities. It is suggested that the policy is amended with the following text: *'Waste development proposals (excluding those relating to sewage treatment) must be located in close proximity to the primary route network as defined by the Highway Authority. Proposals for waste development should seek to use sustainable transport as a priority and where possible, minimise transport movements and distance travelled by road, through the use of sustainable methods such as rail and water.'*
  - f) The locational criteria should focus not only on the location of the facility but its proximity to the origin of waste.
  - g) The principle of co-location should be further explained within the policy to reduce the need to transport the waste materials.
  - h) A location in proximity to the primary route network may constrain opportunities to reach the site by walking or other sustainable transport methods.
  - i) Some sites often do not have access to sustainable transport modes and HGV movements are considered the best option. It is therefore suggested that more flexibility needs to be built into this policy perhaps through the identification of

suitable co located sites where the requirements to demonstrate the policy criteria may not apply.

4.9. The county council's response to the above representations is as follows:

- a) The Council accepts that some forms of development may not be able to be well located to the primary route network. The policy wording has been amended to account for this.
- b) Policy 24 has been amended to make reference to the Local Transport Plan.
- c) The promotion of non-passenger transport on passenger routes is not within the scope of the MWLP.
- d) The policy now makes specific reference to moving wastes by water.
- e) The policy text has been updated to state that proposals should, where practicable, be well located in relation to the Primary route network.
- f) Policy 3: Providing for Waste Management, relating to the location of waste management facilities covers the matter of proximity to the origin of waste.
- g) The principle of co-location is covered in Policy 3: Providing for Waste Management
- h) The policy has been amended to allow for flexibility in the siting of a waste management facility in relation to the Primary Route Network.
- i) The policy states that proposals must demonstrate that opportunities for sustainable transport methods have been considered. Should the assessment conclude that they would not be suitable, the policy does not limit this.

#### **Non-Strategic Policy 8: Operational Transport**

Waste development proposals will be permitted where it can be clearly demonstrated 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: highway safety (including Public Rights of Way); the effective operation of the highway network; amenity; human health; and the natural, built and historic environment.

Proposals which generate significant transport movements must be supported by a Transport Assessment which details the following:

- the potential cumulative effects arising from transport movements and how the impacts will be mitigated;
- the scale of the proposed development and its potential for additional trip generation;
- how access to the strategic highway network is suitable and how impacts in road safety, congestion and any current restrictions have been assessed;
- existing intensity of transport use and the availability of public transport;
- proximity to nearby environmental designations or sensitive areas;
- impact on other priorities/strategies including the Local Transport Plan for Hertfordshire and local Growth and Transport Plans; and

- any specific transport related effects that the proposal may generate.

Where needed, proposals will be required to include one or more of the following: highway improvements; traffic management; and other mitigation measures that may be provided in association with the development to minimise the effect of waste related traffic. Where unacceptable adverse effects cannot be mitigated by planning conditions, routing agreements and planning obligations will be sought to mitigate and/or compensate for the effects of waste development.

4.10. During the consultation on the Draft Waste Local Plan, this policy received 4 representations. The points raised are summarised below:

- a) The term 'Strategic Highway Network' is outdated and should be referred to as the 'highway network'.
- b) In the phrase 'significant transport movements' it could be defined what constitutes a significant movement.
- c) The policy should include a requirement for a Construction Management Plan which would detail specific movements, risks and obligations for compliance.
- d) The policy should include a criterion to ensure that all new developments make provision for electric vehicle charging points and low emission vehicles.

4.11. The county council's response to the above representations is as follows:

- a) The term 'strategic highway network' has been amended within the policy to reflect the most up to date term.
- b) What determines a significant transport movement will be established at the planning application stage, as this can vary based on the types of movements, the distance needing to be travelled and the significance of the movement given the particular local context.
- c) The requirements of the policy state that proposals must not have an unacceptable adverse effect on human health and highway safety. It also states that a transport assessment must assess the impacts on road safety.
- d) The Council agrees that the uptake of and provision for electric vehicles is important and therefore the policy has been amended to reflect this.

## 5. Alternative Reasonable Options

5.1. The following 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 Draft 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 18 consultation stage will be carefully considered by the county council and used to inform any changes to the policy wording as appropriate.
- 6.3. This Policy Evidence Report was written to support the Draft Plan (Regulation 18) consultation. The next iteration of this report, to be published in support of the Proposed Submission (Regulation 19) version of the Plan, will summarise the main issues arising from the Regulation 18 consultation and will form part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.