

Network Rail (Cambridgeshire Level Crossing Reduction) Order

Network Rail Note no. 15

Planning Policy Note

Introduction

1. The Guide to TWA Procedures (DfT, 2006) states:

“1.28 In determining an application for a TWA order to authorise works, and any related application for deemed planning permission, the Secretary of State will have regard to, amongst other things, relevant national, regional and local planning policies. Therefore, in drawing up works proposals, prospective applicants should pay particular attention to relevant national policy guidance and development plan policies, including those in regional spatial strategies and local development documents. In line with the plan led system for determining planning applications, projects that conflict with relevant policies in the development plan are unlikely to be authorised, unless material considerations indicate otherwise.

1.29 Prospective applicants are advised to consult the local planning authorities and other statutory and non-statutory organisations with relevant responsibilities and expertise at the formative stage of a project. They should seek to work with the local authorities and other key consultees in taking forward their project - see Part 2 for more detailed advice on pre-application consultation.”

2. The Statement of Matters for the Inquiry sought information as to the extent to which the Order proposals are consistent with the NPPF, national transport policy, and local transport, environmental and planning policies. Network Rail (NR) is satisfied that the proposals are consistent with those policies, and this Note is intended to provide further information to support that conclusion.
3. NR has considered the planning policy framework for the Cambridgeshire (Level Crossing Reduction) Order (Order) throughout the scheme development process. It has consulted with the local planning authorities, none of whom object to the Order.

Overview of works

4. The Order comprises the closure or downgrade of 25 level crossings within the county of Cambridgeshire. As set out in the (NR) Statement of Case (NR26) the crossings selected are those where it is considered that the crossing can be closed or downgraded with minimal requirements for new infrastructure and appropriate safe and convenient diversions provided to alternative existing crossing routes over the railway. The physical works required to close or downgrade the level crossings and to achieve the diversions are minimal and a summary of these works for each crossing is provided in the Design Guide (NR12).
5. Pursuant to Rule 10(6) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (2006 Rules), the application for the Order is accompanied by a request for a Direction under Section 90(2A) of the Town and Country Planning Act 1990. If given, the Direction would grant deemed planning permission, so far as it is required, for the development sought to be authorised by the Order, subject to any conditions.

6. Those elements of the proposals requiring deemed planning consent are the works authorised by the Order and particularised in Schedule 1 to the Order. These comprise 8 footbridges and one bridleway bridge.
7. The project also authorises the stopping up, diversion and creation of rights of way. Whilst those powers do not themselves relate to works requiring planning permission, there are planning policies which are likely to be considered relevant in considering the Order.

Consultation with planning authorities

8. There are three district councils, again all statutory consultees listed in Schedules 5 and 6 of the 2006 Rules. The table below lists the relevant districts and the crossings within their administrative boundaries.

District Council	Level Crossings
Fenland District Council	C12, C14, C15
East Cambridgeshire District Council	C02, C10, C11, C16, C17, C20, C21, C22, C24, C25, C26, C27, C28, C29, C30, C31
South Cambridgeshire District Council	C01, C04, C07, C33, C34, C35

9. Cambridgeshire County Council (CCC) is a non-metropolitan county council and, as the local highway authority, is a statutory consultee for the purposes of the 2006 Rules.
10. Pre-application consultation has been carried out with the local planning authorities and CCC since summer 2014 (see NR05, part 3.3.1). Workshops and telephone conferences were held jointly with the county and district councils on the following dates to discuss the principles and details of the proposals:
 - 30/09/2015 (CCC workshop only)
 - 26/7/2016 & 01/08/2016 (workshop CCC & District Councils)
 - 11/10/2016 (workshop CCC & District Councils)
 - 16/12/2016 (telecon CCC)
 - 17/01/2017 (Network Rail meeting with CCC)
11. The local planning authorities were provided with the EIA Screening Request as required.
12. No objection letters, Statements of Case, or Evidence has been received from East or South Cambridgeshire District Councils in regard to the proposals in the Order. Objection 28 from Fenland District Council confirms that:
 - No objections are raised to C12-Silt Drove subject to retention of telephone and signage
 - No objections raised to C14-Eastrea Cross Drove or C15-Brickyard Drove, subject to consulting Cambridgeshire Highways
 - Objection is raised to C13-Middle Drove given impact on refuse collection services, unless Fenland District Council qualifies as an authorised user (*note that C13 is now removed from the Order*)

13. In May 2016 Network Rail wrote to the local planning authorities updating them on the scheme proposals and asking for information on land allocations and development proposals in close proximity to the level crossings. Detailed responses were received from Fenland District and South Cambridgeshire District. The project team, through the landowner, public and strategic consultation, have developed further knowledge of consented, proposed and aspired development in the vicinity of the level crossings within the Order. This knowledge has been used to help develop and appraise the proposals.

The Development Plan

Fenland District Council

14. The development plan for Fenland District Council's area comprises the Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Plan (2011) ("CPMWP"). There are no relevant policies in the CPMWP. The Fenland Local Plan document was adopted in May 2014 and includes the following relevant policies.

- Policy LP1 – Presumption in Favour of Sustainable Development
- Policy LP2 – Facilitating Health and Wellbeing of Fenland Residents
- Policy LP12 – Rural Area Development Policy
- Policy LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- Policy LP16 - Delivering and Protecting High Quality Environments Across the District
- Policy LP17 – Community Safety
- Policy LP18 – The Historic Environment
- Policy LP19 – The Natural Environment

East Cambridgeshire District Council

15. The development plan for East Cambridgeshire District Council's areas comprises the Local Plan (2015) and CPMWP. The Council is currently preparing and consulting on a new Local Plan for East Cambridgeshire. Relevant policies of the Local Plan 2015 are:

- Policy GROWTH 3: Infrastructure requirements
- Policy GROWTH 5: Presumption in favour of sustainable development
- Policy ENV 1: Landscape and settlement character
- Policy ENV 7: Biodiversity and geology
- Policy ENV 14: Sites of archaeological interest
- Policy COM 5: Strategic green infrastructure
- Policy COM 7: Transport impact

South Cambridgeshire DC

16. The development plan for South Cambridgeshire DC's area comprises the Core Strategy DPD (2007), Development Control Policies DPD (2007), the Site Specific Policies DPD (2007), various Area Action Plans, and the CPMWP.

17. The South Cambridgeshire Local Plan was submitted to the Secretary of State on 28 March 2014 for examination, alongside the Cambridge Local Plan. The examination processes have been protracted and the Local Plan is yet to be adopted.

18. The Core Strategy DPD sets out a strategic vision for the District which includes the following objectives:

“ST/b To locate development where access to day-to-day needs for employment, shopping, education, recreation, and other services is available by public transport, walking and cycling thus reducing the need to travel, particularly by private car.

ST/c To create new and distinctive sustainable communities on the edge of Cambridge connected to the rest of the city by high quality public transport and other non-motorised modes of transport which will enhance the special character of the city and it's setting."

19. The Development Control Policies DPD contains the following policies which are relevant to the proposals:

- Policy DP/3 Development Criteria
- Policy TR/4 Non-motorised modes

20. It should be noted that the Waterbeach new town allocation (referred to in evidence relating to the C35 Ballast Pit) is in the emerging Local Plan, which does not form part of the development plan for the area.

Other material considerations

The NPPF

21. Paragraph 17 of the National Planning Policy Framework (2012) (NPPF) lists the core planning principles which should underpin decision making. It states that planning should "proactively drive and support sustainable economic development to deliver...infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet... development needs of an area, and respond positively to wider opportunities for growth". It continues to state that planning should also take into account the "different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it".

22. Chapter 4 of the NPPF is concerned with promoting sustainable transport. It requires local authorities to plan for the use of sustainable modes of transport. Paragraph 35 states that developments should "give priority to pedestrian and cycle movements, and have access to high quality public transport facilities"; and "create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians".

23. Chapter 8 seeks to promote healthy communities through, amongst other things, "safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas" (paragraph 69). Paragraph 75 of the NPPF states that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

National Networks NPS

24. The National Policy Statement for National Networks (2014) (National Networks NPS) relates to Nationally Significant Infrastructure Projects but contains policy which is relevant to this Order (see Mr Brunnen's Proof, 5.1):

“2.2 There is a critical need to improve the national networks to address... crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth...

2.9 Broader environment, safety and accessibility goals will also generate requirements for development. In particular, development will be needed to address safety problems, enhance the environment or enhance accessibility for non-motorised users. In their current state, without development, the national networks will act as a constraint to sustainable economic growth, quality of life and wider environmental objectives.

2.10 The Government has therefore concluded that at a strategic level there is a compelling need for development of the national networks – both as individual networks and as an integrated system. ...

2.29 In the context of the Government's vision for the transport system as a driver of economic growth and social development, the railway must: • offer a safe and reliable route to work; • facilitate increases in both business and leisure travel; • support regional and local public transport to connect communities with public services, with workplaces and with each other, and • provide for the transport of freight across the country, and to and from ports, in order to help meet environmental goals and improve quality of life.

...

3.12 It is the Government's policy, supported by legislation, to ensure that the risks of passenger and workforce accidents are reduced so far as reasonably practicable. Rail schemes should take account of this and seek to further improve safety where the opportunity exists and where there is value for money in doing so by focussing domestic efforts on the achievement of the European Common Safety Targets.”

Cambridgeshire County Council Policy

25. CCC, as the local highways authority, is responsible for keeping the definitive rights of way maps up to date and developing Rights of Way Improvement Plans.

26. CCC's policies do not form part of the statutory development plan but may be material considerations. Key policy documents include:

- Local Transport Plan 3 (2011-2031)
- Rights of Way Improvement Plan (2006 and 2016 update)
- Cambridge City and South Cambridgeshire Transport Strategy (2014)
- Transport Strategy for East Cambridgeshire (2016)
- Transport Delivery Plan (2015)
- Highway Asset Management docs (Feb 2017)
 - Highway Asset Management Policy
 - Highway Asset Management Strategy
 - Highway Infrastructure Asset Management Plan

Planning Policy Assessment

Principle of the level crossing closures

27. The evidence of Mark Brunnen and Eliane Algaard considers the purposes of the Order and the reasons for seeking to close or downgrade level crossings.
28. In terms of safety for level crossings users and rail users, national and local planning policy supports the provision of safe transport networks (including the railway and non-motorised users):
- a. NPPF paragraphs 35 and 69 support the provision of safe routes for pedestrians and cyclists;
 - b. Providing a safe railway is a key objective of the National Networks NPS;
 - c. Fenland Policy LP2 supports the provision of “safe transport networks” and LP17 seeks a footpath network which is “safe to use”;
 - d. East Cambridgeshire Policy ENV 2 and South Cambridgeshire Policy DP/3 contain similar support for safe access for pedestrians and other users.
29. In terms of improving the operational efficiency of the railway, and enabling future enhancements to the rail network, again national and local planning policy supports the Order. The particular provisions of the development plan which are of note are:
- a. Fenland Policy LP15 which expressly supports enhanced rail travel, and the movement of freight by rail;
 - b. East Cambridgeshire Policy GROWTH 3 which supports the provision of improved rail services;
 - c. South Cambridgeshire strategic objective ST/c which supports the provision of high quality public transport to serve new developments.
30. In terms of the County transport policies, CCC acknowledges that the *‘underlying principles of the Anglia Level Crossing Reduction are broadly in line with CCC’s Local Transport Plan (LTP) and Long Term Transport Strategy (LTTs) objectives’* – see CCC Statement of Case para 5.1 and Chris Poultney (CCC Transport & Infrastructure Manager) Proof of Evidence section 7.
31. The overall objectives of the Order scheme therefore accord with the development plan and other material considerations.

Impact on rights of way network and provision of alternative routes

32. National and local planning policy support the protection and enhancement of the rights of way network:

- a. The NPPF seeks to protect and enhance public rights of way (paragraph 75);
 - b. Fenland Policy LP15 seeks to deliver “robust networks and facilities for walking and cycling, which are suitably linked and integrated into the wider transport network, are well maintained and promoted, and which help facilitate other schemes such as Safe Routes to Schools and travel plans” and “Prioritise schemes which complete gaps in the network, especially those that will encourage more local walking and cycling journeys”. Policy LP17 seeks to achieve a “convenient footpath network”;
 - c. East Cambridgeshire Policy COM7 provides that new development should “protect existing rights of way or allow for agreed diversions in exceptional circumstances”;
 - d. South Cambridgeshire Policy TR/4 states that planning decisions “will need to consider the effect of proposed development on the effectiveness and amenity of these routes and take account of the need to extend or improve the attractiveness of the network, including through improved maintenance, crossings, signposting and waymarking of cycleways, footpaths and other rights of way. Where appropriate the District Council will negotiate with the relevant landowners and organisations to extend, or where necessary amend, the network of public rights of way including circular routes.”
33. The evidence of Sue Tillbrook addresses how the provision of alternative routes has sought to protect the rights of way network as a whole and provide enhancements where possible, focusing on the provision of convenient and suitable alternatives to the routes which would be affected by level crossing closures. That approach (as endorsed by the Guide to TWA Procedures, and subject to other submissions) accords with relevant planning policy.

Policies relevant to authorised works

Works design

34. The NPPF emphasises the importance of design and paragraph 56 states that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. Paragraph 109 of the NPPF further states that the planning system should contribute to and enhance the natural and local environment by “protecting and enhancing valued landscapes”. Principles of good design are also enshrined in the relevant development control policies in respect of each local planning authority’s area (see above).
35. The works promoted by the order and deemed planning consent are minor in nature and already common place within the rural setting – for example public right of way finger posts, public right of way foot and bridleway bridges over local drains and ditches, unsurfaced field margin footpaths etc. The order requires the design of these features to be agreed with the relevant authorities using best practice design for visual appearance. Maintenance liability is being addressed through CCC and the provision of a commuted sum.

Ecology

36. The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life (paragraph 9). This includes moving from a net loss of biodiversity to achieving net gains for nature. This is enforced in paragraph 109 which states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Similar policies are found in each of the relevant development plans.
37. Network Rail has carried out an extensive programme of environmental surveys to understand local constraints and inform scheme development. Diversion routes have been amended to avoid protected species (such as at C15), and the use of existing gaps in hedges / watercourse crossing points used wherever possible. A Precautionary Method of Works (PMW) has been produced and agreed with the local planning authorities. The implementation of the processes and measures set out in the PMW is proposed to be controlled by condition.

Historic Environment

38. The NPPF states that Local Planning Authorities should set in their Local Plans a "positive strategy for the conservation and enjoyment of the historic environment... In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance" (paragraph 126). Again, there are similar heritage related policies in the relevant local plans.
39. Through consultation with the County Archaeologist and Local Planning Authorities, a study has been undertaken of the potential for archaeological findings at each level crossing scheme. Subsequently a crossing specific condition has been agreed with the County Archaeologist and Local Planning Authorities to ensure that local and national policy requirements are satisfied.

Construction

40. Development plan policies do not routinely address construction impacts which are generally controlled by environmental health regimes. For completeness, Network Rail contractors are required to comply with Network Rail's Contract Requirements Environment (CR-E) document NR/L2/ENV/015 Issue 6 (2011), all construction work will be carried out in accordance with the standard principles outlined in the CR-E (located in Appendix D of the EIA Screening submission). In addition to the CR-E, a Construction Environmental Management Plan (CEMP) will be prepared and implemented by the appointed contractor and will be agreed with the LPA. The CEMP will be aligned to the principles in the CR-E and will set out the general environmental management principles to be implemented including specific measures to manage and reduce impacts on air quality, biodiversity, cultural heritage, land quality, noise and vibration, surface water and groundwater, traffic and transport and waste and materials.

Environmental Impact Assessment Screening

41. An EIA Screening opinion was submitted to the DfT on the 9th December 2016. The response received on the 24 January 2016 confirmed that no environmental impact assessment was required (NR11).

Planning Conditions

42. As part of the submission documents (NR10), Network Rail have suggested conditions in regard to ecology, archaeology, landscaping, and design approval of footbridges. The need for such conditions is accepted and the wording of these has been the subject of further discussion with CCC and the LPAs. The wording of those conditions is now agreed.
43. These conditions give assurance that the control and mitigation measures set out in the various submissions will be implemented in full.

Conclusion

44. The proposed works, which form part of this application (the closure / downgrade level crossings), will result in improvements to the safety of users of level crossings and the operational railway. Connectivity will be maintained through the provision of upgrades and new additions to the surrounding public right of way network. Local and national planning policy has been considered through the scheme development process and the proposals comply with the NPPF and policies set out within the adopted Local Plans and transport plans.
45. For that reason, NR submits that the Inspector should report that the proposals are consistent with the NPPF, national transport policy, and local transport, environmental and planning policies because they further public safety, improve the operational efficiency of the railway, and assist in the delivery of future enhancements to the railway. In so doing, they promote sustainable transport and economic growth. The public rights of way diversions do not have a material adverse effect on the rights of way network and therefore are acceptable in terms of those policies. The operational development authorised by the Order is modest and consistent with local and national planning policies. The planning conditions assist in securing compliance with other relevant policies in respect of design, ecology and heritage matters.

Appendix: Local Planning Framework

Fenland District Council

The Fenland Local Plan document was adopted in May 2014 and includes the following relevant policies.

Policy LP1 – A Presumption in Favour of Sustainable Development

At the heart of the strategy for Fenland is a desire to deliver sustainable growth; growth that is not for its own sake, but growth that brings benefits for all sectors of the community - for existing residents as much as for new ones.

When considering development proposals, Fenland District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in Fenland.

Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- ☐ Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- ☐ Specific policies in that Framework indicate that development should be restricted.*

Policy LP2 – Facilitating Health and Wellbeing of Fenland Residents

Development proposals should contribute to the Council's goal of Fenland's residents achieving the highest attainable standard of health, irrespective of their race, religion, political belief, economic or social condition, sex or age.

Development proposals should positively contribute to creating a healthy, safe and equitable living environment by:

- ☐ creating an environment (built and social) in which communities can flourish (see all policies in this plan);*
- ☐ promoting and facilitating healthy lifestyles (see, for example, LP7, LP15 and LP16);*
- ☐ providing good access to health, leisure and recreation facilities (see, for example, LP7, LP13 and LP16);*
- ☐ providing and maintaining effective, sustainable and safe transport networks to ensure access to all essential services (see LP15);*

Policy LP12 – Rural Areas Development Policy

Part A: For villages, new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the

countryside. Any proposal will need to satisfy the applicable policies of this document (including the settlement hierarchy set out in Policy LP3), as well as all the following criteria:

(c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland; and (d) The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance; and (e) It would not extend existing linear features of the settlement, or result in ribbon development; and (f) The site retains and respects natural boundaries such as trees, hedgerows, embankments and drainage ditches; and (g) The site retains and respects ecological, heritage and biodiversity features; and (h) It would not result in the loss of important spaces within the village; and (i) It would not result in the loss of high grade agricultural land, or if so, comprehensive evidence is provided to justify the loss. This should include an assessment of all alternative reasonable opportunities in the locality to develop on lower grades of agricultural land; and (j) It would not put people or property in danger from identified risks; and (k) It can be served by sustainable infrastructure provision, such as surface water and waste water drainage and highways.”

Policy LP15 - Facilitating the Creation of a More Sustainable Transport Network in Fenland

(A) The Vision for a Sustainable Transport Network in Fenland

The Council is seeking to deliver an integrated approach to transport in Fenland that is sustainable, facilitates growth, links town and country, encompasses cross boundary transport issues and improves accessibility for everyone by all modes of travel. An overarching aim of the Council is to reduce the need to travel, but, where travel is necessary, to minimise the distance needed to travel and increase the options available to undertake such journeys.

Detailed strategy, targets and delivery arrangements to help achieve the vision are set out in the Local Transport Plan (LTP) (as updated on a 5-year basis), or its successor document, and the Transport and Access Group Work Programme.

All development proposals are expected, in proportion to the size and impact of the development being proposed, to contribute to the delivery of this Vision.

(B) Delivering New Transport Related Infrastructure

Delivering the right transport related infrastructure, in the right place, at the right time, is essential if the transport vision is to be achieved. To enable this to happen, all development proposals should contribute to the delivery of the following transport objectives, either directly where appropriate (such as the provision of infrastructure or through the contribution of land to enable a scheme to occur) or indirectly (such as through some form of developer contributions or CIL financial payment):

For Strategic Transport Infrastructure:

...

- Deliver the Fenland Getting on Track Rail Strategy, through the implementation of the Rail Stations Investment Plan, improvements to rail services and the Community Rail Partnership.

...

- Increase the proportion of freight carried by rail and waterways, rather than road, making maximum use of local assets such as existing and potentially re-opened railway lines, Wisbech Port, River Nene and other local waterways.

...

For Walking & Cycling Infrastructure:

- Deliver robust networks and facilities for walking and cycling, which are suitably linked and integrated into the wider transport network, are well maintained and promoted, and which help facilitate other schemes such as Safe Routes to Schools and travel plans.

- Prioritise schemes which complete gaps in the network, especially those that will encourage more local walking and cycling journeys.

- Deliver schemes which complement the aims of the Cambridgeshire Green Infrastructure Strategy, protect and enhance natural assets and, where possible, enhance linkages between settlements and to areas of natural greenspace and to the surrounding countryside.

Policy LP16 - Delivering and Protecting High Quality Environments across the District

High quality environments will be delivered and protected throughout the district. Proposals for all new development... will only be permitted if it can be demonstrated that the proposal meets all of the following relevant criteria:

(a) protects and enhances any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18.

(b) protects and enhances biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites, in accordance with Policy LP19.

(c) retains and incorporates natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.

(d) makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.

(e) does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.

(f) provides adequate, well designed facilities for the storage, sorting and collection of waste that are user friendly and appropriate to the amount and type of development proposed (including taking account of any district or county Supplementary Planning Documents which are in force at the time of the proposal).

(g) provides publicly accessible open space for play, sport, recreation and access to nature, in accordance with the standards set out in Appendix B, or a financial contribution of equivalent value where on-site provision is impracticable.

... (i) provides well designed hard and soft landscaping incorporating sustainable drainage systems as appropriate.

(j) provides safe environments and incorporates security measures to deter crime in accordance with Policy LP17. ...

(l) identifies, manages and mitigates against any existing or proposed risks from sources of noise, emissions, pollution, contamination, odour and dust, vibration, landfill gas and protects from water body deterioration.

(m) the site is suitable for its proposed use with layout and drainage taking account of ground conditions, contamination and gas risks arising from previous uses and any proposals for land remediation, with no significant impacts on future users, groundwater or surface waters. ...

Policy LP17 – Community Safety

_In order to create safe environments and to prevent crime, development proposals should demonstrate that they have regard to the following criteria:

...

b) include a street and footpath network that is convenient, attractive and safe to use

...

Policy LP18 – The Historic Environment

The Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. This will be achieved through

- the consideration of applications for planning permission and listed building consent;*
- the use of planning obligations to secure the enhancement of the significance of any heritage asset, where development might impact on that significance (including impact on setting);*
- keeping up-to-date and implementing conservation area appraisals and management plans, and using such up to date information in the determination of planning applications;*
- making use of Article 4 Directions, where appropriate, to prevent unsympathetic alterations to buildings in conservation areas;*
- the preparation and maintenance of a list of buildings and other heritage assets of local importance;*
- steps to reduce the number of heritage assets in Fenland on English Heritage's Heritage at Risk Register; and*
- the use of grant schemes, as resources permit, to safeguard heritage assets at risk and encourage sympathetic maintenance and restoration of listed buildings and historic shop fronts.*

All development proposals that would affect any designated or undesignated heritage asset will be required to:

(a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and

(b) identify the impact of the proposed works on the special character of the asset; and

(c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.

The level of detail required should be proportionate to the asset's importance and sufficient to understand the potential impact of the proposal on its significance and/or setting. All development proposals that would affect a heritage asset will be determined in accordance with local policy in this Plan and national policy in the National Planning Policy Framework. Where permission is granted, a programme of work and/or the implementation of any necessary mitigation measures may be secured by condition or as part of a planning obligation in order to minimise any adverse impact.

Policy LP19 – The Natural Environment

The Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland. Through the processes of development delivery (including the use of planning obligations), grant aid (where available), management agreements and positive initiatives, the Council will:

- Protect and enhance sites which have been designated for their international, national or local importance to an extent that is commensurate with their status, in accordance with national policy in the National Planning Policy Framework.*
- Refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.*
- Promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans.*
- Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas.*

East Cambridgeshire District Council

The 2015 adopted plan contains the following relevant policies:

Policy GROWTH 3: Infrastructure requirements

There should be appropriate physical, social and green infrastructure in place to serve the needs of new development within the district, as set out in Policy GROWTH 1. New and improved infrastructure within the district will be delivered through the following measures:

...

☐ *The District Council will work closely with infrastructure providers at the earliest possible stage to ensure inclusion of infrastructure schemes within their programmes, plans and strategies, and delivery of specific infrastructure requirements in conjunction with individual development schemes and the expected timing of development coming forward.*

Key infrastructure requirements relevant to growth within the district include the following (this list is not exhaustive and is taken from the Council's Infrastructure Investment Plan):

....

☐ *Improvements to Ely Railway Station (passenger transport interchange, improved pedestrian and segregated cycle access and increased car and cycle parking) and Littleport Railway Station (increased car and cycle parking).*

☐ *Improved rail and bus services.*

☐ *Improvements to pedestrian and cycle networks within settlements and between settlements (including segregated cycle routes with appropriate crossings at key points where possible).*

Policy GROWTH 5: Presumption in favour of sustainable development

The District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved wherever possible without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, permission will be granted unless material considerations indicate otherwise – taking into account:

☐ *Any adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.* ☐ *Specific policies in the NPPF which indicate that development should be restricted or refused; and* ☐ *Strategic objectives of the Local Plan including those within Town and Village visions.*

Policy ENV 1: Landscape and settlement character

Proposals for development should be informed by, be sympathetic to, and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines. Development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive,

complementary relationships with existing development and will protect, conserve, and where possible enhance:

- ☐ The pattern of distinctive historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal.*
- ☐ The settlement edge, space between settlements, and their wider landscape setting.*
- ☐ Visually sensitive natural and man-made skylines, hillsides and geological features.*
- ☐ Key views into and out of settlements; this includes quintessential views of Ely Cathedral and the setting of the City as a historic 'isle' settlement close to the fen edge and the valley of the River Great Ouse.*
- ☐ The unspoilt nature and tranquility of the area.*
- ☐ Public amenity and access; and*
- ☐ Nocturnal character of rural areas free from light pollution. Suitable compensatory provision must be made in the event of significant harm where necessary*

Policy ENV 2: Design

All development will be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Design which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused...

All new development proposals, including new buildings and structures and extensions and alterations to existing buildings and structures will be expected to:

- ☐ Make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.*
- ☐ Be developed in a comprehensive way, avoiding uncoordinated piecemeal development, to create a strong and attractive sense of place and local distinctiveness.*
- ☐ Where appropriate, contain a variety and mix of, uses, heights and types of buildings, public spaces paths and routes, and landscaping, and provide variety and visual richness.*
- ☐ Retain existing important landscaping and natural and historic features, and include landscape enhancement schemes.*
- ☐ Ensure that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.*
- ☐ Protect important views into and out of settlements and key views of landmark buildings, especially ensuring that there is no detrimental effect on the appreciation of Ely as an historic cathedral city in the quality of the approaches and the quality of distant and close up views of the cathedral.*
- ☐ Ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.*
- ☐ Provide structure and legibility to navigate through developments by making use of existing views, vistas, landmarks and built and natural landscapes and creating new ones.*
- ☐ Provide enclosure to streets and spaces through the grouping, positioning and height of buildings and landscape features, and road layouts.*
- ☐ Make a clear distinction between public and private spaces, and enhance the public realm, including maximising opportunities to provide public art where appropriate.*
- ☐ Incorporate the sustainable construction principles and methods contained in Policy ENV 4.*
- ☐ Comply with the RECAP Waste Management Design Guide Supplementary Planning Document - the Council will encourage innovative solutions to minimising and handling waste and recycling on development sites.*
- ☐ Demonstrate that opportunities have been explored to provide on-site infrastructure, including ducting to industry standards in any new residential, employment or commercial development to accommodate future communications*

infrastructure and other utility needs. ☐ Incorporate the highway and access principles contained in Policy COM 7 into designs to ensure: o The conflict between motor vehicles and pedestrians and cyclists is minimised, and where appropriate establishing home zones. o Safe and convenient access is provided for people with disabilities. o Good access to public transport services. o That networks of pedestrian and cycle routes (linking to existing routes where opportunities exist) give easy access and permeability within developments and to adjacent areas; and o Protection of rights of way.

... ☐ Ensure that places and buildings are accessible to all, including the elderly and those with impaired mobility, and consider the life time use of developments, especially housing. ☐ Create safe environments addressing crime prevention and community safety. ☐ Integrate Sustainable Urban Drainage Schemes (SuDS) into developments so they provide wider green infrastructure benefits (in accordance with Policy ENV 8); and ☐ Have regard to the East Cambridgeshire Design Guide Supplementary Planning Document

Policy ENV 7: Biodiversity and geology

All development proposals will be required to:

- *Protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.*
- *Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and*
- *Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.*

Development proposals where the main aim is to conserve biodiversity will be permitted; and opportunities to incorporate biodiversity into new development will be supported.

All applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. Where there is reason to suspect the presence of protected species, trees and woodland, applications must be accompanied by a survey carried out by a qualified individual assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation. Where appropriate, there will be a requirement for the effective management of designated sites and other features, controlled through the imposition of conditions or Section 106 agreements.

- *Proposals which have an adverse impact on a site of international importance will not normally be permitted unless there are exceptional overriding reasons of public interest (human health, public safety or environmental benefit).*
- *Proposals which have an adverse impact on a site of national importance will not normally be permitted unless the benefits of development at the site significantly outweigh the impacts.*

Proposals which would cause harm to County Wildlife Sites, Ancient Woodland, aged and veteran trees, Local Nature Reserves, Protected Roadside Verges, any other irreplaceable habitats, and

green corridors or important species will not be permitted unless the need for, and benefits of development in that location outweigh the potential harm to nature conservation interests.

Policy ENV 14: Sites of archaeological interest

Development proposals at or affecting all sites of known or potential archaeological interest will:

- Have regard to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings.*
- Require the submission of an appropriate archaeological evaluation/assessment of significance by a suitably qualified person. This initial work may be required prior to the submission of a planning application; and*
- Not be permitted where the proposals would cause substantial harm to new or known nationally important sites, including Scheduled Ancient Monuments and their settings.*

Policy COM 5: Strategic green infrastructure

Proposals which would cause loss of or harm to existing strategic green infrastructure will not be permitted, unless the need for and benefits of the development demonstrably and substantially outweigh any adverse impacts on the green infrastructure. The Council will support proposals for new and improved strategic green infrastructure where these: ☐ Are consistent with the objectives of the Cambridgeshire Green Infrastructure Strategy (2011). ☐ Provide increased public access for quiet recreation and/or increased provision for biodiversity. ☐ Do not harm the character and appearance of any existing buildings or the locality. ☐ Will have no adverse effects on any existing designated sites of conservation or biological importance and impacts will be monitored to ensure the effectiveness of alternative provision away from more sensitive sites. ☐ Would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated. ☐ Will not detract from residential amenity; and ☐ Will aim to achieve Natural England's Accessible Natural Greenspace Standards (ANGSt) through improving accessibility, naturalness and connectivity of greenspaces, which are appropriate in scale and location to the needs of the local community.

New development will be expected to contribute towards the establishment, enhancement and ongoing management of strategic green infrastructure by contributing to the development of strategic green infrastructure network within the district, in accordance with Policy GROWTH 3.

Policy COM 7: Transport impact

Development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location. Opportunities should be maximised for increased permeability and connectivity to existing networks.. Development proposals shall:

- c. Protect existing rights of way or allow for agreed diversions in exceptional circumstances.*

South Cambridgeshire DC

The South Cambridgeshire Local Plan was submitted to the Secretary of State on 28 March 2014 for examination, alongside the Cambridge Local Plan. The examinations commenced on 4 November 2014. The examination is still ongoing - the Planning Inspectors examining the Local Plan and also the Cambridge Local Plan closed the hearings in July 2017 and advised that they anticipated that consultation will take place during Autumn 2017 on Main Modifications that they consider may be necessary to ensure the Local Plans can be found 'sound' and adopted.

The 2014 submitted Local Plan does not contain any policies directly related to the treatment of public rights of way. Until such time that the Local Plan is adopted the Core Strategy (2007) and Development Control Policies DPD are still relevant.

The Development Control Policies DPD contains the following policies:

POLICY DP/3 Development Criteria

1. All development proposals should provide, as appropriate to the nature, scale and economic viability:

...

b. Appropriate access from the highway network that does not compromise safety, enhanced public and community transport and cycling and pedestrian infrastructure;

...

f. Safe and convenient access for all to public buildings and spaces, and to public transport, including those with limited mobility or those with other impairment such as of sight or hearing;

...

2. Planning permission will not be granted where the proposed development would have an unacceptable adverse impact:

j. On residential amenity;

k. From traffic generated;

l. On village character;

m. On the countryside, and landscape character;

n. From undue environmental disturbance such as noise, lighting, vibration, odour, noxious emissions or dust;

o. On ecological, wildlife and archaeological interests;

p. On flooding and flood risk;

q. On the best and most versatile agricultural land;

r. On quality of ground or surface water;

s. On recreation or other community facilities

Policy TR/4 Non-motorised modes

“2. In assessing such future provision for non-motorised modes, the District Council will use the following priorities:

d. 1st priority – provide links to centres with a good range of facilities / services, including major employment areas;

e. 2nd priority – safer routes to schools, provided school buses are not put at risk;

f. 3rd priority – leisure and recreation routes.

3. Any new routes must form safe, highly accessible and convenient connections with Cambridge, Northstowe, the market towns and surrounding villages and link to the existing network.

4. Planning decisions will need to consider the effect of proposed development on the effectiveness and amenity of these routes and take account of the need to extend or improve the attractiveness of the network, including through improved maintenance, crossings, signposting and waymarking of cycleways, footpaths and other rights of way. Where appropriate the District Council will negotiate with the relevant landowners and organisations to extend, or where necessary amend, the network of public rights of way including circular routes”