

Re The Network Rail (Essex and Others Level Crossing Reduction) Order
Public Inquiry October 2017 – February 2019

Submissions on Behalf of The Ramblers
in Response to Network Rail’s Planning Policy Note

Introduction

1. Network Rail (“NR”) has submitted to the Inquiry a ‘Planning Policy Note’ (NR-138), dated 16 October 2018, following the Inspector’s request on Day 4 of the Inquiry (25 September 2018) for submissions on policy matters. The Ramblers are grateful to have the opportunity to comment on the content of this note, particularly as the Ramblers had been concerned by the insufficient evidence that had previously been put forward by NR as to how the scheme complies with planning, and other relevant, policy.¹

Policy Matters – Relevance at the Inquiry

2. The extent to which NR’s proposals under the Network Rail (Essex and Others Level Crossing Reduction) Order (the “Order”) comply with relevant policies is highly pertinent to this Inquiry. The Secretary of State has made clear in the Statement of Matters, at bullet point 3, that the matters about which he particularly wishes to be informed about for the purposes of considering the application include:

The extent to which the proposals in the TWA Order are consistent with the National Planning Policy Framework, national transport policy, and local transport, environmental and planning policies.

3. This does not only refer to the proposed “works” for which NR is seeking a direction under section 90(2A) of the Town and Country Planning Act 1990 that deemed planning permission will be given (i.e. those “works” that constitute “development” for

¹ It appears the only written evidence on these issues is to be found in Dr Algaard’s proof of evidence at 2.6.11 – 2.6.16. Dr Algaard is not a planner and this section of her proof merely consists of short statements as to why the Order, in her view, complies with a number of selected policies. This is not sufficient.

which planning permission is necessary). The Statement of Matters refers generally to the “proposals” in the Order (whether or not these, in fact, require planning permission).

4. The *Guide to TWA Procedures* provides further guidance as to how the Secretary of State will consider a scheme’s compliance with planning policy at p. 21 (emphasis added):

Planning Policies and Development Plans

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.

1.30 Where a relevant development plan is in draft form and is subject to consideration at a public inquiry before being formally adopted, a prospective applicant may wish to consider whether there may be benefit in delaying making a TWA application until that process has been concluded. This is not essential, however, and there may be circumstances where the applicant would not be willing or able to await the outcome of a separate planning process. Any public inquiry into a TWA order application will consider the planning merits of the proposals having regard to relevant published policies and plans, whether formally adopted or in draft form. Applicants should nevertheless be aware that, in deciding whether to make a TWA order, the Secretary of State might need to take into account any relevant development plan which is adopted after the application is made. Depending on timing, this could result in the need for a reference back to interested parties after the close of any inquiry into the proposed TWA order.

5. Again, it is evident from the first sentence in paragraph 1.28 above, that the Secretary of State will wish to consider NR's whole scheme's compliance with relevant policies, not simply those aspects of the scheme that require planning permission.²
6. When considering the scheme's policy-compliance, paragraph 1.28 makes clear that the Secretary of State will wish to consider the extent to which the project conflicts with relevant policies in the development plan and that those projects which conflict with relevant development plan policies are unlikely to be authorised unless material considerations indicate otherwise.
7. It is accepted that other policy documents (outside of the relevant development plans), including the NPPF, the National Planning Statement for National Networks (NPSNN) and the relevant ROWIPs, are to be seen as "other material considerations" (see NR's Planning Policy Note, sub-heading above paragraph 33).

The Development Plan

8. Many of the development plan policies referred to by NR in the Planning Policy Note demonstrate the importance that the relevant local planning authorities (and the communities they represent) place on maintaining and improving the rights of way network, and on encouraging walking and cycling as non-motorised sustainable transport options.
9. Below are examples of these policies. As explanatory text helps to provide context to the policy, relevant extracts from the explanatory text have also been quoted.³

Brentwood Borough Council

Development plan policy	Explanatory text extracts
GB27 Access to the Countryside The Council will <u>safeguard the existence and amenity of rights of way</u>	7.86 The Council will undertake to safeguard the existence and the amenity of these

² This point has particular relevance in relation to NR's Order, as it is not immediately clear the exact parameters of what "works" will require planning permission. NR's planning policy note states, at paragraph 5, that these works includes the 5 footbridges included in Schedule 1 of the Order "together with *other development authorised by the Order*". What this "other development" covers is not easily ascertainable and would, in fact, appear to depend on the details of works for each of the alternative routes, which is to be finalised at detailed design, following the making of the Order.

³ Emphasis, via underlying, has been added throughout in relation to these extracts.

including footpaths, bridleways, byways and minor rural roads and will, through its countryside management service and encouragement of local land owners, seek to <u>improve</u> access to the countryside through establishment and maintenance of footpaths and bridleways and through voluntary agreements to manage green belt land on or near the rural-urban fringe.	rights of way. <u>Development proposals likely to have a detrimental effect on a footpath, bridleway or byway will not be permitted. Before accepting diversions of any rights of way, the Council will consider whether the intended diversions provide a suitable alternative in terms of amenity and interest value and that it would not have an adverse effect on the right of way network as a whole.</u> Many footpaths have become overgrown through under use. The Brentwood Countryside Management Service works to improve the standard of these rights of way including the maintenance of stiles and bridges, waymarking and clearance of vegetation...
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Castle Point Borough Council

Development plan policy	Explanatory text extracts
Policy RE12 – Public rights of way The Council will encourage the provision of a high quality network of public rights of way which are accessible to people with disabilities and will seek the inclusion of such facilities within appropriate development schemes. Particular encouragement shall be given to the provision of public bridleways, except where this would prejudice the interests of walkers and other users of existing public footpaths. <u>All public rights of way identified on the definitive map will be safeguarded, improved and extended where possible.</u>	8.39 It is the intention of the Council to maintain its existing network of public rights of way in accordance with its statutory obligations, and with the County Council, to support the extension and enhancement of the public rights of way network, where appropriate.

Colchester Borough Council

It appears that Policy DP17, included in the Development Policies DPD, is also relevant to the Order (a copy of this policy is included in the appendices to these submissions).

Development plan policy
TA2 – Walking and Cycling The Council will work with partners to promote walking and cycling as an integral and highly sustainable means of transport. Regional and rural links, including national cycle routes, <u>will be improved and better connected</u> with local destinations. The design and construction of facilities and infrastructure will be improved to make walking and cycling more attractive, direct and safe. Quality and convenient

pedestrian crossings will be promoted to facilitate safe and direct movement across busy roads.

Walking and cycling improvements will be focussed on centres, schools, workplaces, and public transport interchanges. In particular, the Council will seek to provide excellent walking and cycling connections into and through the Town Centre. Development shall contribute towards these connections and quality cycle parking where appropriate.

Policy DP17: Accessibility and Access

All developments should seek to enhance accessibility for sustainable modes of transport, by giving priority to pedestrian, cycling and public transport access to ensure they are safe, convenient and attractive, and linked to existing networks. Proposals for development shall incorporate satisfactory and appropriate provision for:

- (i) Pedestrians, including disabled persons and those with impaired mobility;
- (ii) Cyclists, including routes, secure cycle parking and changing facilities where appropriate;
- (iii) Public transport and measures that reduce dependency on private vehicles;
- (iv) Linkages to networks as appropriate including the development of new pedestrian and cycle paths and the development of transit corridors in north and east Colchester;
- (v) Servicing and emergency vehicles.

Access to all development should be created in a manner which maintains the right and safe passage of all highway users. Development will only be allowed where there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner. The access and any traffic generated shall not unreasonably harm the surroundings, including the amenity of neighbouring properties and/or the public rights of way network.

Proposals will need to be accompanied by a Transport Assessment or Statement as well as a Travel Plan or Residential Travel Pack as considered appropriate by the local planning authority. The Essex County Council Transportation Development Management Policies Guidance Note provides further detail on requirements relating to accessibility and access including Transport Assessment and Statement thresholds for each land use category.

East Hertfordshire District Council

Since NR's planning policy note was submitted, the new East Herts District Plan, October 2018, was adopted. It covers the period 2011-2033. A similar policy to the now out-of-date policy LRC9 is found in the new policy CFLR3 (extracts are provided in the appendices to these submissions).

Development plan policy	Explanatory text extracts
Policy CFLR3 Public Rights of Way	19.4.2

<p><u>Proposals for development must not adversely affect any Public Right of Way</u> and, where possible, should incorporate measures to <u>maintain</u> and <u>enhance</u> the Rights of Way network.</p>	<p>The Public Rights of Way network has always been an asset for recreation or for the purpose of everyday use such as getting to the local shop or to a bus stop for example. This valuable resource, often taken for granted, now plays an even more important role with regards to people's health and wellbeing and can contribute towards reducing carbon emissions by encouraging travel on foot or by bicycle rather than by car. Public Rights of Way also help to boost tourism and therefore contribute towards the local economy. Without them it would be difficult for residents and visitors alike to access the countryside we have in and around East Herts.</p> <p>19.4.3 Development proposals should therefore take full account of the need to protect and enhance Public Rights of Way.</p>
<p>TRA1 Sustainable Transport I. To achieve accessibility improvements and promotion of sustainable transport in the district, development proposals should: ... (b) Where relevant, take account of the provisions of the Local Transport Plan; (c) Ensure that a range of sustainable transport options are available to occupants or users, <u>which may involve the improvement</u> of pedestrian links, cycle paths, passenger transport network (including bus and/or rail facilities) and community transport initiatives. These improvements could include the creation of new routes, services and facilities or extensions to existing infrastructure and which may incorporate off-site mitigation, as appropriate. In suitable cases the provision of footways and cycle paths alongside navigable waterways may be sought, along with new moorings, where appropriate. The implementation of car sharing schemes should also be considered; (d) Ensure that site layouts prioritise the provision of modes of transport other</p>	

<p>than the car (particularly walking, cycling and, where appropriate, passenger transport) which, where feasible, should provide easy and direct access to key services and facilities;</p> <p>... (f) Protect existing rights of way, cycling and equestrian routes (including both designated and non-designated routes and, where there is evidence of regular public usage, informal provision) and, <u>should diversion prove unavoidable, provide suitable, appealing replacement routes to equal or enhanced standards</u>; and</p> <p>...</p>	
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Harlow District Council

Development plan policy	Explanatory text extracts
<p>L13</p> <p>The existing network of definitive public rights of way within Harlow will be <u>safeguarded</u>.</p> <p>New footpaths, bridleways and cycleways will be required as part of new developments, to link with existing routes outside and within the town's boundary, and to provide better access to the surrounding countryside and areas of woodland within the town. <u>Proposals for new or the enhancement of existing public rights of way will required to meet the highest standards of design, accessibility and personal safety.</u></p>	<p>9.16.1</p> <p>The town's footpath network links residential areas, shopping centres, industrial areas and the open countryside. The network provides an informal recreation resource, especially those routes which form part of the Town Trail, the Heritage Trail, Forest Way, Harcamlow Way and the 40th Anniversary Trail. The fine woodland areas in Harlow also serve as valuable recreation areas, to which the public should have ready access. These and all other public rights of way provide an important sports, leisure and recreational resource that should be protected, enhanced and expanded ensuring the highest standards of design, accessibility and personal safety for all users.</p>

London Borough of Havering

Development plan policy
<p>DC22 Countryside Recreation</p> <p>Opportunities for informal recreation in the countryside will be increased by:</p> <ul style="list-style-type: none"> the <u>improvement of the public right of way network</u> including links to the urban area ...

Tendering District Council

Development plan policy	Explanatory text extracts
<p>Policy TR3a – Provision for Walking Where practicable all developments will be required to link with existing footpath and public rights of way networks and provide <u>convenient, safe, attractive and direct routes for walking</u>.</p> <p>Where appropriate, development should also <u>improve</u> links to and between pedestrian routes and public transport facilities, and support pedestrian priority measures.</p>	<p>7.14 Walking is the most important way of travelling at the local level and forms an important part of longer journeys by public transport and car. Walking is the most sustainable form of transport; it also has important health benefits. Promotion of walking supports several of the objectives contained in the Tendring Health Improvement and Modernisation Plan, particularly those to tackle coronary heart disease.</p> <p>7.15 As stated in the Essex Walking Strategy pedestrians should be planned for at the very early stages of the design process for new developments and integrating new buildings into the existing footpath and rights of way networks will help to make walking as convenient and attractive as possible. The redevelopment of a site may also offer opportunities for creating new links and more direct and attractive routes to public transport, shopping, leisure, education and employment facilities. This will help to encourage people to leave their cars at home, especially for shorter journeys. The Essex Design Guide sets out guidance for designing for pedestrian movement in new residential and mixed-use areas.</p> <p>The key considerations are:</p> <ul style="list-style-type: none"> • The provision of good quality footways and footpaths for use by people of all abilities; • People prefer to walk along streets where they can be seen by drivers, residents and other pedestrians; • If segregated footpaths are provided, they need to be well-connected and overlooked by houses and other buildings; • Direct routes should be provided to local facilities, adjacent neighbourhoods and public transport services so that it is

	<p>more convenient and attractive to walk than to drive to them; and</p> <ul style="list-style-type: none"> • All measures to slow down traffic help pedestrians feel safer. <p>7.16 Economic well being and our quality of life relies on people being able to walk safely around the District's towns and villages. In order to make areas safe and attractive environments for residents and visitors it is necessary to restore priority to pedestrians. The Tendring Transportation Strategy identifies a number of locations where pedestrian priority measures are planned to make it easier for pedestrians of all abilities to move around. These include better crossing points, pavement widening, speed reduction and safe journeys initiatives. New development should be designed to support these proposed improvements to the pedestrian environment.</p> <p>...</p>
<p>Policy TR4 – Safeguarding and Improving Public Rights of Way Where development affects an existing public right of way, planning permission will be refused unless the development can accommodate the definitive alignment of the path. A formal diversion providing <u>a safe, attractive and convenient alternative</u> may be considered where appropriate. Where opportunities exist the <u>improvement</u> of existing routes and the creation of additional links in the network of public rights of way and cycle tracks will be sought.</p>	<p>7.18 Public rights of way (i.e. public footpaths, bridleways and byways) and cycle tracks are a valuable part of the District's transportation network. They are important for their role in recreation and tourism and for providing opportunities for people to benefit from regular exercise and access to the wider countryside and coast. The network provides an alternative to car use for shorter journeys and for longer journeys when combined with public transport. Bridleways are not covered by this policy as they are safeguarded by Policy COM12a – Bridleways.</p>

Other relevant policies – National policy⁴

NPPF

10. The Ramblers have already made submissions on the revised NPPF. These are dated 11 September 2018. The Ramblers would like to take this opportunity to note a typo

⁴ Emphasis has been added by underlining throughout this section on other relevant policies.

within these submissions. The reference to “paragraph 104(c)” in the third paragraph, should be a reference to “paragraph 108(c)”.

11. There are a number of policies included in the revised NPPF which make clear the government’s intention for the public rights of way network to be protected and enhanced, and for walking (as a means of sustainable transport) to be encouraged.⁵

12. Paragraph 98 of the revised NPPF states that:

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

13. Paragraph 91(c) of the revised NPPF states that:

Planning policies and decisions should aim to achieve health, inclusive and safe places which:

...

(c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

14. Chapter 9 of the NPPF, ‘Promoting Sustainable Transport’, includes para 110 that states:

Within this context, applications for development should:

- a) Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...*
- b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

...

NPSNN

⁵ See appendices to these submissions for relevant extracts from the NPPF cited to below.

15. NR has quoted from the NPSNN in its Planning Policy Note at paragraph 34. This document must be considered as a whole (see appendices to these submissions for relevant extracts from the NPSNN cited to below).⁶ Paragraph 3.1 makes clear that:

The need for development of the national networks, and the Government's policy for addressing that need, must be seen in the context of the Government's wider policies on economic performance, environment, safety, technology, sustainable transport and accessibility, as well as journey reliability and the experience of road/rail users.

16. The Government's policy on "sustainable transport" is then set out at 3.15 – 3.18 of the document, including paragraph 3.16 which provides:

As part of the Government's commitment to sustainable travel it is investing in developing a high-quality cycling and walking environment to bring about a step change in cycling and walking across the country.

The Ramblers submit that the Government's most up-to-date policy document⁷ on the need to encourage sustainable transport is the Department for Transport's Cycling and Walking Investment Strategy 2017 (see further below).

17. It is clear from reading the NPSNN that projects seeking to address the need for improvements to the rail network will need to be considered alongside their impacts. Section 5 of the NPSNN provides guidance on how some of these impacts should be considered. In relation to 'Land use including open space, green infrastructure and Green Belt', under the heading 'mitigation', the NPSNN states at 5.180 and 5.184:

Where green infrastructure is affected, applicants should aim to ensure the functionality and connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space, including appropriate access to new coastal access routes, National Trails and other public rights of way.

...

Public rights of way, National Trails, and other rights of access to land (e.g. open access land) are important recreational facilities for walkers, cyclists and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other public rights of way and open access land and, where appropriate, to consider what opportunities

⁶ See appendices to these submissions for relevant extracts from the NPSNN cited to below.

⁷ The NPSNN is dated December 2014.

there may be to improve access. In considering revisions to an existing right of way consideration needs to be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements in respect of these measures might be attached to any grant of development consent.

Cycling and Walking Investment Strategy 2017

18. The Department for Transport's Cycling and Walking Investment Strategy 2017 (relevant extracts can be found in OBJ/148/APPX 7) is a clear policy recognition of the national importance of encouraging walking and cycling. The overarching "ambition for England" is to "make cycling and walking the natural choices for shorter journeys, or as part of a longer journey" (p. 7). This national policy also recognises the clear health benefits associated with walking (see paragraph 1.8, p. 7) and expresses a desire that "more people...have access to safe, attractive routes for cycling and walking by 2040" (para 1.6, p. 7).

19. Paragraph 1.9 of the Strategy states:

Realising our ambition will take sustained investment in cycling and walking infrastructure. It will take long-term transport planning and it will take a change in attitudes – amongst central Government, local bodies, businesses, communities and individuals. Walking and cycling should be seen as transport modes in their own right and an integral part of the transport network, rather than as niche interests or town-planning afterthoughts. We need to build a local commitment together to support this national strategy.

20. At 1.11 on p. 8 of the Strategy, it sets out a number of aims that the Department for Transport seeks to deliver by 2040, including:

- *streets where cyclists and walkers feel they belong, and are safe*
- *better connected communities*
- *...rural roads which provide improved safety for walking and cycling*
- *...behaviour change opportunities to support increased walking and cycling*
- *better integrated routes for those with disabilities or health conditions*
- *...a wider green network of paths, routes and open spaces*

Other relevant policies – Local policies⁸

⁸ Emphasis has been added by underlining throughout this section on other relevant policies

ECC ROWIP

21. The ECC ROWIP's objectives include (see OBJ/148/APPX 1, p. 28):

- 4. To reduce fragmentation in the public rights of way network*
- 5. To improve accessibility on the public rights of way network*
- ...
- 7. To promote safety*
- ...
- 8. To promote improved health and quality of life through the use of the public rights of way network.*

Thurrock ROWIP

22. The Thurrock ROWIP's key aims include (see OBJ/148/APPX 2, p. 4):

- 1. **the delivery of a safe and accessible network of footpaths, bridleways and byways** – will encourage greater use of the existing network and encourage the development of new Rights of Way. The council will work to deliver necessary improvements and secure the funding to implement these improvements.*
- 2. **accessibility for all users** – wherever possible the Rights of Way Improvement Plan will look to encourage routes and facilities that are accessible and usable for all. This will not always be the case, as some of the geography and access to existing routes is limited, but wherever practical accessible routes will be delivered.*

Essex Transport Strategy

23. Policy 15 of the Essex Transport Strategy (Essex's Local Transport Plan)⁹ states:

The County Council will promote walking and use of the Public Rights of Way network by:

- promoting the benefits of walking;*
- facilitating a safe and pleasant walking environment that is accessible to all;*
- improving the signage of walking routes;*
- ensuring that the public rights of way network is well maintained and easy to use by walkers, cyclists and equestrians.*

Essex Walking Strategy

24. On p. 12 of the Essex Walking Strategy,¹⁰ it states (at paragraph 4.1) that the overarching vision of ECC as:

⁹ Relevant extracts included in the appendices to these submissions.

¹⁰ Relevant extracts included in the appendices to these submissions.

Essex County Council aims to create an environment that encourages walking by considering the needs of pedestrians first.

25. This document then goes on to set out four main objectives (along with sub-objectives) to encourage different aspects of walking. The sub-objectives include (p. 12:

- *...To promote walking as a leisure activity for residents and visitors*
- *To encourage walking for shopping trips and to leisure activities*
- *...To improve pedestrian road safety*
- *...To address the needs of disabled, mobility and sensory impaired people within the pedestrian environment*
- *...To maintain, enhance and extend the Public Rights of Way network*
- *To maintain and enhance the environment adjacent to the footway.*

Assessment of the Order's compliance with relevant policies

26. The Ramblers object to 30 of NR's current individual crossing proposals. The Ramblers have maintained these objections both on grounds (i) that there is a lack of justification to close the crossing and divert the relevant public rights of way and (ii) that the alternative routes being provided are not sufficient, in terms of their suitability and convenience for the existing users of the rights of way that currently traverse the level crossings.

27. In short, the Ramblers consider that these alternative routes will be used by less people, or will not be used at all, resulting in fragmentation of, and loss to, the rights of way network. This will, in turn, discourage people from walking – both for leisure and for non-leisure trips (depending on the specifics of the crossing/alternative route's location).

Failure to maintain the rights of way network

28. In light of this position, the Ramblers consider that the Order conflicts with those policies that seek to maintain and safeguard the rights of way network, including:

Development plan policies

- Brentwood Borough Council, Policy GB27 (for crossings E28 and E29)
- Castle Point Borough Council, Policy RE12 (E30 and E31)
- East Hertfordshire District Council, Policy CFLR3 and TRA1(f) (H05)
- Harlow District Council, Policy L13 (E02)

- Tendering District Council, Policy TR4 (E43, E45, E46 and E56)

Other relevant policies

- NPPF, paragraph 98
- ECC ROWIP, objective 4
- Essex Walking Strategy, objectives

Failure to improve the rights of way network

29. What is more, it is apparent that a number of the policies cited to in these submissions seek not only to maintain the rights of way network but to improve and enhance it, where this is possible or appropriate. The Ramblers consider that the Order conflicts with those policies as well. For example:

Development plan policies

- Castle Point Borough Council, Policy RE12 (E30 and E31)
- East Hertfordshire District Council, Policy CFL43 (H05)
- London Borough of Havering, Policy DC22 (HA03 and HA04)
- Tendering District Council, Policy TR4 (E43, E45, E46 and E56)

Other relevant policies

- NPPF, paragraph 98
- NPSNN, paragraph 5.180 and 5.184
- Essex Walking Strategy, objectives

Discouraging walking

30. The Ramblers consider that the Order conflicts with those policies seeking to encourage walking, including:

Development plan policies

- Colchester Borough Council, Policy TA2 (E41, E51 and E52)
- Tendering District Council, Policy TR3a (read alongside the explanatory text) (E43, E45, E46 and E56)

Other relevant policies

- NPPF, paragraphs 91(c) and 110(a)
- NPSNN, paragraph 3.16
- Cycling and Walking Investment Strategy, overarching ambition
- ECC ROWIP, objective 8
- Essex Transport Strategy, Policy 15
- Essex Walking Strategy, overarching vision and objectives

Safety and accessibility

31. The Ramblers have raised concerns, in relation to a number of NR's crossing proposals, on grounds that the alternative routes raise safety issues for walkers who are being routed onto and alongside roads. It is notable that a number of the policies highlighted above specifically reference a policy desire to make walking routes safe. In the Ramblers' view, for those proposals where safety concerns have been raised by the Ramblers, NR's proposals appear to conflict with these policies:

Development plan policies

- Colchester Borough Council, TA2 and DP17 (E41, E51 and E52)
- Tendring District Council, TR3a and TR4 (E43 and E56)

Other relevant policies

- NPPF, paragraph 91(c) and 110(c)
- Cycling and Walking Strategy, paragraph 1.6 and 1.11
- ECC ROWIP, objective 7
- Thurrock ROWIP, key aim 1
- Essex Transport Strategy, Policy 15
- Essex Walking Strategy, sub-objectives

32. Finally, the Ramblers have also raised concerns, in relation to a number of NR's crossing proposals, on grounds that the alternative routes will reduce accessibility for users, for example where these involve the introduction of significant numbers of steps or create a lengthy diversion. Again, it is notable that both the ECC and Thurrock ROWIP policies specifically refer to a desire to improve accessibility on the rights of way network. Similarly, the Essex Transport Strategy (Policy 15) intends to promote walking and use of the public rights of way network by *inter alia* facilitating a walking environment that is "accessible to all" (Essex Transport Strategy, Policy 15) and the Essex Walking Strategy seeks to "address the needs of disabled, mobility and sensory impaired people within the pedestrian environment" (Essex Walking Strategy, p. 12). For those proposals where accessibility concerns have been raised by the Ramblers, NR's proposals appear to conflict with these policies:

NR's assessment of the Order's compliance with development plan policies

33. NR has stated, in its Planning Policy Note, at paragraph 47:

NR would highlight, however the following in respect of the local plan policies:

- a. *A number of the policies are concerned with the provision of new PROWs associated with new developments, or seeking enhancements/improvements to the PROW network (see also the ECC ROWIP). That is not the purpose of this Order, nor what is required under s.5(6) TWA 1992;*
- b. *To the extent that local plan policies (for example, Harlow Local Plan Policy L13) stipulate requirements that new PROW should meet, if and to the extent that those policies depart from (and/or go beyond) the ‘policy’ tests set out in the TWA Guidance NR would respectfully submit that it clearly cannot ‘trump’ the same. Nor can it require a different, or more onerous, test to be applied in considering the replacement PROW to be provided within that area to that which applies to the other crossings within the Order.*

34. The Ramblers do not agree with this analysis. Firstly, regarding paragraph 47(a), where a local plan policy seeks enhancements or improvements to the rights of way network (for example: Brentwood Borough Council Policy GB27 (“improve access”) or Castle Point Borough Council Policy RE12 (all public rights of way on the definitive map to be “safeguarded, improved and extended where possible”) the “purpose” of the Order is irrelevant to considering whether the Order proposals are in compliance with these local plan policies. The focus should instead be on the *effects* of the Order and how that aligns with local plan policies which address the public rights of way network and impacts on it.

35. Secondly, the section 5(6) test (which simply serves as a protective provision in the TWA 1992 which a TWA order must meet before it can be made) is also irrelevant to considering whether or not the proposals comply with local plan policies. These local planning policies may require more, in substance, than the section 5(6) test. As a result, it is quite possible for NR’s proposals to, at one and the same time, meet the section 5(6) test but fail to align with local planning policy. Where that is the case, it should be recognised by NR.

36. As regards (b), it is – with respect – not clear what the “‘policy’ test set out in the TWA Guidance” refers to. Similarly, the reference to whether one policy can “trump” another is not understood. If the reference to the “policy” test in the TWA Guidance, is a reference to the section 5(6) test (read alongside the Guide to TWA Procedures), then the submissions made in the preceding paragraph apply.

37. To reiterate, the section 5(6) test is a statutory test that serves a particular purpose (of providing a minimum protection for rights of way where these are to be affected by TWA schemes). The Guide to TWA Procedures then provides further guidance as to how that statutory test will be applied by the Secretary of State. Neither the section 5(6) test, nor the TWA Guidance addressing the section 5(6) test, is “planning policy” and so it is irrelevant for purposes of considering the Order’s compliance with planning policy.

38. Regarding the last sentence in paragraph 47(b), it is of course quite possible for the local planning policies in different areas to have different requirements – with some being more onerous than others. This represents different local priorities in the areas affected. NR should recognise the extent to which its proposals comply with these varying requirements and, where the proposals may conflict with local standards, explain if/why that policy conflict is outweighed by other considerations. The fact that NR’s Order impacts on such a large number of local planning areas, should not be a reason for NR not to consider how the proposals align with each areas’ planning policies.

39. Finally, at paragraph 48 of the Planning Policy Note, NR state:

The evidence of Susan Tilbrook 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. (Emphasis added.)

40. For the avoidance of doubt, the Ramblers do not accept that the approach of Ms Tilbrook and NR to the provision of alternative routes has been “endorsed by the Guide to TWA Procedures”. There is outstanding disagreement between the parties as to the scope of the section 5(6) test (as referred to in the Guide to TWA Procedures) and whether NR’s approach complies with it (see NR-135 Note as to meaning of Suitable and Convenient).

Conclusion

41. The Ramblers do not agree with the conclusions of NR at paragraph 58 of NR's Planning Policy Note, where it is stated that "[c]onnectivity will be maintained through the provisions of upgrades and new additions to the surrounding public right of way network" and that "...the proposals comply with the NPPF and policies set out within the adopted Local Plans and transport plans". Connectivity will not be maintained through the Order proposals and, for the reasons given above, the proposals do not appear to comply with various planning policies at both a local and national level.
42. Nor do the Ramblers agree with the conclusion by NR at paragraph 59 of that note, where it is stated that the "public rights of way diversions do not have a material adverse effect on the rights of way network" and, as such, the proposals are acceptable in policy-terms. As is evident from the Ramblers' objections to the Order, the Ramblers consider that the public rights of way diversions *will* have a material adverse effect on the rights of way network and, therefore, that they are *not* acceptable in policy-terms.
43. As a volunteer-based organisation of walkers and rights of way users, the Ramblers do not offer any professional planning evidence for this Inquiry. However, the Ramblers submit that the Inspector should be informed, on the basis of a robust analysis, about (i) the extent to which the Order complies with relevant planning policies and, (ii) where any conflict with policy exists, if/how that conflict is outweighed by other considerations. It does not appear from NR's Planning Policy Note that such a robust analysis has been carried out.

MERROW GOLDEN
14 DECEMBER 2018

FRANCIS TAYLOR BUILDING
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Local Development Framework

Development Policies

Adopted October 2010

Selected policies revised July 2014

8. Transport and Accessibility Policies

Relevant National Policy

Planning Policy Statement 1: Sustainable Development (February 2005)
Planning Policy Statement 3: Housing (June 2010)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)
Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004)
Planning Policy Guidance 13: Transport (March 2001)

Core Strategy Policy

TA1: Accessibility and Changing Travel Behaviour
TA2: Walking and Cycling
TA3: Public Transport
TA4: Roads and Traffic
TA5: Parking

Development Policies

DP17: Accessibility and Access
DP18: Transport Infrastructure Proposals
DP19: Parking Standards

Policy DP17: Accessibility and Access

All developments should seek to enhance accessibility for sustainable modes of transport, by giving priority to pedestrian, cycling and public transport access to ensure they are safe, convenient and attractive, and linked to existing networks. Proposals for development shall incorporate satisfactory and appropriate provision for:

- (i) Pedestrians, including disabled persons and those with impaired mobility;
- (ii) Cyclists, including routes, secure cycle parking and changing facilities where appropriate;
- (iii) Public transport and measures that reduce dependency on private vehicles;
- (iv) Linkages to networks as appropriate including the development of new pedestrian and cycle paths and the development of transit corridors in north and east Colchester;
- (v) Servicing and emergency vehicles.

Access to all development should be created in a manner which maintains the right and safe passage of all highway users. Development will only be allowed where there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner. The access and any traffic generated shall not unreasonably harm the surroundings, including the amenity of neighbouring properties and/or the public rights of way network.

Proposals will need to be accompanied by a Transport Assessment or Statement as well as a Travel Plan or Residential Travel Pack as considered appropriate by the local planning authority. The Essex County Council Transportation Development Management Policies Guidance Note provides further detail on requirements relating to accessibility and access including Transport Assessment and Statement thresholds for each land use category.

Explanation

8.1 Previous consultations identified the need for a specific policy to ensure developments have good public transport, pedestrian and cycle links. However, there were mixed views on car parking issues. There are parts of the Borough where traffic congestion is a problem. Development provides opportunities to make significant improvements to the road network as well as providing suitable alternatives to car based travel. Whilst the Council accept that developments may not be able to overcome existing deficiencies in the transport infrastructure, it needs to ensure that problems are not exacerbated and that improvements are made where possible.

8.2 PPG13 (Transport) sets out the Government's approach, which encourages accessibility of development by sustainable transport

options. A number of the Development Policies in this DPD have access and accessibility implications which require specific criteria against which proposals can be considered. DP17 therefore sets out access and accessibility issues which are relevant for all development proposals.

- 8.3 Developers will be required to provide Residential Travel Packs when a development consists of 10 dwellings or more, and Travel Plans will be required where the Council considers the development capable of providing for 50 employees or more. A Travel Plan and arrangements for its monitoring will be required for any proposal where the Council and Highway Authorities considers it necessary, based on the potential individual or cumulative impact of the proposal in the area. The Local Transport Plan (LTP) and the Core Strategy both seek to change travel behaviour through “smarter choices” travel plans, amongst other measures. The Residential Travel Packs shall contain information regarding travel and transport between the site and key attractors e.g. the town centre, local centres, railway stations, as well as but not limited to walking and cycling routes, car sharing, community transport, taxis and school transport, and current timetables. The Packs may also include vouchers for 12 months free travel on public transport.
- 8.4 Transport Assessments or Transport Statements will be required for all development likely to cause significant traffic generation to assess the potential impact upon transport systems. For major developments that generate 30 or more Passenger Car Units during the peak hour, this will take the form of a comprehensive Transport Assessment. The Essex County Council Transportation Development Management Policies Guidance Note provides further detail on thresholds for Transport Assessments and Statements for each land use category. Where significant impacts are identified, development will not be permitted unless satisfactory measures to reduce these impacts to acceptable levels are provided. Transport Assessments or Transport Statements must be in accordance with the requirements of Government good practice advice and criteria prepared by Essex County Council and the Highways Agency for their respective areas of responsibility.
- 8.5 The Colchester Cycle Town Delivery Strategy (October 2008) sets out the Borough's aim for cycling. It is expected that the impetus achieved be maintained beyond the life of the initial funding period so that cycling activity reaches a critical mass necessary to make cycling an important contributor to the future of the borough. Development must support the initiative, through the provision of quality infrastructure, funding the promotion and training of cycling to increase levels of cycling and create more sustainable and healthy travel patterns. The cycling town partnership is currently developing a Proposals Map setting out the future network of routes.



19.4 Public Rights of Way

- 19.4.1** Rights of Way are footpaths, bridleways and byways which have public access. Hertfordshire has an extensive Rights of Way network of over 5,200 paths totalling more than 3,000km. These paths are shown on a map and have a written description in a legal record called the Definitive Map and Statement, which is looked after by Hertfordshire County Council's Rights of Way Service at County Hall, Hertford.

Further information on the County Council's Rights of Way Service can be viewed here:

www.hertfordshire.gov.uk/services/envplan/countrysideaccess/row/

- 19.4.2** The Public Rights of Way network has always been an asset for recreation or for the purpose of everyday use such as getting to the local shop or to a bus stop for example. This valuable resource, often taken for granted, now plays an even more important role with regards to people's health and wellbeing and can contribute towards reducing carbon emissions by encouraging travel on foot or by bicycle rather than by car. Public Rights of Way also help to boost tourism and therefore contribute towards the local economy. Without them it would be difficult for residents and visitors alike to access the countryside we have in and around East Herts.
- 19.4.3** Development proposals should therefore take full account of the need to protect and enhance Public Rights of Way.

Policy CFLR3 Public Rights of Way

Proposals for development must not adversely affect any Public Right of Way and, where possible, should incorporate measures to maintain and enhance the Rights of Way network.

19.5 Water Based Recreation

- 19.5.1** The district's many rivers, canals, lakes and other enclosed water areas such as former quarries and gravel pits offer many opportunities for recreation such as angling and boating as well as walking and cycling. Contributing to the character of the towns through which they flow, notably Bishop's Stortford, Hertford, Ware and Sawbridgeworth, these waterways are also primary habitats for vulnerable species of flora and fauna and as such it is necessary to ensure that recreational activities do not harm the very habitats that make them attractive to visitors.

18.2 Sustainable Transport

18.2.1 The District Council, in recognising that the achievement of sustainable development underpins national planning policy, seeks to promote sustainable transport and improve accessibility as an important part of its District Plan policy approach. Key issues to be addressed include:

1. Minimising the need to travel;
2. Increasing choice and availability of sustainable transport options;
3. Prioritising sustainable travel modes in new developments;
4. Increasing connectivity and integration of sustainable transport modes;
5. Encouraging healthy communities by supporting walking and cycling;
6. Reducing congestion and carbon-dioxide emissions to improve air quality and health benefits for the District's residents and visitors (see also Policy EQ4 Air Quality).

18.2.2 Therefore, strong emphasis will be placed on seeking the provision of new bus, cycle and pedestrian transport routes and networks in addition to extending and strengthening existing provision, including through supporting community-led transport schemes.

18.2.3 It is, however, acknowledged by the Government, in the NPPF, that "different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Therefore, where new development is sited away from urban areas it is recognised that there may be reduced scope for passenger transport service and/or other sustainable transport provision in some locations. However, every effort should be made to ensure that the best possible sustainable transport outcomes can be achieved for all new developments, irrespective of remoteness of location, and developers will be expected to demonstrate where specific circumstances indicate otherwise.

Policy TRA1 Sustainable Transport

I. To achieve accessibility improvements and promotion of sustainable transport in the district, development proposals should:

- (a) Primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction;
- (b) Where relevant, take account of the provisions of the Local Transport Plan;

(c) Ensure that a range of sustainable transport options are available to occupants or users, which may involve the improvement of pedestrian links, cycle paths, passenger transport network (including bus and/or rail facilities) and community transport initiatives. These improvements could include the creation of new routes, services and facilities or extensions to existing infrastructure and which may incorporate off-site mitigation, as appropriate. In suitable cases the provision of footways and cycle paths alongside navigable waterways may be sought, along with new moorings, where appropriate. The implementation of car sharing schemes should also be considered;

(d) Ensure that site layouts prioritise the provision of modes of transport other than the car (particularly walking, cycling and, where appropriate, passenger transport) which, where feasible, should provide easy and direct access to key services and facilities;

(e) In the construction of major schemes, allow for the early implementation of sustainable travel infrastructure or initiatives that influence behaviour to enable green travel patterns to become established from the outset of occupation;

(f) Protect existing rights of way, cycling and equestrian routes (including both designated and non-designated routes and, where there is evidence of regular public usage, informal provision) and, should diversion prove unavoidable, provide suitable, appealing replacement routes to equal or enhanced standards; and

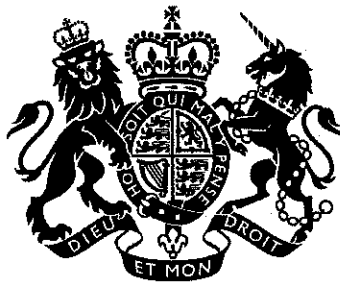
(g) Ensure that provision for the long-term maintenance of any of the above measures (c) (d) and (f) that are implemented is assured.

II. Where appropriate, contributions may be required towards the facilitation of strategic transportation schemes identified in the Local Transport Plan and other related strategies.

III. In order to minimise the impact of travel on local air quality in accordance with Policy EQ4 (Air Quality), where major developments involve the introduction of new bus routes or significant changes to existing routes, service providers should work with Hertfordshire County Council's Transport, Access and Safety Unit to secure optimal solutions.

18.3 Safe and Suitable Highway Access Arrangements and Mitigation

18.3.1 In designing new developments it is important that proposed access arrangements are both safe for users and suitable for the type of development and number of users proposed and trips predicted to be generated. Where additional trips are predicted from a site it is necessary to ensure that measures can commensurately mitigate the impact where possible. While the NPPF is clear that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe" (Paragraph 32, NPPF, CLG, 2012),



National Planning Policy Framework

Presented to Parliament
by the Secretary of State for Ministry of Housing, Communities and
Local Government
by Command of Her Majesty

July 2018

8. Promoting healthy and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
93. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.
94. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
95. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:
- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate⁴¹. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
 - b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Open space and recreation

96. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.
97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
98. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

⁴¹ This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.
100. The Local Green Space designation should only be used where the green space is:
- a) in reasonably close proximity to the community it serves;
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - c) local in character and is not an extensive tract of land.
101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

9. Promoting sustainable transport

102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
 - a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - 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.
103. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
104. Planning policies should:
 - a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
 - 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;
 - c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
 - d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

- e) provide for any large scale transport facilities that need to be located in the area⁴², and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
 - f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy⁴³.
105. If setting local parking standards for residential and non-residential development, policies should take into account:
- a) the accessibility of the development;
 - b) the type, mix and use of development;
 - c) the availability of and opportunities for public transport;
 - d) local car ownership levels; and
 - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
106. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
107. Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.

Considering development proposals

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

⁴² Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

⁴³ Department for Transport (2015) *General Aviation Strategy*.

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
110. Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
111. 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.



Department
for Transport

National Policy Statement for National Networks

Presented to Parliament pursuant to Section 9(8) and Section 5(4) of the
Planning Act 2008

December 2014

3. Wider Government policy on the national networks

Overview

- 3.1** The need for development of the national networks, and the Government's policy for addressing that need, must be seen in the context of the Government's wider policies on economic performance, environment, safety, technology, sustainable transport and accessibility, as well as journey reliability and the experience of road/rail users. This section sets out the Government's wider policies, both as they relate to projects for the national networks that are nationally significant infrastructure projects and more generally.

Environment and social impacts

- 3.2** The Government recognises that for development of the national road and rail networks to be sustainable these should be designed to minimise social and environmental impacts and improve quality of life.
- 3.3** In delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance. Applicants should also provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes. The Government's detailed policy on environmental mitigations for developments is set out in Chapter 5 of this document.
- 3.4** The Appraisal of Sustainability accompanying this NPS recognises that some developments will have some adverse local impacts on noise, emissions, landscape/visual amenity, biodiversity, cultural heritage and water resources. The significance of these effects and the effectiveness of mitigation is uncertain at the strategic and non-locationally specific level of this NPS. Therefore, whilst applicants should deliver developments in accordance with Government policy and in an environmentally sensitive way, including considering opportunities to deliver environmental benefits, some adverse local effects of development may remain.
- 3.5** Outside the nationally significant infrastructure project regime, Government policy is to bring forward targeted works to address existing environmental problems on the Strategic Road Network and improve the

Technology

- 3.13** New and emerging technologies have the potential to make a significant difference both to the travel choices and behaviours of individuals, and to the way in which we travel. This is evident from improvements and innovations in travel data and information systems, intelligent traffic management and increasing levels of vehicle automation.
- 3.14** Innovative transport technologies have the potential to revolutionise the way we travel, improving the safety and reliability of journeys, while reducing costs and environmental impacts. The Government will continue to monitor the potential benefits and risks associated with new and emerging technologies, working with industry to enable innovation and support new technologies that have the potential to improve transport as these developments come forward. Whilst advances in technology are important, they are not expected, in the foreseeable future, to have a significant impact on the need for development of the national networks. We need to address current congestion pressures and this will include utilising current technology. However future uncertainty means it is difficult to predict exactly how much of an impact new technology will have over the coming decades.

Sustainable transport

- 3.15** The Government is committed to providing people with options to choose sustainable modes and making door-to-door journeys by sustainable means an attractive and convenient option. This is essential to reducing carbon emissions from transport.⁴⁷
- 3.16** As part of the Government's commitment to sustainable travel it is investing in developing a high-quality cycling and walking environment to bring about a step change in cycling and walking across the country.
- 3.17** There is a direct role for the national road network to play in helping pedestrians and cyclists. The Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. The Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions.
- 3.18** On the rail network, Station Travel Plans are a means of engaging with station users and community organisations to facilitate improvements that will encourage them to change the way they travel to the station. Train operators will also be asked to consider the door-to-door journey in

⁴⁷ See, for example, *Door to Door: A strategy for improving sustainable transport integration* and successor documents.

new franchise specifications that will aim to facilitate enhanced integration between sustainable transport modes.

Accessibility

- 3.19** The Government is committed to creating a more accessible and inclusive transport network that provides a range of opportunities and choices for people to connect with jobs, services and friends and family.
- 3.20** The Government's strategy for improving accessibility for disabled people is set out in *Transport for Everyone: an action plan to improve accessibility for all*. In particular:
- The Government will continue to work to ensure that the bus and train fleets comply with modern access standards by 2020, and to improve rail station access for passengers with reduced mobility. The private car will continue to play an important role, providing disabled people with independence where other forms of transport are not accessible or available.
 - The Government expects applicants to improve access, wherever possible, on and around the national networks by designing and delivering schemes that take account of the accessibility requirements of all those who use, or are affected by, national networks infrastructure, including disabled users. All reasonable opportunities to deliver improvements in accessibility on and to the existing national road network should also be taken wherever appropriate.
- 3.21** Applicants are reminded of their duty to promote equality and to consider the needs of disabled people as part of their normal practice. Applicants are expected to comply with any obligations under the Equalities Act 2010.
- 3.22** Severance can be a problem in some locations. Where appropriate applicants should seek to deliver improvements that reduce community severance and improve accessibility.

Road tolling and charging

Government policy

Strategic Road Network

- 3.23** The Government's policy is not to introduce national road pricing to manage demand on the Strategic Road Network, comprising the motorways and key trunk roads for which the Secretary of State is responsible.

5. Generic impacts

Overview

- 5.1** Some impacts will be relevant to any national networks infrastructure, whatever the type. The following sections set out how these impacts should be considered. While the NPS covers developments in England only, assessments of impacts should take account of any impacts this type of infrastructure may have in the devolved administrations. Where projects affect cross-border links, scheme promoters should work with the devolved administrations. The Government's planning guidance, which is referred to in this chapter, is likely to be a useful source of guidance on generic impacts.
- 5.2** Sufficient relevant information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment). To avoid delay, applicants should discuss what information is needed with statutory environmental bodies as early as possible.

Air quality

Introduction

- 5.3** Increases in emissions of pollutants during the construction or operation phases of projects on the national networks can result in the worsening of local air quality (though they can also have beneficial effects on air quality, for example through reduced congestion). Increased emissions can contribute to adverse impacts on human health, on protected species and habitats. Impacts on protected species and habitats are covered in later paragraphs.
- 5.4** Current UK legislation sets out health-based ambient air quality objectives. In addition, the European Union has established common, health-based and eco-system based ambient concentration limit values (LVs) for the main pollutants in the Ambient Air Quality Directive (2008/50/EU) ('the Air Quality Directive'), which Member States are required to meet by various dates.
- 5.5** The geographical extent and distribution of these effects can cover a large area, well beyond an individual scheme. Air quality impacts are generated by all types of infrastructure development to varying extents.

significant benefit and warrant a small reduction in scale or function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape effects outweigh the marginal loss of scale or function.

- 5.160** Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design (including choice of materials), and landscaping schemes, depending on the size and type of proposed project. Materials and designs for infrastructure should always be given careful consideration.
- 5.161** Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site, although if such landscaping was proposed to be consented by the development consent order, it would have to be included within the order limits for that application. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant vista.

Land use including open space, green infrastructure and Green Belt

Introduction

- 5.162** Access to high quality open spaces and the countryside¹⁰⁵ and opportunities for sport and recreation can be a means of providing necessary mitigation and/or compensation requirements. Green infrastructure can also enable developments to provide positive environmental and economic benefits.
- 5.163** The re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used. However, this may not be possible for some forms of infrastructure, particularly linear infrastructure such as roads and railway lines. Similarly for SRFIs, brownfield land may not be economically or commercially feasible.
- 5.164** Green Belts, defined in a development plan, are situated around certain cities and large built-up areas. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. For further information on the purposes and protection of Green Belt see the *National Planning Policy Framework*.

¹⁰⁵ All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Applicant's assessment

- 5.165** The applicant should identify existing and proposed¹⁰⁶ land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate.
- 5.166** Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering proposals which would involve developing such land should have regard to any local authority's assessment of need for such types of land and buildings.
- 5.167** During any pre-application discussions with the applicant, the local planning authority should identify any concerns it has about the impacts of the application on land-use, having regard to the development plan and relevant applications, and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements. These are also matters that local authorities may wish to include in their Local Impact Report which can be submitted after an application for development consent has been accepted.
- 5.168** Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts, on soil quality, taking into account any mitigation measures proposed. Where possible, developments should be on previously developed (brownfield) sites provided that it is not of high environmental value. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination and how it is proposed to address this.¹⁰⁷
- 5.169** Applicants should safeguard any mineral resources on the proposed site as far as possible.
- 5.170** The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if so, whether their proposal may be considered inappropriate development

¹⁰⁶ For example, where a planning application has been submitted.

¹⁰⁷ For further guidance see *Model Procedures for Management of Land Contamination* (CLR11) which sets out procedures for risk assessment, deciding on remedial options and implementing remediation.

within the meaning of Green Belt policy. Metropolitan Open Land, and land designated as Local Green Space in a local or neighbourhood plan, are subject to the same policies of protection as Green Belt, and inappropriate development should not be approved except in very special circumstances.

- 5.171** Linear infrastructure linking an area near a Green Belt with other locations will often have to pass through Green Belt land. The identification of a policy need for linear infrastructure will take account of the fact that there will be an impact on the Green Belt and as far as possible, of the need to contribute to the achievement of the objectives for the use of land in Green Belts.
- 5.172** Promoters of strategic rail freight interchanges may find that the only viable sites for meeting the need for regional strategic rail freight interchanges are on Green Belt land. Promoters need to recognise the special protection given to Green Belt land. The Secretary of State would have to be convinced, and promoters would need to demonstrate, very special circumstances to justify planning consent for inappropriate development in the Green Belt (see 5.178).

Decision making

- 5.173** Where the project conflicts with a proposal in a development plan, the Secretary of State should take account of the stage which the development plan document has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented or precluded. The closer the development plan document is to being adopted by the local plan, the greater the weight which can be attached to the impact of the proposal on the plan¹⁰⁸.
- 5.174** The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.
- 5.175** Where networks of green infrastructure have been identified in development plans, they should normally be protected from development, and, where possible, strengthened by or integrated within it. The value of linear infrastructure and its footprint in supporting biodiversity and ecosystems should also be taken into account when assessing the impact on green infrastructure.

¹⁰⁸ See the NPPF for national policy on the weight to be given to policies in emerging plans.

- 5.176** The decision-maker should take into account the economic and other benefits of the best and most versatile agricultural land. The decision-maker should give little weight to the loss of agricultural land in grades 3b, 4 and 5, except in areas (such as uplands) where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy.
- 5.177** In considering the impact on maintaining coastal recreation sites and features, the Secretary of State should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast. In doing so the Secretary of State should consider the implications for development of the creation of a continuous signed and managed route around the coast, as proposed in the Marine and Coastal Access Act 2009.
- 5.178** When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development¹⁰⁹ is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development.

Mitigation

- 5.179** Applicants can minimise the direct effects of a project on the existing use of the proposed site, or proposed uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction.¹¹⁰
- 5.180** Where green infrastructure is affected, applicants should aim to ensure the functionality and connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space, including appropriate access to new coastal access routes, National Trails and other public rights of way.
- 5.181** The Secretary of State should also consider whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of any planning obligations, for example, to provide exchange land and provide for appropriate management and maintenance agreements. Any exchange land should be at least as

¹⁰⁹ See *National Planning Policy Framework*.

¹¹⁰ For more info see Defra, *Code of Practice for the Sustainable Use of Soils on Construction Sites*.

good in terms of size, usefulness, attractiveness, quality and accessibility. Alternatively, where Sections 131 and 132 of the Planning Act 2008 apply, any replacement land provided under those sections will need to conform to the requirements of those sections.

- 5.182** Where a proposed development has an impact on a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources.
- 5.183** Where a project has a sterilising effect on land use there may be scope for this to be mitigated through, for example, using the land for nature conservation or wildlife corridors or for parking and storage in employment areas.
- 5.184** Public rights of way, National Trails, and other rights of access to land (e.g. open access land) are important recreational facilities for walkers, cyclists and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other public rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve access. In considering revisions to an existing right of way consideration needs to be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements in respect of these measures might be attached to any grant of development consent.
- 5.185** Public rights of way can be extinguished under Section 136 of the Act if the Secretary of State is satisfied that an alternative has been or will be provided or is not required.

Noise and vibration

Introduction

- 5.186** Excessive noise can have wide-ranging impacts on the quality of human life and health (e.g. owing to annoyance or sleep disturbance), use and enjoyment of areas of value (such as quiet places) and areas with high landscape quality. The Government's policy is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings. In this section, in line with current legislation, references below to "noise" apply equally to assessment of impacts of vibration.
- 5.187** Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed in accordance with the Biodiversity and Geological Conservation section of this NPS.

Essex Transport Strategy:

the Local Transport Plan for Essex

June 2011



Policy 15 – Walking and Public Rights of Way

The County Council will promote walking and use of the Public Rights of Way network by:

- promoting the benefits of walking;
- facilitating a safe and pleasant walking environment that is accessible to all;
- improving the signage of walking routes;
- ensuring that the public rights of way network is well maintained and easy to use by walkers, cyclists and equestrians.

Supporting Text

Nearly all trips involve walking at some stage and, after driving, travelling on foot is the most common way for people to get to work. A lack of easy access for pedestrians can have a significant impact on the ability of many people (particularly the elderly and those with disabilities) to get around freely and independently, comprising their quality of life. The pedestrian environment can also have a significant impact on our perceptions of a place.

Public Rights of Way have an important role as key links in the transport network. They can provide important access to essential services, offer opportunities for outdoor leisure activities and enable access to green spaces.

Walking is the most sustainable form of transport and the Council will integrate opportunities to improve pedestrian networks and facilities within highway projects to promote access by walking to essential services, including bus and rail stations.

The Rights of Way Improvement Plan will see the Council develop a cohesive rights of way network for walkers, cyclists and equestrians. We will provide information, promote its use, and improve access.

Many, if not the majority, of these initiatives will be implemented through partnerships and with district councils, community groups, parishes and user groups. We will work with landowners and other partners to ensure that the Public Rights of Way Network is well maintained, with a view to making it easy to use. The planning system will be used wherever possible to improve Public Rights of Way and pedestrian environments.

Walking will be promoted as a way to reduce congestion within urban areas, to encourage healthier lifestyles, and as a valuable leisure and tourism opportunity that is important to the local economy.

The strategies which underpin this policy and which will guide its application include:

- Development Management Policy
- Workplace Travel Plan Strategy
- Schools and Colleges Sustainable Modes of Travel Strategy
- Walking Strategy
- Road Safety Strategy
- Rights of Way Improvement Plan
- Essex Design Guide
- Estate Construction Guide



Essex **Walking** Strategy



Our Vision is to:-

Create an environment which encourages walking by considering the needs of pedestrians first.



Essex County Council
Transportation &
Operational Services

4 - Vision, Objectives and Targets

4.1 Vision

The overarching vision of what Essex County Council wish to achieve has been encapsulated in the following statement.

Essex County Council aims to create an environment that encourages walking by considering the needs of pedestrians first.

4.2 Objectives

In order to realise this vision, four main objectives have been developed in order to encourage different aspects of walking. These are:

4.2.1 Promotion

To work with partners in promoting walking as the most environmentally and socially sustainable form of transport.

- To encourage schools to promote road safety and sustainable forms of transport, in particular walking, for students travelling to and from school
- To encourage walking to work to create a healthier workforce and reduce peak hour congestion
- To promote walking as a leisure activity for residents and visitors
- To encourage walking for shopping trips and to leisure activities

4.2.2 Safety and Security

To work with partners to improve safety and security for pedestrians

- To improve pedestrian road safety
- To improve pedestrian security and reduce the fear of crime

4.2.3 Environment

To improve the quality of the walking environment

- To address the needs of disabled, mobility and sensory impaired people within the pedestrian environment
- To work with public transport operators to ensure the needs of pedestrians are provided for at interchanges between transport modes
- To maintain, enhance and extend the Public Rights of Way network
- To maintain and enhance the environment adjacent to the footway.



4.2.4 Planning

To introduce and maintain walking as the primary mode of transport where appropriate, and incorporate this principle within all relevant policies and strategies

- To ensure maximum provision and safeguarding of walking facilities as part of new developments
- To investigate new funding opportunities for initiatives to enhance the walking environment

4.3 Targets

Setting measurable targets for walking is challenging because walking habits are diverse and difficult to monitor. Two headline targets have been set which this strategy will contribute to achieving. Different aspects of the strategy will be monitored against the performance indicators outlined in section 7 of this document.

To increase the proportion of journeys under 2 km in length undertaken by foot from 52% by 2005. (Baseline data from the Essex Travel Dairy 1999/2000)

To reduce the number of pedestrian killed or seriously injured per 100,000 population from 16 (the 1994/98 baseline) to a maximum of 13 by the year 2005

The target to increase the proportion of journeys under 2 km on foot does not state how much of an increase is aimed for. This is because past data is not available by which to set a sensible target. However, any increase will be an achievement as the national trend shows a yearly decrease in the number of trips undertaken on foot.

