Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Network Rail

Oxford Corridor Phase 2 Capacity Improvement Scheme

Environmental Impact Assessment – Environmental Statement: Chapter 5 – Legislation and Planning Framework

Document Reference	163390-JAC-REP-EEN-050000
Author	Jacobs
Date	June 2021
Revision Number	A01

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Document Version Control

Version	Date	Author	Reviewer	Approver
A01	Jun 2021	M. Skeete	H. Kemm	A. Naik

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5. LEGISLATION AND PLANNING FRAMEWORK

5.1 Introduction

5.1.1 This chapter reports the environmental legislation, planning policy and guidance relevant to the Oxford Corridor Phase 2 Capacity Improvement Scheme ('the Scheme'). In addition, it makes reference to relevant policies such as the Network Rail environmental and sustainability policy. All technical terms used in this chapter are explained within Appendix 1.5 – Glossary and Acronyms.

5.1.2 The individual topic chapters (Chapters 6-15) provide more detail regarding the specific legislation, policy and guidance of relevance to individual topics. This chapter has been divided into four sections:

- Legislation;
- Planning Policy;
- Assessment guidance; and
- Network Rail environment and sustainability policy.

5.2 Legislation

5.2.1 This section lays out the main environmental legislation that the Scheme has had regard to during the Environmental Impact Assessment (EIA). Network Rail are submitting an application seeking prior approval for the Scheme from Oxford City Council under the Town and Country Planning Act 1990 and Oxford City Council have requested that an EIA be carried out for the Scheme. The main environmental legislation relevant to this assessment is therefore the Town and Country Planning (EIA) Regulations 2017 hereafter known as the Regulations.

<u>The Town and Country Planning (Environmental Impact Assessment) Regulations, 2017</u>

5.2.2 The Regulations govern the provision of EIAs in England. They apply to developments including where permitted development rights exist as in the case of the Scheme.

5.2.3 The Regulations set out thresholds for the need for developments to carry out an EIA. The Scheme falls within category 10 of Schedule 2 as an urban development project exceeding 1ha in area, and not subject to Schedule 1. Due to its location and the likelihood of significant effects on the environment,

an EIA and subsequent Environmental Statement was requested by Oxford City Council to accompany the prior approval application.

5.2.4 The information required to be covered by an EIA is set out within Schedule 4 of the Regulations. Appendix 1.3 within Volume 4 sets out how this Environmental Statement is compliant with the requirements.

Flood Risk Regulations and the Flood and Water Management Act 2010

5.2.5 A Flood Risk Assessment (Volume 4 – Appendix 14.1), inclusive of flood risk maps, has been undertaken taking account of Preliminary and Strategic Flood Risk Assessment information to assess compliance with the Flood Risk Regulations and the Flood and Water Management Act.

Conservation of Habitats and Species Regulations 2017

5.2.6 Stage 1 Screening: Habitats Regulations Assessment (Volume 4 –Appendix 4.2) has been compiled, in parallel to the EIA process, for European designated sites in accordance with the Conservation of Habitats and Species Regulations 2017.

Water Environment (WFD) (England and Wales) Regulations 2017

5.2.7 The Water Framework Directive's (WFD) overarching objective is for all surface waters and groundwaters to attain Good or High Status/Potential. The WFD is implemented in England through the Water Environment (WFD) (England and Wales) Regulations 2017. The Environment Agency is the competent authority in England responsible for delivering the WFD. A Water Framework Directive (WFD) Compliance Assessment (Volume 4 – Appendix 14.2) has been prepared in accordance with WFD Regulations.

5.2.8 The purpose of the WFD compliance assessment is to evaluate the potential impacts of the Scheme on WFD water bodies within the study area. In particular the works around the Sheepwash Channel demonstrates that it is WFD compliant and that there would not be a deterioration in waterbody status as a result of the works.

Other Relevant Legislation

5.2.9 The other legislation relevant to the Scheme can be found in the respective topic chapters (Volume 2 – Chapters 6 to 15, Section 2).

5.3 Planning Policy

5.3.1 This section lays out the key national and local planning policies that the Scheme has had regard to during the Environmental Impact Assessment.

National Planning Policy Framework

5.3.2 The National Planning Policy Framework (NPPF) (Ministry of Housing, Department for Communities and Local Government, 2019a) sets out the Government's planning policies for England and how these are expected to be applied. The framework acts as guidance for local planning authorities and decision-makers, both in drawing up plans and making decisions.

5.3.3 Section 9 of the NPPF considers "Promoting sustainable transport" and notes that development should be:

"*…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…*" and "*…create places that are safe, secure and attractive…*"

5.3.4 As described in Chapter 2, the Scheme aims to provide capacity enhancement and journey time improvements as well as provide visitors, commuters and local residents with an experience befitting Oxford's reputation for excellence.

5.3.5 The provision of off-road cyclist and pedestrian routes, additional cycle parking and no additional car parking promotes the use of sustainable transport to and from Oxford Station. The lowering of Botley Road under the Botley Road Bridge would enable standard double decker buses to traverse Botley Road. These provisions support Section 9 of the NPPF.

Summary of Other Relevant National Policies and Strategies

5.3.6 This section identifies other national policy relevant to the Scheme which are detailed in the individual topic chapters (Volume 2 – Chapters 6 to 15 – Section 2). The policies, a brief description, and the relevant topic chapters in which they are considered are laid out in Table 5.1.

Table 5.1: Other relevant national policies and strategies

Policy	Brief description	Topic chapter(s) considered
Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Department for	This sets out "*air quality objectives and policy options to further improve air quality in the UK from today into the long term.*" The strategy is intended to provide	Chapter 6 – Air Quality and Odour.

Policy	Brief description	Topic chapter(s) considered
Environment, Food and Rural Affairs, 2007)	important benefits to the environment and quality of life.	Chapter 12 – Human Health.
National Policy Statement for National Networks (Department for Transport, 2014)	The National Policy Statement for National Networks sets out the criteria on national need, benefits and impacts of significant road and rail infrastructure projects in England. Applications for development are assessed using these criteria.	Chapter 7 – Geology and Soils. Chapter 14 – Water Resources and Flood Risk.
The Marmot Review: Fair Society, Healthy Lives (Marmot et al, 2010) Health Equity in England: The Marmot Review 10 Years On (The Health Foundation, 2020)	This presents the outcome of an independent review into the most effective evidence-based strategies to reduce health inequalities in England, and reports on six policy objectives to achieve this.	Chapter 11 – Population. Chapter 12 – Human Health.
Government Tourism Policy (Department for Culture, Media and Sport, 2011)	This outlines the government's approach to the visitor economy. It covers overseas visitors coming to the UK as well as domestic trips for both leisure and business travellers.	Chapter 11 – Population.
Healthy Lives, Healthy People: Our Strategy for Public Health in England (Department of Health and Social Care, 2010)	This White Paper outlines the way in which the government proposes to tackle public health challenges. It aims to produce much more innovative, integrated and dynamic approach to improving public health.	Chapter 11 – Population. Chapter 12 – Human Health.
Planning Practice Guidance: Noise (MHCLG, 2019b)	This advises on how planning can manage potential noise impacts in new development. Detailing noise impact determination, the factors influencing whether noise could be a concern, and addressing the impacts.	Chapter 10 – Noise and Vibration. Chapter 12 – Human Health.
Planning Practice Guidance: Water supply, wastewater and water quality (MHCLG, 2019c)	Advises on how planning can ensure water quality throughout the development. Provides guidance on how to help protect and enhance local surface waters and groundwaters by safeguarding and improvement measures as part of new developments.	Chapter 14 – Water Resources and Flood Risk.
Noise Policy Statement for England (Defra, 2010)	This sets out the long-term vision of government noise policy, to promote good health and a good quality of life through the management of noise.	Chapter 10 – Noise and Vibration. Chapter 12 – Human Health.
Transport Investment Strategy (Department for Transport, 2017)	This sets out the Department for Transport's priorities and approach for future transport investment decisions.	Chapter 11 – Population. Chapter 13 – Traffic and Transport.

Regional and Local Planning Policies

5.3.7 Each topic has considered planning policy laid out by regional authority Oxfordshire County Council and local authority Oxford City Council (OCC) when undertaking the EIA reported in this Environmental Statement. Each assessment topic has included a listing of policies relevant to the Scheme and topic, and the anticipated implications of the Scheme on achieving those policies.

Regional Policy – Oxford County Council

5.3.8 Connecting Oxfordshire: Local Transport Plan 2015-2031 (Oxfordshire County Council, 2015) provides a rail strategy for the region which sets out the priorities for rail investment (in partnership with Network Rail and train operators) to provide the capacity and services necessary to support growth in the county and developing the rail network to provide inter-regional links.

5.3.9 The Oxfordshire Rail Corridor Study (ORCS) was prepared in response to the Local Transport Plan and defines Phase 2 (the Scheme) as the fundamental building block for all the following proposed Oxfordshire rail enhancements.

Local Policy – Oxford City Council

5.3.10 On June 8th, 2020, OCC adopted its Oxford Local Plan 2016-2036 (OCC 2020). The plan replaced the Local Plan 2001 to 2016, the Core Strategy 2026, the Sites and Housing Plan, and the Policies Map 2013. The plan contains detailed policies which planning applications will be judged against. It sets out the aspirations for the City of Oxford, and how it is proposed to look and feel into the future. It will be used to guide developments to "*respect the past and present of Oxford, while improving its future by* supporting our city's people and their environment";

5.3.11 One of the aims of the Scheme is to improve access to and from Oxford city centre via sustainable modes of transport including by promoting cycle and pedestrian access to the station. The Scheme would achieve this by additional cycle parking and off-road cycle/pedestrian routes under the Botley Road Bridge. The Scheme has also been shown in Chapter 8 – Historic Environment, to have no significant impacts on the historic heart of Oxford showing alignment with 'respect the past'.

5.3.12 The Oxford Local Plan contains a Policies Map (OCC, 2020): The Policies Map displays the spatial policies included within the local plan.

Oxford Station Area Supplementary Planning Document (SPD) (OCC, 2017):

5.3.13 The SPD guides development proposals to create a new transport interchange and a distinctive gateway to Oxford. The SPD provides a policy framework to maximise the development potential of the station site and generate a positive dynamic with surrounding opportunity sites.

5.4 Assessment Guidance

5.4.1 Assessment guidance has been taken from several documents. The key guidance documents are described below and more detail on these and other guidance followed for the assessment can be found within the individual topic chapters (Volume 2 – Chapters 6 -15, Section 2).

Design Manual for Roads and Bridges, 2021

5.4.2 The Design Manual for Roads and Bridges (DMRB) (Highways England, 2021) provides standards and guidance for the environmental assessment of highways. It is an industry standard that is often used for other development where there is no equivalent guidance. It has therefore been used for most topics for the EIA of the Scheme.

Guidelines for Landscape and Visual Impact Assessment Third Edition, 2013

5.4.3 The GLVIA (Landscape Institute and Institute of Environmental Management and Assessment, 2013) sets out a clear and recognised guidance for landscape and visual impact assessment. It was requested by OCC that this guidance be used for the landscape and visual assessment in Chapter 9 of this report.

Land-Use Planning and Development Control: Planning for Air Quality, 2017

5.4.4 Land-Use Planning and Development Control: Planning for Air Quality (Environmental Protection UK and Institute of Air Quality Management (EPUK/IAQM), 2017) contains advice on the need for an air quality assessment regarding traffic emissions and combustion plant, selection of modelling methodologies, how to describe air quality effects, and advice on determining the significance of air quality effects.

5.5 Network Rail Environmental Sustainability Strategy

5.5.1 The Network Rail Environmental Sustainability Strategy 2020-2050 was published in September 2020. Its main purpose is to deliver a sustainable railway. The Strategy lays out Network Rail's vision:

"*Our vision is to serve the nation with the cleanest, greenest mass transport. We want to put passengers first, help passengers and freight users to make green choices, support local communities and be a good neighbour*".

5.5.2 To enable Network Rail to deliver this vision, it has laid out its four core priorities. These are listed below with reference to where the EIA has considered the priorities and how the Scheme follows the strategy:

- A low-emission railway: The Environmental Statement considers emissions within the air quality assessment (Volume 2 – Chapter 6) and has scoped out effects to climate as the Scheme is not likely to have a significant adverse effect (Volume 4 – Appendix 1.1). The Scheme would deliver improved rail services which in turn should lead to a shift for both passenger and freight journeys from road to rail. This would also contribute to a reduction in overall carbon emissions.
- A reliable railway service that is resilient to climate change: The water resources and flood risk assessment (Volume 2 – Chapter 14) and the flood risk assessment (Volume 4 – Appendix 14.1) consider the resilience of the Scheme to increased flood risk due to climate change. The Scheme would contribute to providing a more reliable railway service in both normal operation and perturbation because the additional Platform 5 and its bi-directional track gives more options to route trains and to recover from any train or infrastructure faults. It would also provide more opportunity for the railway to remain partially in use at night whilst the maintainer is given access to part of the railway to carry out safety checks and maintenance/renewal tasks.
- Improved biodiversity of plants and wildlife: The biodiversity net gain calculations (Volume 4 – Appendix 4.5) indicate a 42% net gain in biodiversity for the Scheme. In addition to this, the Scheme would add bird and bat boxes and plants to attract insects.
- Minimal waste and sustainable use of materials: The effects due to waste and materials have been scoped out of the assessment as the Scheme is not likely to have a significant effect (Volume 4 – Appendix 1.1). Evidence of Network Rail's ongoing commitment to waste recycling can be seen in Volume 2 – Chapter 2 – Description of the Scheme, Section 2 - Construction Waste Management.

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