

Topic paper for the review of the
Hertfordshire County Council Minerals Local Plan

Updating the Transport Policies

Version 2 - November 2018

1. Introduction

The purpose of this topic paper is to provide information on how the transport section of the adopted Minerals Local Plan (MLP) 2007 has been updated, including the associated policies, throughout its review.

This topic paper includes an outline of the current transport section and related policies within the adopted Minerals Local Plan, the changes to the planning system and how other Mineral Planning Authorities have included transport policies within their Local Plans. The topic paper outlines the responses from the Draft Plan stage (2017) specifically related to transport issues and also includes suggested new policy wording and supporting text for Hertfordshire's new Minerals Local Plan.

2. The Adopted Minerals Local Plan (2007)

The current Plan includes section 4.6 on Transport with eight paragraphs of supporting text around Minerals Policy 16: Transport.

The policy wording is currently as follows:

Minerals Policy 16: Transport

Proposals which include the transport of minerals to or from the development site by non-road transport such as water or rail will be supported.

Mineral development will only be permitted when the provision for vehicle movement within the site, the access to the site, and the conditions of the local highways network are such that the traffic movements likely to be generated by the development including the proposed afteruse would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment.

In assessing the likely impact of traffic movements, account will be taken of any highway improvements, traffic management or other mitigating measures that may be provided in association with the development. Applicants must demonstrate, by a detailed transport appraisal, that the safest and least environmentally damaging methods of transporting minerals from extraction/production to markets, that are practically achievable, are used.

Planning permission will normally only be granted for the extraction of minerals which are capable of being transported from sites via Primary and Distributor Roads (as defined in the County Council's Local Transport Plan).

Where the transport of material would require the use of local roads (as defined in the County Council's Local Transport Plan) to gain access from the site to the major road network, or where other roads may be unsuitable on traffic safety, engineering or environmental grounds for increased levels of heavy traffic, applicants seeking planning permission will normally be required to carry out, and submit the results of a study of the impact of heavy goods vehicle traffic on road safety and the environment.

3. Current National Planning Policy

The planning system has undergone significant changes since the adoption of the Minerals Local Plan. These changes have occurred at a national and regional level which has impacted on the overall planning structure outlined in the Minerals Local Plan. The emerging MLP must be developed in line with national policy. Paragraph 108 of the National Planning Policy Framework¹ (NPPF) states that:

¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;
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.'

Paragraph 111 of the NPPF also states that:

'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.'

In addition to the above statements, Paragraph 204(f) of the NPPF states that in preparing Local Plans, local planning authorities should:

'set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;'

And that in preparing Local Plans (para 204(e), local planning authorities should:

'safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;'

Introduction of National Planning Practice Guidance (NPPG)

On 27 March 2012 the Department for Communities and Local Government (DCLG) also launched the Planning Practice Guidance and revised on 24 July 2018, a web-based resource which provides guidance to the policies set out in the NPPF.

4. Reviewing other Mineral Planning Authorities Local Plans

In revising the Minerals Local Plan it's important to review other, more recently adopted Minerals Local Plans. Reviewing other transport policies within more recently adopted Minerals Local Plans (2013-2016) helped to identify gaps in the adopted Minerals Local Plan policies and provided

examples of how national policy requirements have been implemented into local policy.

Reviewing Internal and External Plans and Strategies

The review of the Minerals Local Plan also needed to take into account other countywide documents including Hertfordshire-wide strategies and District and Borough Council Local Plans.

A list of local strategies to consider in relation to the transport section of the MLP is set out below; with the general aim of each strategy:

Hertfordshire Local Enterprise Partnership (LEP) - Strategic Economic Plan (LEPSEP)

This plan brings together key partners from business, academia and the public sector to provide necessary strategic leadership, vision and focus to deliver an aim of accelerating business-led economic growth in Hertfordshire. These will be achieved through the Growth Deal.

Hertfordshire County Council Economic Development Strategy 2009-2021

This strategy was produced by Hertfordshire Works which is Hertfordshire's new economic development partnership (public, private and 3rd sector). This strategy has five economic objectives: create vibrant low carbon economy, stimulating enterprise, innovation and inward investment; develop well skilled workforce; provide quality locations and infrastructure; and create vibrant towns and communities.

Hertfordshire County Council Corporate Plans 2017-2021

This outlines the vision that the county Hertfordshire to continue to be a county where people have the opportunity to live healthy, fulfilling lives in thriving prosperous communities.

Hertfordshire Local Transport Plan

The Local Transport Plan 2018 -2031 sets out how transport can help deliver a positive future vision for Hertfordshire. The plan considers how future planning decisions and emerging technology might affect the way that transport needs to be provided in the longer term.

The definition of primary route network and main distributor roads is of paramount importance due to the adopted policy containing reference to this and mineral extraction sites being large sites and involving the movement of significant amounts of material by HGVs.

5. Initial Consultation representations

Following the evidence gathering stages (set out in Parts 3 and 4 of this paper) of the Minerals Local Plan review, the Initial Consultation Document was prepared and published for an eight week consultation period, from

Monday 03 August 2015 to Friday 16 October 2015. The Initial Consultation Document contained a series of Issues that the Minerals Planning Authority was considering moving forward in the review of the Minerals Local Plan.

At the Initial Consultation stage of document production it was considered relevant to include policies under the following headings for which this topic paper covers:

Strategic Policies:

Policy 12: Sustainable Transport

Development Management Policies:

Policy 22: General Environmental and Amenity Protection

Policy 23: Road Traffic and Transport

Policy 24: Public Rights of Way

Response to the Initial Consultation

The feedback received in response to the Initial Consultation, specifically for the Policies listed above (stated as Issues 21-23 in the Initial Consultation Document), identified that there was overall support for the suggested list of policy headings. It was clear that amendments were required in order to make it clear what the content of the policies would be and what the difference is between Strategic and Development Management Policies.

6. Draft Plan Consultation Stage

Following the Initial Consultation, the next stage in the review of the Minerals Local Plan was to prepare and consult on the 'Draft Minerals Local Plan'. The Draft Minerals Local Plan was prepared using the feedback received in response to the Initial Consultation and the evidence gathered during the initial stages of the review.

The existing 'Transport' section of the Minerals Local Plan has been revised in the draft plan as 'Highways and Transport'. The 'Highways and Transport' section is split into three parts which include: 'Strategic Transport', 'Operational Transport' and 'Public Rights of Way'.

The policies for the 'Highways and Transport' section look to promote the sustainable use of the transport network and to protect and improve public rights of way. The policies both minimise the impacts to the environment by reducing vehicle movements associated with mineral operations whilst also ensuring public health and safety.

Draft Policy 20 (Strategic Transport) was proposed as follows:

Policy 20: Strategic Transport

Mineral extraction sites and associated development must be well located in relation to the primary route network as defined in the Local Transport Plan and district Local Plans.

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

Proposals for mineral extraction and associated development must demonstrate:

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

Proposals for new or replacement aggregate terminals for rail and water transport will be supported, subject to the suitability of the local road network for secondary collection and distribution. Proposals will need to take into account any significant adverse impacts on the local road and rights of way networks, public health, amenity, wildlife habitats and the natural, built and historic environment.

Draft Policy 21 (Operational Transport) was proposed as follows:

Policy 21: Operational Transport

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

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

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

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

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

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

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

Draft Policy 22 (Public Rights of Way) was proposed as follows:

Policy 22: Public Rights of Way

Mineral extraction and associated development must, where possible, ensure that public Rights of Way are protected and not adversely affected by the proposal. Where this is not possible, proposals need to ensure that good quality, safe and convenient alternative provision is made or suitable replacement Right(s) of Way is secured.

The use of Rights of Way to obtain vehicle access to a site will not be permitted unless it can be clearly demonstrated that the safety of Rights of Way users can be adequately protected.

Proposals should improve and enhance access into the countryside, through the Rights of Way network and/or open space, creation of new rights of way and link where possible to

the Rights of Way Improvement Plan and Green Infrastructure Plans.

The Draft Minerals Local Plan was published for a ten week consultation, from Monday 04 December 2017 to Friday 09 February 2018.

Response to the Draft Plan Consultation

A total of 2,578 consultees responded to the consultation on the Draft Minerals Local Plan, submitting a total of 3,252 individual representations between them.

Consultees included all of the District and Borough Councils, a selection of Parish Councils and adjoining authorities, industry representatives and a significant number of local residents.

A number of representations received in response to the proposed draft 'Strategic Transport' and 'Operational Transport' policies suggested amendments to the wording of policies and the supporting text. There was general support for the encouragement of alternative method of transport to highway movements, with acknowledgement that mineral freight is best suited to principal highway routes. Some concerns were raised regarding the potential highway movements associated with the concentration of sites in one part of the county.

To see a summary of the feedback received in response to the Draft Plan consultation, please follow the link below:

<https://democracy.hertfordshire.gov.uk/ieListDocuments.aspx?CId=218&MId=1154>

7. Minerals Local Plan Proposed Submission Document

The next stage in the Minerals Local Plan review involved re-drafting the document from 'Draft Plan' stage to 'Proposed Submission' stage, to take into account (where possible) the feedback received from the consultation on the Draft Mineral Local Plan as well as changes to national policy.

Representations received were generally in support of these policies with some suggestions to strengthen policy wording.

The 'Highways and Transport' chapter has been maintained in its three parts, the strategic element, the operational side of transport related issues and Public Rights of Way.

The highways and transport policies are proposed as follows:

Policy 20: Strategic Transport

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

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

Proposals for mineral extraction and associated development must demonstrate:

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

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

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

Policy 21: Operational Transport

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

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

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

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

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

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

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

Policy 22: Public Rights of Way

Mineral extraction and associated development must, where possible, ensure that public Rights of Way are protected and not adversely affected by the proposal. Where this is not possible, proposals need to ensure that good quality, safe and convenient alternative provision is made or suitable replacement Right(s) of Way is secured.

The use of Rights of Way to obtain vehicle access to a site will not be permitted unless it can be clearly demonstrated that the safety of Rights of Way users can be adequately protected.

Proposals should improve and enhance access into the countryside, through the Rights of Way network and/or open space, creation of new rights of way and link where possible to

the Rights of Way Improvement Plan and Green Infrastructure Plans.

The Proposed Submission Minerals Local Plan will be published for a ten week consultation period from Monday 14 January 2019 to Friday 22 March 2019. This Topic Paper (along with a host of other Topic Papers) will be published at the same time as the Proposed Submission document, to support the document and provide explanations of how the different topics covered within the emerging Minerals Local Plan have evolved throughout its review.

8. Next Steps

The county council intends to submit the Proposed Submission Minerals Local Plan and all representations received to the Secretary of State for independent Examination.

An independent Planning Inspector will be appointed to hold an 'Examination in Public' for the emerging Minerals Local Plan. The Planning Inspector will review all representations submitted in response to the publication of the Proposed Submission Plan and will assess the Minerals Local Plan against all relevant legislation and national Policy requirements. The county council may need to make modifications to the emerging Minerals Local Plan throughout this process, in response to the discussions at the Examination in Public.

Following the conclusions of the Examination in Public, the council will consult on any modifications which accompany the Inspector's Report and then adopt the new Minerals Local Plan.

The table below sets out the next steps for the emerging Minerals Local Plan, following the ten week publication of the Proposed Submission Minerals Local Plan Document.

Table 1 – Minerals Local Plan Review Timetable

Summer 2019	Submission
Autumn 2019	Examination
Winter 2019	Inspector's Report
Winter 2019 / Spring 2020	Finalisation
Summer 2020	Adoption