

Environment and Economy Meeting 21 April 2015 – Agenda item 6 Local Plan Development Proposals Council Motion Note for E&E members and officers from Councillor Graham Wilson

Key Points

The adopted motion proposed three options to responding to draft Local Plans on transport matters:

1. We support development in a draft plan,
2. We object and/or
3. We ask for more information

It was not intended to be binary - “support” or “object”.

I agree that we should “raise concerns with District Councils if there isn’t sufficient clarity or evidence to demonstrate that the proposed interventions are likely to be deliverable or that the potential residual cumulative impacts of development can be mitigated”. This should be done during the preparation of the Local Plan when officers are working to assess different sites with districts and developers.

Once a Plan goes to formal consultation and the District thinks it is ready for examination by a Planning Inspector, we can and I think should object if we are unhappy with sites because, based on the information we have, we think the residual traffic impacts will be severe.

I don’t agree that it is appropriate to delay determining how the significant impacts of a development are to be mitigated until the planning application is submitted. The Planning Inspector reporting on the Uttlesford draft Plan said: “Local Plans are intended to convey certainty that their proposals can be implemented within their timescales. This is an essential element of their effectiveness”. Once a site is in a Local Plan, there is a presumption on delivery and it is very difficult to get a site removed.

We know what development is being proposed for the different sites in draft Local Plans and in most cases officers have worked out what the transport demands will be. If a site allocation does not have a transport assessment / evidence base that we can agree, it should not be included in the draft Local Plan as it would not meet the test for soundness.

We have already spent years of effort on developing the various long term transport strategies and I am not suggesting we should do more. The NPPF guidance clearly states that the “Duty to co-operate is not a duty to agree” (emphasis added). If our assessments based on the evidence we have suggests sites are not sustainable, then I think we should at least retain the option to object.

So I do not believe the motion needs changing but would be willing in practice, if we didn’t want to object to inappropriate development site, to instead say “we are unable to support”, “we recommend refusal” or “we recommend sites are removed from the draft Plan” or are “reduced in scale” as that is slightly less direct than using the “O” word. And we can certainly add “Yes, if ..” a district council or developer provides evidence to show the needed interventions are deliverable we will support the development.

Further background information and my suggestions for the Huntingdonshire Local Plan follow.

Approved Motion

The key actions in the motion approved in Dec 2014 were for the Council to:

- Continue to encourage and support development that benefits the local community and economy
- Continue to provide advice to the district councils developing their Local Plans on:
 - the potential traffic and transport implications of proposed developments; and
 - potential feasible, affordable and sustainable solutions to mitigate impacts with an assessment of the residual impacts
- Object to proposals in draft Local Plans if CCC assessments indicate that potential interventions are not deliverable or the residual cumulative impacts of development will be severe
- Advise district councils that they, or the promoter of sites being put forward for development, should submit their own traffic and transport assessment to the County Council for comment if county council officers are not confident potential solutions are deliverable (including considering potential funding limitations) and won't have severe environmental consequences.

The bullets give three options for CCC depending on how much we know about the transport implications. It might have been clearer if I had added an "Or" after the third bullet. The motion doesn't say, as stated in para 2.7, we either support or object. In simplistic terms it means:

1. if we are happy that the transport impacts of the new growth can be managed without environmental damage and we can identify funds for schemes then let's support the development – bullets one and two above
2. if we cannot identify funds for essential schemes or the ones needed will have damaging environmental impacts then we can and should object – bullet three above, but
3. if we are not sure or are sceptical about funding or impacts, then let's put the onus back on the District Council / developer to provide the justification for the development that we can assess – bullet four above

Officer's suggestion

The proposed revision in para 3.4 removes the option to object (changes in **bold italics**):

- support development that benefits the local community and economy
- continue to advise the districts developing Local Plans on the potential traffic and transport implications of proposed developments; and potential feasible, affordable & sustainable solutions to mitigate impacts
- ***raise concerns with the districts regarding their Draft Local Plan proposals if there isn't sufficient clarity or evidence to demonstrate that the proposed interventions are likely to be deliverable or that the potential residual cumulative impacts of development can be mitigated***

- advise district councils that the promoters of sites being put forward for development, should submit their own traffic and transport assessment to the County Council for comment if county council officers are not confident potential solutions are deliverable (including considering potential funding limitations) and won't have severe environmental consequences.

To my mind this removes the option to object where we are sure a development is "unsustainable" (my abbreviation for the longer description above!) and simply says we either support or we want more information which in any event is the last bullet.

Our responsibilities

We are the Highways Authority for Cambs. We are the only organisation that can assess the cumulative impacts of all the developments proposed across the county. We have modelled the impacts of different interventions and worked out the approximate cost for most. We know where money may come from, most sources are described in the LTTS, and hence we are in the best place to decide whether interventions are worthwhile and deliverable, having regard to potential beneficial impact on traffic/transport, funding and the environment. We therefore are in the best place to determine after all that work whether there are likely to be severe residual impacts (as prescribed in the NPPF). We should then be in the best place to either support or object to development on transport grounds.

The NPPF states (para 32): *All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

The national Planning Practice Guidance on Travel Plans, Transport Assessments and Statements explains to local planning authorities that Transport Assessments can beneficially inform their Local Plans (for example, in order to facilitate the use of sustainable modes of transport).

The approved Motion specifically provides for us to go back to the Districts if we are unsure: *Advise district councils that they, or the promoter of sites being put forward for development, should submit their own traffic and transport assessment to the County Council for comment if county council officers are not confident potential solutions are deliverable (including considering potential funding limitations) and won't have severe environmental consequences.*

Uttlesford experience

Roy Foster, a Planning Inspector, has examined the draft Uttlesford Local Plan and recommended the District Council consider a number of issues he had raised. His conclusions in a letter to the council include the statement (para 2.26) "Local Plans are intended to convey certainty that their proposals can be implemented within their timescales. This is an essential element of their effectiveness". He therefore expects that if a development site is included it will be delivered.

In addition his para 2.27 says “PPG on transport evidence in plan making indicates (54-005) the importance of having a robust transport evidence base for local plans in place at submission in order to identify any potential measures that may be required to mitigate the negative impacts, particularly those affecting a wider area than a single authority.....”

He has found the Uttlesford Plan unsatisfactory on two issues. Firstly the plan does not deliver enough houses, and secondly he had concerns about the severe transport implications of a proposed new settlement at Elsenham in rural Essex.

He said that “It is unclear any of these rural routes [for travel] are fit for purpose” and “the availability of funding for any further improvements found necessary at the junction with the M11 are currently unknown” and therefore he concluded in these circumstances it would be premature, and inconsistent with the PPG on transport evidence bases in plan-making, to recommend adoption of the plan.

So the inspector rejected a Local Plan on the basis that the transport impacts of a new development would be severe and the funds for improvements were not secure. My concern is that we could get in the same position as Essex is in now and not meet the inspector’s requirements.

Way forward

I do not believe the motion needs changing. If we have enough information to say the development proposed in any draft Local Plan will have severe residual cumulative traffic/transport impacts then we can and should object.

The extensive work done by officers on the LTTS and Huntingdon and Godmanchester Market Town Strategy does provide that information for the HDC Local Plan. For example:

- The third Local Transport Plan (LTP3) is a statutory document which sets out CCC’s transport objectives, policies and strategy for the county. LTP3 seeks to address *existing transport challenges as well as setting out the policies and strategies to ensure that planned large-scale development can take place in the county in a sustainable way*. The report says: *While we must have a vision for the future, we must also be realistic and recognise that we do not have the resources to deliver all of the measures we would wish to over the lifetime of the Plan, particularly given the current economic climate.*
- CCC’s suite of transport strategies is based on extensive traffic analysis and environmental appraisal (including a Strategic Environmental Assessment (SEA) and a Habitats Regulations Assessment (HRA) of the proposals. In a number of locations, officers have been able to show that the interventions proposed are beneficial and are unlikely to cause unacceptable environmental impacts and would support the proposed development. In a number of locations however, potentially adverse environmental impacts have been identified. The papers for the Oct and Nov 2014 Environment and Economy Committee included the sentence: *The SEA and HRA identify issues with a number of interventions in the LTTS that will need to be considered and addressed in detail when schemes are brought forward. It is possible that this work will lead in future to schemes being removed from the LTP, LTTS or from other strategies should it not be possible to avoid unacceptable impacts or provide suitable mitigation.*

This implies some of the schemes being proposed may be removed when studied in more detail and others needed will not be delivered because the funds are not available, potentially implying development may occur which has severe impacts.

And so my understanding is county council officers are not confident potential solutions are deliverable (including considering potential funding limitations) or won't have severe environmental consequences.

My preference therefore is for CCC to object to the HDC draft Local Plans but be willing to lift that objection if HDC and/or the developers provide additional information – eg say:

- *CCC formally OBJECT to the draft HDC Local Plan. Our transport assessments, as reported in the LTTS and H&G MTS, indicate the residual cumulative impacts of traffic could be severe as we have not identified sufficient interventions which are deliverable due to funding and/or environmental constraints. If HDC provides evidence to show the needed interventions are deliverable, we will withdraw our objection and support the Plan at the EIP.*

My fall-back suggestion, if that was unacceptable to members, is to ask the district who want to pursue sites that they, or the promoter of sites being put forward for development, should be asked to submit their own traffic and transport and environmental assessments to us for comment before the sites are accepted in the Local Plan. Our response would need to be very clear, eg:

- *Based on the information currently available to CCC, we are unable to support xyz (specific developments especially Wyton) in the draft HDC Local Plan as we have concerns about the deliverability of the schemes needed to ensure the residual cumulative transport impacts of these developments are not severe. We are happy to work with HDC and developers to help them to identify the schemes and secure the funding needed to ensure the Plan is sound before it is considered by an Inspector.*

Graham Wilson
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