

# SUNNICA ENERGY FARM

EN010106

Volume 6

6.2 Appendix 13A: Relevant Legislation and Policy for Transport  
and Access

APFP Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009



Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**Sunnica Energy Farm**

**Environmental Statement  
Appendix 13A: Relevant Legislation and Policy for Transport and  
Access**

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# 1 Introduction

## 1.1 Purpose of this appendix

- 1.1.1 This ES appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant transport and access effects of the Scheme. This appendix is in relation to the Transport and Access Chapter of the ES and also the Transport Assessment.
- 1.1.2 Legislation and policy are considered at national and local levels.
- 1.1.3 This ES appendix does not assess the Scheme against legislation and policy; instead the purpose of considering legislation and policy in the EIA is twofold:
- to identify legislation and policy that could influence the sensitivity of receptors (and therefore the significance of effects) and any requirements for mitigation; and
  - to identify legislation and policy that could influence the methodology of the EIA. For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the transport and access assessment.

# 2 National Legislation, Policy and Guidance

## 2.1 Policy

### National Policy Statements

- 2.1.1 The Scheme's proposed energy generating technology is not currently specifically referenced by a National Policy Statement (NPS) however in lieu of a technology specific NPS, the EIA takes account of the following NPSs, which are considered to be matters that will be important and relevant to the Secretary of State's decision as to whether to grant a DCO for the Scheme:
- Overarching National Policy Statement for Energy (EN1) (Ref 1),
  - National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref 2), and
  - National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref 3).
- 2.1.2 The NPSs set out the Government's energy policy, the need for new infrastructure and guidance for determining an application for a DCO. The NPSs include specific criteria and issues which should be covered by applicants' assessments of the effects of their scheme, and how the decision maker should consider these impacts.

2.1.3 The relevant NPS requirements, together with an indication of where in the ES chapter the information is provided to address these requirements, are provided in **Table 2-1**.

**Table 2-1 Relevant NPS requirements for the transport and access assessment**

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
<b>NPS EN-1</b>		
Paragraph 5.13.1	The transport of materials, goods and personnel to and from a development during all project phases can have a variety of impacts on the surrounding transport infrastructure and potentially on connecting transport networks, for example through increased congestion. Impacts may include economic, social and environmental effects. Environmental impacts may result particularly from increases in noise and emissions from road transport. Disturbance caused by traffic and abnormal loads generated during the construction phase will depend on the scale and type of the proposal.	The assessment of HGVs including abnormal loads and construction staff is contained within the Transport and Access chapter of the ES as well as the Transport Assessment and Framework Construction Traffic Management Plan (CTMP) / Travel Plan (TP) document.
Paragraph 5.13.3	If a project is likely to have significant transport implications, the applicant's ES (see Section 4.2) should include a transport assessment, using the NATA/WebTAG139 methodology stipulated in Department for Transport guidance, or any successor to such methodology. Applicants should consult the Highways Agency and Highways Authorities as appropriate on the assessment and mitigation.	A Transport Assessment (TA) has been submitted with consultation with the local Highway Authorities including Highways England. The latest guidance on TAs has been applied (ref 4).
Paragraph 5.13.4	Where appropriate, the applicant should prepare a travel plan including demand management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts.	Given the rural location it is acknowledged that there are limitations on staff travelling to the Order limits by walking, cycling and public transport. A combined Framework CTMP and TP document has been submitted outlining the measures proposed to mitigate the transport impacts. A requirement of the DCO will ensure that these measures will be developed in detail and complied with.
Paragraph 5.13.6	A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the IPC should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the IPC should consider requirements to mitigate adverse impacts on transport networks arising from the development, as set out below. Applicants may also be willing to enter into planning obligations for funding infrastructure and otherwise mitigating adverse impacts.	A combined Framework CTMP and TP document has been submitted outlining the measures proposed to mitigate the transport impacts. A requirement of the DCO will ensure that these measures will be developed in detail and complied with.

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
Paragraph 5.13.7	Provided that the applicant is willing to enter into planning obligations or requirements can be imposed to mitigate transport impacts identified in the NATA/WebTAG transport assessment, with attribution of costs calculated in accordance with the Department for Transport's guidance, then development consent should not be withheld, and appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure.	Measures outlined in the Framework CTMP and TP document will be secured as part of the DCO application.
Paragraph 5.13.8	Where mitigation is needed, possible demand management measures must be considered and if feasible and operationally reasonable, required, before considering requirements for the provision of new inland transport infrastructure to deal with remaining transport impacts.	A combined Framework CTMP and TP document has been submitted outlining the measures proposed to mitigate the transport impacts. A requirement of the DCO will ensure that these measures will be developed in detail and complied with.
Paragraph 5.13.9	The IPC should have regard to the cost-effectiveness of demand management measures compared to new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures.	A combined Framework CTMP and TP document has been submitted outlining the measures proposed to mitigate the transport impacts. A requirement of the DCO will ensure that these measures will be developed in detail and complied with.
Paragraph 5.13.10	Water-borne or rail transport is preferred over road transport at all stages of the project, where cost-effective.	Not considered possible for the Scheme location as it is not located near a suitable waterway or railway.
Paragraph 5.13.11	The IPC may attach requirements to a consent where there is likely to be substantial HGV traffic that: a) control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements; b) make sufficient provision for HGV parking, either on the site or at dedicated facilities elsewhere, to avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions; and c) ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force.	A combined Framework CTMP and TP document has been submitted outlining the measures proposed to mitigate the transport impacts. A requirement of the DCO will ensure that these measures will be developed in detail and complied with.

## Draft National Policy Statements

- 2.1.4 The Government is currently reviewing and updating the Energy NPSs. It is doing this in order to reflect its policies and strategic approach for the energy system that is set out in the Energy White Paper (December 2020), and to ensure that the planning policy framework enables the delivery of the infrastructure required for the country's transition to net zero carbon emissions. As part of the Energy NPS review process, the Government published a suite of Draft Energy NPSs for consultation on 6 September 2021. These include the following Draft NPSs, which are expected to be important and relevant to the Secretary of State's decision, and have therefore been taken into account by the EIA:
- a. Draft Overarching National Policy Statement for Energy (EN-1) (Draft NPS EN-1),
  - b. Draft National Policy Statement for Renewable Energy (EN-3) (Draft NPS EN-3), and
  - c. Draft National Policy Statement for Electricity Networks Infrastructure (EN-5).
- 2.1.5 Where the relevant Draft NPS contain requirements that differ from the requirements of the NPSs, **Table 2-2** indicates where the information to address these requirements is provided within the ES Chapter.

**Table 2-2 Relevant Draft NPS requirements for the transport and access assessment**

Relevant NPS paragraph reference	Requirement of the NPS	Where in the ES chapter is information provided to address this
<b>Draft NPS EN-1</b>		
Paragraph 5.14.4	Where appropriate, the applicant should prepare a travel plan including demand management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts. The assessment should also consider any possible disruption to services and infrastructure (such as road, rail and airports).	A combined CTMP and TP has been prepared and accompanies the DCO Application, which includes management measures to mitigate transport impacts. This is provided in <b>Appendix 13C</b> of this Environmental Statement <b>[EN010106/APP/6.2]</b> .
Paragraph 5.14.8	The Secretary of State should only consider preventing or refusing development on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.	Details of the mitigation of the transport impacts are contained within the TA and combined CTMP and TP documents. This is provided in <b>Appendix 13C</b> of this Environmental Statement <b>[EN010106/APP/6.2]</b> .

### **National Planning Policy Framework (NPPF)**

- 2.1.6 The NPPF sets out the Government's planning policies for England, providing a framework within which local people and councils can encourage development which reflects the needs and priorities of their communities.
- 2.1.7 A key principle of the NPPF is the presumption in favour of sustainable development that contributes to the economic, social, and environmental aspects of a community. The use of sustainable transport modes for the movement of goods and people is widely encouraged.
- 2.1.8 Chapter 9 sets out Promoting Sustainable Transport (paragraph 104 to 109). This chapter explains the variety of ways in which transport should be considered as part of the planning process. This includes setting out that transport issues should be considered from the earliest stages of the plan-making and development proposals.
- 2.1.9 Paragraph 106 states that planning policies should "*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.*"
- 2.1.10 Paragraph 110 Part D of the NPPF states that 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.
- 2.1.11 Paragraphs 110 to 113 also refer to the need to prioritise pedestrian and cycle movements followed by access to high quality public transport, to reflect the importance of creating a well-designed place.
- 2.1.12 Paragraph 113 states that a development that generates a significant amount of movement should be supported by a Transport Statement (TS) or TA and should be required to provide a TP.

### **Planning Practice Guidance**

- 2.1.13 The Planning Practice Guidance on 'Travel plans, transport assessments and statements in decision-taking' (Ref 4) provides advice on when TAs and TSs are required and what they should contain.
- 2.1.14 Paragraph 014 states: "*the need for, scale, scope and level of detail required of a TA or TS should be established as early in the development management process as possible as this may therefore positively influence the overall nature or the detailed design of the development.*"
- 2.1.15 "Key issues to consider at the start of preparing a TA or TS may include:
- a. *The planning context of the development proposal;*
  - b. *Appropriate study parameters (i.e. area, scope and duration of study);*
  - c. *Assessment of public transport capacity, walking/cycling capacity and road network capacity;*

- d. *Road trip generation and trip distribution methodologies and/ or assumptions about the development proposal;*
- e. *Measures to promote sustainable travel; •*
- f. *Safety implications of development; and*
- g. *Mitigation measures (where applicable) – including scope and implementation strategy.”*

2.1.16 Paragraph 015 sets out what information should be included in TAs, which includes:

- a. *“Information about the proposed development, site layout, (particularly proposed transport access and layout across all modes of transport);*
- b. *Information about neighbouring uses, amenity and character, existing functional classification of the nearby road network;*
- c. *Data about existing public transport provision, including provision / frequency of services and proposed public transport changes;*
- d. *A qualitative and quantitative description of the travel characteristics of the proposed development, including movements across all modes of transport that would result from the development and in the vicinity of the site;*
- e. *An assessment of trips from all directly relevant committed development in the area (i.e. development that there is a reasonable degree of certainty will proceed within the next 3 years);*
- f. *Data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) within the study area and identification of critical links and junctions on the highways network;*
- g. *An analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area;*
- h. *An assessment of the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive areas (such as air quality management areas or noise sensitive areas);*
- i. *Measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms;*
- j. *A description of parking facilities in the area and the parking strategy of the development;*
- k. *Ways of encouraging environmental sustainability by reducing the need to travel; and*
- l. *Measures to mitigate the residual impacts of development (such as improvements to the public transport network, introducing walking and cycling facilities, physical improvements to existing roads.”*

## 3 Local Policy and Guidance

### 3.1 Policy

3.1.1 The following local policy is relevant to the assessment of the transport and access effects of the Scheme.

**Table 3-1 Relevant local policy for the transport and access assessment**

Relevant Document	Relevant policies
East Cambridgeshire District Council Local Plan Adopted April 2015.	Policy COM7: Transport Impact
East Cambridgeshire District Council Supplementary Planning Documents Renewable Energy Development (Commercial Scale) Adopted October 2014	Paragraph 8.3-part 3: Transport Statement
Forest Heath District Council Core Strategy Adopted 2010	Policy CS12: Strategic Transport Improvement and Sustainable Transport Spatial Objective T1: to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel
Forest Heath and St Edmundsbury Local Plan: Joint Development Management Policies Document (last updated February 2015)	Policy DM44: Rights of Way Policy DM45: Transport Assessments and Travel Plans Policy DM46: Parking Standards

#### **East Cambridgeshire District Local Plan**

3.1.2 East Cambridgeshire District Local Plan Adopted April 2015 with particular reference to Policy COM 7: Transport Impact, which states that a “development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location”.

#### **East Cambridgeshire District Council Supplementary Planning Document**

3.1.3 East Cambridgeshire District Council Supplementary Planning Documents (SPD) Renewable Energy Development (Commercial Scale) October 2014, with particular reference to paragraph 8.3 part 3 which states that where renewable energy development is proposed which is likely to have significant transport implications (e.g. level of traffic movements) a Transport Statement will be required.

#### **West Suffolk Local Plan**

3.1.4 The West Suffolk Local Plan consists of the former Forest Heath and St Edmundsbury Local Plan documents, including the Forest Heath Local Development Framework (2010), and the Joint Development Management Policies Document (JDMPD) (2015). The adopted local plans covering the former Forest Heath and St Edmundsbury areas will continue to be applied until a new West Suffolk Local Plan is adopted, which is scheduled for mid-2023.

### **Forest Heath Local Development Framework - Core Strategy**

- 3.1.5 Forest Heath District Council Core Strategy Adopted 2010, with particular reference to Policy CS12: Strategic Transport Improvement and Sustainable Transport which seeks to minimise the magnitude of change of traffic on the environment.
- 3.1.6 Spatial Objective T1 states that a new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel.
- 3.1.7 Spatial Objective T3: *'support strategic transport improvements serving Forest Heath, especially the A14 and A11 road and rail corridors, in order to minimise the adverse impacts of traffic on communities, improve safety, improve public transport facilities and ensure the sustainable development of the area is not constrained'*
- 3.1.8 The Core Strategy states that in certain circumstances developers will be expected to produce a TA as part of their planning application. Within Policy CS 12 – Strategic Transport Improvements and Sustainable Transport, it seeks to minimise the impact of traffic on the environment.

### **The Joint Development Management Policies Document**

- 3.1.9 Forest Heath and St Edmundsbury Councils: Joint Development Management Policies Document (last updated February 2015) (Ref 5), with particular reference to the following policies:
- a. Policy DM44: Rights of Way – states that *"development which would adversely affect the character of, or result in the loss of existing or proposed rights of way, will not be permitted unless alternative provision or diversions can be arranged which are at least as attractive, safe and convenient for public use"*;
  - b. Policy DM45: Transport Assessments and Travel Plans – identifies *"for major development and/or where a proposal is likely to have significant transport implications, the Council requires the applicant to submit the following documents alongside their planning applications: Transport Assessment and Travel Plan"*; and
  - c. Policy DM46: Parking Standards – seeks to reduce the over-reliance on the car and aims to promote more sustainable forms of travel where exceptions may be made in rural areas unless *"satisfactory evidence and justification is included along with a Transport Assessment and/or Travel Plan that demonstrates why an exception ought to be made given the nature and location of the specific development proposal"*.
- 3.1.10 Policy DM44 notes that developments should have a positive effect on the PRoW network and details if alternative rights of way are provided, as a result of the development, then it is encouraged that the improved pathways connect with settlements i.e. providing access routes to countryside and green infrastructure sites.

## 4 Industry Guidance

- 4.1.1 This transport chapter follows the principles of the methodology set out in the IEMA Guidelines for the Environmental Assessment of Road Traffic (Ref 6) when determining the magnitude of change of the Scheme. Further details of the guidelines contained in this document are set out in the 'Assessment Methodology' section of the transport and Access chapter.

## 5 References

- Ref 1 Department of Energy and Climate Change, (July 2011). 'Overarching National Policy Statement for Energy (EN-1)'. The Stationary Office, London.
- Ref 2 Department of Energy and Climate Change (2011) National Policy Statement for Renewable Energy Infrastructure (EN-3)
- Ref 3 Department of Energy and Climate Change (2011) National Policy Statement for Electricity Networks Infrastructure (EN-5)
- Ref 4 Ministry of Housing, Communities and Local Government (March 2014) Travel Plans, Transport Assessments and Statements, ID 42
- Ref 5 Forest Heath District Council, (May 2010). 'Forest Heath Local Development Framework Core Strategy Development Plan Document 2001-2026 (with housing projected to 2031)'. Forest Heath District Council, Mildenhall.
- Ref 6 Institute of Environmental Management Assessment, (1994). 'Guidelines for the Environmental Assessment of Road Traffic'. IEA, Horncastle.