

A30 Chiverton to Carland Cross Environmental Statement

**Volume 6 Document Ref 6.4 ES Appendix 12.2
Legislative and policy framework**

HA551502-ARP-ENM-SW-RP-LE-000016

C01 | A3

22/08/18

Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009 (as amended)
APFP Regulation 5(2)(a)

Table of Contents

	Pages
12.2 Legislative and Policy Framework	ii

12.2 Legislative and Policy Framework

Legislation

National Parks and Access to Countryside Act 1949

12.2.1 The National Parks and Access to the Countryside Act 1949 is an Act of the Parliament of the United Kingdom which created the National Parks Commission which later became the Countryside Commission and then the Countryside Agency, which became Natural England when it merged with English Nature in 2006. The Act provided the framework for the creation of National Parks and Areas of Outstanding Natural Beauty in England and Wales, and also addressed public rights of way and access to open land. The Act aims:

- To make provision for National Parks and the establishment of a National Parks Commission;
- To confer on the Nature Conservancy and local authority's powers for the establishment and maintenance of nature reserves; and
- To make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to open country.

Countryside and Rights of Way Act 2000

12.2.2 The Countryside and Rights of Way Act 2000 (CRoW Act 2000) applies to England and Wales only, received Royal Assent on 30 November 2000, with the provisions it contains being brought into force in incremental steps over subsequent years. The Act is compliant with the provisions of the European Convention on Human Rights, requiring consultation where the rights of the individual may be affected by these measures.

12.2.3 The Act provides a new right of public access on foot to areas of open land comprising mountain, moor, heath, down, and registered common land, and contains provisions for extending the right to coastal land. The Act also provides safeguards which take into account the needs of landowners and occupiers, and of other interests, including wildlife.

12.2.4 The Act improves the rights of way legislation by encouraging the creation of new routes and clarifying uncertainties about existing rights. Of particular relevance to nature conservation, the Act introduces powers enabling the diversion of rights of way to protect SSSIs.

National

National Road and Rail Networks: National Policy Statement (NN NPS) (December 2014)

12.2.5 The NPS for National Networks is the principal policy document against which the scheme will be assessed.

12.2.6 The Government's vision and strategic objectives for national networks set out in the NN NPS includes 'supporting a prosperous and competitive economy', and specifically: Networks with the capacity and connectivity to support national and local economic activity and facilitate growth and create jobs; and Networks which join up our communities and link effectively to each other.

- 12.2.7 Paragraph 2.27 states that *'in some cases....it will not be sufficient to simply expand capacity on the existing network. In those circumstances new road alignments and corresponding links, including alignments which cross a river or estuary, may be needed to support increased capacity and connectivity.'*
- 12.2.8 Paragraph 3.3 requires that 'reasonable opportunities to deliver environmental and social benefits as part of schemes' should be considered and that environmental and social impacts should be mitigated in line with the principles set out in the National Planning Policy Framework (NPPF) and the Government's planning guidance.
- 12.2.9 The NN NPS contains the following statement in Section 2 setting out the Government's vision and strategic objectives for nationally significant networks: *'The Government will deliver national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:*
- *Networks with the capacity and connectivity to support national and local economic activity and facilitate growth and create jobs;*
 - *Networks which support and improve journey quality, reliability and safety;*
 - *Networks which support the delivery of environmental goals and the move to a low carbon economy;*
 - *Networks which join up our communities and link effectively to each other'.*

Road Investment Strategy: 2015 – 2020 (2014)

- 12.2.10 The Government's first Road Investment Strategy (RIS 1) sets out the vision to deliver safer and more reliable journeys for road users of the strategic road network, to create economic, environmental and community benefits.
- 12.2.11 RIS 1 includes a commitment to improve the A30 between Chiverton and Carland Cross to dual carriageway standard.

Revised National Planning Policy Framework (NPPF) (2018)

- 12.2.12 The Government published the revised NPPF in July 2018. The document streamlines national planning policy into a consolidated set of priorities, replacing most Planning Policy Statement and Planning Policy Guidance notes. The NPPF sets out 12 core planning principles that should underpin decision taking.
- 12.2.13 A consultation draft NPPF was published on 5 March 2018 and was consulted on until 10 May 2018.
- 12.2.14 The NPPF seeks a transport system in favour of sustainable modes and which gives real choice to people on how they travel, while recognising that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 12.2.15 The scheme meets the applicable core principles and advice concerning development with the NPPF, for example by supporting economic development through improved access to jobs and services and improved journey time reliability.
- 12.2.16 The revised policy on transport retains the priority on reducing the need to travel and policies in favour of sustainable transport modes. While the 12 core

principles are deleted from the document, their content is retained within the revised framework.

National Planning Practice Guidance (PPG) (2014)

12.2.17 The Planning Practice Guidance provides practical guidance to support the NPPF. The Guidance states that existing open space should be taken into account when considering development proposals.

Government White Paper: Healthy Lives, Healthy People (2010)

12.2.18 This white paper outlines the Government's commitment to:

- protecting the population from serious health threats;
- helping people live longer, healthier and more fulfilling lives;
- improving the health of the poorest, fastest.

12.2.19 The goal is a public health service that achieves excellent results, unleashing innovation and liberating professional leadership.

Highways England Cycling Strategy

12.2.20 Highways England's Cycling Strategy sets out how the planned roads improvements programme will provide integrated schemes which improve cycling facilities, contributing towards the development of an integrated, safe, comprehensive and high quality cycling network.

12.2.21 The vision for cycling builds upon the overall aim to deliver a high performing strategic road network and the best possible service to road users. Specifically, it aims to "*contribute to a connected, comfortable, attractive and high quality cycling network, suitable and safe for use by people of all ages and abilities.*"

Highways England Accessibility Strategy

12.2.22 Highways England's Accessibility Strategy explains how Highways England will deliver its ambition to enhance accessibility to and across the strategic road network for users and communities, as set out in the Highways England Delivery Plan.

12.2.23 The vision for accessibility focuses on supporting road users' journeys, including pedestrians, cyclists, equestrians, those with disabilities (such as users with mobility or sensory impairments) and other vulnerable users, while delivering longer-term benefits for communities and users alike. It aims to address the barriers that roads can sometimes create, help expand people's travel choices, enhance and improve network facilities, and make every day journeys as easy as possible.

Local

The Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016)

12.2.24 The Local Plan sets out the overarching planning policy framework for the whole of Cornwall for the period up to 2030.

12.2.25 Policy 16: Health and Wellbeing of the Local Plan aims to improve the health and wellbeing of Cornwall's communities, residents, workers and visitors. It states that development should:

- Protect, and alleviate risk to, people and the environment from unsafe, unhealthy and polluted environments by avoiding or mitigating against harmful impacts and health risks such as air and noise pollution and water and land contamination and potential hazards afforded from future climate change impacts.
- Maximise the opportunity for physical activity through the use of open space, indoor and outdoor sports and leisure facilities and providing or enhancing active travel networks that support and encourage walking, riding and cycling.
- Provide flexible community open spaces that can be adapted to the health needs of the community and encourage social interaction.

12.2.26 The supporting text of Policy 16 further states that planning decisions, individually or cumulatively, should not lead to unacceptably poor air quality, and that development should not normally be allowed where acceptable mitigation cannot be identified.

12.2.27 Policy 21: Best Use of Land and Existing Buildings of the Local Plan aims to ensure the best and most efficient use of land, safeguarding it where appropriate. It states that to ensure the best use of land, encouragement will be given to sustainably located proposals that:

- Use previously developed land and buildings provided that they are not of high environmental or historic value.
- Use despoiled, degraded, derelict and contaminated land provided that it is not of high environmental or historic value.
- Take into account the economic and other benefits (including food production) of Grade 1, 2 and 3a agricultural land. Where significant development of agricultural land is demonstrated to be necessary, poor quality land should be used in preference to that of higher quality.

12.2.28 Policy 25: Green Infrastructure of the Local Plan states that development proposals should contribute to an enhanced, connected and functional network of habitat, open spaces and waterscapes through:

- Retaining and enhancing the most important environmental infrastructure assets and connections in their existing location. In exceptional cases where the benefits of scheme outweigh the retention of the most important green infrastructure assets, their replacement should be better provision in terms of quantity and quality of ecological or open space in a suitable location.
- Demonstrating that functional environmental infrastructure has been taken into account in the design of development.
- Providing appropriate buffers to natural spaces that have community, biodiversity and heritage significance.
- Restoring or enhancing connectivity for nature and people through development sites and linking to adjacent sites or green routes to provide better links between urban and rural/coastal landscapes and providing accessible, attractive places for communities to regularly make contact with the natural environment.
- Provide clear arrangements for long-term management and enhancement of green infrastructure assets,

12.2.29 Policy 27: Transport and Accessibility of the Local Plan aims for major developments to ensure a resilient and reliable transport system for people, goods and services, development proposals should:

- Not cause a significantly adverse impact on the local or strategic road network that cannot be managed or mitigated.
- be designed to provide convenient, accessible and appropriate cycle and pedestrian routes, public transport and road routes within immediate vicinity of the development.

Cornwall Local Plan Strategic Policies 2010-2030: Community Network Areas Sections

12.2.30 The scheme is within both PP6 Truro and Roseland and PP7 St Agnes and Perranporth Community Network Areas. Specific objectives of relevance to be addressed in planning for the Truro and Roseland area include:

- Objective 3 Employment – provide a high quality, well paid employment in locations that reduce the need to travel;
- Objective 4 Sustainable Transport – enable the use of more sustainable transport modes and reduce congestion through the provision of additional transport infrastructure and ensuring sustainable transport is designed into new development;
- Objective 5 Shops and Services – support the retail function of Truro in relation to other main towns in Cornwall and within the South West. Protect shops and access to services and facilities in rural areas; and
- Objective 6 Community Facilities – ensure that facilities, including health, leisure, education and sports facilities, are provided to support new development and address existing deficiencies.

12.2.31 Specific objectives of relevance to be addressed in planning for the St Agnes and Perranporth Community Network area include:

- Objective 2 Tourism and Employment – Support the tourist industry and enable other employment opportunities;
- Objective 3 Rural Businesses – Protect and ensure the sustainability of rural shops and businesses;
- Objective 4 Services and Public Transport – Co-ordinate a strategic approach to provision of services and public transport to encourage self-containment and sustainable transport;
- Objective 6 Needs of the Elderly – provide for the needs of an elderly population.
- Objective 8 Natural and Historic Environment – maintain and enhance the area's heritage and environmental assets for the benefit of the local community and to enhance the area's tourism offer.

The Truro and Kenwyn Neighbourhood Development Plan

12.2.32 Relevant to development management decisions in the Truro and Kenwyn Neighbourhood Plan Area, in which part of the scheme is based.

12.2.33 The Plan is keen to ensure that there is fair access to community centres, services and facilities across the whole of the Plan area.

12.2.34 The plan recognises that congestion impacts Truro, with resulting air quality issues on the A390. Policy T3 Sustainable Transport states that development should contribute to new cycle and walking routes and protect and enhance existing routes, linking to them wherever possible.

12.2.35 The Plan also sets out standards for new employment development across the plan area, including accessibility and parking requirements.

Connecting Cornwall 2030 (2011)

- 12.2.36 Connecting Cornwall 2030 is the Local Transport Plan for Cornwall Council. It aims to provide a transport system which is resilient, supports communities to live locally, encourages an active lifestyle, improves individual wellbeing and provides equal access to services.
- 12.2.37 The Plan notes that congestion and delays caused by the A30 has an adverse impact on the Cornish economy, noting that the A30 Carland Cross to Chiverton section is expected to be operating beyond capacity by 2026.
- 12.2.38 Policy 8 states that Cornwall Council will work with the Highways Agency (now Highways England) to deliver improved connectivity and sustainable capacity enhancements to the strategic road network, including dualling of the A30 between Carland Cross and Chiverton Cross.
- 12.2.39 Policies 20 to 22 aim to prioritise and promote walking and cycling infrastructure across Cornwall.
- 12.2.40 Policy 29 seeks to improve access to jobs and services y promoting efficient and affordable transport.

Countryside Access Strategy

12.2.41 Cornwall Countryside Access Strategy incorporates the statutory requirement for CC to produce a Rights of Way Improvement Plan (ROWIP). This strategy sets out actions for CC and its partners that will manage and enhance access opportunities for all to Cornwall's countryside over the coming years. A key priority of the strategy is Action NA2 - Work with Highways Division and Highways England to ensure that road alterations do not add anomalies or unnecessarily add discontinuity to the path network and that such works benefit the Public Rights of Way (PROW) network where possible by providing safe connecting routes.

Position

- 12.2.42 The assessment has considered existing and proposed land-uses and the presence of communities on either side of the A30.
- 12.2.43 The assessment has considered existing open space and found that the scheme would have no adverse impact upon existing provision.
- 12.2.44 The assessment has considered changes to journey times and reliability, which would support tourism and economic growth.
- 12.2.45 The assessment has considered provision for all travellers, including existing and new routes for walkers, cyclists and horse-riders. This has aimed to help provide greater connectivity, offer wider choice and support more active travel.
- 12.2.46 It is considered that the scheme complements the relevant legislative and policy framework by supporting economic development through improved access to jobs and services and improved journey time reliability.

12.2.47 Mitigation for relevant adverse effects has been identified where necessary and as appropriate.

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

