

A417 Missing Link
TR010056

6.4 Environmental Statement
Appendix 1.1 Planning
Policy Framework

Planning Act 2008

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

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Infrastructure Planning

Planning Act 2008

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

A417 Missing Link

Development Consent Order 202[x]

**6.4 Environmental Statement
Appendix 1.1 Planning Policy Framework**

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1 Planning policy framework

1.1 Planning policy

1.1.1 The following National Policy Statements (NPS) are of primary importance to the decision-making process for DCO applications.

National Policy Statement for National Networks (NPSNN) (December 2014)

1.1.2 The National Policy Statements are produced by central Government and provide policy on specific aspects of national infrastructure. Specifically, these statements clarify:

- how infrastructure contributes to sustainable development;
- how infrastructure takes account of the mitigation of, and adaptation to, climate change;
- how infrastructure objectives have been integrated with other Government policies;
- how actual and projected capacity and demand have been taken into account;
- consider relevant issues in relation to safety or technology;
- circumstances where it would be particularly important to address the adverse impacts of development; and
- specific locations, where appropriate, in order to provide a clear framework for investment and planning decisions.

1.1.3 The NPSNN sets the policy against which the Secretary of State for Transport will make decisions on applications for development consent for nationally significant infrastructure projects on road, rail and strategic rail freight interchange developments¹. Specifically, paragraph 1.1 states that the purpose of the NPSNN is to establish:

“the need for, and Government’s policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of nationally significant infrastructure projects on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.”

Drivers of need for development on the national road network

1.1.4 The NPSNN sets out the ‘vision and strategic objectives for the national networks’. This recognises that there is a critical need to provide safe, expeditious and resilient networks that better support social and economic activity, and to provide a transport network that is capable of supporting economic growth and rebalancing the economy².

“Government’s vision and strategic objectives for the national 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 and resilience 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.*³

1.1.5 Whilst the NPSNN is not scheme specific, it provides a decision-making framework for applications on the strategic highway network. It does however state that in some cases, it will not be sufficient to simply expand capacity on the existing network, through factors such as junction improvements or new slip roads, implementing 'smart motorways' or improving trunk roads. In these circumstances *"new road alignments and corresponding links... may be needed to support increased capacity and connectivity."*⁴

Assessment principles

1.1.6 Unlike other types of infrastructure covered by the Planning Act 2008, the NPSNN deals predominantly with linear infrastructure which are designed to link together separate points, provide linear infrastructure connected to a wider network. Development will usually be determined by economic activity and population, and the location of existing transport networks⁵.

1.1.7 Paragraph 4.2 sets out that subject to the detailed policies and protections in the NPS, and the legal constraints set out in the Planning Act 2008, there is a presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established in the NPS. In considering proposed development, and weighing adverse impacts against benefits, the Secretary of State should take into account:

- *"its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits; and*
- *its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts*⁶."

1.1.8 With regard to alternatives, paragraphs 4.26 and 4.27 of the NPSNN set out that applicants should comply with all legal requirements and any policy requirements for the assessment of alternatives. Specifically, this will include: reference to the EIA Directive, which requires projects with significant environmental effects to include an outline of the main alternatives studied by the applicant; other legal requirements for the consideration of alternatives, including under the Habitats and Water Framework Directives; or a policy requirement of the assessment of alternatives (such as the flood risk sequential test). Of particular relevance to the A417 Missing Link (the scheme), given its location within the Cotswolds Area of Outstanding Natural Beauty (AONB), is the requirement to assess alternatives for developments in AONBs. Paragraph 4.27 goes on to state that *"all projects should be subject to an options appraisal."*

1.1.9 Paragraph 5.151 sets out three tests that applications should be assessed against to determine whether exceptional circumstances exist which justify granting development consent for a highways scheme in a nationally designated site:

- the need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy;
- the cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and

- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 1.1.10 Paragraph 5.152 states that there will be a presumption against road widening or the building of new roads in AONBs unless it can be shown there are compelling reasons for the new and enhanced capacity and that the benefits outweigh the costs “*very significantly*”.
- 1.1.11 The general principles of assessment and impacts which are of relevance to a particular topic are set out within each Environmental Statement (ES) topic chapter (Document Reference 6.2). The Case for the Scheme (Document Reference 7.1) documents an assessment of the scheme against the three tests.

National Planning Policy Framework (2019) (NPPF)

Role of the NPPF and NPS

- 1.1.12 The overall strategic aims of the NPPF and the NPS are consistent; however, as set out above, the two documents have two differing roles to play. Paragraph 5 of the NPPF makes it clear that it does not contain specific policies for NSIPs for which particular considerations apply. It goes on to state however, that it may be a ‘relevant’ matter to be considered in decision making for NSIPs. The role of the NPS will be to assume the function of providing specific policies and provide transport policy which will guide individual development brought under it⁷.
- 1.1.13 Paragraph 7 of the NPPF states that “*the purpose of the planning system is to contribute to the achievement of sustainable development*”. The NPPF goes on to set out three overarching objectives which are interdependent and need to be pursued in mutually supportive ways to achieve sustainable development; an economic objective, a social objective and an environmental objective⁸.
- 1.1.14 The NPPF mandates that “significant weight should be placed on the need to support economic growth and productivity”⁹. This includes through planning policies which should “seek to address potential barriers to investment, such as inadequate infrastructure”¹⁰.
- 1.1.15 The NPPF also places emphasis on high quality design in development, stating that it is “fundamental’ to what the planning and development process should achieve”¹¹. Paragraph 124 of the NPPF further states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 1.1.16 To this end, paragraph 127 states that planning policies and decisions should ensure that developments are, amongst other criteria, “sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”.
- 1.1.17 Specific regard is also given in the NPPF to protected and designated landscapes. Paragraph 172 states that “*great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation of wildlife and cultural heritage are important considerations in these areas...*”.
- 1.1.18 The scheme falls within the Cotswold AONB. No additional internationally designated sites of nature conservation or heritage value are within the scheme

boundary or within two kilometres of the scheme. The Environmental Impact Assessment Scoping Report establishes, however, that nationally and locally designated sites of historical landscape and nature conservation interest are located within the footprint (or within close proximity) of the scheme.

- 1.1.19 Paragraphs 174 to 177 of the NPPF call on local planning authorities to aim to conserve and enhance biodiversity in determining planning applications by protecting nationally and internationally designated sites from development which would have an adverse effect upon them and, in all locations, by refusing development which could result in significant harm to biodiversity and which cannot be avoided or adequately mitigated or compensated.
- 1.1.20 Each topic chapter of this ES refers to the relevant paragraphs and sections of the NPPF where considered relevant to the assessment.

Local Development Plan

- 1.1.21 The Local Development Plans relevant to the scheme are detailed in ES Chapter 1 Introduction (Document Reference 6.2).
- 1.1.22 In addition, within the Cotswold District and Tewkesbury Borough areas, there are three and seven Neighbourhood Development Plans (NDP) respectively which have been made by local communities and which form part of the development plan for the Councils. However, there is no NDP within or adjacent to the boundary of the scheme. There are numerous other NDPs in progress amongst communities in the Cotswolds and Tewkesbury areas, however these have limited weight in the planning process.
- 1.1.23 There are also a number of guiding documents and supplementary planning documents, which may also feature as material considerations. Where relevant, guidance from these documents is set out within each topic chapter of the ES.

Local planning policy

- 1.1.24 Each chapter of the ES considers the relevant local planning policy for their assessment. This includes the following policies:
- Gloucestershire County Council Minerals Local Plan 2018-2032 (adopted March 2020);
 - Gloucestershire County Council Waste Core Strategy 2012 to 2027 (adopted 2012);
 - Gloucestershire Waste Local Plan 2002-2012 Saved Policies (adopted 2004);
 - Gloucestershire County Council Local Transport Plan, 2015-2031 (adopted 2017). Note the Local Transport Plan is currently undergoing a further review, with public consultation having concluded in March 2020 and adoption due in early 2021;
 - Cotswold District Council Local Plan 2011 – 2031 (adopted 2018);
 - Joint Core Strategy 2011-2031 (JCS) between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Councils (adopted 2017);
 - Tewkesbury Borough Council Local Plan 2006 – 2011 Saved Policies (adopted 2006); and
 - Tewkesbury Borough Council emerging Local Plan 2011 – 2031 Pre-Submission Tewkesbury Borough Plan (October 2019), submitted for examination on 18 May 2020.

Endnotes

- ¹ National Policy Statement for National Networks (Paragraph 1.1).
- ² National Policy Statement for National Networks (Paragraph 2.2)
- ³ National Policy Statement for National Networks (Vision)
- ⁴ National Policy Statement for National Networks (Paragraph 2.27)
- ⁵ National Policy Statement for National Networks (Paragraph 4.13)
- ⁶ National Policy Statement for National Networks (Paragraph 4.3).
- ⁷ National Policy Statement for National Networks (Paragraph 1.19).
- ⁸ NPPF (2019) paragraph 8.
- ⁹ NPPF (2019) paragraph 80.
- ¹⁰ NPPF (2019) paragraph 81 (C).
- ¹¹ NPPF (2019) paragraph 124.