

# Examination of the North Hertfordshire Local Plan (2011-2031)

## Examination hearing sessions

### Statement of North Hertfordshire District Council

#### Matter 16 – Transport and infrastructure (Policies SP6, SP7, T1 and T2)

##### **16.1 Is Policy SP6 justified, effective and consistent with national policy?**

1. The policy sets the Council's strategic aims in promoting the use of sustainable transport modes and follows the requirements of the NPPF in relation to 'Promoting Sustainable Transport' (NPPF Section 4), in particular NPPF paragraphs 31, 32, 34, 35 and 36.
2. Policy SP6 seeks to encourage sustainable transport in line with national policy. The policy seeks to reduce the growth of car usage generally and makes reference to new development as providing the opportunity in helping to provide a variety of sustainable transport measures.
3. The Hertfordshire County Council Local Transport Plan (LTP3) is the overarching document and currently provides the strategic direction for this policy. This is further supplemented by the emerging LTP4 and the consultation on the Transport Vision 2050 by Hertfordshire County Council (HCC) in 2016 (TI8), which signalled a shift in strategic thinking about transport. This new approach encourages far greater emphasis on more sustainable travel choices such as cycling and public transport, with a lower emphasis on highway improvements. In response to the County Council representations to the pre-submission Plan the Council has prepared a Transport Strategy to support the Local Plan (ED14), which is reflective of the HCC 2050 'Transport Vision' strategy principles in promoting sustainable transport and modal shift towards more sustainable travel choices. The NHDC Transport Strategy has been prepared in consultation with HCC as discussed in the Council's Matter 1 statement.
4. The NHDC Transport Strategy 2017 (ED14) will form part of the evidence base supporting the Plan and is focused on the potential for solutions and mitigations to better reflect the new sustainable transport priorities of HCC. Section 5 of the Strategy sets out the principles and policies and how the Strategy will be delivered including cross - working relationships with HCC, Highways England, other authorities and service providers (ED14 at paragraphs 5.13 and 5.14, p.51 and paragraphs 5.65 to 5.81, pp.71-77).
5. The criteria in Policy SP6 are effective as they reflect the supporting evidence base and will help to deliver the principles and policies of the NHDC Transport Strategy in line with national policy.

**16.2 Policy SP6 says that “We will comply with the provisions of the Local Transport Plan and other supporting documents as considered necessary”. What does that mean?**

6. The LTP is a statutory transport plan deriving from the Transport Act 2000, and can be used as a 'material consideration' when a local planning authority or the Secretary of State determines a planning application. This element of Policy in SP6 is in accordance with paragraph 180 of the NPPF, which requires that '*In two tier areas, county and district authorities should cooperate with each other on relevant issues*'. Hertfordshire County Council (HCC) has the primary responsibility for delivering transport as the local highway authority. Their transport policies are set out in the Local Transport Plan and other supporting documents, such as an Active Travel Strategy and Bus Strategy. NHDC has other related documents such as the NHDC Transport Strategy (ED14) and local cycling strategies, which will be taken into account when considering development applications. This policy criterion ensures ongoing coordination with the transport policies of HCC and other supporting related documents produced by NHDC.
7. For clarity, the Council proposes some minor changes to the supporting text at paragraph 4.67 and an associated footnote as follows:

*4.67 Although the ~~LTP3~~ Local Transport Plan identifies some specific schemes, the majority of transport schemes are identified at settlement level. From time to time the County Council and North Hertfordshire District Council publishes other documents and strategies<sup>1</sup> which will also need to be taken into account when considering development proposals.*

Footnote against the word 'strategies':

*<sup>1</sup> These could include the forthcoming Growth and Transport Plans and the NHDC Transport Strategy (2017) prepared as part of the Local Plan evidence base as well as other local strategies, for example for cycling.*

8. A further minor modification is proposed to the supporting text at paragraph 4.66 to update the status of LTP4 as follows:

*4.66. The overarching transport policy document for the area is the Hertfordshire Local Transport Plan (LTP3) which provides the framework for achieving better transport systems in Hertfordshire for the plan period 2011-2031. The LTP4 is in progress which will cover the Hertfordshire ~~2020~~ 2050 Transport vision and will be adopted ~~consulted on~~ in late-2016 2018. The Local Transport Plan covers all modes of transport including walking, cycling, public transport, car based travel, reducing road freight movements and making provision for those with mobility impairments.*

**16.3 Is Policy SP7 consistent with the relevant statutory provisions and national policy, and justified? In particular:**

**a) Is it consistent with the limitations on the use of planning obligations set out in the Community Infrastructure Levy Regulations 2010 (as amended)?**

9. Policy SP7 is considered to be generally consistent with national policy for planning obligations. The policy complies with Regulation 122 tests and with NPPF paragraph 204, which both require that planning obligations should only be sought where they are necessary, proportionate and directly related to the development. In terms of the limitations on the use of planning obligations stipulated by the Community Infrastructure Levy Regulations 2010 (as amended), the Council is fully aware of the pooling restrictions in operation. In the absence of a CIL in North Hertfordshire it is the Council's approach to work closely with infrastructure providers to ensure that contributions to fund infrastructure are only collated in accordance with the CIL regulations. , By means of an appropriate monitoring regime, it has been possible for the Council to continue to work with developers and infrastructure providers to help address cumulative impacts that arise across multiple developments by ensuring that the limit on pooled contributions is not exceeded.
10. In its approach to developer contributions towards infrastructure, the Council is also mindful of the findings of the CIL Review Team which reported to Government via the report "A new approach to Developer Contributions" published in February 2017. The recommendations of the CIL Review Team for the introduction of a new low level Local Infrastructure Tariff combined with unrestricted S106 obligations on larger sites is a pragmatic approach to infrastructure funding which is wholly consistent with the proposed approach to developer contributions as set out in Policy SP7. The Council notes that an announcement regarding CIL changes is expected to coincide with the Chancellor's Autumn Budget on 22 November 2017.
11. In consideration of representations made to the Plan, the Council proposes some minor changes to the wording of Policy SP7 to clarify the policy position. The changes to the policy proposed are as follows:

Policy SP7, Criterion A, fourth and fifth bullets:

- *Mitigate any adverse impacts where appropriate; and/or*
- *Enhance critical infrastructure assets or make good their loss or damage;*

Policy SP7, Criterion D:

*Have regard to any national guidance or requirements in relation to planning obligations and any Community Infrastructure Levy or successor infrastructure funding tariff which may be introduced by NHDC.*

**b) Criterion f. says that “We will take a stringent approach where developers consider that viability issues impact the delivery of key infrastructure and/or mitigation measures”. What does this mean? Is the stringency referred to justified?**

12. The stringency referred to in Criterion f. of Policy SP7 is intended as an implicit assumption that all viability evidence submitted will be fully scrutinised by the Council and by independent viability consultants. NHDC and any appointed consultants will determine that the evidence reflects the viability position of the development. This stringent approach is entirely justified by the Council’s responsibility to ensure that the planning obligations are able to “...assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure...” as expected by the Planning Practice Guidance: Planning Obligations at Paragraph: 003 (Reference ID: 23b-003-20150326).
13. The supporting text to the policy provides additional interpretation of criterion f. at Paragraphs 4.82 and 4.83. Paragraph 4.83 sets out the approach that the Council will take where viability is an issue and gives a full explanation of the stringent approach to be adopted by the Council.
14. It is the Council’s view that some of the supporting text in Paragraph 4.83 could reasonably form part of the policy at Criterion f to aid interpretation of the policy. The following addition to Criterion f is suggested:
  - f. *Take a stringent approach where developers consider that viability issues impact the delivery of key infrastructure and/or mitigation measures which may require the applicants to pay for an independent assessment and analysis of their viability evidence to scrutinise the assumptions that have been made.*

**16.4 Is Policy T1 justified, effective and consistent with national policy?**

15. The Council considers that Policy T1 has been prepared in accordance with NPPF paragraphs 29, 32 and 36. The policy is effective in:-

- requiring supporting evidence for major developments by way of transport statements or transport assessments as a means of addressing highway safety measures and wider sustainable transport opportunities;
- requiring how developments will address and make provision for sustainable transport measures, which links to Policy SP6 and also makes reference to the provision of Travel Plans for developments which exceed the relevant transport assessment thresholds as set out in the HCC 'Roads in Hertfordshire – A Guide for New Development (2011)' ; and
- securing measures and improvements related to the development, linking to Policy SP7.

16. The Local Plan Transport Technical Paper 2016 (TI3) prepared for the submission Plan summarises the transport and highway evidence base and highlights links with the Infrastructure Delivery Plan (TI1) in terms of identifying highway mitigation and sustainable transport measures. The Technical Paper summarises the various traffic models that have been undertaken through the preparation of the Plan. The traffic models assess the Local Plan growth on a district and county wide level. It also considers public transport and sustainable travel modes. The NHDC Transport Strategy 2017 (ED14) provides further evidence and places emphasis on encouraging and promoting more sustainable modes of travel in line with the HCC 2050 Transport Vision and identifies a package of schemes and measures (ED14, Table 5-6 p.74 and Table 5-7 p.76) and will be included in the updated IDP . This extensive evidence base provides the justification for the policy and also forms the basis against which Transport Assessments for major developments can be prepared, demonstrating how new infrastructure and improvements to existing sustainable infrastructure can meet the transport requirements of the Plan and mitigate the impacts of development.

**16.5 Is Policy T2 justified, effective and consistent with national policy? In particular:**

**a) What is the justification for each of the parking standards set out in Appendix 4 of the Plan?**

17. The justification for Policy T2 is set out in 'Vehicle Parking at New Development Supplementary Planning Document' (SPD) (September 2011) prepared by the Council. The Vehicle Parking at New Development SPD is included in the Examination Library at (TI14).
18. The parking standards as set out in Appendix 4 of the Plan are based on local evidence taking into consideration car ownership levels, accession mapping and experience of previous developments. The Council moved away from its previous

approach of basing parking provision on maximum standards to minimum standards for residential development, as these previous standards resulted in residential developments having inadequate car parking provision. This is where the maximum standards being applied by the Council were too low and/or developers successfully managing to negotiate standards down to levels that were below the increasing car ownership levels.

19. As set out in the SPD, the Council does not wish to use parking standards to restrict car ownership (i.e. residential standards as evidence suggests this does not work) but it does wish to influence car usage by way of potentially limiting car parking provision at non-residential development as well as promoting use of alternative modes of transport.
20. The evidence of increased car ownership within North Hertfordshire is derived from the national census data. The standards in the SPD are derived using the 2001 census and demonstrates how car ownership is anticipated to grow based on past trends. This analysis anticipated car ownership to increase on an average of 1.44 per unit. This trend was further supported by the Council's own local evidence base survey carried out in 2010 which indicated an average car ownership at properties surveyed to be 1.41 per dwelling. This is explained in the SPD (TI14 paragraphs 2.3 to 2.4 p.7)
21. The evidence base for deriving the minimum standards as set out in the SPD also takes into consideration other guidance and strategies prepared by the government and other organisations including Hertfordshire County Council. Reference to the wider evidence base is outlined in the SPD (TI14 paragraphs 2.24 to 2.2, p.11).
22. The SPD also makes reference to non-residential 'Accessibility Zones', which have been applied to the District's main towns (TI14 Appendix 3, p.33) and are based on access to key services including GP surgeries, schools, retail centres on foot, by bicycle and public transport. This forms part of the evidence base for restricting development at destinations and promoting the use of alternative modes of transport.
23. These zones are also relevant when considering residential parking in Class Use C3 where reductions in the standards will be considered albeit only in exceptional circumstances for example in town centre or other accessible locations, in the case of very small scale development with the availability of a range of local services and good local sustainable transport options.
24. The SPD has been prepared using a sound evidence base and provides the justification for Policy T2. The residential parking standards set out in Appendix 4 of the Plan are taken from the Vehicle Parking at New Development SPD. The SPD was prepared taking into consideration national policy and accords with paragraph 39 of the NPPF in setting its local parking standards.

**b) Given that the parking standards in Appendix 4 relate only to residential developments, should Policy T2 address parking in relation to other developments?**

25. Parking standards for other developments are set out in 'Vehicle Parking at New Development Supplementary Planning Document (NHDC, 2011), and is referenced in the supporting text at paragraph 7.15 of the Plan. It is important for the Council to have the flexibility to review the standards in light of changes to policy and parking demand and referring to these as part of a supplementary planning document rather than within the policy will allow for future reviews to be undertaken.

26. However the Council agrees that the policy would be more effective in making reference to both types of parking standards. It is suggested that a minor modification is proposed to criterion 'a' as follows:

a. *Parking is provided in accordance with the minimum standards for residential development set out in Appendix 4 of this Plan; and the standards for non-residential development as set out in the relevant Supplementary Planning Document.*

**c) In relation to criterion c., is it enough that applicants clearly identify how they provide for parking demand? Should it be necessary to demonstrate that parking will be safe and of a design/layout that will function satisfactorily?**

27. The policy at criterion 'b' makes reference to relevant supplementary planning documents (SPD). Both the Vehicle Parking at New Development SPD and the Design SPD provide guidance on the design and layout of parking spaces. They both recognise that car parking areas should make a positive contribution to the design and setting of a development and in turn make reference to further guidance, such as the Hertfordshire County Council 'Roads in Hertfordshire – A guide for New Development (2011)'. Reference is also made in the supporting text at paragraph 7.14 to the possible impact of parking on the design quality of developments and makes reference to Policy D1 on Sustainable Design.

28. It is agreed that the policy could be more effective in setting out the Council's intentions for developers to demonstrate quality design when including parking provision within their layouts, taking safety aspects and other transport infrastructure provision into consideration.

29. The following minor modification is proposed to Policy T2 criterion 'c.

- c. *Applicants clearly identify how they provide for all likely types of parking demand and demonstrate that parking will be safe and of a design and layout that will function satisfactorily.*