

TRANSPORT AND WORKS ACT 1992

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

THE NETWORK RAIL (EAST WEST RAIL WESTERN SECTION PHASE 2) ORDER

DRAFT ENVIRONMENTAL STATEMENT

CHAPTER 5: PLANNING POLICY

| | |
|--------------------------------------|---------------------------|
| Document Reference | 133735-PBR-REP-EEN-000009 |
| Author | Network Rail |
| Date | June 2017 |
| Date of revision and revision number | June 2017 2.0 |

CONTENTS

| | |
|---|----------|
| 5. PLANNING POLICY | 1 |
| 5.1 Introduction..... | 1 |
| 5.2 National Planning and Transport Policy..... | 1 |
| 5.3 Local Planning Policy..... | 6 |

LIST OF TABLES

| | |
|---|---|
| Table 5.1 Local Authority Pertinent Policies..... | 7 |
|---|---|

DRAFT

5. PLANNING POLICY

5.1 Introduction

5.1.1 This chapter of the Draft ES provides an overview of current and emerging national and local planning policies and other guidance that applies to the Project or the surrounding area. The Project has taken account of these policies.

5.1.2 An appraisal of the planning policy context of the Project is provided in the five draft Planning Statements submitted for consultation.

- Draft Planning Statement 1: Cherwell District Council / Oxfordshire County Council;
- Draft Planning Statement 2: Aylesbury Vale District Council / Buckinghamshire County Council;
- Draft Planning Statement 3: Milton Keynes Council;
- Draft Planning Statement 4: Central Bedfordshire Council; and
- Draft Planning Statement 5: Bedford Borough Council.

5.2 National Planning and Transport Policy

National Planning Policy Framework (March 2012)

5.2.1 The National Planning Policy Framework (NPPF) has replaced the previous Planning Policy Guidance (PPG) and Planning Policy Statements (PPS) with a single document and sets out the Government's economic, environmental and social planning policies for England.

5.2.2 The NPPF continues to recognise the objective of sustainable development, delivered by local authorities through Local Plans. At the heart of the NPPF (Paragraph 14) is a presumption in favour of sustainable development, which should be seen as a consistent theme running through both plan-making and decision-taking.

5.2.3 With respect to sustainable development, the assumption in determining planning applications is that the default answer to development is 'yes' except where this would compromise key sustainable development principles (Paragraph 15).

- 5.2.4 The core planning principles identified in the NPPF (Paragraph 17) recognise that planning should proactively drive and support sustainable economic development. Planning can enable delivery of homes, business, infrastructure and local places that the country needs; to encourage patterns of growth or make the fullest use of public transport, walking and cycling and focus significant development in locations that are, or can be made sustainable.
- 5.2.5 The Government is committed to ensuring that the planning system does everything it can to support long term, sustainable economic growth and has made it clear that significant weight should be placed upon the need to support economic growth through the planning system (Paragraph 19).
- 5.2.6 The NPPF recognises that transport plays an important role in facilitating sustainable development (Paragraph 29). Crucially, NPPF states that local authorities should work with transport providers to develop strategies for the provision of viable infrastructure (Paragraph 31).
- 5.2.7 NPPF sections and paragraphs of particular relevance to the proposed development are as follows:
- Section 1: Building a Strong Competitive Economy - The Government is committed to growing the economy, and the planning system can encourage sustainable growth;
 - Section 4: Promoting Sustainable Transport - The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel and encouragement should be given to measures aimed at reducing greenhouse gas emissions and congestion (Paragraph 56);
 - Section 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change - Sustainable development can help secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change. Local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the sequential test, and if required the exception test (Paragraph 103);
 - Section 11: Conserving and Enhancing the Natural Environment - This sets out the Government's key principles to be applied to ensure that development plans and decisions taken on planning applications contribute to and enhance the natural environment and ensure the protection of biodiversity and the natural environment;

- Section 12: Conserving and Enhancing the Historic Environment - The key objective guiding new development is that it should preserve the historic environment. When considering the impact of a proposed development on the significance of designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable any harm or loss should require clear and convincing justification; and
- Section 13: Facilitating the Sustainable Use of Minerals -Take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction or primary materials, whilst aiming to source minerals supplies indigenously.

5.2.8 Published in March 2014, new PPG serves to support the NPPF. This guidance replaces a number of previous guidance documents, circulars and statements.

National Transport Policy

5.2.9 Railways are a vital part of the UK's transport infrastructure. The Government has released a number of White Papers, strategic policies and recommendations that support growth in the rail sector and promote the development of sustainable transport. Investment in rail infrastructure is a key component in a suite of policies that seek to deliver sustainable transport.

5.2.10 The vision of the European Transport Policy for 2010 (2001) was to develop a transport system capable of shifting the balance between modes of transport and revitalising the railways. Rail and other environmentally friendly modes of transport should be providing the means to become competitive.

5.2.11 The Future of Transport (2004) issued by the Department for Transport (DfT), was built upon the European Transport Policy for 2010 (2001). It was produced to develop a transport system that can shift the balance between modes of transport and revitalise the railway. The principal themes are sustained investment, improvements in transport management and planning ahead. The Government's investment strategy has been increasingly focused on providing extra rail capacity reflecting

the substantial increase in rail traffic over the past decade. The Government's priority for rail is to increase capacity. This carries on from the investment strategy set out in the Transport 2010: The 10 Year Plan (2000), which sought to deliver modern high quality rail projects, and a modern train fleet.

- 5.2.12 The Eddington Transport Study (2006) recommended that investment in rail should focus on enhancing capacity and reliability of the network where overcrowding or congestion problems indicate that the transport system is coming under strain. The DfT 'Delivering a Sustainable Railway (2007)' took the recommendation further. The document provides a strategic basis for prioritising increased capacity in response to record passenger numbers, overcrowding problems, and to create 'headroom' for rail to grow further.
- 5.2.13 Delivering a Sustainable Railway (2007) recognises that the biggest contribution rail can make is to expand its capacity to accommodate those who want to make 'green' travel choices and to provide the quality of service necessary for the retention of customers. Rail is recognised as an excellent low-carbon option for an increasing number of travellers and can provide further opportunities to reduce emissions from journeys between cities.
- 5.2.14 The National Infrastructure Delivery Plan 2016-2021³² (NIDP) sets out the challenges facing UK infrastructure and the government's strategy for meeting the infrastructure needs of the UK economy. The NIDP contains major commitments for investment in important infrastructure projects. The NIDP maintains it is imperative to ensure that the right infrastructure is provided in the right place in order to allow society and the economy to function correctly. It asserts the rail network brings people and businesses closer together. In turn this creates new jobs, supports development of housing, opens up new markets and stimulates economic growth.

³² <https://www.gov.uk/government/publications/national-infrastructure-delivery-plan-2016-to-2021#history>

5.2.15 The NIDP highlights the role of NR to the delivery of extra capacity and route improvements across the country. Among the list of projects itemised as important to achieve these objectives is the EWR programme.

5.2.16 The National Policy Statement for National Networks (NPS), adopted in December 2014, sets out 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. Whilst the Project falls under the threshold set out in The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013, due to it being located on operational railway land, section 1.4 of the NPS states that:

'In England, this NPS may also be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 or any successor legislation. Whether, and to what extent, this NPS is a material consideration, will be judged on a case by case basis.'

5.2.17 Chapter 1 (Introduction) sets out in more detail how EWR2 is being consented. Whilst the NPS is not a material consideration, it has been taken into account.

5.2.18 The need for development of the national rail network is set out with focus on the economic and social benefits of a sustainable transport system, the growing demand for rail travel and projected future growth, which together support the compelling need for developing the country's rail network.

5.2.19 The NPS explains that linear infrastructure, such as rail developments; differ from some of the other types of infrastructure:

- They are designed to link together separate points, with benefits heavily dependent on both the location of the network and the improvement to it.
- Linear projects connect to a wider network, and any impacts from the development will have an effect on pre-existing sections of the network.
- Improvements to infrastructure are often connected to pre-existing sections of the network. Though this may minimise the total impact of development, it can place some limits on the opportunity for consideration of alternatives.

5.2.20 Decision-makers will need to bear in mind the specific conditions under which such developments must be designed.

5.2.21 With regards to considering significant cumulative effects, the NPS advises that an ES should explain how the effects of the project would combine and interact with the effects of other development (including projects for which consent has been granted, as well as those already in existence).

5.3 Local Planning Policy

5.3.1 The Project will pass through eight local planning authorities, presented here in alphabetical, rather than geographical order, as follows:

- Aylesbury Vale District Council;
- Bedford Borough Council;
- Buckinghamshire County Council;
- Central Bedfordshire County Council;
- Cherwell District Council;
- Milton Keynes Council;
- Oxfordshire County Council; and
- Wycombe District Council.

5.3.2 In principle, policy support for EWR2 is incorporated into the local development frameworks adopted by local authorities along the route.

5.3.3 At paragraph 4.72 of the Aylesbury Vale District Local Plan (2007) the council expresses its support in favour of EWR, particularly the Aylesbury link (known as EWR2), and will seek to "safeguard the line between Bicester and Bletchley and the line running northwards from Aylesbury from development likely to prejudice its possible re-opening to passenger and freight services".

5.3.4 Similarly, Bedford Borough Council in its Core Strategy and Rural Issues Report highlights the Council's encouragement of EWR2 in principle within a key Strategic Infrastructure policy, CP27.

5.3.5 Within their Structure Plan, Buckinghamshire County Council clearly demonstrates that projects, which will "encourage the provision of

enhanced quality rail services by the railway operators", are supported within local planning policy (Policy T14). Furthermore, the re-opening of EWR is viewed as a priority for transport provision in Buckinghamshire and as such, it is the Council's endeavour to safeguard the route for future rail development such as EWR2.

5.3.6 It is evident that EWR2, as part of the EWR programme, is not only viewed by local authorities as being a key improvement for transport links within their vicinity, but also support for EWR2 as being a catalyst to improve interconnectivity and economic growth across local authority boundaries. Both Cherwell District Council (Cherwell District Local Plan 2011) and Milton Keynes Council (Core Strategy 2013) maintain their support in principle of EWR2 in order to promote sustainable locations for employment and housing growth.

5.3.7 Table 5.1 lists the pertinent planning policies from each of the local planning authorities listed above which are relevant to EWR2. Each of the technical chapters in this Draft ES takes account of policies relevant to the topic area, whilst the draft planning statements submitted for consultation contain an appraisal of the Project in context provided by national transport and planning policy and adopted local planning documents.

Table 5.1 Local Authority Pertinent Policies

| Local Authority | Document | Pertinent Policies |
|---------------------------------|--|---|
| Aylesbury Vale District Council | Draft Vale of Aylesbury Local Plan (draft) | Consultation ran from 7th July – 5th September 2016. Proposed Submission Draft consultation scheduled for April 2017. Adoption anticipated end of 2017. |
| | Aylesbury Vale District Local Plan (2004) | Policy GP8 – Protection of Amenity of Residents Policy GP.17 – Employment Policy GP.25 – Rail routes Policy GP.38 – Landscaping Policy AY.18 – New Rail Stops Policy RA.8 – Development with Designated Landscape Areas Policy GP.39 – Existing Trees and Hedgerows |

The Network Rail (East West Rail Western Section Phase 2) Order

Draft Environmental Statement

| Local Authority | Document | Pertinent Policies |
|--|--|---|
| | | Policy GP.40 – Retention of Existing Trees and Hedgerows Policy GP.84 – Public Rights of Way |
| Aylesbury Vale District Council | Conservation Areas Supplementary Planning Document (2011) | Conservation Area Management |
| | Marsh Gibbon Neighbourhood Plan (2014) | Policy MG19 – Enhancing, Protecting and Provision of New Natural Environment Habitats, Trees and Hedgerows |
| | Quainton Neighbourhood Plan (2016) | Policy E2 – Historic Environment Policy NE2 – Natural Environment |
| | Winslow Neighbourhood Plan (2014) | Policy 1 – The Presumption in Favour of Sustainable Development Policy 6 – Land South of Buckingham Road Policy 19 – Local Green Space |
| Bedford Borough Council | Bedford Local Plan 2035 (draft) | Currently at Consultation Stage. Adoption anticipated April - June 2019. |
| | Bedford Council Core Strategy and Rural Issues Plan (2008) | Policy CP2 – Sustainable Development Principles Policy CP10 – The creation of Jobs Policy CP11 – Employment Land Policy CP13 – The Countryside and Development Within It Policy CP22 – Green Infrastructure Policy CP23 – Heritage Policy CP24 – Landscape Protection and Enhancement Policy CP25 – Biodiversity Policy CP26 – Climate Change and Pollution Policy CP27 – Strategic Transport Infrastructure Policy CP28 – Local Transport Plan |

The Network Rail (East West Rail Western Section Phase 2) Order

Draft Environmental Statement

| Local Authority | Document | Pertinent Policies |
|--|--|---|
| <p>Bedford Borough Council</p> | <p>Bedford Local Plan)(Saved Policies) (2002)</p> | <p>Policy NE3 – Sites of Local Importance Policy NE4 – Trees and Hedges Policy NE6 – Woodland Policy NE12 – Landscaping in Association with Development Policy NE13 – Landscape Management and Protection Policy NE16 – Flooding Policy NE24 – Protection and Enhancement of Water Resources Policy BE11 – Setting of Conservation Areas Policy BE21 – Setting of Listed Buildings Policy BE30 – Material Considerations in the Control of New Development Policy BE38 – Landscaping Policy T6 – Public Transport Infrastructure Policy T8 – Rail Network Policy T9 – Rail Services</p> |
| <p>Buckinghamshire County Council</p> | <p>Buckinghamshire County Structure Plan 1991- 2011 (1996)</p> | <p>Policy BS3 - Integration and Concentration of New Development Policy E1 - Major Employment Areas Policy TR1A – Traffic in Towns and Villages Policy TR1B – Transport Targets Policy TR14 – Country Rail Network Policy TR15 – Re-Opening of Rail Lines for Passenger and Freight Services Policy OC1 – Control of Development in the Open Countryside Policy OC2 – Protection of Agricultural Land Policy GB2 – Green Belt in Buckinghamshire Policy LS1 – Protection of the Landscape Policy LS2 – Chilterns AONB Policy LS3 – Areas of Attractive Landscapes Policy NS2 – Minimisation of Development Impacts Policy HE1 – Protection of Key Sites and Features</p> |

The Network Rail (East West Rail Western Section Phase 2) Order

Draft Environmental Statement

| Local Authority | Document | Pertinent Policies |
|--------------------------------|---|---|
| | | Policy W1 – Protection of Water Resources Policy M1 – Safeguarding Minerals Deposits Policy IN1 – Infrastructure Policy EA1 – Environmental Assessment |
| Buckinghamshire County Council | Minerals and Waste Core Strategy DPD 2012 | Policy CS8 – Waste Prevention in New Development |
| | Minerals and Waste Local Plan 2004-2016 (Saved Policies) | No relevant saved policies. |
| Central Bedfordshire Council | New Central Bedfordshire Local Plan 2015 - 2035 The Development Strategy was withdrawn in November 2015. The Plan Making Programme is currently being prepared for the new Local Plan. | Currently at Consultation Stage At Paragraph 14 the NPPF advises that when the Local Plan is absent, silent, out-of-date or indeterminate, the NPPF itself becomes the default Plan. |
| | North Bedfordshire Core Strategy and Development Management Policies DPD 2009 | Policy CS4 – Linking Communities – Accessibility and Transport Policy CS9 – Providing Jobs Policy CS10 – Location of Employment Sites Policy CS13 – Climate Change Policy CS14 – High Quality Development Policy CS15 – Heritage Policy CS16 – Landscape and Woodland Policy CS17 – Green Infrastructure Policy CS18 – Biodiversity and Geological Conservation Policy DM14 – Landscape and Woodland Policy DM15 - Biodiversity |
| Cherwell District Council | Cherwell Local Plan 2011 – 2031 Infrastructure Delivery Plan (Appendix 8 to Cherwell Local Plan 2011 – 2031) | Policy SLE 1 - Employment Development Policy SLE 4 - Improved Transport and Connections Policy SLE 5 - High Speed Rail 2 - London to Birmingham Policy ESD 1 - Mitigating and Adapting to Climate Change Policy ESD 3 - Sustainable Construction Policy ESD 8 - Water Resources |

The Network Rail (East West Rail Western Section Phase 2) Order

Draft Environmental Statement

| Local Authority | Document | Pertinent Policies |
|---|--|--|
| | | <p>Policy ESD 9 - Protection of the Oxford Meadows SAC</p> <p>Policy ESD 10 - Protection and Enhancement of Biodiversity and the Natural Environment</p> <p>Policy ESD 11 - Conservation Target Areas</p> <p>Policy ESD 12 - Cotswolds Area of AONB</p> <p>Policy ESD 13 - Local Landscape Protection and Enhancement</p> <p>Policy ESD 14 - Oxford Green Belt</p> <p>Policy ESD 17 - Green Infrastructure</p> <p>Policy INF 1 – Infrastructure Infrastructure Proposals for Bicester, Banbury, Kidlington and Rural Areas</p> |
| <p>Cherwell District Council</p> | <p>Cherwell Adopted Local Plan 1996 (Saved Policies)</p> | <p>Policy GB1 – Development in the Green Belt</p> <p>Policy EMP1 – Allocation of sites for employment generating development</p> <p>Policy TR1 – Transportation funding</p> <p>Policy TR16 – Access improvements in the vicinity of Banbury Railway Station</p> <p>Policy R5 – Use of redundant railway lines and disused quarries for recreation</p> <p>Policy C2 – Development affecting Protected Species</p> <p>Policy C7 – Landscape Conservation</p> <p>Policy C12 – Development in the Cotswold AONB</p> |
| | <p>Non-Statutory Cherwell Local Plan 2011</p> | <p>Not part of the statutory development plan but has been approved as interim planning policy for development control purposes.</p> |
| | <p>Cherwell Local Plan 2011-2031 Part 2</p> | <p>Consultation on Issues Consultation Document ended March 2016. Final publication scheduled for May 2018.</p> |
| | <p>Cherwell Local Plan 2011-2031 Part 1 Partial Review</p> | <p>Final publication of review scheduled for May 2018.</p> |

The Network Rail (East West Rail Western Section Phase 2) Order

Draft Environmental Statement

| Local Authority | Document | Pertinent Policies |
|-----------------------|---|---|
| Milton Keynes Council | Plan:MK - Emerging Local Plan | Currently at Consultation Stage |
| | Core Strategy Adopted 2013 | Policy CSA - Presumption in Favour of Sustainable Development Policy CS1 - Milton Keynes Development Strategy Policy CS7 – Central Milton Keynes Policy CS11 - A Well Connected Milton Keynes Policy CS15 - Delivering Economic Prosperity Policy CS19 - The Historic and Natural Environment Policy CS21 - Delivering Infrastructure |
| | Milton Keynes Local Plan (Saved Policies) | Policy S2 – General Principles Policy D1 – Impact of Development Proposals on Locality Policy HE1 – Protection of Archaeological Sites Policy HE5 – Development Affecting the Setting of a Listed Building Policy HE6 – Conservation Areas Policy NE1 – Nature Conservation Sites Policy NE2 – Protected Species Policy T12 – Major Transport Schemes Policy T13 – Transport Reservations |
| | Woburn Sands Neighbourhood Plan | Policy WS2 – Open Spaces within the Current Built-up Area Policy WS15 – Rail Services |
| | The CMK Alliance Plan 2026 | Policy CMKAP G1 – The Green Frame |
| | Walton Neighbourhood Plan | Policy WNP6: Caldecotte 'Site C' Policy WNP17: Open Space and Leisure |

The Network Rail (East West Rail Western Section Phase 2) Order

Draft Environmental Statement

| Local Authority | Document | Pertinent Policies |
|----------------------------|---|--|
| Oxfordshire County Council | Oxfordshire Minerals and Waste Core Strategy – Emerging | Submitted for Examination in Public |
| | Oxfordshire Minerals and Waste Local Plan (1996) (Saved Policies) | There are no saved policies in the Local Plan that are of relevance to the Project. |
| Wycombe District Council | New Wycombe District Local Plan Draft Consultation Document 2016 | <p>Currently at Consultation Stage (June – August 2016)</p> <p>Policy CP7 – Delivering the Infrastructure to Support Growth</p> <p>Policy CP9 – Protecting the Green Belt</p> <p>Policy DM31 – The Chilterns AONB</p> <p>Policy DM32 – Accessible Locations, Sustainable Transport and Parking</p> <p>Policy DM33 – Delivering Green Infrastructure in Development</p> <p>Policy DM37 – Managing Flood Risk and Sustainable Drainage Systems</p> |
| | Wycombe Development Framework Core Strategy 2008 | <p>Policy CS1 – Overarching Principles</p> <p>Policy CS 2 - Main Principles for the Location of Development</p> <p>Policy CS 6 - Princes Risborough</p> <p>Policy CS 9 - Green Belt</p> <p>Policy CS 16 – Transport</p> <p>Policy CS 17 - Environmental Assets</p> <p>Policy CS 18 - Waste/Natural Resources and Pollution</p> <p>Policy CS 20 - Transport and Infrastructure</p> |
| | Wycombe District Local Plan (Saved Policies) | <p>Policy G11 – Trees and Hedgerows</p> <p>Policy G15 – Noise Pollution</p> <p>Policy C10 – Development in the Countryside beyond the Green Belt</p> <p>Policy L6 – Woodlands</p> <p>Policy HE3 – Development Affecting the Settings of Listed Buildings</p> <p>Policy HE11 – Development adjoining Conservation Areas</p> <p>Policy HE18 – Scheduled Ancient Monument</p> |
| | Princes Risborough Town Plan – Emerging | Policy PRTP6 – Provision and Safeguarding of Transport Infrastructure |