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Dear Matt,

EAST DEVON LOCAL PLAN REVIEW 2021 - 2040: ISSUES AND OPTIONS CONSULTATION

Thank you for consulting Highways England on the East Devon Local Plan Review 2021-2040 Issues and Options consultation, together with the accompanying Sustainability Appraisal and Strategic Environmental Assessment (SA).

Highways England is responsible for operating, maintaining and improving the strategic road network (SRN), which in the Plan area comprises the M5 including Junctions 29 and 30 and sections of the A30, A35 and A303 trunk roads. It is on the basis of these responsibilities that the comments that follow in this letter have been made.

We are interested in the potential traffic impacts of any development site proposals and/or policies coming forward through the Local Plan process and need to ensure that these are fully assessed during the plan-making stage. It is imperative to identify any improvements needed to deliver aspirations at this early stage, as set out in Government policy.

Paragraph 12 of Circular 02/2013 states that *'The preparation and delivery of Local Plans provides an opportunity to identify and support a pattern of development that minimises trip generation at source and encourages the use of sustainable modes of transport, minimises journey lengths for employment, shopping, leisure, education and other activities, and promotes accessibility for all. This can contribute to environmental objectives and also reduce the cost to the economy arising from the environmental, business and social impacts associated with traffic generation and congestion.'*

Paragraph 15 states that *'In order to develop a robust transport evidence base [for local plans], the Agency (now Highways England) will work with the local authority to understand the transport implications of development options. This will include assessing the cumulative and individual impacts of the Local Plan proposals upon the ability of the road links and junctions affected to accommodate the forecast traffic flows in terms of capacity and safety.'*

Paragraph 18 states that *'Capacity enhancements and infrastructure required to deliver strategic growth should be identified at the Local Plan stage, which provides the best opportunity to consider development aspirations alongside the associated strategic infrastructure needs. Enhancements should not normally be considered as fresh proposals at the planning application stage. The Highways Agency (now Highways England) will work with strategic delivery bodies to identify infrastructure and*

access needs at the earliest possible opportunity in order to assess suitability, viability and deliverability of such proposals, including the identification of potential funding arrangements.'

Responses to Local Plan consultations are also guided by other pertinent policy and guidance, namely the NPPF and the 'Highways Agency and the Local Plan Process' protocol – now applicable to Highways England.

The National Planning Policy Framework (NPPF) sets out that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and statutory consultees. (para 16).

Transport issues should be considered from the earliest stages of plan-making and development proposals so that the potential impact of development on transport networks can be addressed. (para 102).

The planning system should actively manage patterns of growth such that significant development is focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. (para 103).

Planning policies should be prepared with the active involvement of highways authorities and other transport infrastructure providers so that strategies and investments for supporting sustainable transport and development patterns are aligned. (para 104).

Planning policies and decisions should support development that makes efficient use of land, taking into account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use. (para 122).

In terms of identifying the necessity of transport infrastructure, NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. (para 109).

Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (including transport). Such policies should not undermine the deliverability of the plan. (para 34).

In summary; in order for the transport evidence base to satisfy the requirements of NPPF and Circular 02/2013, it is necessary to establish:

- The transport impacts of the development allocations.
- The improvements necessary to ensure that the impacts are not severe.
- Any land required for the delivery of the necessary improvements.
- The cost of the necessary improvements.
- Any other deliverability constraints.

Paragraphs 9 and 10 set out the approach that Highways England takes in relation to development proposals as follows:

“9. Development proposals are likely to be acceptable if they can be accommodated within the existing capacity of a section (link or junction) of the strategic road network, or they do not increase demand for use of a section that is already operating at over-capacity levels, taking account of any travel plan, traffic management and/or capacity enhancement measures that may be agreed. However, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

10. However, even where proposals would not result in capacity issues, the Highways England’s prime consideration will be the continued safe operation of its network”.

Applying the principals of paragraph 9 of Circular 02/2013, development proposals are likely to be unacceptable, by virtue of a severe impact, if they increase demand for use of a section that is already operating at over-capacity levels, or cannot be safely accommodated, i.e, a development which adds traffic to a junction which already experiences road safety issues; would increase the frequency of occurrence of road safety issues; or would in itself cause those road safety issues to arise, would be considered to have a severe impact. In order to establish whether a section of the SRN has a severe impact, an assessment of additional traffic on the SRN as a result of the development proposals will be necessary, and agreement should be sought on the best way to establish whether the additional traffic constitutes a severe impact.

Strategic Road Network Considerations

Highways England draws attention to the current performance of the SRN which will need to be considered in the evidence base supporting the new Local Plan. Junctions 29 and 30 of the M5 and sections of the A30 are already constrained at peak times, resulting in queuing and delay. The impact of development beyond existing committed development within the Plan area will need to be considered as part of the Local Plan transport evidence base.

In accordance with Paragraphs 9 and 10 of the DfT Circular 02/2013, ‘(9) development proposals are likely to be acceptable if they can be accommodated within the existing capacity of a section (link or junction) of the SRN, or they do not increase demand for use of a section that is already operating at over-capacity levels, taking account of any travel plan, traffic management and/or capacity enhancement measures that may be agreed. However, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. (10) However, even where proposals would not result in capacity issues, the Highways Agency’s (Highways England’s) prime consideration will be the continued safe operation of its network.’

It is therefore the case that any development site having an adverse impact on the SRN, which may lead to or increase mainline queuing, or lengthen the period for which mainline queuing occurs, would be considered to have a severe impact. In such a circumstance, mitigation will be sought. Highways England would expect this mitigation to be identified and agreed at the Local Plan stage, to support any development allocations identified. This should take the form of a policy provision with appropriate signposting to an Infrastructure Development Plan (IDP), with supporting transport evidence and strategy.

Sustainability Appraisal and Strategic Environmental Assessment (SA)

The Sustainability Appraisal is currently at Stage A, which comprises identifying relevant plans, policies and sustainability objectives, collecting baseline information, identifying sustainability issues

and developing and consulting on the scope of the SA, prior to the preparation of the Sustainability Appraisal Report.

There is currently no preferred approach to how Settlement Boundaries are to be established within the Plan, and as the specific location and associated quantum of development has not yet been determined, the transport impact upon the safe and efficient operation of the SRN is currently unknown.

To aid the Council's preparation of the Sustainability Appraisal Report, the NPPF provides guidance on the early stages of plan making. For example, paragraph 72 which considers the identification of large sites for new housing development. In the criteria for identifying suitable large sites it notes "consider the opportunities presented by existing or planned investment in infrastructure". Also, paragraph 102 sets out the transport issues that should be considered at the earliest stages of plan-making and development proposals.

It is therefore suggested that during the process of identifying potential sites for development, particularly major allocations, an assessment of the infrastructure required to accommodate the transport impact of development is undertaken. This assessment will help identify locations where there could be deliverability challenges in realising the necessary infrastructure required to support development, which should inform the site selection process.

Objectives, Issues & Options Questions

For the purposes of this response we have referenced only those questions to which Highways England wishes to make representations. We offer no comments to questions not included as below.

Question 1: Local Plan Objectives – Do you think these are the right objectives for the new Local Plan?

Highways England is broadly supportive of the proposed ten Objectives, with specific reference to Objective 9, which seeks to prioritise sustainable transport modes and promote the use of electric vehicles. We strongly support measures which aim to enhance and promote sustainable transport opportunities and ensure that places are well connected to reduce the reliance on the private car, which in turn supports the SRN in fulfilling its strategic function of enabling the long distance movement of people and goods.

Highways England needs to fully understand the transport impact of the Plan, which should include any associated road safety considerations. The Plan will need to identify the infrastructure necessary to support planned growth, together with clarity on the mechanisms for securing necessary funding and delivery, to ensure it is delivered in step with the growth it is required to support. As such, we would expect that transport, including road safety, is identified as a key objective of the Plan and reflected in an overarching Transport Policy.

When identifying the requirement for, and delivery of any climate emergency measures, the Plan should recognise that strategic highway interventions may still be necessary to enable planned growth to come forward, or address existing safety or capacity constraints. Whilst recognising the value of sustainable transport measures, these do not negate the need for, or importance of, highways schemes where appropriate. As such infrastructure identified as necessary to support development should be set out within an Infrastructure Delivery Plan which is clearly signposted within relevant Plan policies. The Plan should also set out the mechanisms to ensure the funding necessary to delivery required infrastructure will be secured.

Question 8: How many new homes should we plan for each year? At least 928, a greater number, considerably more or none of the above?

We have no specific comments on whether the Council should seek a higher housing requirement figure than the minimum set by Government. The quantum of housing proposed and the infrastructure necessary to support it will need to be deliverable within the Plan Period. The Plan should therefore include realistic housing trajectories which are linked within the Plan's policies to an Infrastructure Delivery Plan.

Question 9: Sites for small scale housing developments – what percentage of the Plan's homes should be allocated on small sites?

Highways England's expectation is that when the local planning authority identifies specific sites for potential allocations, the transport impacts of these sites will be assessed. As the specific location of the sites is not known at this time it is not possible to offer specific comments, however, when considering potential sites to take forward, we would urge consideration of:

- The location of the potential sites with respect to the SRN and the likelihood that traffic would need to travel across a junction or on the SRN to access services and facilities;
- The ability to provide mitigation to ensure that there are no severe impacts on the SRN.

Careful consideration should be given to the necessary transport infrastructure that would be required to support new development, regardless of scale. Site locations that can be made sustainable in terms of transport movements, and hence avoid adverse impact on the SRN, are likely to be less challenging.

The Local Plan Spatial Strategy should ensure that development is targeted at sustainable sites in order to avoid unnecessary vehicular trips as a result of out-commuting and travelling to retail and leisure facilities. Robust Travel Planning measures should be implemented across new growth sites to ensure development contributes towards accessible and viable sustainable travel options which offer realistic alternatives to the private car.

Question 12: Preference for location for future job provision

Whilst Highways England has no suggestions on specific locations for employment growth, it is vital that development should be targeted at sustainable sites to reduce any imbalance between population and jobs and avoid additional trips on the SRN as a result of out-commuting. Similarly, the impact of any proposed reduction in employment allocations will need to be carefully considered in respect of shifting commuting patterns and the potential effects on the surrounding road network including the SRN.

In terms of location, employment development often contributes significantly to peak hour traffic, and hence there can be challenges to accommodating high levels of trip demand, which may only exist for limited periods of the day, on the SRN. The attraction to business of locating in highly accessible locations is recognised, and we are aware that many businesses would like to be located close to the SRN. Indeed, for some businesses, close proximity to the SRN is essential. Thus, the location of employment sites is as important to Highways England as the location of housing sites.

Question 24: Additional sustainable transport policy objectives - Do you think these are appropriate sustainable transport policy areas to be addressed in a new local plan and are there any other major policy areas that you think we should be addressing?

Highways England would welcome the inclusion of a policy approach which requires development to demonstrate how they will reduce the need to travel through their location, design and infrastructure. Development should be supported by a robust Travel Planning strategy which is appropriately monitored and managed to ensure that sustainable travel options are both realistic and fully implemented. We consider it would be useful to include such Policy guidance in an overarching Infrastructure Policy rather than individual Plan objective or site policies.

Question 26: Additional infrastructure and service provision policy objectives - Do you think these are appropriate infrastructure and service provision policy areas to be addressed in a new local plan and are there any other major policy areas that you think we should be addressing?

The transport impact of planned growth needs to be assessed through the development of a robust transport evidence base to identify whether these trips could be safely accommodated by the existing infrastructure. If such assessment indicates that the development could not be safely accommodated, suitable phasing and appropriate mitigation measures would need to be identified and delivered in step with the development.

Infrastructure identified as necessary to support the delivery of planned growth should be set out in an Infrastructure Delivery Plan, and the Plan should set out the mechanisms to ensure the funding necessary to deliver required infrastructure will be secured. It would be useful to include points of clarity on developer contributions/mechanisms for securing highways infrastructure funding in a single overarching Infrastructure Policy rather than individual Plan objective or site policies.

Question 27: Retaining and refining the existing settlement hierarchy - Which of the following options do you prefer for a potential settlement hierarchy?

Highways England needs to understand the transport impacts of the proposed Local Plan growth. As the specific quantum of development at each settlement tier has not yet been established, the impact of growth in these locations is not yet known. The transport impact of development allocated at each settlement will need to be tested through the development of a robust transport evidence base, which will enable us to provide specific comments relating to the suitability or constraints of each settlement.

Highways England supports development in sustainable locations which has access to the services and amenities it requires without reliance on the private car. Developments that are able to reduce the use of the SRN for non-strategic trips will also be supported.

As previously stated, Highways England supports development in sustainable locations which has access to the services and amenities it requires without reliance on the private car. Developments that are able to reduce the use of the SRN for non-strategic trips will also be supported.

Question 28: Broad distribution of housing development Which broad approach to the distribution of housing development would you favour in a new local plan? As existing, more West End focussed, a less West End focussed pattern, an alternative to the above?

As set out in our response to Question 9 the transport impact of planned growth should be assessed to ensure the impact of development on the SRN can be safely accommodated. As the specific distribution of housing is not known at this time, consideration should be given to the necessary transport infrastructure that would be required to support new development at potential sites, including the ability to deliver any mitigation necessary to safely accommodate Plan growth. The infrastructure improvements to support development should include the planning of adequate highway infrastructure capacity to provide for local movements, thereby maximising the ability of the SRN to serve strategic movements to and from the Plan area and more widely.

Question 29: Future options for the type and location of development - How do you feel about the development types and listed locations?

Please see responses to Questions 27 and 28.

Question 31: Planning for development beyond 2040 Do you consider that it would be appropriate to start to plan for development in East Devon for a date well beyond 2040 in this Local Plan?

Highways England has no requirement for a particular revised horizon year but given the long lead in times taken to achieve major infrastructure projects (to secure permissions and funding as well as the design and stakeholder engagement process), the longer period of time over which certainty of development strategy can be identified makes it more likely to secure the appropriate infrastructure at the right time to mitigate development impact.

Question 32: Are there any big planning issues that you think we have missed in this report or are there any further comments you would like to make?

We have set out above our high-level comments in respect of the East Devon Local Plan Review Issues and Options Consultation. Highways England's primary interest is ensuring that the traffic demand arising from Local Plan growth will not result in severe safety impacts on the SRN.

Development should be promoted at locations that are, or can be made, sustainable allowing and encouraging the uptake of sustainable transport modes. Furthermore, when considering the location and associated supporting infrastructure for new housing and employment areas, we note that the SRN should not be considered as an alternative to providing improvements to the existing local road network to accommodate additional traffic. The planning of adequate local highway infrastructure to provide for local movements should be an integral part of the transport strategy, thereby maximising the ability of the SRN to serve strategic movements to and from settlements in the Plan area for residential based, freight journeys and business travel. Excessive use of the SRN for local movements impacts on the performance of the SRN and hence its ability to support wider ambitions for economic growth in the Plan area and beyond. Thus, it is our expectation that the local planning and highway authority will look to strengthen and improve sustainable travel networks and local highway connections to facilitate proposed growth before testing potential mitigation options comprising significant upgrades to the SRN.

In order to be able to assess the impact of the proposed Plan growth on the SRN, Highways England will need to understand the location, scope and scale of growth together with the likely phasing that will be adopted. Depending on the location of the proposed settlements, the growth could result in additional trips using the SRN. The cumulative impact of the Local Plan development proposals should therefore be assessed through the development of robust transport evidence base to identify whether these trips could be safely accommodated by the existing SRN infrastructure. If such assessment indicates that the planned growth cannot be safely accommodated, suitable phasing and appropriate mitigation measures on the SRN would need to be identified and discussed with Highways England, and signposted within the relevant Plan policies and supporting Infrastructure Delivery Plan (IDP) to ensure the Plan is compliant with NPPF and able to be considered sound.

We would be happy to work with the Council to ensure the timely development of a robust transport evidence base required to support the new Local Plan. We would therefore welcome early engagement to identify the scope of the transport evidence required to ensure the impact of the East Devon Local Plan on the strategic road network is fully understood.

We trust that our response will be helpful and assist you with your Local Plan review. If you require further clarification on any issues, please do not hesitate to contact me.

Yours sincerely,



Sally Parish South West Operations Directorate