


**MID DEVON LOCAL PLAN REVIEW 2013 – 2033**

Proposed Submission (incorporating proposed modifications) Examination

Inspector: Paul Griffiths BSc (Hons) BArch IHBC

**Main Hearings - Hearing 4: Tuesday 19<sup>th</sup> February 2019**

## **Matters and Issues**

### **Development Management Policies**

#### **Statement of Mid Devon District Council**

<b>ISSUE 3</b>	<b>Do Draft Policies DM3 (Transport and Air Quality) and DM4 (Pollution) comply with the (previous version of) the Framework?</b>
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- 3.1 Yes, Draft Policies DM3 and DM4 comply with the 2012 version of the National Planning Policy Framework (NPPF).
- 3.2 In conjunction with other Local Plan draft policies, in particular Policy S1 (Sustainable Development Priorities) and Policy S9 (Environment), DM3 and DM4 meet the requirements of the NPPF (2012) to promote sustainable transport and conserve and enhance the natural environment.
- 3.3 Policies DM3 and DM4 have been carried forward from the adopted Local Plan Part 3 Development management policies DPD [LDO03] (formerly policies DM6 and DM7 respectively). This DPD was subject to an examination in public in March 2013 and has been found sound by a Planning Inspector for the Secretary of State. Local Plan Part 3 Policies DM6 and DM7 have therefore been examined in the context of the 2012 NPPF and they are now included in the Local Plan Review.
- 3.4 Policy DM3 differs from Local Plan Part 3 Policy DM6 through the inclusion of the opening sentence: 'development must ensure safe access to the transport network'. Policy DM4 is unchanged from the adopted Local Plan Part 3 Policy DM7.

*Policy DM3*

- 3.5 The NPPF (2012) explains the need for transport systems to be balanced in favour of sustainable transport modes while also recognising that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Paragraph 32 of the NPPF states that ‘all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 3.6 Paragraph 36 of the NPPF (2012) also states the need for Travel Plans for developments which generate significant amounts of movement. The NPPF recognises that Travel Plans are key tools in protecting and exploiting the opportunities for the use of sustainable transport modes for the movement of goods or people.
- 3.7 Paragraph 124 of the NPPF (2012) identifies the need for planning decisions to ensure that new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. There are two AQMAs in Mid Devon (Cullompton and Crediton). The Mid Devon Air Quality Action Plan (2017-2021) outlines the actions the Council will take in order to reduce concentrations of air pollutants and exposure to air pollution; this includes assessing the impact of development proposals on the two AQMAs.
- 3.8 In light of the above, Policy DM3 sets out the requirement for development that would give rise to significant levels of vehicular movement to be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment. Through an integrated assessment, the measures taken to deal with anticipated transport impacts should be identified. Development proposals must demonstrate that safe access to the transport network can be achieved, that the development is (or can be made) accessible, particularly for non-car modes of travel and that opportunities for sustainable forms of travel are maximised. The assessment must also show that the development will not cause significant harm to people or the environment through an increase in traffic related pollutants. The Low Emission Assessment must take account of the existing Air Quality Management areas and other locations at risk of being designated as such.
- 3.9 Whether the impact of a proposal is considered ‘significant’ will be assessed on a case-by-case basis in consultation with the Highway Authority. The significance of any impact will be influenced by the location of the development, its proximity to an Air Quality Management Area, its intended use and the capacity of the road network.

- 3.10 To ensure that the measures necessary to reduce transport impacts are implemented and continued in the long term, the Council may require applicants to enter into a Section 106 agreement.
- 3.11 A factual update to paragraph 4.12 of the supporting text to Policy DM3 is suggested by the Council: this is to include reference to 'residential development' as a type of development that could affect the Special Area of Conservation.

*Policy DM4*

- 3.12 The NPPF (2012) seeks to prevent new development contributing to unacceptable levels of soil, air, water and noise pollution (paragraph 109). Good design is encouraged to limit the impact of light pollution. Development should be located appropriately to prevent unacceptable risks from pollution; the cumulative effects of pollution on health, the natural environment and general amenity should be taken into account, alongside the potential sensitivity of an area to these adverse effects.
- 3.13 Under Policy DM4, where the location or characteristics of a proposed development give rise to concern that the development would cause pollution or nuisance to surrounding people, properties or the environment, the Council will require an appropriate impact assessment to be undertaken by a suitably qualified person; this will allow the potential effect of pollution to be understood. The types of assessments that may be required are set out under Policy DM4.
- 3.14 In line with the NPPF, Policy DM4 states that 'development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity'.