

A12 Chelmsford to A120 widening scheme

TR010060

6.3 ENVIRONMENTAL STATEMENT

APPENDIX 1.1 LEGISLATION AND POLICY

APFP Regulation 5(2)(a)

Planning Act 2008

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

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A12 Chelmsford to A120 widening scheme

Development Consent Order 202[]

ENVIRONMENTAL STATEMENT APPENDIX 1.1 LEGISLATION AND POLICY

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1 Consenting regime

Planning Act 2008

- 1.1.1 The Planning Act 2008 sets out the framework for determining Nationally Significant Infrastructure Projects (NSIP) in a streamlined decision process (Development Consent Orders (DCO)). The Planning Act and DCO process were introduced by the UK government with the intention of reducing the amount of time taken to approve major new infrastructure projects.
- 1.1.2 The proposed scheme is an NSIP under sections 14 and 22 of the Planning Act 2008. It is highway related development comprising of the alteration of a highway. That highway (the A12 trunk road) is wholly within England, for which National Highways Limited (a strategic highways company) is the highway authority. The area of the proposed development is greater than 12.5 hectares. The road to be altered is not a motorway and its speed limit is expected to be 50 miles per hour or greater.
- 1.1.3 Section 14(3)(a) of the Planning Act 2008 states that the Secretary of State may by order amend Section 14(1) of the Act to add a new type of project or vary or remove an existing type of project; Section 14(5) of the Act then confers powers to add a new type of project to Section 14(1) if the fields are energy, transport, water or waste and the project is wholly within England.
- 1.1.4 For the proposed scheme, the gas main diversion would be an NSIP in its own right, but is integral to the delivery of the main works to the A12, which is a highways NSIP; as such, powers need to be sought to deliver both NSIP's as one project.
- 1.1.5 In addition to the Planning Act 2008, the following secondary legislation is among that relevant to the consenting of the proposed scheme.

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

- 1.1.6 These regulations are secondary legislation to complement the Planning Act 2008. They provides details about consultation, publicising a proposal, application procedures and forms to prepare and submit a DCO application. They include amendments made in 2020 in light of the pandemic.

The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (as amended)

- 1.1.7 These regulations consolidated previous regulations to identify statutory parties in an examination, set out requirements for relevant representations and deal with certain matters in respect of development consent orders.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

- 1.1.8 These regulations are secondary legislation to complement the Planning Act 2008. They provide the details and requirements as to when and how the process of Environmental Impact Assessment (EIA) should be undertaken for a DCO application.

2 Legislation for environmental aspects

- 2.1.1 This section lists the key retained European Union (EU) legislation by the United Kingdom (UK) government and national legislation relevant to the protection of the environment. The legislation is split by the aspect chapters used within the Environmental Statement [TR010060/APP/6.1].
- 2.1.2 Table 2.1 lists the key legislation for each environmental aspect. There is overlap between geology and soils, and material assets and waste; these two aspects have therefore been combined. Some legislation crosscuts over more than one aspect area, but for simplicity, the table identifies the key legislation for each aspect and minimises repetition.
- 2.1.3 The UK is no longer a member of the EU. EU legislation as it applied to the UK on 31 December 2020 is now part of UK domestic legislation, under the control of the UK's Parliaments and Assemblies, and is published on [legislation.gov.uk](https://www.legislation.gov.uk). This retained legislation is being kept up to date on [legislation.gov.uk](https://www.legislation.gov.uk) in the same way as other forms of domestic legislation. Table 2.1 lists the retained legislation relating to applicable EU Directives.
- 2.1.4 The Environment Act 2021 was granted Royal Assent on 9 November 2021. Key provisions include the requirement for new developments to deliver a biodiversity net gain, new air quality and water quality standards, powers to implement resource and waste efficiency measures, as well as a number of environmental governance provisions. Many of the provisions within the Environment Act 2021 will be enacted or enabled through future secondary legislation and are not yet in force.

Table 2.1 Legislation relevant for environmental topics

Receptor	Legislation
Air quality	<ul style="list-style-type: none"> The Air Quality Standards Regulations 2010 (as amended) Environment Act 1995, Part IV Air Quality (England) Regulations 2000 (as amended) Environment Act 2021
Cultural heritage	<ul style="list-style-type: none"> European Convention on the Protection of Archaeological Heritage (Revised), 2001 Ancient Monuments and Archaeological Areas Act 1979 (amended by the National Heritage Act 1983 and 2002) Planning (Listed Buildings and Conservation Areas) Act 1990 (amended by the Enterprise and Regulatory Reform Act 2013)
Landscape and visual	<ul style="list-style-type: none"> European Landscape Convention, 2000 Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000 and the Natural Environmental and Rural Communities Act 2006) The National Parks and Access to the Countryside Act 1949

Receptor	Legislation
Biodiversity	<ul style="list-style-type: none"> • The Conservation of Habitats and Species Regulations 2017 (as amended) • Wildlife and Countryside Act 1981 (as amended) • Natural Environment and Rural Communities Act 2006 • Countryside and Rights of Way Act 2000 (as amended) • Protection of Badgers Act 1992 • Wild Mammals (Protection) Act 1996 • Animal Welfare Act 2006 • The Hedgerows Regulations 1997 • The Eels (England and Wales) Regulations 2009 • Salmon and Freshwater Fisheries Act 1975 (as amended) • The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (as amended) • Environment Act 2021
Geology and soils, and material assets and waste	<ul style="list-style-type: none"> • Environmental Protection Act 1990 (as amended) • Environmental Permitting (England and Wales) Regulations 2016 (as amended) • Control of Pollution (Applications, Appeals and Registers) Regulations 1996 • Environment Act 1995 • Environment Act 2021
Noise and vibration	<ul style="list-style-type: none"> • Land Compensation Act 1973 • The Noise Insulation Regulations 1975 (as amended) • Control of Pollution Act 1974 • The Highways Noise Payments and Movable Homes (England) Regulations 2000 (as amended) • The Environmental Noise (England) Regulations 2006 (as amended) • Environmental Protection Act, 1990
Population and health	<ul style="list-style-type: none"> • The Localism Act 2011
Road drainage and the water environment	<ul style="list-style-type: none"> • The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (as amended) • The Urban Waste Water Treatment (England and Wales) Regulations 1994 • Flood Risk Regulations (2009) • Environmental Permitting (England and Wales) Regulations 2016 (as amended) • The Nitrate Pollution Prevention Regulations 2015 • Control of Pollution (Applications, Appeals and Registers) Regulations 1996 • Environmental Protection Act 1990 (as amended) • Water Resources Act 1991 (as amended) • Land Drainage Act 1991 (as amended) • Environment Act 1995 (as amended)

Receptor	Legislation
	<ul style="list-style-type: none">• Water Act 2003 (as amended)• Flood and Water Management Act 2010 (as amended)• Anti-Pollution Works Regulations 1999 (as amended)• Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended)• Salmon and Freshwater Fisheries Act 1975 (as amended)• Eels (England and Wales) Regulations 2009 (as amended)• Environment Act 2021
Climate	<ul style="list-style-type: none">• Climate Change Act 2008• The Climate Change Act 2008 (2050 Target Amendment) Order 2019

3 National policy context

3.1 Introduction

- 3.1.1 There are numerous national policy and strategy documents that are relevant to the proposed scheme. The Planning Act 2008 specifies that each type of NSIP must be determined in line with the relevant National Policy Statement (NPS). For road schemes such as the proposed scheme, the key document is the National Networks National Policy Statement (NNNPS) (Department for Transport, 2014). The Secretary of State must decide the application in accordance with any relevant NPS.
- 3.1.2 The Energy NPS are relevant as the diversion of a high pressure gas main (Work no. U69) means that the proposed scheme includes more than one NSIP and accordingly the Overarching Energy and Gas Supply Infrastructure and Gas and Oil Pipelines NPS are relevant.
- 3.1.3 The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities & Local Government, 2021) is also capable of being 'important and relevant'.
- 3.1.4 There are also national transport strategies and plans along with environmental strategies. Details of these are set out below.

3.2 National Networks National Policy Statement

- 3.2.1 An application for development consent is to be decided in accordance with the relevant NPS. Paragraph 1.2 of the NNNPS states that:

'the Secretary of State must decide an application for a national networks nationally significant infrastructure project in accordance with this NPS unless he/she is satisfied that to do so would:

- *lead to the UK being in breach of its international obligations;*
- *be unlawful;*
- *lead to the Secretary of State being in breach of any duty imposed by or under any legislation;*
- *result in adverse impacts of the development outweighing its benefits;*
- *be contrary to legislation about how decisions are taken.'*

- 3.2.2 Section 2 of the NNNPS sets out the 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.'*

3.2.3 The need for transport infrastructure in general is acknowledged in paragraph 2.2 of the NNNPS, which states:

'There is a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. Improvements may also be required to address the impact of the national networks on quality of life and environmental factors.'

3.2.4 The proposed scheme has been developed to support the socioeconomic development of the region, through the improved connectivity and reliability of the strategic network to connect different communities and business. This approach is permitted under paragraph 2.6 of the NNNPS, which states:

'There is also a need for development on the national networks to support national and local economic growth and regeneration, particularly in the most disadvantaged areas. Improved and new transport links can facilitate economic growth by bringing businesses closer to their workers, their markets and each other. This can help rebalance the economy.'

3.2.5 Paragraph 2.10 of the NNNPS states: *'The Government has therefore concluded that at a strategic level there is a compelling need for development of the national networks – both as individual networks and as an integrated system. The Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by this NPS on that basis.'* However, each scheme must demonstrate the specific need for any proposals on a case-by-case basis.

3.2.6 Section 3 of the NNNPS sets out the wider Government policy on national networks; this includes policies on minimising social and environmental impacts and improving quality of life. In delivering new schemes, the Government expects applicants to *'avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance. Applicants should also provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes.'*

3.2.7 The key considerations for a range of environmental aspects are set out in Section 5 of the NNNPS. Aspects covered are as follows:

- Air quality
- Carbon emissions
- Biodiversity and ecological conservation (includes geological conservation)

- Waste management
- Civil and military aviation and defence interests
- Dust, odour, artificial light, smoke, steam
- Flood risk
- Land instability
- The historic environment
- Landscape and visual impacts
- Land use including open space, green infrastructure, and green belt
- Noise and vibration
- Water quality and resources

3.2.8 An NNNPS Accordance Table has been included in the DCO application which sets out how the proposed scheme aligns with the NNNPS policies for these aspects [TR010060/APP/7.1].

3.2.9 In considering the proposed scheme, particularly when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State will account for:

- Its potential benefits, including the facilitation of economic development, including job creation, housing, environmental improvement, and any long-term or wider benefits.
- 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.

3.3 National Policy Statements for energy infrastructure

3.3.1 The NPS for energy sets out the government's policy for the delivery of major energy infrastructure. The policy consists of an overarching NPS, as well as energy source specific NPS.

3.3.2 The proposed scheme would involve the diversion of an existing high pressure gas main that meets the criteria of Section 20 of the Planning Act 2008, and would therefore be treated as an NSIP in its own right. The relevant NPS for the gas main diversion element of the proposed scheme are the:

- Overarching National Policy Statement for Energy (EN-1) (Department of Energy and Climate Change, 2011a).
- National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) (Department of Energy and Climate Change, 2011b).

- 3.3.3 Section 4 of EN-1 sets out the general principles that should be applied in the assessment of DCO applications across the range of energy sources. Section 5 of EN-1 sets out policy on the assessment of impacts which are common across a range of these energy sources (generic impacts).
- 3.3.4 EN-4 covers impacts and other matters which are specific to gas supply infrastructure and oil and gas pipelines or where, although the impact is generic and covered in EN-1, there are further specific considerations arising from the relevant technologies.
- 3.3.5 The energy NSIP was identified through an EIA Screening Assessment (Appendix 5.2 of the Environmental Statement [TR010060/APP/6.3]) and has been assessed in relevant aspects chapters within the Environmental Statement [TR010060/APP/6.1]. The Energy NSIP has also been assessed against the EN-1 and EN-4 NPS in the National Policy Accordance Table [TR010060/APP/7.1].
- 3.3.6 A Draft Energy NPS is currently under review and could be adopted before the DCO application is determined. The proposed scheme has also provided a compliance policy table against the Draft Energy NPS to provide an assessment against future policy.

3.4 National Planning Policy Framework

- 3.4.1 The NPPF is also of relevance to the proposed scheme. Paragraph 1.18 of the NNNPS states, *'The NPPF is also likely to be an important and relevant consideration in decisions on nationally significant infrastructure projects, but only to the extent relevant to that project.'* However, paragraph 1.19 goes on to say, *'the NPPF makes clear that it is not intended to contain specific policies for NSIPs where quite particular considerations can apply. The National Networks NPS will assume that function and provide transport policy which will guide individual development brought under it.'*
- 3.4.2 The overarching policy contained in the NPPF is a presumption in favour of sustainable development. It states:
- 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*
- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.*
 - A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.*

- *An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

3.4.3 It includes guidance regarding sustainable transport and environmental protection.

3.5 National Infrastructure Delivery Plan 2016-2021

3.5.1 The National Infrastructure Delivery Plan 2016-2021 (Infrastructure and Projects Authority, 2016) shows that the Government is clear about the economic importance of investment in highways infrastructure, especially in areas where congestion is a problem. Section 3 of the Delivery Plan covering roads states:

'A reliable and high-performing road network helps improve productivity, but over decades, the quality of the network has declined and congestion, noise and poor air quality have become problems at certain hotspots. Poor or missing links mean cities which are close together do less business with one another. The government is committed to addressing these challenges by building a better network with smarter roads that use technology and modern road building techniques. In this way it can ensure the country has a road network that drives, instead of constrains, growth.'

3.6 Other relevant national transport policy documents

3.6.1 The following national policy documents are of relevance to the proposed scheme:

- Department for Transport Outcome Delivery Plan (2021a)
- HM Treasury Investing in Britain's Future (2013)
- Department for Transport Action for Roads: A Network for the 21st Century (2013)
- Department for Transport Decarbonising Transport A Better, Greener Britain (2021b)
- Road Investment Period 2 (Department for Transport, 2020), including the associated Strategic Business Plan 2020-2025 and Delivery Plan 2020-2025 (Highways England, 2020a; 2020b)
- National Highways Environment Strategy (Highways England, 2017a)
- National Highways Sustainable Development Strategy (Highways England, 2017b)
- National Highways Strategy to Improve Air Quality (Highways England, 2017c)

- National Highways Plan to Protect and Increase Biodiversity (Highways England, 2015)
- Highways England: Licence (Department for Transport, 2015)
- Net zero highways: Our 2030 / 2040 / 2050 plan (National Highways, 2021)

3.7 Key national environmental policy documents

3.7.1 The following environmental policy documents are of relevance to the proposed scheme:

- Clean Air Strategy 2019 (Department for Environment, Food and Rural Affairs (Defra), 2019)
- Biodiversity 2020: A strategy for England's wildlife and ecosystem services (Defra, 2020)
- Noise Policy Statement for England (Defra, 2010)
- Strategy for Sustainable Construction (HM Government and Strategic Forum for Construction, 2008)
- Healthy Lives, Healthy People: Our Strategy for Public Health in England (HM Government, 2011a)
- Healthy Lives, Healthy People: A Call to Action on Obesity in England (HM Government, 2011b)
- UK Climate Change Risk Assessment 2017 (HM Government, 2017) (this is due to be updated in 2022)
- Safeguarding our Soils: A Strategy for England (Defra, 2011)
- A Green Future: Our 25 Year Plan to Improve the Environment (HM Government, 2018)

4 Local planning policy

4.1 Introduction

- 4.1.1 Local planning policy can be important and relevant to the consideration of a DCO application. It may also inform the Local Impact Report produced by local authorities during the DCO examination process.
- 4.1.2 Planning policies set out in emerging plans are also important, though until the plans are adopted, they hold limited weight in planning decisions. Given the programme for adoption for the relevant local plans, it is reasonable to assume that some or all the emerging local plans will have been adopted prior to submission of the DCO application.
- 4.1.3 A brief summary of the local planning policy documents prepared by each local authority is below. In addition to these documents, the Essex and Southend-on-Sea Minerals Plan and the Essex Waste Local Plan are extant policy for each authority area and are considered separately in the below sub-sections.
- 4.1.4 A Local Policy Accordance Table has been included in the DCO application which sets out how the proposed scheme aligns with local plans and policies [TR010060/APP/7.1].

4.2 North Essex Authorities' Shared Strategic Section 1 Plan

- 4.2.1 The local councils of Braintree District Council, Colchester Borough Council and Tendring District Council have worked together to produce a single Shared Strategic Section 1 Plan that sets out strategic cross-boundary policies for North Essex. These include local plan policies on infrastructure, environment, employment and housing numbers. During examination, the Examining Inspector advised that Section 1 of the Local Plans should adopt major modifications by removing strategic housing locations (garden communities) from the plan. The housing allocations will instead be delivered through Section 2 of the authorities' Local Plans, produced individually by each local authority. The main modifications were accepted by the local authorities in summer 2020, leading to Section 1 of the Local Plans being declared sound by the Examining Authority in December 2020. Section 1 of the Local Plans has been adopted by Colchester and Braintree.

4.3 Braintree District Council

- 4.3.1 The current development plan documents of relevance to Braintree District comprise:
- Local Plan Review (2005), saved policies
 - Local Development Framework Core Strategy (2011, updated 2021)
 - North Essex Authorities' Shared Strategic Section 1 Plan (2021a)
 - Local Development Scheme 2021-2023 (2021b)

- Braintree Publication Draft Local Plan Section 2 (June 2017) (emerging)
- Essex Minerals Local Plan 2014
- Essex and Southend-on-Sea Waste Local Plan (July 2017)

4.3.2 Braintree District Council has several masterplans which relate to four strategic growth locations, and two key regeneration areas, identified within the Core Strategy. Two of the masterplans are located on the outskirts of Witham near the A12. This includes the 'South West Witham, north of Hatfield Road (Lodge Farm)' masterplan for which a planning application has now been approved (15/00430/OUT) and a reserved matters application (18/01912/REM); and the 'Land North-East of Witham (in Rivenhall Parish) off Forest Road' masterplan for which a planning application has also now been approved and is under construction (15/00799/OUT and 17/01092/FUL). There is currently a pending application (20/02060/OUT) for phase 4 of the masterplan.

4.3.3 There are six Supplementary Planning Documents (SPDs) relating to affordable housing, external artificial lighting, open space, parking standards, urban place and an Essex design guide. The guidance in these SPDs would not significantly affect material considerations of the proposed scheme.

4.3.4 There are also several neighbourhood plans and conservation areas appraisal documents currently being prepared. Of relevance to the proposed scheme are the following elements:

- Feering – the neighbourhood plan Regulation 14 consultation was carried on 17 February 2020
- Feering conservation area appraisal – updated appraisal and management plan approved in July 2020
- Hatfield Peverel – the neighbourhood plan was 'made' on 16 December 2019 and is now part of Braintree Local Plan
- Kelvedon – the neighbourhood plan is currently being examined after Regulation 16 consultation was held June-July 2021
- Kelvedon conservation area appraisal – updated appraisal and management plan approved in July 2020

4.3.5 The emerging Local Plan Section 2 for Braintree District Council has been submitted to the Planning Inspectorate and contains policies for this authority area only, including policies on environmental protection, design and housing allocations. Examination of Section 2 of the Local Plan is underway.

4.3.6 Local planning policies for Braintree District have been considered in the relevant aspect chapters of the Environmental Statement (Chapters 6 to 16 [TR010060/APP/6.1]).

4.4 Chelmsford City Council

4.4.1 The current development plan documents of relevance to Chelmsford City comprise:

- Chelmsford Local Plan – Our Planning Strategy 2013 to 2036 (May 2020)
- Essex Minerals Local Plan 2014
- Essex and Southend-on-Sea Waste Local Plan (July 2017)

4.4.2 Chelmsford City Council have several adopted SPDs, three which may be relevant to the proposed scheme. These are Making Places, Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy, and Planning Obligations.

4.4.3 There are also Neighbourhood plans for Boreham and Broomfield.

4.4.4 The Chelmsford Local Plan was adopted in May 2020. The adopted Local Plan sets out nine strategic priorities, the long-term vision and spatial principles to manage and accommodate growth, sustainable development needs, housing, infrastructure, and employment requirements. It also contains policies regarding protecting the environment and promoting economic growth in the area while ensuring good design.

4.4.5 Local planning policies for Chelmsford City have been considered in the relevant aspect chapters of the Environmental Statement (Chapters 6 to 16 [TR010060/APP/6.1]).

4.5 Colchester Borough Council

4.5.1 The current development plan documents of relevance to Colchester Borough comprise:

- Colchester Local Development Framework – Development Policies (2014a)
- Local Development Framework Core Strategy (2014b)
- Local Development Framework Site Allocations (2010)
- North Essex Authorities' Shared Strategic Section 1 Plan (2021)
- Colchester Local Plan 2017 – 2033 Section Two – Local Plan for Colchester (Emerging)
- Essex Minerals Local Plan 2014
- Essex and Southend-on-Sea Waste Local Plan (July 2017)

4.5.2 Colchester Borough Council has several adopted SPDs. Those which may be relevant to the proposed scheme include: Sustainable Drainage Systems, Cycling Delivery Strategy, Sustainable Construction, and Vehicle Parking Standards.

4.5.3 There are two proposed neighbourhood plans at Marks Tey, and Copford and Easthorpe, which are within the proposed scheme area. After a consultation period in 2020, both neighbourhood plans are being considered by the respective parishes.

4.5.4 The emerging Section 2 Local Plan for Colchester Borough Council has been submitted to the Planning Inspectorate and contains policies for this authority area only, including policies on environmental protection, design and spatial planning. A consultation period was held between 4 October and 15 November 2021 on the main modification to the Section 2 Local Plan. Comments raised during the consultation are being considered by the Planning Inspectorate before they make their final report.

4.5.5 Local planning policies for Colchester Borough have been considered in the relevant aspect chapters of the Environmental Statement (Chapters 6 to 16 [TR010060/APP/6.1]).

4.6 Maldon District Council

4.6.1 The Maldon District Local Development Plan was approved by the Secretary of State on 21 July 2017. The development plan sets out the planning policies relevant to this authority area. Maldon is within Essex County Council's authority area which is the authority for highways, minerals and waste. As such, the following minerals and waste local plans are part of the Maldon District Local Development Plan:

- Essex Minerals Local Plan 2014
- Essex and Southend-on-Sea Waste Local Plan (July 2017)

4.6.2 There are no neighbourhood plan areas which would affect the proposed scheme area within Maldon District.

4.6.3 Maldon District Council has adopted eight SPDs since 2017, of which three are relevant to the proposed scheme. These are part of the Maldon Local Development Plan and are thus a material planning consideration. Below is a list of the relevant adopted SPDs:

- Maldon District Design Guide 2017
- Renewable and Low Carbon Technologies 2018
- Green Infrastructure Strategy 2019

4.6.4 Local planning policies for Maldon District have been considered in the relevant aspect chapters of the Environmental Statement (Chapters 6 to 16 [TR010060/APP/6.1]).

4.7 Essex Minerals Local Plan

4.7.1 The Essex Minerals Local Plan covers the whole region of Essex and was adopted in July 2014.

4.7.2 The purpose of the Minerals Local Plan is to provide policy guidance for the development and operation of minerals operations until 2029.

4.7.3 Strategic objective (Policy S2) in the Minerals Plan states that the strategic priorities for minerals development will be promoted by: *'...Safeguarding mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that*

non-minerals development does not sterilise or compromise mineral resources and mineral supply facilities.'

- 4.7.4 Policy S4 – Reducing the use of mineral resources states that '*all development proposals shall ensure that mineral waste is minimised and that minerals on development / redevelopment sites are re-used and recycled.*'
- 4.7.5 The use of borrow pits is provided for where extraction takes place over a limited period for the exclusive use of a specific construction project such as for a specific road scheme. There is also provision for '*prior extraction to prevent mineral sterilisation*', though there is no specific policy to this effect.
- 4.7.6 Of relevance to the proposed scheme are the sand and gravels reserves within the county, relating to the safeguarded areas along the A12 corridor and the existing quarry workings alongside the existing carriageway, including Colemans Farm Quarry.
- 4.7.7 Policy within the Essex Minerals Local Plan has been considered in Chapter 11: Mineral assets and waste, of the Environmental Statement [TR010060/APP/6.1]).

4.8 Essex and Southend-on-Sea Waste Local Plan

- 4.8.1 The Essex and Southend-on-Sea Waste Local Plan covers the whole of Essex County and was adopted in July 2017. This document sets out the context for the management of waste arisings and development of waste management facilities within the Waste Local Plan area. There is a principle that waste should be disposed of as close to its source as possible, subject to suitable waste management facilities being available. Any waste arising from the proposed scheme would have to be managed in accordance with the Waste Local Plan and relevant waste management legislation. Where possible, materials should be reused on site.
- 4.8.2 Policy within the Essex and Southend-on-Sea Waste Local Plan has been considered in Chapter 11: Mineral assets and waste, of the Environmental Statement [TR010060/APP/6.1]).

5 Other

5.1 Local Enterprise Partnerships

- 5.1.1 The proposed scheme is located within the South East Local Enterprise Partnership (SELEP) area. The SELEP does not have a strategic economic plan in place, but it secured a Growth Deal in 2014, which was updated in January 2015 and again in February 2017, which seeks to improve transport infrastructure within the SELEP area. The SELEP also has a transport working group who advise on strategic infrastructure within the SELEP area.

5.2 Local Transport Plan

- 5.2.1 The Local Transport Plan for Essex (Essex Transport Strategy) was adopted in June 2011. This is a long-term plan covering 15 years which sets out the Council's aspirations for improving travel in the county, demonstrating the importance of the transport network to achieving sustainable long-term economic growth. The Essex Transport Strategy seeks to achieve five broad outcomes:
- Provide connectivity for Essex communities and international gateways to support sustainable economic growth and regeneration
 - Reduce carbon dioxide emissions and improve air quality through lifestyle changes, innovation and technology
 - Improve safety on the transport network and enhance and promote a safe travelling environment
 - Secure and maintain all transport assets to an appropriate standard and ensure that the network is available for use
 - Provide sustainable access and travel choice for Essex residents to help create sustainable communities
- 5.2.2 Reference is made to enhancements to the A12 within the strategic transport priorities of the strategy.

References

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