



FINAL

Consultation Response

National Planning Policy Framework

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1. Introduction

- 1.1. **pteg** represents the six English Passenger Transport Executives (PTEs) which between them serve eleven million people in Tyne and Wear ('Nexus'), West Yorkshire ('Metro'), South Yorkshire, Greater Manchester, Merseyside ('Merseytravel') and the West Midlands ('Centro'). The PTEs plan, procure, provide and promote public transport in some of Britain's city regions, with the aim of providing integrated public transport networks accessible to all. Nottingham City Council, Transport for London (TfL) and Strathclyde Partnership for Transport (SPT) are associate members of **pteg**, though this response does not represent their views.
- 1.2. This response represents the collective views of **pteg** and has been consulted on with the PTEs
- 1.3. Good transport is important to the economic success of major cities and their travel to work areas (as recognised by the Eddington Study 2006). Conversely, congestion is a real cost to business and poor accessibility can constrain growth and regeneration. Well planned transport therefore plays a vital role in contributing to regeneration, economic growth and productivity. Good connectivity enables access to jobs, education, recreation, health and social inclusion. Transport can also contribute significantly to the low carbon agenda.
- 1.4. ITAs and PTEs have a major role to play in ensuring that transport and land use planning can be coordinated. The importance of coordinating transport and land use planning was recognised in the DfT's Local Transport White Paper:
'Land use planning is critical to transport. Where places (e.g. shops, work and other services) are located in relation to where people live is a significant factor in determining how much people need or want to travel. It is vital that sustainable transport is a central consideration from the early stages of local planning - for example whenever new houses or retail areas are being developed.'
- 1.5. The PTEs operate at the level of the city regions, reflecting the relevant functional economic area, and they believe that this is the optimum strategic level for the provision of urban transport. They are fully accountable, reporting into Integrated Transport Authorities (ITAs) which are composed of elected representatives of the local authorities in the areas they serve. PTEs support the ITAs in the development and delivery of Local Transport Plans (LTPs).
- 1.6. With the removal of Regional Strategies, the LTPs will be the only remaining statutory policy framework covering the sub regional level. Local Transport Plans must therefore be acknowledged within the NPPF, with their role alongside the planning process, how they are aligned with National Planning Statements, Local Development Frameworks, and Neighbourhood Plans set out clearly. The NPPF should seek to make sure that there is consistency between LTPs and Core Strategies of LDFs.

2. The NPPF and sustainable transport

- 2.1. We welcome the opportunity to input into this consultation on the draft National Planning Policy Framework (NPPF). We welcome the government's attempt to bring together policy within a single document and to make clearer what it is seeking to achieve through the planning system. Our chief overarching concern is that, as currently drafted, the document

does not give sufficient emphasis to the importance of effectively integrating land use planning and transport in the delivery of sustainable development.

- 2.2. Sustainable transport gets a welcome mention in the NPPF, but this isn't followed through with sufficient weight which essentially weakens the arguments for reducing the need for travel, improving accessibility and the other core objectives of transport policy – this in turn will lead to varying degrees of interpretation and subsequent appeals and disagreements. It substantially weakens our hand in guiding development and making sure that transport considerations are at the fore of decision-making.
- 2.3. We recently published a report - Thriving Cities – which set out the principles by which properly, integrated land use and transport planning can be more effectively achieved. The report, prepared for us by Transport for Quality of Life, highlights good and bad practice from the UK and beyond, and shows how much the functioning of towns and cities can be improved when transport is central to land use planning. It concludes: *'...the evidence leads to one compelling conclusion: where sustainability of transport is an integral consideration in the land use planning process, non-car modes of travel become dominant, but where development proceeds without due regard to transport considerations then car dependence is the outcome.'*
- 2.4. The report recommends 'three golden rules' for future planning policy
 - All major development should be public transport centred
 - All major development should aim to achieve a design where car journeys are a minority of mode share
 - Development should primarily occur as infill, or at least adjacent to, major centres
- 2.5. The report also calls for local authorities, and Local Economic Partnerships, to be encouraged to proactively draw up highly sustainable masterplans for development sites of key significance – including for new Enterprise Zones. More widely planning processes (like those for major planning applications) should universally include the bodies responsible for local transport.
- 2.6. The report can be found at: www.pteg.net

3. Key Issues in relation to the NPPF

- 3.1. In this section we have sought to answer the questions posed in the consultation questions which are relevant to the needs of ITAs and PTEs.

General comments

- 3.2. We welcome the streamlining and simplification of the planning policy framework to make it more understandable and accessible to the general public but we feel that it is vital that a careful balance is maintained to ensure a set of basic quality standards and requirements at the national level is retained.
- 3.3. This is particularly important in terms of providing the planning system with clarity and certainty. At present the draft NPPF leaves too much room for interpretation and is therefore likely to result in appeals, possible legal action and consequent delay in decisions being made. Such disputes are a waste of both time and money, and critically defeat the primary objective which the framework set out to achieve.

- 3.4. We note that the NPPF will only be a material consideration in the planning process. We are concerned however that it lacks statutory status or link to the measures of the Localism Bill. Links to other relevant policies at the local and national levels are also unclear.

National context

- 3.5. The NPPF refers the continued use of National Policy Statements (NPS) to aid the decision making process for Nationally Significant Infrastructure Projects. This approach is important, particularly given the potential risk that too much of a local focus may compromise more strategic, cross boundary issues.
- 3.6. The NPSs are an important part of the picture which seems to have been overlooked as in the absence of the NPSs, the government's planning policy lacks any national spatial focus. For example, there is a lack of an overarching structure for driving growth and transport investment. Importantly the lack of a national spatial dimension will hinder efforts to support more balanced development across the country and rebalance the geographical and social disparities across England.

Lack of a spatial planning focus to NPPF

- 3.7. There is a need to stimulate the market and to remove unnecessary planning constraints upon developers and investors, reducing barriers to development would increase business confidence to invest as it would reduce risk and therefore should encourage economic activity. However the NPPF seems to lack any recognition that some locations are inherently more sustainable than others, because of their concentration of economic activity, provision of transport networks, access to labour markets and concentration of population.
- 3.8. The current draft NPPF will result in development that is more likely to take place in areas that are easier to develop which may not be so well served by transport and other infrastructure. There is a risk of diluting the economic and employment benefits of the development by allowing it to be more dispersed. Whether by design or default the NPPF provides a framework for dispersed growth in the short term which could undermine the longer term contribution that major urban areas could make to national economic growth.
- 3.9. The removal of the brownfield targets and the presumption that all development is "sustainable" (because it represents economic growth) has the very real possibility of refocusing development interest on peripheral greenfield sites which are often isolated and poorly served by public transport infrastructure. This would be at the expense of private investment in regeneration areas which will ultimately result in an increase in public expenditure in these areas.
- 3.10. Similarly, the NPPF proposal to exclude offices from the town centre sequential test has a direct impact on the ability to reverse the decline evident in many town centres. The footfall arising from the intensification of uses in town centres is supported by having significant non retail and non leisure, employment uses within them. There is a concern that the NPPF, in its present form, will result in many more proposals to locate major employment uses, which generate high numbers of visitors to out of centre locations, accessible mainly by car. Therefore it is of serious concern that office development will not be subject to the same sequential test as retail and leisure development proposals.

Delivering sustainable development

- 3.11. We welcome the clear presumption in favour of sustainable development (**paras 13-15**). However this is poorly defined in the draft document. The NPPF does not reference the UK Sustainable Development Strategy and, as a result, contains no coherent articulation of how sustainable development principles should be applied in spatial planning. The draft NPPF does not contain a recognised or comprehensive definition of sustainable development (including the inter-relationship between economic, environmental and social impacts) and does not appear to have the operational principles necessary for its delivery as currently drafted.
- 3.12. This is a crucial concern because it could in effect enable any development to be considered "sustainable" whether this is genuinely true or not. Whilst understanding the government's concerns around economic growth, the draft seems far too weighted towards economic issues with much less emphasis on environmental and social issues. A more balanced definition of sustainable development is therefore needed taking into account, with equal weight in planning terms, environmental and social considerations as well as economic.
- 3.13. Therefore we believe the NPPF should define sustainable development in terms other than simply economic growth (**paras 10-11**). It should :
- recognise the connections and interdependencies between different geographical areas, to guide and focus investment and infrastructure provision to areas where it can have the most positive impact;
 - emphasise the role of planning and development in reducing greenhouse gas emissions, and reduce the risks to the natural and built environment as a result of climate change;
 - seek to actively manage growth to reduce the need to travel, especially by car and make the fullest use of sustainable transport; and
 - encourage active lifestyles through the location, layout & design of development, allowing people to walk and cycle safely to local facilities.
- 3.14. With reference to **para 19** of the NPPF:
- we agree that development should continue to be permitted where it is appropriate and meets identified needs. However the emphasis on pro-development decisions may lead to less optimal outcomes, i.e. development situated in inappropriate locations, poorly served by public transport. The claim that the presumption will be sustainable rests with reference to the contents of the NPPF which, as outlined above, is not a recognised expression of sustainable development principles.
 - we are concerned that the 'town-centre first' as a principle is absent – this needs to be re-established as a core principle for planning.
 - as noted above, the emphasis on sustainable transport needs to be strengthened. While many of the policy levers for encouraging sustainable transport have on paper been retained, these are very much subject to interpretation. For example the statement that developments generating significant movement should be located '*where the need to travel will be minimised and the use of sustainable transport modes can be maximised*' is qualified by the need to '*take account of policies set out elsewhere in this Framework*'. In other words transport considerations will now be less significant in considering proposals such as out-of-town office development. Development needs to be focused on locations

which are sustainable; and the framework needs to provide authorities with the right tools to ensure this happens.

- 3.15. References to reducing the need to travel, especially by car, and to promoting accessibility by public transport, walking and cycling have been removed. According to the draft NPPF, the planning system should now *'facilitate the use of sustainable modes where reasonable to do so'*. Coupled with the removal of maximum parking standards, this is likely to make it more difficult to encourage modal shift in new development as the maximum standards were an important lever in developing travel plans.

Plan making

- 3.16. With reference to para 31, the emphasis on infrastructure requirements is welcomed. This needs to be strengthened by making the link between infrastructure requirements and funding to deliver them (and what developers' contributions might be). Transport requirements (and specifically public transport) should be an explicit part of the infrastructure plans, rather than assumed to be included with any wider definition.
- 3.17. There is a lack of a clear relationship between local plans, LTPs and infrastructure plans. We believe that there needs to be a much clearer fit between these so that they make delivery of transport (and other) infrastructure more easy.
- 3.18. Indeed, the specific requirement in PPG 13 for the Development Plan and Local Transport Plan to have complementary policies has been removed. Instead, councils are to work with transport providers to develop strategies for the provision of viable infrastructure to support sustainable economic growth. We believe that compatibility with LTPs would be the best way to ensure that the transport infrastructure elements of Local Plans are deliverable in the timescales required to support the development proposed.
- 3.19. We welcome the retained emphasis on Local Plans and an evidenced and deliverable site allocation process; though note that significant detail present in the previous policy guidance is now omitted. The less prescriptive nature of the NPPF introduces the risk of misinterpretation, and the potential of less favourable development patterns in terms of accessibility.
- 3.20. Where there is no approved Core Strategy (or the approved one does not comply with NPPF) there is a risk that permission could be granted by default in areas not accessible by public transport, or where additional development will add to congestion. We also have a concern over the conformity of currently adopted LDFs, which may now be out of synch with the NPPF and therefore deemed to be not up-to-date. Ministers have made some reassuring noises on this (there was some recent coverage in Planning magazine), but clarity is required. Therefore there is a risk that Core Strategies as they stand will not now include sufficient detail to provide a supportive policy context for sustainable transport.

Planning strategically across local boundaries - the duty to cooperate

- 3.21. The NPPF stipulates that local authorities should set out strategic priorities to deliver the provision of infrastructure for transport and should work with neighbouring authorities and providers to assess the quality and capacity of infrastructure and its ability to meet forecast demand. The duty to cooperate will be important in delivering this objective.

- 3.22. We welcome the duty to cooperate for local authorities which is intended to encourage cross boundary working. However, it is difficult to see how the 'duty to co-operate', operated through 'Memorandums of Understanding', could resolve controversial cross-boundary issues where local authorities may find it harder to agree. This needs to be clarified and resolved. For example, in para 46 there should be an added focus on outcomes from collaboration to avoid meaningless dialogue.
- 3.23. ITAs and PTEs need to be explicitly recognised as important contributors to the local planning processes. With the revised planning regulations, ITAs are listed among the bodies with a “duty to co-operate” (paragraph 6) but are not included in the list of “specific consultation bodies” (paragraph 2). Therefore in regulation 19 there is no legal requirement for local planning authorities to notify the relevant ITA of, and invite representations on, development plan documents.

Development Management

- 3.24. The NPPF highlights that planning conditions and planning obligations will continue to be used to mitigate the impacts of growth. The principles of the previous guidance on planning obligations are echoed in the NPPF though in limited detail.
- 3.25. It is our understanding that the pooling of obligations through S106 will become increasingly difficult in future. The Community Infrastructure Levy (CIL) will however provide a mechanism to pool developer funding. It is therefore somewhat surprising that CIL is not referred to within the ‘Development Management’ chapter.
- 3.26. We also have a concern that by stating that supplementary planning documents ‘*must not be used to add to the financial burdens on development*’ (para 21) the NPPF is removing the potential to for transport authorities to work with developers in a constructive way – for example, the Leeds Public Transport SPD has successfully generated funding for public transport schemes in a equitable way based on the impacts of developments. It has allowed a number developments to contribute to major public transport schemes as opposed to placing all the financial burden onto a single development. We feel the blanket ban is too simplistic and should be revisited.
- 3.27. The ‘*grant permission where a plan is absent*’ does not allow for an application to be declined if a local plan is not in place (unless it breaches traffic impact, to which it could be declined under ‘adverse residual impact’), therefore enabling development to go ahead without contribution towards a CIL charging structure.
- 3.28. The short term impact of the policy steer to ‘*grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date*’ raises great concerns. This could invite development proposals that are not subject to a robust level of control – purely due to an authority seeking to revise its policies (see 3.20 above).
- 3.29. We are concerned that the weight given in the document in regard to consideration of the implications for transport that may arise from planning applications and the ability to refuse planning applications on transport grounds if required is significantly diluted.

Planning for Prosperity

Business and economic development

- 3.30. We are concerned at the weakening of the town centre first policy and we feel that this risks undermining the prosperity of the high street and the heart of our towns and cities. Therefore we wish to see “town centre first” policies strengthened as part of the core principles in the NPPF.
- 3.31. The loss of the brownfield target, coupled with the requirement to allocate additional land for housing may mean that greenfield development becomes more acceptable, which will generally be difficult to serve by public transport.
- 3.32. Contrary to the previous policy guidance, office development is no longer specifically prescribed in the town centre. This provides the scope for business parks to be developed out of town, in locations which are potentially inaccessible by public transport or located next to motorway junctions where they would add to congestion. This approach favours economic growth, though it does not necessarily align with the need to focus growth in accessible locations. The NPPF should clearly specify that out of town employers should be accessible by public transport.
- 3.33. The abolition of maximum parking standards also presents a significant risk (see below). Parking controls are important to promote a behavioural change towards sustainable travel. The NPPF makes no reference to the opportunities for limiting parking in accessible areas.

Sustainable transport

- 3.34. We believe that the substantial weakening of the principle of reducing the need for travel will make it harder for us to negotiate over developments and get sustainable travel integrated into development - and the same applies to the weakening of the requirements for Travel Plans and Transport Assessments, which makes them optional for large developments
- 3.35. A much stronger statement regarding reducing the need to travel and improving the options for sustainable travel is required in para 82 of the NPPF. References to reducing the need to travel, especially by car, and to promoting accessibility by public transport, walking and cycling have been removed. The system should now *‘facilitate the use of sustainable modes where reasonable to do so’*. Coupled with the removal of maximum parking standards, this is likely to make it more difficult to encourage modal shift in new development (see below).
- 3.36. As our research has shown, the location of, and access to, new developments is crucial in determining whether or not sustainable public transport can be delivered (see 2.6). The NPPF should therefore require that new developments can only proceed where they can attract sustainable public transport. Discussions with public transport authorities in the earliest stages of formulating their planning applications will assist developers to maximise the potential for delivering such services and clarify what may be sustainably deliverable. Developers should be required to evidence the outcome of such consultations as part of their Travel Plan submissions.
- 3.37. We believe that a more relaxed approach to Travel Plan enforcement will limit how effective Travel Plans submitted through the planning process will be in practice. With reference to **para 86**, the retention of Transport Statement / Transport Assessment is welcome, although thresholds for requiring a Transport Assessment will now be set locally, which gives less

certainty to developers. Travel Plans are seen as a key tool to facilitate reductions in greenhouse gas emissions and congestion, ensuring that development is sustainable from a transport perspective. However, unlike PPG13, there is no explicit reference to monitoring and enforcing Travel Plans, which reduces their usefulness.

- 3.38. Transport assessments or statements will still be required under the NPPF for developments that generate “significant” trips. It will be up to local authorities to define locally what is deemed “significant”. Local authorities face a difficult balancing act in determining the most appropriate thresholds for sustainable, viable growth.
- 3.39. The implications for transport assessments will depend on two things (1) whether the transport implications are given priority in the definition of “sustainable development” and (2) whether they are considered “severe” enough to give local authorities confidence to refuse the application. However, the draft NPPF states that development should not be refused on transport grounds unless ‘*adverse residual impacts*’ are ‘*severe*’. This implies that transport objections should not be allowed to obstruct the delivery of housing targets or economic development. It is not clear what the definition of ‘*severe*’ is and who decides what ‘*severe*’ is in this regard.

Changes to Parking Standards

- 3.40. The draft NPPF has removed the maximum parking standards developed in PPG 13. Local Authorities will need to develop their own parking standards and supporting justification within their Local Plans.
- 3.41. Our concern is that removal of consistent parking standards could introduce an element of competition between local authorities to attract development. It can be argued that the action to remove parking standard contradict the message of sustainability, as the relaxation of parking standards could undermine the emphasis on sustainable locations for development. Since the availability of parking has a major influence on travel behaviour, the higher parking levels, combined with ineffectual travel planning, could lead to car-dependent developments. Therefore we do not support the complete abolition of these standards.

Planning for People

Schools

- 3.42. ‘*Local authorities should take a proactive, positive and collaborative approach to the development of schools by working with schools promoters to identify and resolve key issues before applications are submitted*’ (para 127). The NPPF proposes a sensible approach, however it is also important to consider the transport implications of the location and design of new schools at an early stage (particularly for secondary schools where the catchment is likely to be wide). The school run can contribute considerably to local congestion and decisions over funding for dedicated school transport do not always lie with local authorities.

Conclusion

- 3.43. We welcome the need to renew the planning system and make it fit for purpose. The attraction of a much simplified system is obvious. However, the nature of the planning system does require a degree of clarity and certainty that must be provided through national policy. The current draft of the NPPF does not satisfy the requirements for clarity and

certainty, and as currently drafted, weakens the opportunity to properly integrate land use and transport planning and deliver on sustainable transport.