

Our Ref:
Your Ref:

14 March 2007

Paul Martin
Planning, Economic and Social Policies Division
Department for Communities and Local Government
Eland House
Bressenden Place
London
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Dear Mr Martin

CHANGES TO PLANNING OBLIGATIONS: A PLANNING GAIN SUPPLEMENT CONSULTATION – A consultation response

This letter sets out **pteg's** comments on the 'Changes to Planning Obligations: a Planning Gain Supplement Consultation' document issued by your Department in December 2006. **pteg** represents the interest of the six Passenger Transport Executives which serve the Metropolitan areas in England.

I must apologise for its late delivery, but understand from my colleague Paul Roberts of Metro, one of **pteg's** members, from his involvement in last week's workshop session that a submission after the due date was acceptable and will be taken into account in your further deliberations.

The comments include some general points followed by individual responses to some of the specific questions posed in the consultation document.

General

pteg understands the need to simplify the system of planning obligations to make it more transparent and to achieve greater consistency of approach between different local authorities. If Planning Gain Supplement (PGS) is set at a level such that local authorities can fund all necessary infrastructure, or services, then it could increase the amount of funding available for public transport overall.

The launch of this guidance, and other guidance such as that on Transport assessment should re-emphasise the required output of reducing the need for car travel at new developments, not assuming it is inevitable and then mitigating its

impact. The promotion of sustainable travel (public transport, walk and cycle) is a key objective, not merely a mitigation against the adverse impact of new car travel.

It was not clear in the draft consultation document that the introduction of PGS would be additional to the obligation to fund local investments associated with mitigation of local impacts from new developments. On that basis, *pteg* sees the benefit in such an approach, based on the assumption that the central collection could be diverted to transport investment on a sub-regional basis. For example, the delivery of schemes identified in the City Region Vision documents, major LTP schemes or schemes in the regional transport Strategy could be funded from PGS. This would help the forward planning of major investments given that a certain funding stream would be available. There would need to be a clear commitment in advance to the split between national, regional and sub-regional schemes to ensure that funds would be available at City Region and LTP level for example. The exact split would need to reflect the required scale of funds at the different geographies/administrative levels.

However there is a concern that if the new system does not fund the provision of new and improved public transport to the same extent as occurs at present in the best local authorities, it will undermine the ability of Transport Authorities to improve accessibility and reduce congestion as required through their Local Transport Plans. Both of these areas require authorities to ensure that new development is accessible by public transport and that the required services are provided in a timely way.

There is also the concern that local authorities will tend to give priority in allocating PGS income, to measures that are their own responsibility, e.g. highways, rather than to public transport. The transport assessment process is biased towards measuring road traffic and catering for increased demand for road travel to new developments.

There would be benefit in addressing the potential benefits of pooled contributions towards public transport, and the need to establish up front delivery of bus and rail services. Often, and particularly where development is piecemeal, services need to be in place in advance and being in place can create the right conditions for investment. There needs to be a way of securing advance funding by way of local pooled contributions.

We strongly believe that the PTEs should be 'statutory' consultees on Planning Applications. The resources required to provide meaningful and informed responses to Planning authorities should be funded from the Planning fees system. We have found that some forward looking developers readily consult with us, while others are not so well informed. With the right level of support from the PTE, mutually beneficial public transport investments can be co-ordinated in a way which can support commercial services, move some subsidised services to

commercial operation and strengthen the public transport network. This can be done in a way which assists developments. This approach would be strengthened by nominating the PTEs as statutory consultees.

Responses to the specific consultation questions particularly relevant to our interests are as follows:

Q1: Do you agree that a criteria-based approach to defining the scope of planning obligations is the best way forwards? If not, what approach would you recommend?

A criteria-based approach would be appropriate. However 'connectivity to access points' must take account of the fact that many sites have poor public transport access. If a site currently has no public transport connection within a reasonable walking distance, then the interpretation of 'connectivity to access points' must be sufficiently flexible to allow provision of a bus service. Failure to include this could undermine the ability to contribute to the LGA/Government 'Shared Priority' of improving accessibility, as required through the Accessibility Strategies of Local Transport Plans. A site might be close to a public transport network, but it is the frequency or services and the locations which it connects to that are important, not the simple question of proximity. For example, the Yorkshire and Humber RSS includes a criteria-based set of thresholds for accessibility in terms of catchments numbers (using public transport) for different land use activities. This approach should be considered in a criteria based approach.

Q3: Do you think that land for public or community facilities on large sites should be included in the scope of planning obligations in future, or excluded? How should "large" sites be defined?

If by public facilities, that includes facilities for public transport then we would say yes. Large sites can be too remote from the public transport network (a maximum walk distance of 400m (250m for access to retail) is recommended, which requires services to come into a site. This may require dedicated facilities for passengers or buses. Where sites are very large, or extend along new corridors, the protection of public transport facilities including those for waiting/interchange, is essential and should be accommodated in new guidance.

Our preferred definition of 'large' is any site greater than 400m in diameter, or an equivalent size extending along a new corridor.

Q8: Do you agree that measures to implement Travel Plans and demand management measures directly related to the environment of the development site should remain within the scope of planning obligations?

It is important that such measures are directly related to the development site, as

this gives developers an incentive to manage traffic generation and modal split. Travel Plan measures such as parking controls, encouragement of walking and cycling, provision of public transport information and ticketing promotions are essential tools for managing mode split, but would be lost if they were excluded from planning obligations as they need to be managed by the developers or users of the site.

There is a opportunity to change the balance between car parking provision and greater development, provided the mechanism are in place to ensure excess demand for parking is managed.

Q9: Which of the options for developer contributions to (road) transport infrastructure should the government pursue?

It would seem unreasonable to expect local highway authorities to fund improvements to the network required directly as a result of new development unless the level of PGS is such that the true costs of providing this infrastructure will be made available to them. The danger of breaking the direct link between a development and the availability of funds for infrastructure improvements is that the necessary improvements may not be delivered at the right time. Although from the point of view of the developer Option A is simpler and more transparent, on balance option B is the only way to guarantee the timely provision of infrastructure.

Q10 Do you agree with the proposal to define the new scope of planning obligations for non-road infrastructure?

The definition of 'safe and effective access to the transport network' must be sufficiently broad to allow for the funding of new services in situations where the development site has poor public transport accessibility. Providing a pedestrian link to a nearby bus stop is not 'safe & effective access' if the bus service is hourly and only runs until 6pm. There needs to be the ability to negotiate development-specific planning obligations for large developments which require specific public transport provision, to make them accessible for people who do not have access to a car.

To encourage the use of non car modes, it is generally considered vital that public transport is available from the first occupation of a development, when people are considering their travel options. It is much harder to persuade people to change later when, for example, they may have bought a second car to get to work. Provision is more likely to be made at the right time if the funding is negotiated and paid locally.

Further involvement

As always, we are happy to engage in further discussion on this subject to explain and develop the views we have stated above. If you want to take up this suggestion, can I suggest you contact Paul Roberts on 0113 251 7255 in the first instance.

Yours sincerely

Tim Larner

Director, Support Unit

cc Paul Roberts, Metro