

Sustainable transport and the NPPF – a guide for local councils and communities

There is considerable interest in how the National Planning Policy Framework (NPPF) will be interpreted. National government, local authorities, developers, planners, local communities, environmentalists, lawyers, and others may all have their own interpretations of the NPPF and when disputes arise, the courts will also interpret it and make judgements that determine its meaning.

Some scope for interpretation is intended. In the spirit of localism the NPPF allows local authorities to choose their own policies on some matters. Important transport issues such as parking standards or the density of development will be left to local authorities to settle. However, the central requirement is to deliver “sustainable development”, the comprehensive definition of which includes the need to promote sustainable transport. The NPPF is also clear that delivering sustainable development means development has to be in a “sustainable” location.

Much of the effect of the NPPF, positive or negative, will depend on how local authorities translate it into the core strategies or other policies of their local plans and how those local plans and the NPPF itself are interpreted when planning decisions are made.

This guide is intended to help local authority members and officers to draft local development plans and policies to promote sustainable transport. It may also be useful to individuals and organisations who wish to influence those local plan policies or to resist development proposals that would generate high volumes of traffic. The guide has two elements:

1. Following this introduction, the guide contains a list of the **sustainable transport policies** which could be included in local development plans because they are supported by the NPPF, together with a list of arguments, also supported by the NPPF, which might be helpful in **resisting damaging proposals**, including traffic generating development or damaging new road schemes. Both are backed up by references to the NPPF paragraph numbers where such support can be found.
2. A **detailed commentary** on NPPF policies, paragraphs and phrases which have a bearing on transport, drawing attention both to those parts that can be used in support of sustainable transport policies and proposals and to those parts that may be unhelpful.

Ostensibly, the transport intentions of the NPPF are fairly clear. The NPPF’s transport section is called Promoting Sustainable Transport. ‘Sustainable’ and ‘sustainable development’ are inadequately defined in the NPPF but transport and climate change are included, and ‘sustainable transport’ is defined in the NPPF glossary as: **‘Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.’**

The final NPPF is a much better document than earlier drafts which provoked much criticism. Perhaps its greatest transport shortcoming is now that it does not set out the policies for a pattern of development that reduces the need to travel and which would create the conditions for as much travel as possible to be on

foot, by bicycle or by public transport. It lacks a vision of such a pattern and, in other words, fails to make a case for compact cities and pedestrian focused development - the ideas known as Smart Growth¹.

But good planning policies, while essential, are only one of the tools for sustainable transport and do not necessarily guarantee good development. A rash of out-of-town business parks, difficult to access by other means than the car, spread across the country over the last 15 or 20 years despite national planning policies that ostensibly discouraged out of town development and directed it to town centres. Translation and implementation of policies into plan and decision making therefore are crucial.

Sustainable transport policies in the NPPF

The NPPF provides clear support for the following sustainable transport policies to be included in local plans. (The following commentary table on NPPF policies contains more detailed explanations on each paragraph.)

Policies in the NPPF that can be included in local plan policies to support sustainable transport.

1. Policies that contribute to sustainable development

Based on:

- NPPF paragraphs 6, 7 and 8: planning policies with a transport aspect, like other planning policies, should contribute to sustainable development and make simultaneous economic, social and environmental gains. NPPF paragraph 29: 'Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.'

2. Policies to reduce carbon and pollution emissions and support the transition to a low carbon future

Based on:

- NPPF sustainable development paragraph 7, Core Planning Principle paragraph 17: 'support the transition to a low carbon future in a changing climate' and paragraphs 30, 94, 95 & 156.

3. Policies to reduce the need to travel

Based on:

- NPPF paragraph 34: 'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.' and paragraphs 37, 38, 58 & 70.

4. Policies to promote sustainable transport and alternatives to the car and provide transport choice

Based on:

- NPPF core planning principle paragraph 17: 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling' and paragraphs 29, 30, 32 & 35.

5. Policies to create a pattern, and locate development where sustainable transport can be maximised

Based on:

¹ See for example

'Masterplanning Checklist for Sustainable Transport in New Developments', Campaign for Better Transport 2008, http://www.bettertransport.org.uk/files/Masterplanning_Checklist_2008.pdf
'Thriving Cities: integrated land use and transport', pteg 2011, <http://www.pteg.net/NR/rdonlyres/642281CC-97F2-41F7-965B-2127CAF3130C/0/20112706ptegThrivingCitiesReportforWebFINAL.pdf>

- NPPF core planning principle paragraph 17: ‘actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable’ (the principles concerning the vitality of urban areas and re-using brownfield land also apply) and paragraphs 30, 32, 34, 35, 37, 38, 70 & 80.

6. Policies to discourage out-of-town development and ensure the vitality of town centres

Based on:

- NPPF paragraph 23: ‘Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres’ and paragraphs 24, 26 & 27

7. Policies to focus development in urban locations where public transport and local services are accessible

Based on

- Core planning principle paragraph 17: ‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;’ and ‘take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.’ Also paragraphs 79, 80, 109 & 111

Parts of the NPPF that can be used to stop traffic generating development

The sustainable transport policies set out above could be helpful in resisting traffic generating development. The following parts of the NPPF may also be useful. More explanation on these can be found in the detailed commentary on NPPF policies.

Apply the sequential test to out-of-town centre development

NPPF paragraph 24 could be used to challenge developments like shopping centres or offices in out of town locations, particularly where applicants have failed to demonstrate that they have considered town centre or edge of centre locations.

Require an impact assessment for out-of-town centre development

NPPF paragraph 26 could be used to challenge applications to ensure that a proper impact assessment of the development has been carried out including transport, carbon emissions and other pollutants (but local planning authorities should set a low threshold for the size of development where an impact assessment is required).

Require transport assessments and travel plans

NPPF paragraphs 32 and 36 could be used to challenge applications by ensuring that they have an effective travel plan to promote access by sustainable transport and that safe and suitable access can be achieved for all people including the quarter of the population who do not have access to a car. See NPPF Glossary for a definition of travel plan. Note that the DfT’s “Guidance on Transport Assessment” and the DfT and DCLG’s “Good Practice Guidelines: delivering Travel Plans through the Planning Process” are still in operation.

Adopt a demanding (i.e. a low maximum) parking standard

NPPF paragraph 39 allows local authorities to choose whether and what parking standards to set. A low maximum parking standard should be adopted in order to resist car dependent development as part of a wider approach to managing demand and promoting choice in sustainable modes.

Encourage high density in locations with good public transport access

NPPF paragraph 47 allows local authorities to set out their own approach to housing density. High density development, in locations with good access to public transport, favours shorter journeys which can be made on foot or by bicycle.

Apply the requirement that ‘suitable access to the site can be achieved for all people’ and that ‘developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’

NPPF paragraphs 32 and 34 could arguably be used to override the condition that development should only be rejected on transport grounds when the impacts are ‘severe’.

Ensure a mix of uses and the protection of local services

NPPF paragraphs 37 and 70 could be used to challenge applications for developments which would require people to make longer journeys to access services or activities or which would undermine the sustainability of communities and other residential environments.

Preventing new development from contributing to air or noise pollution

NPPF paragraphs 109 & 124 can be used to challenge development that would make air quality worse (for instance through higher levels of traffic).

Roads proposals and the NPPF

Proposals for additions to the motorway and trunk, or major, road network are subject to a different procedure than those for local roads. Trunk roads will be covered by a National Policy Statement yet to be published. Proposals for new trunk roads are treated as Nationally Significant Infrastructure Projects (NSIPs). They will therefore be considered at an Examination conducted by the Planning Inspectorate, to which interested parties can contribute (if they satisfy certain conditions). The Planning Inspectorate makes a recommendation. The Secretaries of State for Communities and Local Government and Transport then make a decision approving or rejecting the proposal which might or might not follow the Inspector’s recommendation. Local roads that affect trunk roads may also be considered as NSIPs and be subject to the same procedure.

All local road proposals, (i.e. for the vast majority of the road network), will be subject to the NPPF and to local plans and approval or rejection in the local planning authority decision process. The prospect of a road proposal being approved will be greater if the proposal is endorsed by a policy in the local plan. Such a policy also will be subject to the NPPF.

Many parts of the NPPF can be used to help construct an argument against policies or decisions in favour of new roads including paragraphs 7, 8, 14, 17 (particularly the 6th, 7th and 11th core planning principles), 29, 30, 31, 32, 34, 35, 36, 37, 38, 109, 123, 124 and 156. For all these references see the Commentary on the NPPF.

More information about transport and the NPPF

Most parts of the NPPF which have a bearing on transport have been quoted in the Commentary Table section of this document. The full 65 pages of the NPPF itself can be downloaded from:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Detailed commentary on NPPF transport and transport related policies

Key

Grey shading: policies or phrases which could work against sustainable transport

Underlined: policies or phrases which could be helpful to sustainable transport

Introduction		
NPPF paragraph	NPPF policy	Campaign for Better Transport comments
2	'Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.'	Arguably where air quality has already breached EU standards, EU regulations do not permit developments that would make air quality worse. (refer to EU Air Quality Directive transposed into UK law).
Achieving Sustainable Development		
	Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy <i>Securing the Future</i> set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.	The key idea. The subheading for the whole sustainable development section is this accepted definition of sustainable and its endorsement of the 2005 Sustainable Development Strategy, a strong and coherent statement which remains Government policy.
6	'The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.'	But the clarity is immediately obscured by a broadening of the policy to a definition capable of wide interpretation and likely to become an issue in the courts. However, there is a requirement that "to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system". So authorities and developers should not pick and choose which elements they pursue.
7	There are three dimensions to sustainable development: economic, social and environmental. Included in the social role is the requirement to create a 'high quality built environment, with <u>accessible local services</u> that reflect the community's needs'	This wording could help justify a local plan policy to reduce the need to travel. The word 'accessible' is used throughout the NPPF but not defined.
	<u>The environmental role requires the planning system to contribute the</u>	This unequivocal sentence adds to the definition of sustainable transport.

	<u>minimisation of pollution and the mitigation of climate change 'including moving to a low carbon economy'.</u>	
8	to achieve sustainable development, <u>economic, social and environmental gains should be sought jointly and simultaneously through the planning system.</u>	This could help counterbalance the weight placed on economic growth and can be cited where it is argued that environmental damage is justified by economic development. It supports the argument that economic development and environmental improvement go hand in hand. The view that economic, social and environmental goals are complementary not conflicting is implicit.
The presumption in favour of sustainable development		
14	<p>At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development</p> <p>For plan-making this means that:</p> <ul style="list-style-type: none"> • local planning authorities should positively seek opportunities to meet the development needs of their area; • Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change unless <ul style="list-style-type: none"> - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or - <u>specific policies in the Framework indicate development should be restricted.</u> <p>For decision-taking this means:</p> <ul style="list-style-type: none"> • approving development proposals that accord with the development plan without delay; and • where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: <ul style="list-style-type: none"> - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or - <u>specific policies in the Framework indicate development should be restricted.</u> 	<p>This is a demanding test for the rejection of policies or development proposals with a damaging environmental (or other) impact. It is also wide open to interpretation and possible legal dispute.</p> <p>However, the caveat 'unless specific policies in the Framework indicate development should be restricted' which has been added since the consultation draft, applies to both plan-making and decision-taking. It may be helpful in resisting policies or developments with harmful transport impacts.</p>
Core planning principles		
17		Presumably the 12 core planning principle will have a special status among the policies of the NPPF

	<ul style="list-style-type: none"> • proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. • <u>take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them...</u> • <u>support the transition to a low carbon future in a changing climate...</u> • <u>encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;</u> • <u>actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;</u> • take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. 	<p>Some local authorities or developers may argue for the primacy of economic development and that environmental objectives should be off-set against economic development. But paragraph 8 of the NPPF requires that economic, social and environmental gains should be sought jointly and simultaneously</p> <p>One of many statements in the NPPF favouring the location of development in existing urban areas rather than on ex-urban sites on the trunk road network, inaccessible by public transport or other sustainable means</p> <p>Local authority plans and decisions will have to reflect the high priority attached to the transition to a low carbon future.</p> <p>Another statement in favour of the location of development in existing urban areas, where most brownfield land is found. However some brownfield sites, such as redundant airfields, are in remote locations inaccessible except by car and should not be intensively developed unless they can be connected to the public transport network and provided with everyday services accessible on foot and by bicycle (and perhaps not even then).</p> <p>An unequivocal statement in favour of walking, cycling and public transport. This enhances the definition of sustainable transport in the glossary and requires 'patterns of growth' or perhaps 'patterns of development' (see paragraph 30) that suggest, for example, the location of development in, or adjacent to, existing towns and cities or in other locations where public transport and a range of services and amenities are, or will be, available.</p> <p>This principle can be cited in support of policies to encourage active travel and provide support for accessible, local services (which would reduce the need to travel).</p>
Delivering sustainable development		

1. Building a strong, competitive economy		
19	<p>'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'</p>	<p>This policy could be used to argue for the primacy of economic over environmental or social gain (but see excerpt from paragraph 8 above).</p> <p>However, local authorities can argue that sustainable transport assists, rather than hinders, economic growth. Successful modern economies generally have good public transport and walking and cycling facilities and high quality public realm and this in turn helps to increase the vitality and competitiveness of town centres. Car based development can have the opposite effects, has a range of other costs and requires expensive infrastructure.</p>
20	<p>To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.</p>	<p>Again, this policy favours economic growth but should be tempered by paragraph 8 above</p>
2. Ensuring the vitality of town centres		
23	<p>Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.</p> <ul style="list-style-type: none"> • define a network and hierarchy of centres that is resilient to anticipated future economic changes; • <u>allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.</u> It is important that needs for retail, leisure, office and other main town centre uses are 	<p>The NPPF sets considerable store by policies for the promotion of competitive town centres. There are one and a half pages of town centre policy. This is potentially very helpful to local authorities promoting sustainable transport. See definition of town centres in NPPF glossary which includes district and local centres.</p> <p>The absence of a clearly defined pattern of development which minimises the need to travel and promotes sustainable transport, is a weakness of the NPPF. For urban areas, a network and hierarchy of centres, accessible by sustainable means, is an essential feature of such a pattern. Residential development should be located within walking distance (800m) of a local centre of shops and other facilities, at the centre of a network of safe walking and cycling routes where access is mainly restricted to pedestrians and cyclists.</p> <p>It is important that development which generates a substantial amount of travel be located on the public transport network. The NPPF requires demand for retail, leisure and office development sites to be met as far as possible within town centres which are likely to be well-served by public</p>

	<p>met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;</p> <ul style="list-style-type: none"> • allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre; • set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres; • recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; • where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity. 	<p>transport. Office development was exempted from this requirement in the consultation draft NPPF prompting criticism that this would allow the development of business parks at or near junctions on the motorway network and create additional trunk road congestion. This has now been corrected.</p> <p>This could be interpreted as a requirement for town centre uses to be located on the public transport network though it does not say so nor does it require any restriction in access by car</p> <p>This is an opportunity for a local authority to adopt policies inhibiting inappropriate development in edge of, or out of town locations or to ensure that such development is accessible by a choice of sustainable transport modes and to establish parking standards that limit traffic generation.</p> <p>The town centre policy can be cited in support of 'smart growth' where residential development is located within walking distance of town or other centres</p> <p>This suggests perhaps that local authorities might be able to introduce restrictions such as parking charges on out of town retail or business parks. Unfortunately no such measures are proposed.</p>
24	<p>Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate</p>	<p>There may be various degrees of rigour in incorporating this policy into local plans and in development control decision making. The sequential test should be rigorously applied to prevent out of town development.</p> <p>Unfortunately this appears to endorse 'applications for main town centre uses that are not in an existing centre' if they are in accordance with an up-to-date development plan.</p> <p>It may need to be established that 'accessible sites well connected to the</p>

	flexibility on issues such as format and scale.	town centre' means by public transport, walking and cycling and not just by road (and therefore by car) otherwise the site would not be accessible to those without cars. But this policy does not rule out the use of inaccessible sites.
26	<p>When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:</p> <ul style="list-style-type: none"> the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability.... 	Local authorities can set a low threshold and require the economic effect of traffic (and the benefits of reduced traffic) to be taken into account in the impact assessment. Assessment should also include the impact on carbon generation and other pollutants as well as the impact on other local retail provision.
3. Supporting a prosperous rural economy		
28	<p>Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:</p> <ul style="list-style-type: none"> support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; 	It is not clear what traffic impact would be acceptable nor does a possible conflict with policy on town centres and town centre uses appear to be taken into account. Authorities will need to define what locations would be acceptable and how this would link with a strategy to promote modal shift in favour of sustainable modes.
4. Promoting sustainable transport		
29	<p><u>Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.</u> Smarter use of technologies can reduce the need to travel. <u>The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.</u> However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.</p>	This paragraph acknowledges the importance of transport policy in a number of respects. The restricted reference to reducing the need to travel, reflects the fact that the principle was unacceptable to the then Secretary of State for Transport Philip Hammond (but the principle is at least implicit in paragraphs 34 and 37). It is implied that the transport system is not currently balanced in favour of sustainable transport modes, that people do not currently have a real choice about how to travel and clearly indicates that this needs to change. This may be a useful argument in discussions about local development plan policies and in disputes about planning decisions. However it is also implied that development in rural areas will be less sustainable and therefore more car-based than in urban areas. Some

		<p>developers will argue that car-based development is necessary in certain places and circumstances where sustainable transport solutions are not appropriate.</p>
30	<p><u>Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.</u></p>	<p>The first sentence of this paragraph offers clear encouragement to adopt sustainable transport policies but is compromised by the phrase 'where reasonable to do so' in the second. This loop-hole, which provoked objections when it appeared in the consultation draft, has been retained in the final NPPF, is likely to be relied upon by some local authorities and developers and to be the subject of legal dispute. Also, encouraging solutions which support reductions in greenhouse gas emissions is not the same as preventing solutions which fail to support reductions in greenhouse gas emissions. Nevertheless, on balance this paragraph will support those arguing for sustainable transport especially if the authority has a robust transport strategy. An implementation plan as part of the local plan will help reinforce the "reasonableness" of the case.</p> <p>The NPPF fails to explain what form a development pattern that facilitates sustainable modes might take or how housing, retail and commercial development and transport infrastructure might fit together. However both this paragraph and the 11th core planning principle (paragraph 17) can be cited in support of such a pattern. It might be possible to exploit a conflict with the 11th core planning principle where the wording is less equivocal: 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;'. [The characteristics of a development pattern that maximises the use of sustainable modes are set out in the Masterplanning Checklist for Sustainable Transport in New Development, Campaign for Better Transport 2008, http://www.bettertransport.org.uk/files/Masterplanning_Checklist_2008.pdf]</p>
31	<p><u>Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for</u></p>	<p>This paragraph reflects the duty to co-operate between local authorities introduced when strategic regional planning was abolished by the Localism Act. Part of the paragraph is somewhat confusing and might have been more clearly written as follows: 'infrastructure necessary to support sustainable development (including large scale facilities such as rail freight</p>

	<p>the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.</p>	<p>interchanges), roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand'. It should be used to develop a coherent sustainable transport strategy and delivery plan for the longer term which reflects journey to work patterns and aims at modal shift.</p> <p>The paragraph allows for the additional terminals needed to achieve a transfer of freight from road to rail. Many local authorities will not wish to endorse airport growth or consider it sustainable. The transport investment necessary to support major generators of travel demand need not consist of investment in the road network. On the contrary, local authorities can argue that transport investment should be 'balanced in favour of sustainable transport modes' as required by paragraph 29. A curious weight is attached to the provision of roadside facilities for motorists.</p>
32	<p>All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.</p> <p>Plans and decisions should take account of whether:</p> <ul style="list-style-type: none"> • 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; 	<p>This restates an existing requirement. Guidance on Transport Assessment, DfT 2007, provides a number of thresholds for developments requiring Transport Assessment including those that generate more than 30 two-way vehicle movements an hour, or 100 a day, or possessing more than 100 car parking spaces. The NPPF Glossary defines a Transport Assessment as: 'A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.'</p> <p>Again, the NPPF places a requirement that local plans and development decisions make use of opportunities for sustainable transport but, again, this is qualified: 'depending on the nature and location of the site', which could be used as justification for not conforming to other policy requirements for sustainable transport and may be an issue between opposing sides. It will be important to refer to other statements that balance this – see above.</p> <p>Apart from the qualification just mentioned and a further qualification</p>

	<p>and</p> <ul style="list-style-type: none"> • <u>improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.</u> Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. 	<p>mentioned below, these bullet points provide support for sustainable transport. The requirement that safe and suitable access be achieved for all people may be particularly helpful. 25% of households in Great Britain do not have access to a car (National Travel Survey, DfT, 2010). It will not be sufficient for sites to be located on the road network and accessible by car. They must also be accessible by walking, cycling or public transport.</p> <p>It is clear from the first bullet that the object of this paragraph is partly to avoid incurring the need for costly new transport infrastructure, whether of road, rail or other is unspecified. Effective use of travel planning, in respect of well located sites, can reduce the costs of new infrastructure in the form of road construction.</p> <p>In the final bullet point the words 'cost effectively' may restrict the transport improvements required for a development to proceed (perhaps instead of delaying a development until transport improvements are in place). This is connected to the viability test introduced by paragraph 173. The bullet point also creates an unjustifiably high threshold for the rejection of development on transport grounds. This should happen only where the residual cumulative impacts of development (i.e. presumably, the sum of the damaging impacts of one or more developments offset by their benefits) are 'severe'. This test was controversial in the consultation draft and has been carried over unchanged to the final NPPF because, apparently, ministers do not want to jeopardise developments they consider might be important for economic growth. 'Severe' is another term whose meaning may need to be tested in the courts, meanwhile local authorities may place their own interpretation on it. Guidance has now been produced on "viability" but is subject of debate.</p>
33	<p>When planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this Framework as well as the principles set out in the relevant national policy statements and the</p>	<p>This paragraph mainly relates to the planning of smaller ports and airfields not covered by a national policy statement and stipulates that they can be at least partly justified in the name of business and economic growth. The Government Framework for UK Aviation is due to be published in July 2012.</p>

	Government Framework for UK Aviation.	
34	<p><u>Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.</u> However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.</p>	<p>Presumably the criteria for ‘significant’ are the same as in paragraph 32. The principle of reducing the need to travel is applied here to larger developments (but see paragraph 37 for a wider application of the same principle). Travel generating development is required to be located where it can be accessed by public transport. This provides an indication of the pattern of development that will be consistent with the NPPF. Again an exception is made for rural areas allowing the damaging possibility of travel generating development accessible only, or mainly, by car.</p>
35	<p><u>Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.</u> Therefore, developments should be located and designed where practical to</p> <ul style="list-style-type: none"> • accommodate the efficient delivery of goods and supplies; • give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; • <u>create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;</u> • incorporate facilities for charging plug-in and other ultra-low emission vehicles; and • <u>consider the needs of people with disabilities by all modes of transport.</u> 	<p>More support for sustainable transport is provided both in general and specific terms. Again the policy refers to the location of development and therefore to a certain development pattern but the much criticised caveat ‘where practical’ has survived from the draft framework, allowing a loophole for plans or development proposals which would not otherwise conform and may require to be justified, perhaps in court. Sustainable freight transport is mentioned again, this time linked to sustainable transport modes and therefore not only to rail freight. This paragraph appears to endorse a hierarchy of road users where pedestrian and cyclist movement is prioritised and conflict with traffic is minimised (note the DfT Guidance on Transport Assessments is still valid and explicitly endorses the hierarchy). Development is also required to have access (where practical of course) to high quality public transport. The transport needs of people with disabilities are mentioned for the only time in the NPPF.</p>
36	<p>A key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan.</p>	<p>‘significant’ has not yet been defined but, sensibly, would mean the same as in paragraph 34. Note that above this threshold a Travel Plan will be a requirement not an option. Travel plan is defined in the glossary to the NPPF as ‘A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives...’. It will be important for local plans to include explicit requirements on when they require travel plans and when they believe movements will become “significant”.</p>
37	<p><u>Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.</u></p>	<p>This and the following paragraph both promote mixed uses, a cardinal smart growth principle. The principle of reducing the need to travel is explicit though not in exactly those words. In addition, paragraph 37 in particular could be said to apply to existing and not just new development. Policies</p>

		can be adopted to support or supply retrospectively local services and amenities.
38	For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. <u>Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.</u>	Further support for local services and employment though 'where practical' allows exceptions and is likely to be contentious.
39	<u>If setting local parking standards</u> for residential and non-residential development, local planning authorities should take into account: <ul style="list-style-type: none"> • the accessibility of the development; • the type, mix and use of development; • the availability of and opportunities for public transport; • local car ownership levels; and • an overall need to reduce the use of high-emission vehicles. 	Planning development that needs less parking is another principle of smart growth. This paragraph allows local authorities to depart from that principle and set their own parking standards. Generous parking, it implies, is acceptable in more remote areas, or in areas inaccessible by public transport, where local services are limited and car ownership is high. Others would argue that development in inaccessible locations where public transport is not available should not be approved at all and is contrary to other NPPF policies. The only mitigation is a requirement to take into account, but no more, the need to reduce the use of high-emission vehicles.
40	Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. They should set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate.	Note that this paragraph concerns the quality, not the quantity, of town centre parking. Arguably, setting parking charges that do not undermine the vitality of town centres could require local authorities to impose parking charges in competing out-of-town retail development. It is possible that this power exists under previous legislation; if not, local authorities might press national government for the power to impose them.
41	Local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.	Obviously the NPPF does not itself protect sites but requires local authorities to do so. 'Widening transport choice' normally means improving alternatives to travel by road for people or freight.
6. Delivering a wide choice of high quality homes		
47 - 55		The housing section lacks a statement of policy that sets out the place of housing within a sustainable development pattern requiring most housing to be located on brownfield sites, within or adjacent to existing urban areas. Local authorities pursuing this approach may therefore need to support it with reference, for example, to the core planning principles in paragraph 17.
47	To boost significantly the supply of housing, local planning authorities should:	

	<ul style="list-style-type: none"> • use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period; • identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land..... (Fifth bullet point) • set out their own approach to housing density to reflect local circumstances 	<p>The NPPF places considerable weight on the requirement for local authorities to plan for new housing. There is a danger that this will over-ride requirements for sustainable transport. However, plans for housing need to be 'consistent with the policies set out in this framework' especially in terms of the location and design of site to provide a focus on non car journeys. Reference should also be made to the good practice guidelines on travel plans which are relevant to residential developments.</p> <p>Many local authorities will wish to adopt policies favouring higher density residential development in locations near town and local centres. This allows higher levels of walking and cycling and lower car use and need not mean high rise development. Higher density, or compact, development is a part of a 'smart growth' approach to urban planning.</p>
55	To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.	The shortcoming noted above in relation to urban areas applies less to rural areas where new housing can contribute to an existing settlement pattern.
7. Requiring good design		
56 - 68		<p>The importance of design in integrating transport and land-use planning is overlooked despite the relative length of the design section. If development is to make 'the fullest possible use of public transport, walking and cycling' (core planning principle para.17) it will need to be designed from the start with travel patterns in mind. In particular, development should be planned to create the conditions for many more journeys to be made on foot or by bicycle. The failure to require development to be designed to maximise walking and cycling is a major weakness of the NPPF. It is a requirement that should be emphasised in the local plan policies.</p>

56	The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.	Despite the above, the importance of design in sustainable development is acknowledged.
58	<p>....Planning policies and decisions should aim to ensure that developments:</p> <ul style="list-style-type: none"> • establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; • optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; 	Many local authorities will wish to adopt policies which allow higher levels of walking and cycling and lower levels of car use to contribute to the quality of streetscapes and other public spaces. There is obvious further support here for local services which reduce the need to travel.
8. Promoting healthy communities		
70	<p>To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p> <ul style="list-style-type: none"> • <u>plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</u> • <u>guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;</u> • <u>ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community;</u> and • ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. 	This policy also offers strong support for local services, including existing local services, necessary to reduce the need to travel.
9. Protecting Green Belt Land		
90	<p>Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are: (one of 5 bullet points)</p> <ul style="list-style-type: none"> • local transport infrastructure which can demonstrate a requirement 	There is a danger that the double negative 'not inappropriate' will be used to justify, for example, damaging road building proposals. Local plans should make clear what they would find acceptable.

	for a Green Belt location	
10. Meeting the challenge of climate change, flooding and coastal change		
93	Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.	Transport accounts for 22 per cent of UK CO ₂ emissions and car use for about half of that. Developments that increase walking, cycling and use of public transport can therefore make a large contribution to emissions reduction.
94	<u>Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change</u> , taking full account of flood risk, coastal change and water supply and demand considerations.	Sustainable transport policies are a necessary part of a strategy to mitigate climate change.
95	To support the move to a low carbon future, local planning authorities should: <ul style="list-style-type: none"> plan for new development in locations and ways which reduce greenhouse gas emissions; 	This policy reinforces the requirement for development to be designed and located to maximise the use of sustainable transport modes (and minimise the use of unsustainable modes).
11. Conserving and enhancing the natural environment		
109	<u>The planning system should contribute to and enhance the natural and local environment by:</u> <ul style="list-style-type: none"> <u>preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;</u> 	It is possible traffic generating development could be refused on the grounds that it would contribute to a further deterioration of air quality in air quality management areas.
111	Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.	This is the paragraph that most clearly obliges local authorities to ensure the re-use of brownfield land (and therefore to locate much development in urban areas where most brownfield land is found). However the use of greenfield land is also envisaged and the proportion of green to brownfield land is a matter for local determination. Local authorities wishing to promote sustainable transport will set a high target for use of brownfield land.
123	Planning policies and decisions should aim to: <ul style="list-style-type: none"> avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; 	

124	<p><u>Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.</u></p>	This also may mean that traffic generating development might be refused.
Plan-making		
Local Plans		
156	<p><u>Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver:</u></p> <ul style="list-style-type: none"> • the homes and jobs needed in the area; • the provision of retail, leisure and other commercial development; • the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); • the provision of health, security, community and cultural infrastructure and other local facilities; and • <u>climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</u> 	<p>This reinforces the requirement on local authorities to have policies in the local plan relating to the location of homes, jobs, services and facilities (and therefore to the need to travel), infrastructure requirements and climate change mitigation. The strength of this obligation may need to be interpreted by the Planning Inspectorate when it assesses local plans and also perhaps in the courts. It is not clear whether transport infrastructure (a rail, tram line, bus service or cycling facilities for example) should be in place before a development is completed or whether there should merely be ‘policies to deliver’ it. An Implementation Delivery Plan should be developed as part of the local Plan to demonstrate the Plan’s deliverability and the inter-relationship between development and infrastructure. Nor is it clear, in relation to climate change for example, what the difference is between a low carbon plan (which local authorities are not required to have) and setting out the strategic priorities for climate change mitigation (which they are required to do).</p> <p>Climate change mitigation is defined in the NPPF glossary as: ‘Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.’</p>
Using a proportionate evidence base		
158	Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.	This policy creates an obligation on local authorities to ensure that policies and standards adopted in their local plans are based on ‘adequate, up-to-date and relevant evidence’. This could assist those local authorities which wish, for example, to adopt parking standards that work with, not against, sustainable transport objectives. It can also be used to develop an effective

		approach to sustainable development in its broadest sense.
173	<p>Ensuring viability and deliverability</p> <p>Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.</p>	<p>The so-called viability test creates a possible conflict with environmental, sustainability and other objectives of the NPPF. This policy may be used to justify placing viability, profitability or economic gains above environmental or social gains (in breach of Policy 8). Thus, for example, the need to provide or contribute to public transport infrastructure to serve a development could be waived in the name of viability. New guidance is available.</p>

This guide is not an authoritative interpretation of planning law. It is recommended that independent legal or planning advice is obtained as necessary.

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Richard Bourn
Campaign for Better Transport

Campaign for Better Transport's vision is a country where communities have affordable transport that improves quality of life and protects the environment. Achieving our vision requires substantial changes to UK transport policy which we aim to achieve by providing well-researched, practical solutions that gain support from both decision-makers and the public.

16 Waterside, 44-48 Wharf Road, London N1 7UX
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