

NPPG 17 ADDENDUM AND REGULATORY IMPACT ASSESSMENT: TRANSPORT AND PLANNING MAXIMUM PARKING STANDARDS

OVERVIEW OF CONSULTATION RESPONSES

INTRODUCTION

Background

1. On 1 February 2002 the Scottish Executive issued a draft NPPG17 Addendum and Regulatory Impact Statement on transport and planning maximum parking standards. The draft Addendum set out the Executive's proposals which develop policy in NPPG17 and, inter alia, proposed a set of national maximum car parking standards.
2. This report provides an overview of the findings from the consultation responses.

Responses

3. Approximately 600 copies of the Addendum were distributed to all local Councils in Scotland, a wide range of public bodies and non governmental organisations, industry, business and professional interests, plus a number of other groups and individuals. The consultation period closed on 30 April 2002.
4. In total there were 45 responses from a wide range of interests which can be broken down into the following categories:

Local Councils and structure plan teams	23
Business and trade organisations	7
Professional bodies	4
Local Council bodies	0
Voluntary sector and the public	3
Public bodies	7

5. A full list of respondents can be found in Annex A. Only one respondent requested that their response be kept confidential, and copies of all other responses are available for public inspection at the Scottish Executive Library, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD. For an appointment, please contact Mr Alan Gold (0131 - 244 4552). Additionally a fuller digest of comments relating to each issue is available on the Scottish Executive Planning Homepage <http://www.scotland.gov.uk/planning/>.

ISSUES EMERGING FROM RESPONSES

General Comments

6. The Executive has analysed the comments and, where appropriate, made amendments to the policy guidance. There was a clear majority of respondents who supported the guidance, albeit many had constructive comments intended to improve policy implementation. Some mainly rural Councils were opposed to the application of maximum standards, and opposition also came from parts of the private sector, including major food retailers.

Options

7. The majority of responses supported the principle of maximum standards and identified Local Council standards coupled with a national ceiling as their preferred option. The majority of Local Councils welcomed the flexibility to set their own maximum standards. This sat well with the principle of subsidiarity and was necessary to reflect local circumstances and to take account of local factors. Those opposed to maximum standards were most likely to favour the status quo and retention of minimum standards, and only two responses supported complete non-regulation.

Executive response - The policy already requires maximum standards to be set; this consultation was about how this could be done rather than whether it should be.

An Integrated Approach

8. The point was made that maximum standards form part of an integrated approach to transport. It was generally felt that the proposals would encourage sustainable development and sustainable transport choices, although some felt the NPPG could have described these benefits more fully. Clarification was also sought on how the proposed standards were derived.

Executive response - The national standards are derived from the original research, using the least restrictive “elsewhere” category, modified as a result of consultation.

Minimum standards

9. Many Councils stressed the need to impose minimum standards in addition to maxima. Without a minimum standard developers would be tempted to provide little or no parking. Developer contributions would be difficult to secure without a minimum standard, and minimum standards would be required in some instances to prevent on street parking. In defence of the developer, a small number argued that market forces, and demand for spaces, would always ensure a minimum level of provision.

Executive response - Agreed that a range between a specified minimum standard and the maximum standard is acceptable for reason of avoiding overflow parking as a result of developers not providing parking. The argument about commuted payments should not, however, prevail, as the Transport Assessment process requires

developers to identify a range of required measures to mitigate transport impacts, and where necessary contribute to their implementation.

Land Use Classification

10. There was some confusion regarding the land use classifications used by the NPPG. There was a clear desire for the development types to be more tightly defined.

Executive response - Where applicable Use Class Order has been added to the table.

Exceptions

11. Several groups felt that national standards should allow for exceptions on such grounds as poor accessibility by public transport, operational need and to support economic regeneration.

Executive response - Maximum parking standards for land uses not included in National Maximum Parking Standards and for included uses below the set thresholds are a matter for Councils. If a developer can make an argument to breach the National Maximum Parking Standard where it is applicable, and a Council agree, the application will be referred to the Scottish Ministers who will consider the arguments.

Accessibility

12. A number of responses were concerned about the role of accessibility. It was suggested that the level of accessibility by public transport should be a determinant of parking standards. There was concern that strict standards would make areas of poor accessibility even less accessible.

Executive response - Maximum parking standards for land uses not included in National Maximum Parking Standards and for included uses below the set thresholds are a matter for Councils. The Addendum makes clear that accessibility is one of the factors to be taken into account. If the application of the National Maximum Parking Standards is judged to be inappropriate due to accessibility issues, then it is open to the Council or Councils concerned to make a strategic argument in their development plan, and the Scottish Ministers will consider that argument.

Structure Plans

13. Several responses considered that standards should be implemented through the Structure Plan, as opposed to Local Plans or Local Transport Strategies. This would improve consistency and reduce competition between local Councils.

Executive response - Agreed it would be appropriate to set standards at a City Region level and that as Structure Plans are reviewed they should contain strategic maximum parking standards. As most Structure Plans are recently approved, however, it makes sense in the interim to use whatever policy document is available i.e. Local Plans, Local Transport Strategies or Regional Transport Strategies.

Location

14. There were mixed views on the relationship of parking standards and location policy. Most Councils expressed support for directing development to, and implementing stricter parking standards at, key nodes and town centres with existing transport links. Higher density development should be allowed where developer contributions support public transport, though doubts were raised about the ability to secure developer contributions under the new proposals.

15. One response considered that some businesses depend on their location on the road network and the availability of car-parking, and some felt the guidance could have done more to recognise that development will still be required in out of centre sites with limited transport provision. One response suggested that the standards would place the attractiveness and viability of new developments at a disadvantage in comparison with existing developments in terms of car parking.

16. One Council stressed that brownfield development in built up areas should not be undermined by more generous standards on greenfield sites. However many rural Councils believed businesses would relocate from rural areas to more accessible urban locations. One Council argued that parking standards would in some instances prevent development from proceeding at all.

Executive response - There is no obvious reason why standards should be more generous on greenfield sites than on brownfield sites. Nor is there any reason, given the thresholds for development size, why businesses appropriate to rural areas should migrate to urban areas.

Economic Impact

17. A number of responses suggested that the proposals could have a detrimental impact on the economy, particularly on town centres and food retailing outlets. Businesses in rural areas are often more dependent on car use, and therefore the introduction of maximum standards poses a greater potential risk to the rural economy, including risks to car borne tourism.

Executive response - The application of national maximum standards is specific to selected land uses subject to size thresholds. Town centres should not be unduly affected by such standards as much development will not have its own specific car parking within its site, and the local Council will provide and control public car parking provision for the town centre as a whole. Food retail outlets should also not be seriously affected as the standard recognises current occupancy norms, with the possible exception of those outlets whose car parking acts both for the outlet and more generally for the town centre. Where this is the case, policy could specifically recognise the situation and make appropriate allowance, and the NPPG is amended accordingly. The situation in rural areas is recognised, but again national thresholds for maximum standards should only occasionally bite, and below these thresholds standards are for Councils to determine. Operational needs are not going to be a factor at the national threshold maximum, and below that threshold, it is for Councils to set appropriate levels for operational parking.

Local Council Competition

18. It was widely, though not universally, recognised that the introduction of national parking standards would, to an extent, constrain Councils from adopting unsustainable standards. Standards would also be effective at reducing competition between urban Councils that can presently lure developers with less strict standards. Some suggested that competition would be reduced if standards were applied through structure rather than local plans.

Executive response - The NPPG is amended to allow for City Region Development Plans, when they are prepared, to set standards throughout their areas. In the meantime, policy should be promulgated through whatever means is readily available.

Retailing and Town Centres

19. Parking restrictions for quantity food and bulky goods retailing were regarded by some as inappropriate, notably by the supermarket chains themselves, but also by some Local Councils. Restricting parking provision will do little to encourage the use of alternative modes of transport. Tesco and the Scottish Retail Forum did not accept that car parks are under-utilised, and Tesco suggested that the food retail standard should be 1:10 and not 1:14. The application of any standard should recognise that supermarket parking in town centres is often also used by town centre users. Viability and vitality of town centres were important objectives which parking standards should not compromise.

Executive response - The standard of 1:14 is that applied in England, and the majority of occupancy surveys in Scotland carried out by Councils shows that to be adequate. The situation where car parks are shared between the retailer and the town centre more generally, a situation affecting Tesco, is recognised by an amendment to the NPPG to make appropriate allowance.

Residential Development

20. The exclusion of residential developments from maximum standards was widely welcomed. There were exceptions, and a number of bodies argued that residential areas in urban centres or in close proximity to transport nodes should have reduced levels of parking to help encourage lower car ownership, while others suggested the application of minimum standards to residential developments. A housing association suggested that a market solution to residential parking would be preferable to minimum standards.

Executive response - While the generality is that maximum standards should not apply to residential, specifically justified exceptions are acceptable. Minimum standards could be expected to be applicable to residential development, though again subject to justified exceptions.

Urban/Rural Split

21. Some felt that the NPPG failed to recognise levels of public transport provision outside of urban areas and Scotland's central belt. In remote and less

populated areas services are often variable and public transport accessibility is poor. However criticism of public transport provision was also levelled at urban areas.

22. After public transport concerns the most commonly raised issue was that of urban and rural split. A number of Councils with significant rural populations considered that the proposals would have an adverse impact on rural areas, and suggested that the proposals be re-examined.

23. Issues identified included lower population densities, longer travel distances, higher car ownership, basic public transport provision, and an often narrower economic base. It was felt that a nation-wide policy, which covers large high density cities with high levels of public transport and relatively short journeys, bore no relationship to the experience of rural areas with low levels of public transport and large journey distances. It would be unreasonable in rural areas to reduce parking places and expect the existing public transport network to cope.

24. It was also suggested that while strict standards are appropriate in areas with buoyant economies, economic development could be thwarted in less prosperous areas. Traffic growth was sometimes necessary for economic development, and businesses will relocate from rural areas to more accessible urban locations to the detriment of the rural economy.

25. A number of Councils recommended that further consideration should be given to variations for rural areas, and that to reflect geographical and economic diversity maximum levels should differ in cities, towns and other areas.

Executive response - The situation in rural areas is recognised. Most development in rural areas and rural settlements will be subject only to Council parking standards below the national size threshold. In addition, the provision of public car parking in small towns, not related to specific developments, is common and will continue.

Social Justice

26. The proposals were generally considered equitable. One Council suggested that parking restrictions would socially exclude those with no access to public transport while others suggested that economic impacts resulting from the proposals could have consequences for employment and therefore lead to social exclusion.

Executive response - What is important in social equity terms is to provide for those with no access to a car, and ensure that the overall transport system and accessibility to facilities does not disadvantage them.

Mode Shift

27. Some doubts were expressed as to whether the proposals would achieve mode shift. Journeys would continue to be made by car regardless of the parking available at the journey's end. Others stated that some trips could not reasonably be undertaken by any mode other than the car, the two most common examples being quantity food and bulky goods shopping. Several responses sought greater emphasis on public

transport, walking and cycling, and one party suggested that maximum standards should also be applied to cycle parking.

Executive response - Car parking standards will not of themselves achieve mode shift but in association with other measures they are a strong factor. The evidence in relation to retailing is that there is generally over-supply of car parking. It is not for this guidance to develop the walking and cycling themes; that is done in NPPG17 and other Scottish Executive documents. Given the policy climate maximum parking standards for cycles is unacceptable.

Public Transport

28. It was recognised that the introduction of maximum standards would have to be linked with improvements and investment in public transport, to improve levels of provision, quality and attractiveness. Alternative travel choices and public transport provision should be in place before parking is introduced. There was some concern over how this would be achieved.

Executive response - For developments subject to National Maximum Standards, locations should either already have a high degree of sustainable accessibility or the developer through his Transport Assessment should be required to enhance accessibility through developer contribution. There is a danger that allowing a high level of car parking on the basis that public transport is limited will create a car based development that will not support public transport when it is enhanced. If any proposed development does not work through its Transport Assessment to assist modal shift, then it is in effect contrary to policy.

Most public transport operators are willing to work with Councils and developers to serve significant new developments, particularly if a developer contribution is involved. The Scottish Executive Public Transport Fund and the Rural Transport Fund have been used to help fund many worthwhile public transport enhancements, and other funds such as Rail Passenger Partnership have been used in Scotland to good effect.

Parking Overspill

29. A significant proportion of responses raised the issue of on street parking in areas surrounding a development. There was a strong risk of developers providing insufficient car parking to keep costs down and maximise floorspace on site. The impact on residential areas was of particular concern. Some argued that minimum standards could be used to prevent uncontrolled parking in some instances, and would be appropriate for smaller developments in residential areas. Two responses believed that sharing parking across developments would be difficult to achieve.

Executive response - The possibility of a range between an underpinning minimum and the maximum is now recognised in the guidance. For developments that may impact on residential areas, Councils may wish to specify a minimum that is higher than elsewhere. The potential for more than one development to share parking provision should be easier to arrange through the system of Transport Assessments as part of the development control process.

Disabled Parking

30. A number of responses suggested that the guidance could be clearer in stating that maximum standards do not apply to disabled parking. Various responses suggested specific wording.

Executive response - The NPPG is amended to clarify that disabled parking is to be provided on top of standard provision. In addition minimum standards are set, and guidance given on enforcement.

Benefits

31. Although there was a generally positive reaction to the proposals, few responses referred specifically to 'benefits'. One Council stated explicitly that the benefits had been described adequately and comprehensively while two others stated that they considered the benefits to be overstated. A number of responses stated that the proposals would enhance sustainable development.

Compliance Costs

32. Two responses stated explicitly that the compliance costs are comprehensive, adequately described and weighted. There was very little detailed information on costs in any of the responses.

33. There were mixed responses on development effects. Less parking would bring construction costs down, and cost savings for large developments may be significant. Savings must however be set against possible lower rents if the occupier perceives there to be too little parking. This would affect a scheme's viability. One response recognised that car park areas will become available for development.

34. There was no consensus on the impact on small business. Some thought standards would be detrimental for small businesses, others that they would have little impact, and others again that they would lead to the growth of small businesses.

35. A number of groups believed there would be extra administration costs connected with the proposals. One company stated that delays from appeals and referrals could lead to increased operational costs.

36. A number of responses concerned the burden that enforcement of restricted parking might place on the police. The introduction of PCZs would have considerable resource implications, both in establishing a PCZ, and in enforcing it. The procedures for establishing PCZs could be simplified.

Executive response - The policy applies to parking on private land forming part of a development site, and enforcement is not a police issue. The police or decriminalised parking enforcers will become involved if PCZs are created, but enforcement issues here are wider than the context of parking standards in development.

37. Eleven Councils raised the issue of developer contributions. Several were concerned that without a minimum standard there would be little leverage with which to obtain commuted sums and that developers may provide no parking at all.

38. Several Councils were concerned with the implications of providing additional public transport, and many Councils were anxious about the possible loss of revenue currently received from commuted payments (these two issues are addressed previously in this report). The prospect of introducing parking restrictions was a cause of concern for many, and it was also suggested that there could be implications for development planning and development control. The issue of transport assessments and transport plans was also raised. Several Councils requested further guidance on the implementation of the proposals.

Executive response - A range between minimum and maximum is acceptable, but developer contributions should now be related to the Transport assessment, not narrowly viewed in terms of commuted sums. Guidance on Transport Assessments is published alongside this NPPG Addendum.

39. A significant number of Councils believed the introduction of parking control zones could have considerable resource implications for themselves and for the police. The procedures for establishing Traffic Regulations are lengthy and time consuming and of particular concern to smaller Councils with less experience of parking controls. It was also noted that there would be additional costs in surveying and providing additional infrastructure associated with restricted parking.

Executive Response - The issues surrounding PCZs are acknowledged as complex, but not specific to implementation in the context of maximum parking standards.

40. A third of Councils responded specifically on issues of development control. The development control process would become more complicated, more discussion with developers would be required and local Councils would become more involved in delivering the transport requirements of new developments.

41. A number of Councils believed the proposals would lead to additional demand for section 75 planning agreements. It was felt this would result in an additional administrative burden.

42. Two responses were concerned about the practicalities of reducing parking provision in the event of an extension to an existing development.

Executive response - The potential for reducing parking provision is intended to apply where a single development seeks to expand on site, in effect replacing parking provision with additional development. This situation is not uncommon in the retail sector. Potential for negotiating relationships between different sites or for sharing parking between different developments is on the basis of consensus, and not a requirement.

43. A number of responses considered that the proposals would lead to increased use of Transport Assessments and Travel Plans particularly to justify exceptions from

standards. A small number of responses were concerned that this could have additional resource implications.

44. Several responses addressed the issue of referral to Scottish Ministers. Additional referrals might cause delay, which in turn could lead to increased costs to local Councils, developers and business. Some felt that the referral mechanism introduced further complication to the planning process, and would lead to delays.

Executive response - It is not expected that the referral mechanism should be frequently used, but it is there to enable Councils to have the potential to set aside with justification the national maximum standards.

45. One Council was concerned that council parking standards would perform badly at planning appeal should fewer spaces be required than the national standard. Another Council believed it would be difficult for them to refuse applications that brought employment if there was doubt over maximum standards being backed at appeal. Any additional appeal proceedings resulting from the proposals would incur additional burdens on the resources and finances of the local Councils.

Executive response - There is no reason why Council parking standards should be treated any differently on appeal than any other material consideration. Council standards will be more robust if they have been taken through the development plan process.

Annex A: List of Respondents

45 South Ayrshire Council	Local Council
44 East Ayrshire Council	Local Council
43 Perth and Kinross Council	Local Council
42 Clackmannanshire Council	Local Council
41 Orkney	Local Council
40 North Lanarkshire Council	Local Council
39 East Renfrewshire	Local Council
38 City of Glasgow (Land Services)	Local Council
37 Scottish Retail Consortium	Private Sector Organisation
36 Glasgow and Clyde Valley Structure Plan Joint Committee	Local Council
35 Ayrshire Joint Structure Plan Committee	Local Council
34 Shetland Islands Council	Local Council
33 Glasgow City Council	Local Council
32 RICS	Professional Body
31 Homes for Scotland	Private Sector Organisation
30 South Lanarkshire Council	Local Council
29 Aberdeen City Council	Local Council
28 Falkirk Council	Local Council
27 Moray Council	Local Council
26 British Telecom	Private Sector
25 Health and Safety Executive	NGO
24 Rydens	Private Sector
23 Institute of logistics and transport	Professional Body
22 Robert Drysdale Planning Consultancy	Individual Consultant
21 Tesco's	Private Sector
20 Scottish Enterprise Edinburgh and Lothian	Private Sector
19 The Highland Council	Local Council
18 Renfrewshire Council	Local Council
17 Safeway	Private Sector
16 Fife	Local Council
15 McCarthy & Stone (Developments Ltd)	Private Sector
14 City of Edinburgh Council	Local Council
13 East Dunbartonshire Council	Local Council
12 Dumfries and Galloway Council	Local Council
11 Angus Council	Local Council
10 Civil Engineering Contractors Association (Scotland)	Professional Body
9 Strategic Rail Council	NGO
8 West Dunbartonshire Council	Local Council
7 The Garden History Society	Special Interest Group
6 Ferryhill Heritage Society	Special Interest Group
5 Faculty of Advocates	Professional Body
4 RFACS	NGO
3 SNH	NGO
2 Forestry Commission	NGO
1 Commissioner for Local Administration in Scotland	NGO