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**A GUIDE TO THE ASSESSMENT OF DEVELOPMENT
PROPOSALS AND HOW TRANSPORT ISSUES ARE
SUBJECT TO LEGAL REGULATION FROM PLANNING
THROUGH TO IMPLEMENTATION**

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A GUIDE TO THE ASSESSMENT OF DEVELOPMENT PROPOSALS AND HOW TRANSPORT ASPECTS ARE SUBJECT TO LEGAL REGULATION FROM PLANNING THROUGH TO IMPLEMENTATION

1. Introduction

This position paper was one of six commissioned by the Transport Planning Society (TPS) in February 2000 to provide an overview of key transport planning topics. The papers are not intended to provide in-depth discussions of all the detailed matters related to the topic areas, but rather to outline the key issues arising and to act as a useful summary document for developers, planners, transportation engineers and other interested parties.

This paper will discuss the key factors that are to be taken into account in the assessment of development proposals, with relation to transport issues. This will include a consideration of the planning policy and legal framework from the initial planning stages, through the planning application assessment and determination process, and on towards implementation. The main purpose of the paper is not to provide a detailed critical review of the planning procedure, but to summarise and explain its key elements to help clarify the procedure.

The importance of transport planning issues within the planning policy framework has increased significantly in the last few years. This was signified by the replacement of the Department of Transport and the Department of Environment, with a single Department for the Environment, Transport and the Regions (DETR), following the election of the Labour Government in 1997. The aim of this was to allow a more co-ordinated and integrated approach to dealing with planning and transport issues, which are central themes within the 1998 Integrated Transport White Paper (DETR).

More recently, the Government has also produced a revised Planning Policy Guidance Note 13 (PPG13): Transport (DTLR, 2001), which introduced the concept of Transport Assessments (TAs). TAs provide a new framework for the assessment of the transport implications of developments, and replace traditional Traffic Impact Assessments (TIAs). The assessment criteria to be used for TAs place a much greater emphasis on ensuring accessibility by more sustainable modes, such as walking, cycling and public transport.

These national policy shifts have therefore not only increased the significance placed on transport issues in land-use planning decisions, but have shifted the emphasis away from planning for the car.

In order to give a full overview of how the planning process operates, this paper will begin with a brief review of the planning policy and legal framework, at the national, regional and local level, before continuing with a more detailed consideration of the planning application procedure.

2. Planning Policy and Legal Framework

National Level

The key piece of planning legislation is the Town and Country Planning Act 1990 (Part 1). This provides the legal framework governing planning decisions at all levels.

The development and application of planning policy at the national level is the responsibility of the Secretary of State for the Environment, Transport and the Regions (SoS). The principal roles of the SoS include:

- ❑ Issuing departmental advice, such as Planning Policy Guidance Notes (PPGs); Regional Policy Guidance Notes (RPGs); and Circulars, which set out details of practice and procedure;
- ❑ Intervention in the Development Plan system to ensure that Plans accord with national policy guidance;
- ❑ Issuing directions to control the actions of decisions of local planning authorities (LPAs) in specific cases;
- ❑ The power to call-in planning applications to make an independent decision (particularly in contentious cases); and
- ❑ Other reserved powers to be used when an LPA is not deemed to be carrying out its statutory duties.

With regard to the way in which transport issues are dealt with at the national level, the Department of the Environment, Transport and the Regions (DETR) has issued a

number of key documents in recent years. These include the 1998 Transport White Paper and the revised PPG13: Transport.

DETR (1998) Transport White Paper

In 1998, the DETR published its Transport White Paper “*A New Deal for Transport: Better for Everyone*”. This set out the Government’s policies for the future of transport and placed an emphasis on the need for a sustainable and integrated transport system. Thus, travel by foot, bicycle and public transport were all to be encouraged. Key themes developed within the White Paper included: Public Transport Quality Partnerships; Local Transport Plans (LTPs); Road User Charging; Workplace and Non-Workplace Parking Charges; and Green Transport Plans.

Central to the White Paper, and the Labour Government’s transport policies generally, is a “new realism” which attempts to find new solutions to the problems of increasing road traffic and congestion. This has resulted in the “predict and provide” approach being replaced with a toolkit of possible measures that emphasise the need for demand management. Core elements of this new realism are: the sub-national development and delivery of policy; managing the demand for travel; increasing integration; promoting bus travel; and the development of policy through LTPs and Regional Transport Strategies (Vigar et al., 2000).

Planning Policy Guidance Notes

Planning Policy Guidance Notes (PPGs) are issued by the DETR and set out the Government’s policies with relation to various aspects of planning. This national guidance has to be taken into account by local authorities in the preparation of their Development Plans and also sets the framework for regional planning policy. PPG1 contains the Government’s general policy and principles and emphasises the need for sustainability through mixed-use development and appropriate design. The need to integrate land use and transport planning is one of the key policy objectives of the guidance. The importance of planning obligations and conditions, and Development Plans in the determination of planning applications and appeals is also highlighted. With regard to transport, PPG13 is the key piece of national guidance. Other PPGs that are

may be relevant to transport planners and engineers are PPG3: Housing and PPG6: Town Centres and Retail Developments (DoE, 1996).

DETR (2001) Planning Policy Guidance Note (PPG) 13: Transport

In line with the objectives contained within the White Paper to improve co-ordination between land use and transport planning, the DETR produced a revised version of their Planning Policy Guidance for Transport (PPG13) in March 2001. The revised PPG13 does not represent a radical departure from the previous 1994 version and is centred around the objectives of promoting more sustainable transport choices, and reducing the need to travel, especially by car. Key themes of the revised PPG13 are: location policy; parking policy; transport assessments; planning obligations; and green transport plans.

Location policy is seen as central to the entire document as it provides the key to co-ordinating land use and transport planning issues. Development location should promote sustainability through improved accessibility by non-car modes, and in turn reduce the need to travel and reliance on the car. Thus, the main focus of development should be within existing urban areas (preferably town centres) or close to public transport nodes. Location is to be given priority over achieving other objectives should any conflicts arise.

Parking policy is given much greater emphasis than in previous versions of PPG13 and, for the first time, national maximum parking standards are set out for different types of land use above certain size thresholds. However, the guidance also emphasises the need to avoid creating perverse incentives for development to locate away from town centres, or in competing neighbouring authorities, through the introduction of overly stringent parking policies in central locations.

PPG13 introduces the use of Transport Assessments (TAs) for developments over a certain size to replace the traditional Traffic Impact Assessments (TIAs). This signifies a move away from an emphasis on vehicle movements and generation towards concentrating on putting people before traffic by taking into consideration other transport modes, such as walking, cycling and public transport. Further information on the likely content of TAs is provided later in this paper.

Finally, the use of both planning obligations and green transport plans are highlighted as useful tools for promoting and funding sustainable transport choices.

Regional Level

Regional Planning Guidance Notes (RPGs) set out the planning policy and development framework at the regional level over a 20-year period. A key element within RPGs is to establish the preferred scale and distribution of new housing within the region, as well as setting out priorities for transport, the environment and economic development. RPGs are primarily advisory documents rather than statutory but they provide the basis of LPA Development Plans. The latest version of PPG11: Regional Planning (DETR, 1999), however, aims to give regional bodies greater responsibility and power. RPGs are developed by regional planning conferences or similar groups of local authorities working with the Government Offices for the Regions, in partnership with Regional Development Agencies (RDAs). In future, they are also to include regional transport strategies (RTSs), which will aim to further integrate land use and transport planning in the development process.

Local Level

A core element of the Government's new realist approach is the increased devolution of control over transport and planning to the local and regional level. This has been justified as an attempt to ensure that decisions are taken at the most appropriate level. However, it has also been seen by some as an attempt to shift the responsibility (and any potential blame) for taking politically sensitive decisions away from national government. The introduction of LTPs is an important part of this increased "localism" and provides a new framework for developing local transport policy and for procuring funding for local schemes. The introduction of the "Best Value" initiative also has a number of implications for local transport policy and how it is monitored, and means that local authorities have to ensure that they are performing effectively across all departments and in comparison with other local authorities (Vigar et al, 2000). Thus, the remainder of this section will review the local planning framework in order to highlight

how decisions are taken at this level and the important role that transport plays within the planning application procedure.

The key local statutory planning instruments are Development Plans. Development Plans are either in the form of a Structure Plan, prepared at the County level, and a Local Plan, prepared by Districts/Boroughs; or consist of a two-part Unitary Development Plan (UDP), prepared by metropolitan authorities. These plans are made in accordance with national planning guidance. PPG12 (DETR, 1999) sets out the national policy framework for Development Plans. Chapter 5 of PPG12 highlights the need to integrate transport and land use policies.

Structure Plans

Structure Plans provide strategic policies and the overall strategy for development at the County level. Key topics covered by Structure Plans include: housing; urban and rural economy; strategic transport; the environment; and minerals and waste. These Plans are usually based on a 15-year planning period and a major element is the identification of the scale of housing provision required, allocated by district.

Local Plans

Local Plans set out the more detailed policies to guide day-to-day planning decisions at the district/borough level. Local Plans are mandatory documents and are usually prepared on a 10-year basis. They consist of a written statement with a supporting proposals map setting out the detailed planning policies for the area. Section 54A of the 1990 Planning Act states that any planning application determination should be made in accordance with the Development Plan unless material considerations indicate otherwise. This indicates the primacy of Development Plans and their importance within the planning application determination process.

Unitary Development Plans (UDPs)

UDPs are effectively combined Structure and Local Plans and are used by London Boroughs and Metropolitan District Councils. Part 1 of a UDP sets out the strategic policies for the area, whilst Part 2 provides the more detailed, local level planning policies.

Local Transport Plans (LTPs)

The concept of LTPs was first introduced by the Government in the 1998 Transport White Paper and all LPAs (outside London) were required to produce a provisional LTP by July 1999, with full plans published in the summer of 2000. In London, Interim Transport Plans (ITPs) were produced by all the Boroughs. LTPs replace TPPs and cover a five-year period, setting out the local authority's programme for delivering integrated transport at a local level. LTPs include future investment plans and consider all forms of transport. The LTP is also the key tool for securing Government funding of local transport schemes, and is, therefore, essentially a bidding document. The development of such plans places a much greater emphasis on the need for sustainable and integrated transport, and any new development should take LTP proposals into account when considering issues of accessibility and transport provision.

Having reviewed the key elements of the planning framework, the development assessment process will now be discussed in greater depth, from planning through to implementation. This will begin with an overview of the planning application submission process with relation to transport issues.

3. *Submission of Planning Applications*

Prior to the submission of a planning application, particularly for major developments, a period of discussion with the LPA is likely to occur. This will help to establish the local authority requirements in terms of what evidence/documentation is needed to support the application.

With regard to the likely transport impacts of a new development, the applicant may have to provide a number of different pieces of information. These could relate to traffic generation, accessibility by a range of modes, car parking provision, access sight lines, means of access, internal road layouts, and so on. The type and extent of the information required will relate very much to the nature, scale and location of the proposed development. In the past, it was accepted practice that applications for major developments be accompanied by Traffic Impact Assessments (TIAs). These focused on the levels of traffic generation that were likely to result from a new development, and gave less consideration to the provision of access for modes such as walking, cycling and public transport.

Other information that is likely to be required as part of the planning application will include: means of access; junction layouts and sight lines; car parking provision and arrangement; internal road layouts, and so on. Local authority standards on such issues are often set out within their own design guides (usually issued at the County level). However, negotiations with the Highway Authority will help to clarify such details for each individual application. If an outline planning application is made, whereby certain details of the proposal are submitted to the LPA at a later date, transport-related issues, such as detailed junction and internal road design, may in some cases be included as a “reserved matter” and not considered as part of the initial application.

Although TAs have yet to be formally introduced, the current planning climate places an emphasis on determining modal splits and the means by which traffic generation can be minimised through measures to encourage more sustainable transport modes. Thus, developers increasingly have to demonstrate that they have provided for the needs of alternative mode users and that measures to minimise the levels of generated traffic have been considered.

Transport Assessments

A new system of Transport Assessments (TAs) was introduced within the revised PPG13. These will be submitted together with applications for major developments and will replace TIAs. The likely threshold sizes for such developments are set out below in Table 1. The DETR will be issuing a good practice guide on the preparation of TAs to

help clarify their content and role. However, it is expected that they will focus much more on people and the trips they are making, rather than on traffic levels.

Table 1: Development Size Thresholds for Transport Assessments (DETR, 2001)

USE	Threshold above which TAs are likely to be required (gross floorspace m²)
Food Retail	1000
Non-Food Retail	1000
Cinemas and Conference Facilities	1000
D2 including leisure	1000
B1 including offices	2500
Higher and Further Education	2500
Stadia	1500 seats

It seems likely that TAs will be divided into three principal sections, covering the following:

1. Location and accessibility by all transport modes
2. Impacts on local transport
3. Proposals for reducing the level of travel demand and impact of the proposed development.

The level of detail included in the first section is likely to vary depending upon the nature, size and location of the specific development and whether or not it accords with the Development Plan. Hence, developers should be encouraged to locate on sites that are allocated within the Local Plan or UDP by reducing the TA requirements for preferred sites. Where the development is proposed in locations not identified in the Development Plan, the onus is on the developer to justify their choice of site and why a preferred Development Plan site has not been chosen. The use of sequential tests, similar to that set out in PPG3: Housing, is likely to guide the assessment approach. Methods such as PTAL (Public Transport Accessibility Levels) may be used by local authorities within their Development Plan or Local Transport Plan (LTP) to indicate potential development

areas that are most accessible by sustainable modes or where developer contributions are likely to be required to improve accessibility.

A number of LPAs already employ similar approaches, including the London Borough of Hammersmith and Fulham, where the PTAL methodology was first developed and implemented. The Borough has developed a matrix for assessing employment generating land uses, that relates the number of parking spaces provided and development plot size to the level of public transport accessibility and general transport sustainability. However, there has been some criticism of such approaches as they can be seen to create perverse incentives for developers to locate in less accessible locations in order to be granted higher parking allocations. Thus LPAs need to be very careful to ensure that such criteria are employed sensibly to avoid such problems.

Likely modal splits should also be set out within this first section, together with the potential catchment zones for each mode of travel. This is particularly important for more travel intensive land uses, such as retail, offices, leisure, health and education. For housing developments, the emphasis is likely to be on accessibility to local facilities and services by sustainable modes. An investigation of existing and proposed public transport services and infrastructure should also be included in the TA.

The second section is likely to include the level of transport impacts that the development might have on the local area, taking into account any problems that may be encountered during construction and the potential impact on public transport operations.

Finally, it is anticipated that TAs would set out the developer's proposals for reducing the level of travel demand to the site and the impacts on the surrounding area. This may include minimising car parking, funding improvements to public transport, walking and cycling facilities, and so on. The developer would also need to clarify how this would be delivered i.e. through planning conditions, a planning obligation or a Travel Plan (TP) (see Section 4 for definitions and further information).

Travel Plans

In addition to an assessment of the transport implications of a new development, many local authorities already request applications for major developments to be accompanied by a TP (also known as Green Transport Plans, Green Commuter Plan, Green Travel Plan etc.). TPs are packages of measures designed to reduce the travel impacts of an organisation or site on the local area. Thus, they seek to reduce the need to travel and reduce the numbers of journeys made by motorised vehicles for both the journey to work and for business travel.

Individual local authorities should set their own targets for adopting TPs, together with information on their suggested content, within their LTP and/or Development Plans. Revised PPG13 suggests that, under certain circumstances, some or all of a TP may be made binding either through the use of a planning condition, or as part of a planning obligation. In such cases, the organisation/developer should work closely with the local authority to ensure that an appropriate TP is developed and that, where necessary, co-ordination with other local area initiatives and strategies is achieved.

PPG13 then sets out the key circumstances where the DETR considers it appropriate to require a TP to accompany a planning application. These are as follows:

- For all major developments comprising jobs, shopping, leisure and services (using the thresholds as set out for TAs in Table 1);
- For smaller developments comprising jobs, shopping, leisure and services which would generate significant amounts of travel in locations where there are local initiatives or targets set out in the Development Plan for the reduction of road traffic, or the promotion of public transport, walking and cycling; and
- Where the TP will help to address a particular local traffic problem associated with a planning application, which may otherwise have to be refused on local traffic grounds.

However, PPG13 also emphasises that unacceptable development should never be permitted simply because a TP has been produced.

Car Parking Standards

Local authorities usually set out their standards for parking provision at new developments within their local plan or UDP. The revised PPG13 provides guidance on this, by setting out recommended national maximum parking standards (which replace previous minimum standards). These standards are set out below in Table 2, and apply to the same thresholds as the TAs (see Table 1).

Table 2: PPG13 Maximum Parking Standards

USE	NATIONAL MAXIMUM PARKING STANDARDS
Food Retail	1 space per 14m ²
Non-Food Retail	1 space per 20m ²
Cinemas and Conference Facilities	1 space per 5 seats
D2 including leisure	1 space per 22m ²
B1 including offices	1 space per 30m ²
Higher and Further Education	1 space per 2 staff+ 1 space per 15 students
Stadia	1 space per 15 seats

PPG13 suggests that LPAs may wish to adopt more stringent standards than these, if appropriate.

4. Assessing and Determining Planning Applications

Once submitted to the LPA, a planning application is placed on a local register and a decision is made as to who will deal with the application. If it is a County matter, it will be dealt with by the County Planning Authority. Applications may also be called-in by the SoS for determination, particularly where major development proposals do not accord with the Development Plan. Generally, however, the planning decision will be made by the District or Borough council. This will either be done by the full council,

planning committee, area sub-committee or planning officer, depending on the type and scale of development proposal.

A period of consultation will then follow, whereby any interested parties have 21 days to comment on the proposal. This will involve any individuals or organisations that are likely to be affected by the development at the local, regional and strategic level. In metropolitan areas outside London, public transport issues are dealt with by Passenger Transport Authorities and Executives (PTAs and PTEs). Where these exist, there may be a need to consult if the application has any implications for any form of passenger transport.

In the assessment of any planning application, the principal consideration is whether or not the proposed development accords with the Development Plan. This is given legal weight through Section 54A of the 1990 Town and Country Planning Act. Additional material considerations may include: any informal policies; reference to Circulars; consideration of replies to consultations etc.

Planning Policy Guidance Considerations

With regard to transport issues, revised PPG13 contains a range of guidance relating to the types of development and locations that should be encouraged to promote more sustainable travel behaviour and patterns. Such guidance should also be taken into account by LPAs when preparing their Development Plans and in determining planning applications. Key guidance within PPG13 that should be considered when determining planning applications include the following (see Paragraph 5 of PPG13):

- ❑ Focusing major generators of travel demand in city, town and district centres and near to major public transport interchanges;
- ❑ Locating local and day to day facilities in local centres that are accessible by walking and cycling;
- ❑ Accommodating housing principally within existing urban areas, with increased densities that help to reduce travel distances;
- ❑ Locating rural area development within local service centres designated within the Development Plan;

- ❑ Using parking policies to promote sustainable transport choices and to reduce the reliance on the car;
- ❑ Giving priority to people over traffic in town centre;
- ❑ Ensuring that the needs of disabled people are taken into account; and
- ❑ Protecting sites and routes which could be critical in developing infrastructure that will help to promote more sustainable transport modes.

PPG13 contains more detailed guidance on promoting sustainable transport for different types of development land use.

PPG6 sets out a number of criteria for the location of retail and town centre developments. This contains guidelines on the assessment of new retail developments, which consist of three tests: the impact on the vitality and viability of town centers; accessibility by a choice of means of transport; and the impact on overall travel and car use. Large out-of-town shopping centres, which can generate significant levels of traffic, are discouraged by the guidance and high quality public transport links should be provided to retail developments.

Having taken into account all these different issues, a decision will be made by the relevant planning authority. The proposal will either be refused, given unconditional approval or given approval subject to certain conditions. Whatever the decision, a reasoned justification must be given, based on the relevant material considerations.

Where planning conditions are attached to the planning permission, they should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable (see Circular 11/95 for further details). Such conditions must be satisfied by the developer Paragraph 62 of the revised PPG13 sets out the types of transport conditions that may be attached to a planning permission. These include:

- ❑ Secure cycle parking and changing facilities;
- ❑ Safe pedestrian routes;
- ❑ Facilities for public transport;
- ❑ Specification of the number and size of car parking spaces;

- ❑ Management of car parking spaces;
- ❑ Removal of parking spaces after a specified period;
- ❑ Provision of information on sustainable modes for people accessing the site;
- ❑ Details on the management of deliveries to the site;
- ❑ Junction and road layouts.

In addition to planning conditions, the planning permission may also be subject to a planning obligation. A planning obligation (also known as “a Section 106 Agreement”, “planning gain” or a “planning agreement”) is essentially an agreement between the landowner and the LPA to provide additional infrastructure, facilities, funding and so on, for works that will improve the quality of the proposed development and its surrounding infrastructure. The legal framework for such obligations is set out within Section 106 of the 1990 Planning Act and further guidance is provided in Circular 1/97.

Such agreements should not, however, allow an unacceptable development to go ahead and should be directly related to the proposed development. With relation to transport issues, Section 106 Agreements may be made to procure funding for: public transport services/infrastructure; facilities for walking and cycling; certain local facilities (e.g. creches) that help to reduce the need to travel; or travel plan initiatives.

The revised PPG13 seeks to encourage greater use of Section 106 Agreements to procure funding for transport-related improvements and contains a section that recommends their use in certain circumstances to help promote more sustainable transport choices. Local targets within the LTP and development plan will help to clarify the types of local transport improvements required and it is recommended that the development plan indicates the likely nature and scope of contributions which will be sought towards transport improvements for developments in certain locations. Planning obligations should not, however, be used to secure commuted payments to provide additional car parking, not included within the original development.

There have, however, been a number of criticisms of the use of Section 106 Agreements, as they have been seen by some as a form of bribery to procure planning consent. Another argument is that payments do not always pay for improvements directly related to the development. The level of contributions expected from a

developer also varies greatly depending on the geographical area. For example, where local authorities are very keen to attract new development (i.e. in more economically depressed areas), they are less likely to require developers to pay significant contributions towards necessary transport infrastructure, due to fears that they might decide to locate elsewhere. Thus, planning agreements tend to play a more significant role in areas where development pressures are greatest, and where the LPAs therefore have a greater degree of leverage. There may therefore be a case for developing a better guidance framework at the national or regional level to ensure that the process is more transparent and less open to abuse.

Many LPAs have established more formal frameworks for assessing planning applications and their likely travel and transport impacts, against certain key criteria. An example of this is Devon County Council, which has adopted a hierarchical framework, whereby different travel modes are considered in order of priority, with walking at the top of the hierarchy, then cycling and public transport, and finally private transport. A four-step approach is then taken, which is as follows:

1. Consider the nature, size and location of development and how it relates to the surrounding area and land uses;
2. Identify the access requirements for that development and likely modal split (together with targets);
3. Review current transport infrastructure and how this meets access requirements and identify any measures required to promote non-car modes (including any TP initiatives);
4. Identify residual demand for access by private car, the likely impact on the highway and any car parking requirements.

Such an approach places much greater emphasis on walking and cycling than has been the case in the past, and there are a number of recent guidance documents that have been published dealing with such issues (e.g. IHT guidelines for Providing for Journeys on Foot, 2000).

Should a planning application be refused or if conditions are attached that are considered unreasonable, the applicant has the right to appeal to the SoS who then

passes the appeal to the Planning Inspectorate for consideration. The majority of appeals are dealt with by written representations that decide the case through the submission of an appeal form and supporting written evidence. Alternatively, an informal hearing (for smaller-scale cases) or public inquiry (for larger or more contentious cases) may be held. A final decision will then be taken by the SoS, and a decision letter will be issued. The extent to which transport issues are considered within the appeals procedure very much depends upon the nature of the planning application. However, they are likely to be most relevant for major developments and particularly those where a TIA/TA and/or TP were submitted as part of the original application.

5. Implementation and Enforcement

Having been granted full planning permission, work on the development should be commenced within 5 years. Where outline permission is granted, details of reserved matters should be submitted within 3 years and the development commenced within 2 years from the last approval of details.

Where conditions have been attached to the planning consent, the LPA has the power, under the 1991 Town and Country Planning Act, to serve an enforcement notice if such conditions are breached. However, if such a notice is not served within 10 years of the breach of condition occurring, then the development is lawful. A Breach of Condition Notice served by the LPA must specify the nature of the breach; the steps to be taken to comply; and the period for compliance. The developer may appeal against such enforcement notices. However, if such an appeal fails or if the developer does not comply with the enforcement notice, the LPA can choose to prosecute the offender; to enter the land and carry out the requirements of the enforcement notice; or to apply to the High Court for an injunction.

With regard to Section 106 Agreements attached to a planning consent, the power of the Agreement very much depends upon its precise wording. Thus, the Agreement should be prepared very carefully to ensure that, if elements of obligation are not honoured, then relevant mechanisms are put in place to rectify such omissions. Where a TP forms part of the planning application, it can be useful to include the key commitments of this TP within a Section 106 Agreement. This ensures that the developer is legally bound to

implement the TP and to take remedial action should any elements of the TP be ineffective/unimplemented. The Section 106 Agreement for a TP should ensure that regular monitoring of the effectiveness of the TP be undertaken, together with any necessary review of the TP's content.

An example of how a Section 106 Agreement can be enforced, is the planning package agreed between Oxfordshire County Council and the retail developer Bicester Village. In exchange for planning consent to expand the retail park, the developers agreed to fund a transport improvement package worth £1.5m, which included a payment towards boosting the rail frequency between Oxford and Bicester. The Section 106 Agreement contained a clause whereby the developer will pay fines on a sliding scale if traffic flows increase above current levels, with any fine revenue ringfenced for public transport improvements. However, in practice, Section 106 Agreements are often very difficult to monitor and enforce, and LPAs should take this into account when considering their use.

6. Conclusions

The purpose of this paper was to provide an overview of the planning process with relation to transport issues. In recent years, there has been increasing recognition of the fact that there needs to be much greater co-ordination between land-use and transport planning, if issues such as traffic growth and congestion are to be tackled effectively. This improved integration has been a key feature of the Labour's Government "new realist" approach. It can therefore be seen that transport issues are becoming increasingly important factors in the determination of planning applications, and there is a particular emphasis on developers to show that more sustainable modes, such as walking, cycling and public transport are promoted and that journeys made by car are minimised. This emphasis is highlighted within the Transport White Paper (DETR, 1998), the revised PPG13 (DETR, 2001), the new Transport Assessment approach, and by the increasing importance placed travel plans.

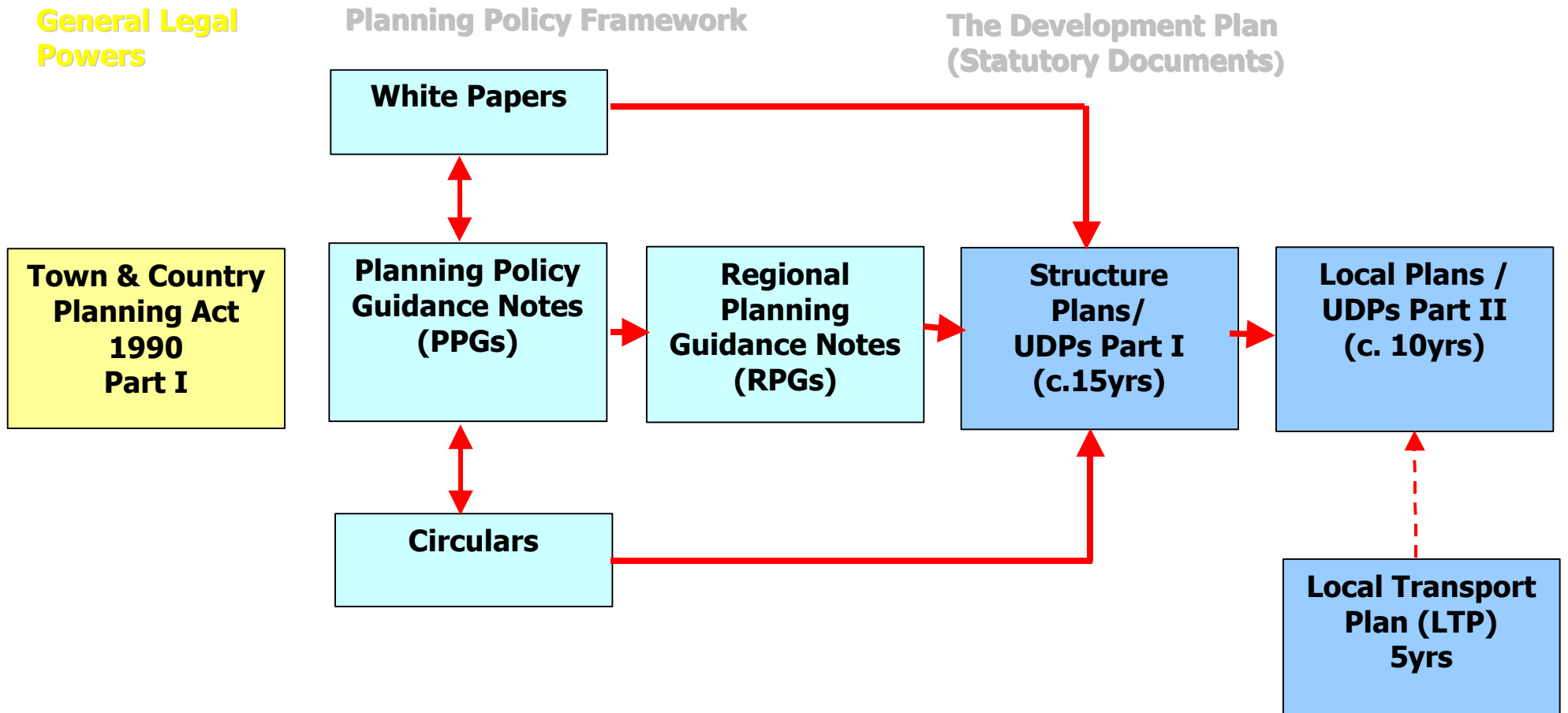
One of the key barriers to achieving such co-ordination is the continuing divide between engineers and planners and the departmental separation of land-use planning and transport within local authorities. Thus, highways engineers, have traditionally had only a basic understanding of the planning system, whilst land-use planners have little

knowledge of detailed transport engineering issues. Although this division is beginning to be broken down, there is still a need for much greater levels of co-operation between the two professions. This requires a better understanding of the relationship between transport and planning in terms of policy and legal frameworks.

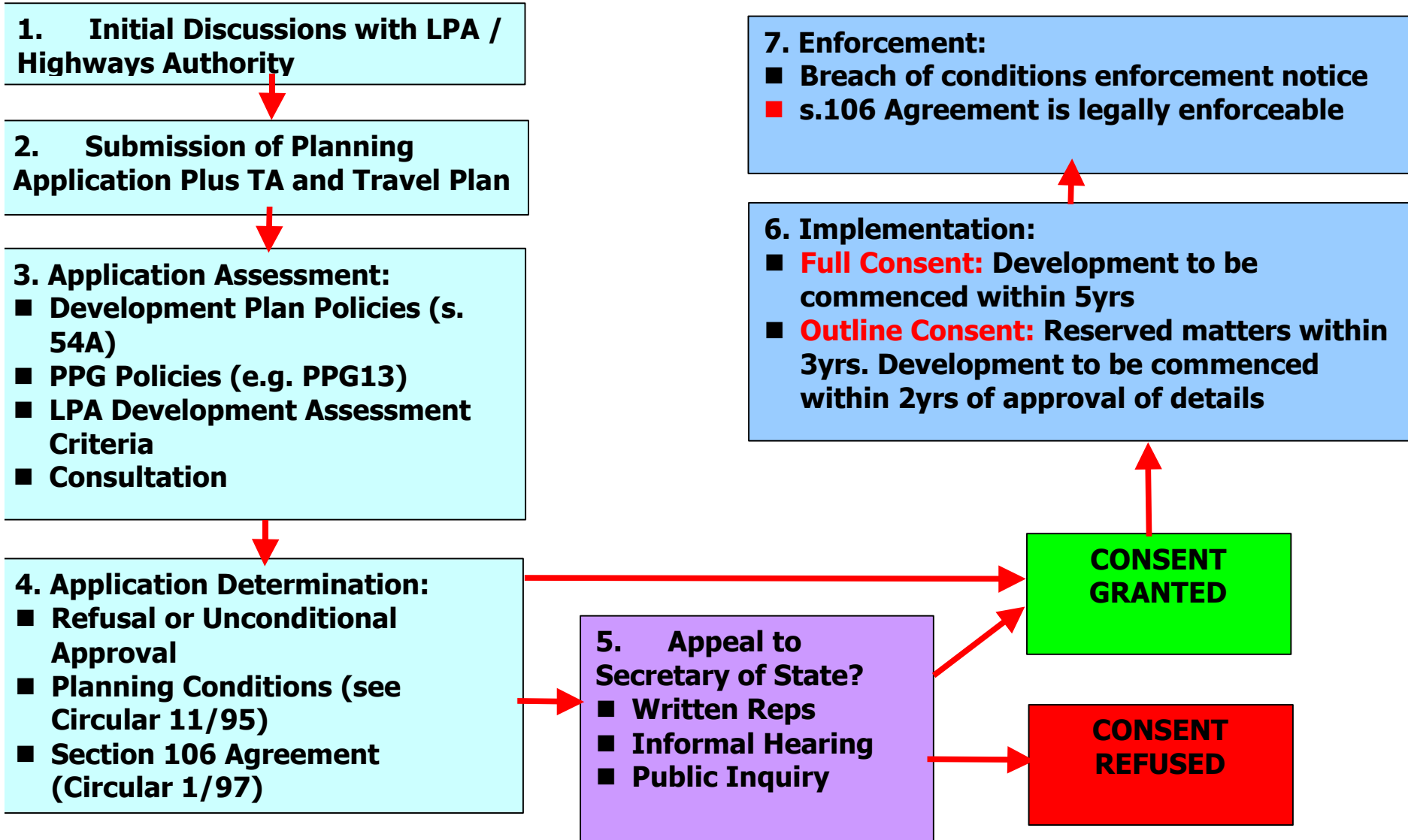
Thus, the aim of this paper was to provide a step-by-step guide through the planning application procedure and legal regulatory framework and summary flow diagrams are attached at Appendix A, setting out the planning policy framework and the application procedure. It is therefore hoped that this report will clarify the planning process and help to reduce the disciplinary and knowledge barriers that exist between planners and engineers working within the field of transportation.

APPENDIX A: SUMMARY FLOW CHARTS

Planning Policy Framework



Planning Application Procedure



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