Local Transport Plans

A response by CPRE to the DfT's consultation on Draft Guidance
April 2009

Summary

1. There is much to welcome in the draft guidance including the recognition of the need to look across geographical boundaries; the advice to separate policy from implementation plans; and the identification of integration of transport and land-use as critical.

2. However, we are concerned about the legislative and policy framework that sets out a 'new relationship', which gives the DfT almost no power to influence individual Local Transport Plans (LTPs). This is likely to mean that a reduction in carbon emissions and integration of land use and transport remain aspirations rather than reality.

Recommendations

3. CPRE recommends the following measures:

- New framework of light-touch regulation, crucially including the power for DfT to order the rewriting of LTPs that are not in general conformity with development plans or do not deliver significant carbon reductions; this is particularly important in relation to delivering carbon emissions and tie-in with Local Development Frameworks (LDFs) and Regional Strategies;

- Build the Carbon Reduction Strategy into LTP guidance rather than having it as something else that needs to be referred to;

- Consult on new indicators to be integrated within the DaSTS challenges matrix and cover issues such as roadside clutter, traffic intimidation, land-use and transport integration, and tranquillity; change congestion indicators in order to promote as opposed to marginalise physically active travel;

- Update Network Management Duty guidance to incorporate Smarter Choices and a greater emphasis on modal shift so as to ensure it does not conflict with Delivering a Sustainable Transport System (DaSTS) goals such as tackling climate change, and improving quality of life;

- Update Policies and Best Practice Handbook to fill current gaps, particularly on rural transport and land-use integration issues; base it on tags and keywords rather than headings and include good and bad case studies that are scored across DaSTS goals;

- Produce guidance with CLG on integrating transport and land use planning, as exhortations to do this are not enough by themselves;

- Give a new emphasis on and funding for training to execute a change in gear for transport – far more cost-effective than putting money into schemes that are based on out of date assumptions and that fail to deliver accessibility and low carbon prosperity.
Introduction

4. The Campaign to Protect Rural England (CPRE) welcomes the opportunity to comment on the consultation on Local Transport Plan draft guidance. CPRE has existed since 1926 and seeks to promote the beauty, tranquillity and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country. CPRE has over 62,000 members and supporters and has branches in every county in England.

5. CPRE nationally has been a leading voice on transport policy for decades and at a local level has probably had more involvement in responding to Local Transport Plans than any other environmental organisation. In particular, we have highlighted the need to integrate transport and land use planning, for example in our report Back Together Again (2004), as well as the need to rural-proof transport policy, as in our joint report Rural Transport Policy and Equity (1998).

6. The Department for Transport's consultation on its future strategy, entitled Delivering a Sustainable Transport System (DaSTS) and issued at the end of 2008, set out five goals for the transport system: to support economic growth; to tackle climate change; to contribute to better safety and health; to promote equality of opportunity; and, to improve quality of life and the natural environment.

7. Local Transport Plans (LTPs) are the foundation of transport policy and implementation, as almost all trips will start or end on links that are controlled at the local level. The central question for the draft guidance – and indeed the new relationship it proposes to create between the DfT and Local Transport Authorities (LTAs) – is the extent to which it will help or hinder delivery of the five goals set out in paragraph 6 above.

A New Relationship?

8. The most fundamental change proposed by the new guidance is that the DfT will no longer assess LTPs, impose mandatory targets or require submission of formal monitoring reports. Instead it is suggested that accountability and standards will be maintained by:

- Comprehensive Area Assessments and Local Area Agreement targets;
- Liaison with the DfT including meetings and support structures, including best practice sharing groups;
- Accountability to the local community, such as through the electoral process.

9. The current system of central control does contain a degree of over-regulation and an unnecessary level of bureaucracy that at times hinders LTAs in delivering their transport objectives. However, the new relationship will result in a lack of accountability and lack of co-ordination. Individual LTAs may seek to 'pass the buck' when it comes to reducing carbon emissions from transport or opt out of regional co-ordination to manage demand for road space, for example by cutting back supported bus services to reduce council tax bills.

10. Indeed, the new relationship proposed sits oddly with the regime set out in Part 2 of the Traffic Management Act 2004, created in order to secure the compliance of LTAs with the Network Management Duty created in section 16 of that Act. Through this, the DfT has the power not just to issue intervention notices and orders but also for Traffic Directors to be parachuted into LTAs to exercise their powers so as to ensure that the traffic movement is 'expeditious'. Although these powers have not yet been used, they have a significant chilling effect on the exercise of discretion by LTAs. There are many examples of transport schemes
being scrapped because of fears that they would affect flows of private motor traffic and hence, in the views of officers involved, 'break the law'.

11. It might be argued that this has now been balanced by the duty in section 108(2ZB) of the Transport Act 2000, inserted by the Local Transport Act 2008, requiring LTAs to 'take into account' or 'have regard to' Government policy including that relating to climate change. Yet LTAs could simply satisfy this vaguely worded duty by 'box-ticking' or 'cut-and-pasting' a reference to policy even if it is then effectively ignored. For these reasons, this new duty is not a substantive duty that is at all likely to be able to form the basis of a legal challenge, i.e. a judicial review, or have a significant effect in practice.

12. It is helpful to contrast the intervention powers with the goals of DaSTS: while there would be a power to require LTAs to tackle congestion, falling under the first goal relating to economic development, there would be no power to require LTAs to tackle other issues, in particular climate change. This does not make sense. The result is likely to be that the vast majority of LTAs continue to place their overarching emphasis on providing for increases in motor traffic rather than reducing carbon.

13. Paragraph 37 of section 3.10 of the draft guidance states that 'The Department may take into account the overall quality of an authority’s LTP, and of its delivery, where this is relevant to its decisions.' While DfT decisions as to capital spending may have some influence, this is far from sufficient.

14. CPRE believes it is imperative that there is a reserve power for the DfT to be able to reject parts of LTPs and order them to be rewritten, such as where an LTA refuses to update its LTP despite major changes to relevant policy being implemented, such as a new Regional Strategy or National Policy Statement.

15. Such a power could be triggered by an LTA’s failure to be in general conformity to Government policy (as per s.108(2ZB) but strengthened), Regional Strategies (including those of a neighbouring region where relevant) and LDFs of its neighbours when formulating its LTP and deciding whether or not to update it. This power need not be used much if at all, as its mere existence would assist greatly with negotiations between the DfT and LTAs. This power could be contained within the final statutory guidance on LTPs so would not require new legislation.

**Carbon Reduction: the Missing Piece in the Jigsaw**

16. Transport remains the fastest growing sector for carbon emissions and, in light of the statutory obligation to set and meet carbon budgets at the national level, it is clear that a change in direction in transport policy and delivery is urgently required. The draft guidance makes reference to the DfT's delayed Carbon Reduction Strategy (CRS), now due to be published some time in summer 2009, without public consultation. This delay is a matter of concern due to the importance of the CRS to LTPs and the difficulty in making a meaningful response to this consultation in its absence.

17. It remains unclear how the CRS will fit in with the final version of the LTP guidance, and in particular whether the guidance will simply refer to the CRS as another document that ought to be looked at or if it will be properly integrated. What is clear is that the new relationship proposed by the DfT will give it limited if any ability to require emission reductions by LTAs so as not to use up future carbon budgets. Furthermore, it will be difficult to monitor progress as:
• The relevant indicator (NI 186 – Per capita reduction in CO2 emissions in the local authority area) is optional and the majority of local authorities do not include it in monitoring:

• The indicator covers a wide range of emissions from different sectors, and national measures, such as increases in motor vehicle efficiency standards and reductions in speed limits, are likely to make it difficult to identify the impact on emissions of individual LTAs’ policies for the DfT, let alone the general public.

18. The fact that emissions from road traffic on motorways but not trunk roads are excluded may lead to authorities lobbying to have the latter upgraded to the former even though a substantial proportion of traffic on either type of road is local.

19. A situation where local authorities could use up national financial budgets and spend freely, in most cases without even monitoring expenditure, would not be tolerable or indeed tolerated. CPRE believes that the same standards should apply to carbon budgets, and would welcome the opportunity for further consultation on the integration of the CRS with the LTP guidance, in particular issues relating to data indicators and monitoring as well as allocation of carbon budgets between LTAs.

**Transport Targets**

20. The National Indicator Set includes ten transport targets for Local Area Agreements, and these are for three year periods. CPRE welcomes the use of LAA indicators as they help make local authority performance comparable and transparent.

21. We expect that, during the lifetime of the guidance, the use by the media, civil society and wider public of such data will increase, especially on-line, for example through ‘data mashups’ and ‘overlays’ on on-line maps. It is therefore vital that there is a standard range of additional indicators for LTAs to opt into in order that they are comparable. However, the draft guidance suggests that LTAs set themselves additional targets and indicators, which would be on an individual and probably uncoordinated basis. This would represent unnecessary duplication, both for LTAs in terms of drafting and statutory agencies and NGOs such as ourselves in terms of consultation.

22. We believe that the DfT should consult, in tandem with other departments as appropriate, on a wide range of new standard indicators, which should be grouped in the challenges matrix in DaSTS, although some are likely to feature in more than one. This would not preclude LTAs drawing up their own targets, but this would not be common. New standard indicators are needed for: households within a ten minute walk of a car club; proportion of rural areas covered by Demand Responsive Transport; impact of transport on tranquil areas (covering both noise and visual impact); alignment of land use and transport plans; integration of transport across authority boundaries, and reduction in signage clutter.

23. A target for non-conventional public transport in rural areas is important, as conventional indicators and targets are often not appropriate. For example, the Government’s ‘bus availability indicator’ of being within a 13 minute walk of an hourly bus service is unlikely to be appropriate in a deep rural area where only Demand Responsive Transport is likely to be viable, and where such a walk may in fact be along a winding road with fast moving traffic and no pavement. NI 178 (Bus services running on time) would similarly be of limited use.

24. While cross-boundary journeys only make up a small proportion of all journeys and so have a limited effect on overall statistics, for those living or working near an authority border it can be frustrating to have a fragmented public transport or Rights of Way network, necessitating long detours. A way of measuring integration across borders would be helpful.
25. A problem with the indicators is that the timescale is too short for some issues. It is particularly the case that, in relation to integrating transport land-use planning, benefits from improving policy and delivery will take years to accrue. Longer term target setting, predictions and monitoring will be essential.

**Congestion and Network Management**

26. There is an urgent need for indicator NI 167 (congestion) to be refreshed. At present it ignores non-motorised modes and, outside ten major urban areas, passenger numbers of different types of vehicles such as buses. In other words, rather than counting people it counts motor vehicles. Although in theory section 31 of the Traffic Management Act 2004 defines ‘traffic’ as including pedestrians, the effect of this indicator is that people walking and cycling are not counted in practice. Schemes to reallocate road space and signal time to improve conditions for those walking or cycling along or crossing important routes (or routes linking into them) are therefore less likely to proceed.

27. There is a similar need for the statutory guidance for the Network Management Duty to be refreshed to cover Smarter Choices, greater promotion of modal shift and accurate monitoring of non-motorised users so as to give sustainable transport modes a comparative advantage. For example, paragraph 96 of that guidance suggests that congestion is caused by ‘insufficient junction capacity or width of carriageway to cope with the demand’; in fact, it may well be caused by poor conditions for sustainable modes and poor, inefficient land use.

28. Section 4.13 of the draft guidance on mandatory plans and duties should include the Road Traffic Reduction Act 1997 and explain its requirements. Since technology alone will not be enough to reduce carbon emissions from transport, there will also be a need to reduce road traffic in many areas.

**Funding**

29. Section 3.5 on Funding should encourage use of parking charges that not only raise revenue but also manage demand and can help create denser, more walkable neighbourhoods. Such charges include on-street Pay & Display, Residents’ Parking Zones and Workplace Parking Levies. In addition new funding streams, such as decriminalised enforcement of moving contraventions, should be listed. Further guidance on the viring of Regional Funding Advice to Local Transport Plans, as the Yorkshire and the Humber Region has requested, should be included.

**Spatial Planning**

30. DaSTS recognises the important relationship between transport and land-use planning and the urgent need to join up the two in practice. The draft guidance attempts to put this into practice; for example at paragraph 23 in section 3.7 it states: ‘It will be essential for LTPs to be closely aligned with Local Development Frameworks. In two-tier areas, counties should work closely with districts to ensure alignment between LDFs and LTPs.’

31. The need to join up transport and land-use planning has long been recognised: for example, since 1994 Planning Policy Guidance note 13 (transport) has stressed the importance of 'reducing the need to travel'. Yet in practice this is given token value. Matters are becoming increasingly complicated with the creation of new unitary authorities, Integrated Transport Authorities, proposals for LTPs to be split such as by being based on travel-to-work areas and Multi Area Agreements. It is far from credible to expect further exhortations alone to be likely to be effective in this increasingly complex landscape.

32. The DfT is proposing to draft guidance with Natural England on the alignment of LTPs with Rights of Way Improvement Plans (RoWIPs) to assist LTAs with this task. CPRE
believes that similar guidance is clearly needed to help LTAs and Local Planning Authorities integrate their LTPs and LDFs, as well as the above mentioned power to order rewriting of LTPs that are not in general conformity with relevant development plans.

33. Further, the scope of LTPs is defined in 4.2 as ‘covering all of an authority’s policies and delivery plans relating to transport’. There is a compelling case for this definition to be extended so as to include policies and plans relating to accessibility.

34. An indicator for ‘spatial efficiency’ – maximising the use of land while minimising travel – would be useful to measure integration of LTPs with LDFs, as actual development resulting from the two can take years to be implemented. LDFs should be required to reflect the aims and priorities of the LTP. In turn, however, the LTP will need to reflect the aspirations of the LDF. A key stage in the preparation of new LTPs should include drawing together the different LDFs in the area to assess how their transport needs can be met. It will also need to provide a strategy for managing demand and traffic congestion at the sub-regional level.

**Developing LTPs**

35. We very much welcome the clear guidance in section 4 that explains the process recommended by Eddington as to how to develop strategy and priorities. Although DaSTS clearly states that ‘We cannot simply extrapolate current trends, as the reversal in the long-term decline in rail demand over the last ten years shows’, the guidance here fails to take account of this and instead focuses on existing trends and circumstances. A ‘plan, monitor, manage’ approach should be followed as opposed to ‘predict and provide’.

36. There needs to be reference to the different types of rural areas in paragraph 26. Some rural typologies are simple, for example commuter/intermediate/remote (see [http://www.scotland.gov.uk/Publications/2003/06/17457/22689](http://www.scotland.gov.uk/Publications/2003/06/17457/22689)) while others are more complicated (e.g. [http://www.cfit.gov.uk/docs/2001/rural/rural/seminar/pdf/seminar.pdf](http://www.cfit.gov.uk/docs/2001/rural/rural/seminar/pdf/seminar.pdf)) but it would be useful to have references for LTAs that include rural areas.

37. We welcome the advice in paragraph 28 to ‘compare policies and packages of options, not just individual schemes’, as alternatives to road based schemes will often involve a range of infrastructure for other modes as well as soft measures. However, this should be clarified to make it clear that individual schemes should not be justified by being in a larger package and their individual impacts should be modelled. There has been a tendency during the second round of the RFA for regions to justify car-based elements of packages by saying that the overall package is desirable. For example, the overall benefits of the Bath transport scheme, which includes a massive increase of Park & Ride on sensitive sites, has been used to justify these controversial aspects, while the Norwich Northern Distributor Road has been pushed as essential for ‘ring and loop’ traffic management in the city centre without modelling to show why this is the case.

38. The list of possible options underneath each DaSTS goal is not helpful as many of the options would satisfy more than one goal: a matrix would be better and would encourage an end to silo schemes that are only oriented to one mode or issue. Eddington’s classification of transport networks called the lowest tier ‘City and Regions’, a phrase that suggests major routes. There needs to be clarification that this tier includes everything upwards from local transport, including Rights of Way and community transport.

39. The section on appraisal needs to be strengthened, and to include dealing with uncertainty such as through different future scenarios. Options that perform best across a range of different scenarios, such as for higher oil prices and further increases in carbon reduction targets, should score highest.
Supporting Measures

40. We welcome appendix B detailing supporting measures. CPRE believes that a step change in local transport is needed in order to tackle negative trends, in particular rising motor traffic levels, carbon emissions and obesity rates. While there are many good schemes across the country, the overall picture remains bad.

41. There is a major need for training, especially of consultants if their use is to remain so widespread. Without this, much policy and delivery, and many schemes, will remain of dubious benefit and poor value for money. The need for skills to improve conditions for walking and cycling is especially pressing, while there should also be a new emphasis on cross-department and cross-issue working.

Policy and Best Practice Handbook

42. We very much welcome the bringing together of policy and best practice for local transport into a single on-line reference that can evolve. However, the draft format is essentially a paper document transposed into a web page and, not taking advantage of what could be done by its being on-line, is not easy to refer to. It would be much better to use a Content Management System tag with each document referred to with keywords, so that those referring to it could create their own list of relevant documents using tags and dates, rather than having to scroll through an ever growing list.

43. There are a number of particular issues:

- Design: this could be merged with the ‘quality of public spaces’ heading but rural issues are left out: it needs to include rural design (other than building new roads) and reducing clutter;
- Freight: this should include rail and water as well as Lorry Control Zones and break-bulk centres;
- Funding: options for revenue funding should be included, such as a link to information on Workplace Parking Levies, and a link to guidance on Regional Funding Advice;
- Rights of Way (RoWs): should be separate from rural issues and include information about RoWIPs, including integration of RoWs with Quiet Lanes, Safe Routes to Schools and Stations;
- Rural issues: policy and best practice for rural areas is lacking and needs to be increased substantially to include information about public transport for rural areas as well as travel planning, such as through Village or Parish Travel Plans;
- Missing: topics such as car clubs, car sharing, community transport (going beyond the new legal regime to how to make it work) and Demand Responsive Transport ought to be included.

Consultation Questions

Our responses to the specific consultation questions are set out beneath them. We would be pleased to meet DfT officials to discuss the draft guidance and the policies handbook, in particular the rural section.
• **Is it clear what is required of LAs in producing an LTP, bearing in mind the changing nature of the relationship between central and local Government as discussed in the guidance?**

It is reasonably clear but there needs to be more work done on common indicators to go beyond the LAA indicators.

• **Does the guidance strike the right balance between brevity and giving support to authorities in developing plans?**

More detail is needed in relation to integration with land use, though this could usefully be contained in an annex. Guidance itself must be supplemented by improved training and standards, not just for the public sector but also, where used, private consultants.

• **Does the approach to the Policy Handbook work, including having a web-based version that can be updated?**

It does not work well and would be improved with key words.

• **Is the guidance clear and understandable to a non-transport audience?**

It is clear but a summary of the guidance, as proposed in the introduction, would be particularly useful. The new approach to option generation in DaSTS, as opposed to the ‘shopping list of schemes’ that officers, members and indeed the public frequently have to contend with, is particularly important and should be explained in a simple summary.

The current numbering of the draft guidance is not helpful as ‘paragraph 7’ could mean various paragraphs in the document: it would be easier to refer to it as 3.3.1, for example, rather than having to say paragraph 7 of section 3.3.

CPRE

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