

Planning Policy Guidance Note 13 – Transport

Introduction

The Government has expressed its intention to review all existing Planning Policy Guidance Notes (PPG's) and Mineral Planning Guidance Notes (MPG's) and replace them with Planning Policy Statements (PPS's). It aims, through this review, to seek much greater clarity in the expression of planning policies and to describe them much more in terms of objectives and outcomes to be achieved. The intentions of this review were noted at paragraph 18 of the ODPM document 'Sustainable Communities – Delivering Through Planning' published in 2002, which stated that: -

“We will seek to reduce the volume of guidance and increase its clarity; we will prescribe less policy at the national level and ensure that PPS's are more concise, clearer and better focussed on the implementation of policy objectives”.

PPG13

PPG 13 was published in 2001 and is the third guidance note on the integration of the land-use planning system and transport. The objectives are noted in Paragraph 4, which states that: -

“The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to....promote more sustainable transport choices for both people and for moving freight...”.

The guidance also provided, nationally, a basis for local planning authorities to protect sites deemed essential for sustainable transport. This postdates, in terms of planning policy, the formal safeguarding of wharves on the River Thames, which was provided through an annexe to Regional Planning Guidance Note 3, published in February 1997. Paragraph 6 states that: -

“In order to deliver the objectives of this guidance, when preparing development plans and considering planning applications, local authorities should...protect sites and routes which could be critical in developing infrastructure to widen transport choices for both passenger and freight movements...”.

In our view the crucial element of PPG13, and therefore the guidance we would like to be clarified and strengthened through this review, is that relating to the safeguarding of sites and routes included at Paragraph 45. This paragraph provides detail and clarity as to how the objective in Paragraph 6 will be implemented and states that: -

“The Government has set out its policy framework on freight in its Sustainable Distribution Strategy (March 1999). While road transport is likely to remain the main mode for many freight movements, land use planning can help to promote sustainable distribution, including where feasible, the movement of freight by rail and water. In preparing their development plans and in determining planning applications, local authorities should:

- *identify and, where appropriate, protect sites and routes, both existing and potential, which could be critical in developing infrastructure for the movement of freight (such as major freight interchanges including facilities allowing road to*

rail transfer or for water transport) and ensure that any such disused transport sites and routes are not unnecessarily severed by new developments or transport infrastructure. In relation to rail use, this should be done in liaison with the SRA which is best placed to advise on the sites and routes that are important to delivering wider transport objectives;

- *promote opportunities for freight generating development to be served by rail or waterways by influencing the location of development and by identifying and where appropriate protecting realistic opportunities for rail or waterway connections to existing manufacturing, distribution and warehousing sites adjacent or close to the rail network, waterways or coastal/estuarial ports; and*
- *on disused transport sites consider uses related to sustainable transport first, before other uses.”*

It is worth noting that whilst the Strategic Rail Authority is specifically noted within the guidance as being the appropriate organisation to advise on strategic sites and routes, there is no comparable advice on waterway authorities and organisations.

More detailed advice on this issue is provided in Annex B of PPG13, entitled ‘Planning for Transport’. Paragraph 10 relates to ports and shipping and states that: -

“Government policy on ports and shipping is set out in the Transport White Paper, with more detail in Modern Ports and in British Shipping: Charting a New Course. Local authorities should, where appropriate, work with the ports and shipping industries when preparing development plans and dealing with development proposals, taking account of RTS’s. They should aim to promote the role of ports in sustainable distribution, by encouraging good access by rail, shipping and waterways as well as road where possible, and by promoting interchange facilities and wharves and harbours where viable.”

Paragraph 13 of the Annexe provides specific guidance on the promotion of freight on the inland waterway network. It states that: -

“Government policy on the transport use of inland waterways is set out in the Transport White Paper and is developed in the Government’s policy document Waterways for Tomorrow (June 2000). Local authorities should work with all those concerned in the inland waterways industry - British Waterways (BW) and other navigation authorities, private operators and the voluntary sector concerned with restoring currently disused waterways - to develop the potential of inland waterways. In drawing up development plans and determining planning applications, they should seek to re-use disused wharves and basins, to retain boatyards and other services used in connection with water-based recreation, and to protect and enhance the waterway environment, where these are viable options. BW, the Environment Agency and the Association of Inland Navigation Authorities can provide local authorities with information on waterways.”

The extant PPG13 provides a good attempt at promoting the transport of freight by water. It clearly (and rightly) identifies that the preservation of riparian sites is fundamental for maintaining the integrity of freight networks. Paragraph 45 sets out a reasonable (albeit general) framework for protecting these sites, and the guidance in Annex B is sound (although rarely followed at a local level). However, and whilst acknowledging that it is only guidance and not prescriptive, the guidance is not sufficiently detailed to ensure appropriate implementation at the local level.

How successful has it been as a planning tool in increasing or even maintaining current volumes of freight carried on the inland waterways? It was issued in March 2001 and as

such it may be a little early to judge, although it must be noted that with some exceptions on particular waterways the total volume of freight carried on inland waterways has been declining steadily for a number of years. There is clear evidence that wharves have been and continue to be lost on the inland waterways, particularly in conurbations and areas of high development pressure.

The evidence from safeguarding on the River Thames in London suggests that local planning authorities tend to disregard the guidance to protect riparian freight wharves within PPG13 and consequently wharves are still under considerable pressure for alternative development. This pressure has been resisted through both a system of wharf safeguarding which is strong and effective and a strong strategic planning tier supporting water transport. There is no reason to suggest that such an approach should not provide the same results elsewhere, notwithstanding that the approach on the River Thames has been formulated on the basis of a statutory system of safeguarding.

The problem may well not be with the wording of policies in PPG13, but a more inherent problem with planning guidance in general. Decisions to retain wharves are usually made in pursuance of strategic planning reasons. There is often little immediate benefit, in terms of the local planning authority's position, in the retention of wharves at the local level, and the issues associated with the amenity with other, usually higher value uses. Guidance within PPG's policies invariably, at the local decision making level, do not seem to provide the same 'weight' as development plan policies. Consequently, and without strong development plan support for the protection of wharves, planning policy guidance can be disregarded.

Sea and Water's suggestions for PPS13

In order to strengthen the policy, it is suggested that an criteria approach, based on the assessment of a site's viability for freight handling, be included within PPS13, comparable to the approach taken within the London Plan (the new regional plan for the capital), published in February 2004. Such an approach would enable an appropriate assessment of wharfage to be undertaken as part of the statutory development documentation (and subsequent safeguarding provided as part of the LDD), and should ensure that only sites that can feasibly be used for cargo handling will be protected (and therefore prevent the blighting of sites that have no viable future).

An assessment should be combined with a strong policy presumption against the redevelopment of any sites that are capable of handling waterborne freight unless it can be demonstrated that the site is no longer viable or capable of being made viable for cargo handling. We would suggest the following as being appropriate within any revised PPS13: -

“Local & Regional Planning Authorities should protect sites for freight-handling uses, such as inter-port or transshipment movements and other related purposes, together with important related infrastructure. The redevelopment of sites should only be accepted if it is no longer viable or capable of being made viable for cargo-handling. Development next to or opposite sites that are viable or capable of being made viable should be designed to minimise the potential for conflicts of use and disturbance.”

It would also, in our view, be appropriate for any new transport PPS to include a range of suggested criteria for assessing the viability of a wharf. Within the London Plan, the following criteria are used and these would appear to provide an appropriate framework for the assessment of wharf viability: -

- *the site's size, shape, orientation, navigational access, road access, rail access*

(where possible), planning history, environmental impact and surrounding land use context

- *the geographical location of the site, in terms of proximity and connections to existing and potential market areas*
- *the existing and potential contribution that the site can make towards reducing road-based freight movements*
- *existing and potential relationships between the site and other freight-handling wharves or land uses*
- *the location and availability of capacity at comparable alternative sites, having regard to current and projected capacity and market demands*
- *in the case of non-operational sites, the likely timescale within which a viable cargo-handling operation can be attracted to the site, having regard to the short-term land-use policy, and long term forecasts of waterborne trade.*

Annexe B to PPG13 states that local planning authorities should work with all those concerned in the inland waterways industry to develop the potential of inland waterways. The strategic nature of the network means it is not appropriate just to consider wharfage on a local basis.

We would therefore also recommend that PPS13 should also require all the regional assemblies or authorities, in partnership with relevant navigation authorities and subject to consultation, to undertake an assessment of the capacity and demand of their waterways to transport cargo and recommend the protection of sites necessary to meet identified demand. This strategic study should, following completion, be fed into decision making at the local level within the new local development document process.