

Case Study 1 Using local planning guidance to deliver LES objectives.

Summary

Spatial planning policy is a crucial mechanism for delivering low emissions strategies¹ and their objectives, and a number of the 2009 Peer Group Projects wanted to develop low emission strategy Supplementary Planning Documents (SPDs) to address this agenda. Whilst progress has been made by a number of the Peer Group authorities towards the publication of an SPD, others have modified their approach. In some cases the idea of a 'bespoke LES SPD' has been altered in favour of enhanced LES guidance being used in revising existing SPDs (on air quality or travel choice) or in other forms of guidance (e.g. non-statutory guidance approved by Planning Committee).

A crucial success factor is ensuring appropriate co-ordination with the development plan (DPD) timetable. It is important that the relevant air quality 'policy hooks' are in place in an appropriate DPD (e.g. the Core Strategy), otherwise an SPD is inappropriate, however in practice hooks of varying relevance will exist and political will can be exploited to push for an LES approach. Other success factors include: ability to build on earlier air quality guidance already in place; a stepping stones approach; fostering strong internal relationships between relevant officers: gaining Member support: using external help and support; being opportunistic (e.g. using high profile local planning cases); using national and EU policy and targets: highlighting the benefits (e.g. income generation from S.106); and integrating climate change and AQ.

One of the key challenges was the perceived impact extra requirements/ contributions may have on local regeneration. In many cases it was recognised that SPDs actually make things easier for developers by clearly setting out expectations and requirements. SPDs no longer require sustainability appraisal, but the lengthy process remained a concern. Some authorities were waiting for the national SPD template/guidance to be issued. Others have suffered from considerable time consuming debate and discussion about the best way to address LES objectives through the planning process. Finally, it was noted that this is not an 'either/or' situation in terms of having an SPD: progressive iterations of LES guidance can be successful and if approved by Planning Committee can carry an amount of weight in planning terms and lead eventually to an SPD. In this sense, some authorities had benefitted from adopting a 'doing' rather a 'talking' approach. Taking opportunist action such as pursuing interim guidance can be a useful option rather than becoming bogged down in debates about 'the perfect LES SPD'. This also allows for the reality check/learning curve to take place naturally.

1. Background

Low emission strategies are commonly delivered through the spatial planning system. In addition to the inclusion of relevant LES policies in key development plans (e.g. Core

¹ Low emission strategies provide a package of measures to help mitigate the transport impacts of development.

Strategies), local authorities can provide further guidance on their LES approach through Supplementary Planning Documents (SPDs).

SPDs are documents that sit under the Council's main planning documents such as Core Strategies: they help provide further guidance about how policy may be implemented². As such, they are a useful mechanism to strengthen development and delivery of low emission strategies. The Low Emission Strategies – Good Practice Guidance³ suggests the following three important considerations for an authority developing new guidance:

- Moving away from exclusive consideration of pollutant concentrations towards including explicit emission reduction strategies;
- Better integration of air quality and climate change (single assessment);
- Promotion of a clear list of Authority-friendly mitigation options.

An SPD will form part of the Local Development Framework (LDF). It will be a material consideration in determining planning applications. The SPD could also offer guidance on the use of planning conditions and S106 obligations to improve air quality.

2. Peer Group LES activity

Appendix 1 shows Peer Group Authorities which either set out to develop an LES/AQ SPD as their 2009 Phase 1 LES project, or ended up moving in that direction. Authorities seeking to develop LES SPDs as part of the 2009 LES programme have focussed on discussing the most appropriate guidance mechanism to take this work forward. Alternatives to a bespoke 'LES' SPD include: integrating LES measures into existing SPDs, producing 'non-statutory' guidance, moving more to an Air Quality SPD, or using LES guidance in Air Quality Action Plans.

A number of the Peer Group authorities had already developed and adopted a relevant SPD (e.g. on air quality or planning obligations) outside of the LES programme, e.g. Greenwich ('Planning Obligations' Feb 2008); Mid Devon ('Air Quality and Development', May 2008); Croydon ('Air quality SPG' July 2004), Sefton ('Ensuring Choice of Travel, draft 2008) and Sheffield ('Transport Assessments and Travel Plans', 2004).

The Low Emission Strategies partnership has prepared an SPD template, which is to be made available and will help guide authorities when drawing up an SPD.

² SPDs provide additional guidance on matters covered by Development Plan Documents. They are not part of statutory Development Plan, unlike Development Plan Documents. However, they form part of the Local Development Framework, and are therefore an important consideration in determining planning applications.

³ Low Emission Strategies – Good Practice Guidance (Consultation Draft June 2008, Beacons Low Emission Strategy Group),

3. Outcomes

What difference has the LES programme made?

In Sefton's case, the production of LES guidance was wholly down to the LESP:

'We wanted something embedded in planning and thought that this was the best way'.

The LESP has been instrumental in raising aspirations of officers already working on air quality issues. It has bolstered existing activity often giving officers the confidence to expand horizons and seek new, more joined up ways of working with planning colleagues:

'LESP drew attention to the fact that there are things out there we should be doing better'.

For others, the programme provided a national steer and assistance on quantification:

'We sought a more evidenced based and quantified approach through LES. LES offered national guidance and participation in a national scheme'.

SPD outcomes

SPDs have been used to:

- highlight existing policies and stress the importance of air quality as a material planning consideration;
- amplify and give greater detail to policies in the Development Plan Documents;
- identify the circumstances where low emission strategies and/or emissions assessments will be required for new developments;
- offer guidance on measures to mitigate potentially harmful impacts of new developments; and
- provide guidance on the submission of air quality assessments and when and where these will be required.

For example, the key components of the **Mid Devon SPD** are:

- Expansion of the policy framework set out in the Core Strategy;
- Specify when an Air Quality Assessment (AQA) is required;

- Guidance on content and outcomes of an AQA without being prescriptive over methodology (future proofing against technical developments in modelling for example);
- Guidance on assessing significance;
- Set-out a formula for developer air quality contributions under S106 or other planning obligations; and
- Ability to look at cumulative impacts from smaller developments.

This SPD led to the introduction of the 'Mid Devon Formula' (see separate case study).

2009 SPD project outcomes

The 2009 LESP projects involving the development of LES SPDs have resulted in the following generic outcomes⁴:

	Better working practice and capacity building	Better internal comms and cross working	Improved evidence base and enhanced decision making	Greater political support for LES approach	Shared learning with peers	Stronger policies and / guidance
Leeds						
Maidstone						
Sefton						
Sheffield						
Wandsworth						
Wigan						

4. Learning

Success factors

Co-ordination with spatial planning timetable: need to embed LES or air quality policy hooks in Core Strategy or relevant DPD before an SPD can be produced;

Building on earlier guidance and initiatives, e.g. Sheffield City Council had already produced its Air Pollution and Land Use Planning guide in 2001;

Stepping stones approach: Sefton originally started out to produce a 'how to' guide for their development control staff which stepped up a level to become Planning Committee approved guidance. Whilst still non-statutory, it carries weight with developers and will hopefully form the basis for a forthcoming LES SPD;

⁴ Taken from Cenex review of Peer Group Projects, October 2009

Strong internal relationships between relevant officers: Relationships between Planners, Transport Planners and Air Quality Officers in Sefton have been strong for many years. They have worked well together to ensure that air quality is taken account of when planning applications and new road schemes are under consideration;

Early involvement of planners; if possible, get planners interested at an early stage as the process of developing guidance can be lengthy and timing is crucial;

Gaining Member support: a proactive Member 'champion' on air quality or climate change is invaluable;

External help and support; bringing in external expertise is one way of enticing colleagues along to meetings e.g. Andrew Whittles/Cenex facilitating meetings in Sefton. Other examples include using LES and best practice and templates and contacting other councils for examples of SPDs and S.106s;

Being opportunistic: Maidstone raised profile of AQ and LES issues via key local planning inquiry issue – helped to improve relationships with planners; in Leeds, the development of a new DPD provided the opportunity, and considerable LES guidance was able to be inputted following a query from a proactive Member about low emission issues;

Using national and EU policy and targets: Sheffield found that Defra impetus was key e.g. reminding members and senior officers that UK unlikely to meet EU AQ targets Realise that one way to address this issue is to go through the planning process – and LES/SDPs is a tool to do this. However, this approach was less useful in Maidstone. Guidance now published by Defra seen as providing hook for planners;

Selling the benefits: Wandsworth highlighted both improved guidance for developers (so they know what to expect) and income generation from S.106;

Integrating climate change and air quality: Sefton and Leeds are developing SPDs that address air quality and climate change, enables greater focus on emissions rather than concentrations, produces more joined up policy and provides a more persuasive argument for Members and Senior Officers; and

Simplifying the message; Leeds AQ staff found it challenging to translate AQ ideals to planning policy for each individual development proposal – use of a simple A4 flowchart helped to get key messages/requirements across (see resources).

Barriers/ challenges

A familiar concern common to much of the LES agenda is the perceived negative impact that increased AQ constraints may have on local regeneration. In Sefton however, it was recognised that Low Emission Strategies can make a difference and that actions could be taken that would not scare developers away whilst still clearly

outlining what would be required from them, which would actually make things easier for developers. An SPD is a way of clearly setting out expectations and requirements. Interestingly, this is not seen as a concern in some (more affluent?) authorities, e.g. Wandsworth. This is particularly pertinent given the new emphasis on viability in terms of testing a DPD for soundness.

There is also a perception that SPDs take too long to be adopted and have baggage of having to undergo sustainability appraisal etc. Where the LDF process is delayed or protracted, other avenues being explored (e.g. Air Quality Action Plan as interim measure, Maidstone). In other cases, the uncertainty of how best to address LES objectives through planning has delayed action. The Planning Act (2008) removed the requirement for SPDs to be subject to sustainability appraisal. However, as the Sefton approach demonstrates, this does not have to be an either/or. It may be possible to produce progressive iterations of guidance leading towards an SPD.

A key barrier to SPD production is the need for it to be based on existing policy, e.g. in Core Strategy or UDP. This means that AQ/LES guidance must be integrated early on in the development of the Council's Core Strategy or relevant DPDs. Without such policy 'hooks', discussions about a SPD are likely to fail. Linked to this, discussions with development control colleagues can be fruitless if existing policy hooks or standards don't exist – they may have too many other priorities. However, exactly what constitutes an 'adequate policy hook' may be, to an extent, subjective: most authorities will have some relevant policy wording in their Core Strategy or relevant DPDs of varying degrees of relevance to air quality and LES. Therefore, this barrier may only be partial and may be removed gradually with persistence over time especially where there is political or high level support to see the LES approach adopted.

Some authorities were waiting for the national SPD template/guidance to be issued. Others have suffered from considerable (and time consuming) debate and discussion about the best way to address LES objectives through the planning process.

Pros and cons of the SPD approach

Pros: something concrete, engrained in policy that can be flagged up in relation to every application;

Cons: can be a lengthy process, and need to get policy hooks in place in main Core Strategy first

For more information: see

<http://www.greenwich.gov.uk/Greenwich/YourEnvironment/PlanningAndBuilding/PlanningBuildingConservation/PlanningObligationsSPD.htm>

www.middevon.gov.uk/media/pdf/j/1/Air_Quality_SPD.pdf



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Appendix 1

The following LES Phase 1 Peer Group Projects involved consideration or development of SPDs:

Peer Group Authority and project outline	Progress to October 2009
Leeds. Possible development of SPD to integrate with existing guidance – generate funding and policy mechanisms to support development of NGT, LEZ and possible city wide LES.	LES initiative focussed thinking on new opportunities and although discussions with development control planners about a new SPD were unsuccessful (have too many SPDs already, and relevant hooks not in policy), the production of a new DPD has opened an opportunity to develop an SPD. This has been helped by a new proactive and interested Executive Member. The focus is likely to be air quality and climate change.
Maidstone: General integration of LES principles into planning system and improved officer working	A draft AQ SPD existed pre-LESP, but the delayed LDF process (due to Kent International Gateway (KIG) inquiry) has meant other avenues are being explored, such as use of the Air Quality Action Plan to showcase LES best practice. However, Pollution Control have secured inclusion of low emission component to the KIG travel plan and an air quality monitoring condition. The arguments presented were supported by the work carried out by the Peer Group which were instrumental in helping the communication with Planning Policy and DC. Planners have accepted the proposals and have been supportive, despite not having any internal policies in place due to the stage that the LDF process is at - a sign of improved

	communication and more effective cross-working relationships.
Sefton: Automate LES process to drive cross-sectoral approach – aim to produce informal guidance for planning and environmental officers	Set out to produce an LES 'how to' guide for development control staff which was then strengthened to become guidance approved by Planning Committee. The next stage will be to either produce a new LES SPD (when the Core Strategy is rewritten) or to amend an existing SPD on travel choices.
Sheffield: Parallel development of LES planning policy, leading to SPD, and demonstration of low emission technology helping develop robust business case for scale-up	The debate has centred on the best way of achieving LES objectives through the planning process, with the latest thinking focussing on integrating LES practice into existing SPDs on sustainable development and transport.
Wandsworth: Build internal support for LES and working towards SPD	Following internal cross- sector officer meeting and briefing report to Council, full Council report proposal for a 'full LES SPD' will go to Council Committee early in 2010. Key drivers for this initiative are a desire for better guidance for developers ('they know what to expect') and recognition that the S.106 approach will provide valuable revenue for emission reduction work.
Wigan: Embedding LES principles in wider Greater Manchester planning policy and also seeking quantification tolls to build evidence based approach to seeking 106 contributions	Following joint presentation (also including Bury MBC) to Greater Manchester Planning Committee, activity has focussed on development of LES quantification tool. Adopted their own pre-LES AQ SPD in 2007 as the first part of a Greater Manchester AQ SPD. Now discussing a regional LES SPD