

Transport East response to the 'Proposed Reforms to the National Planning Policy Framework and other changes to the planning system.'

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This consultation seeks views on the Government's proposed approach to revising the National Planning Policy Framework (NPPF) to achieve sustainable growth in the planning system.

This paper sets out the response to the proposed reforms by Transport East Sub-National Transport Body. OBJ

1. Transport East response

1.1 Transport East is the Sub-national Transport Body for Norfolk, Suffolk, Essex, Southend-on-Sea, and Thurrock. The partnership provides a single voice for our councils, business leaders and partners on our region's transport strategy and strategic transport investment priorities, working in close collaboration with the government and the rest of the UK.

1.2 Our Transport Strategy and Strategic Investment Programme have now been completed and DfT has committed to pay due regard to the Strategy when developing future transport policy. These documents set out a vision for the future of transport in the East and a set of strategic priorities to deliver that vision.

1.3 Our vision and priorities

We seek a thriving Eastern region with safe, efficient, and net zero transport networks advancing a future of inclusive and sustainable growth for decades to come.

To deliver the transport network to support this, the draft Strategy identifies four core priorities for the region. Setting out a pathway of activities to address challenges and improve transport provision.

- Decarbonisation to net zero – Transport creates 42% of carbon emissions across the region, more than any other source. Emissions related to HGVs on the SRN are key contributors to the region's emissions. We aim to achieve net zero carbon emissions from transport by 2040. Our decarbonisation pathway underpins the other three pathways in the Strategy.
- Connecting growing towns and cities – With 75 towns and cities, the East has a strong economy, but our growing places are spread out and our towns are congested. We want enhanced links between our fastest growing places and business clusters.
- Energising rural and coastal communities – Much of our population lives in rural areas or on the coast. Transport links in these areas are historically poor and this is exacerbated by poor digital connections. The SRN therefore plays a key role in local connectivity in the region. We want everyone in rural and coastal areas to be able to do more, more easily and more sustainably.

- Unlocking international gateways – With 13 ports and 3 international airports, we are the UK’s gateway to the world for trade. The Port of Tilbury, London Gateway, Felixstowe and Harwich International have recently been allocated Freeport status by the government. This will further increase the role of logistics and distribution within the region. We want better connected ports and airports to help UK businesses thrive.
- 1.4 Transport East welcomes this consultation as it provides the opportunity to influence the delivery of sustainable transport as an integral part of future economic and housing development. This is essential if the region and country are to achieve sustainable growth and net zero emissions by 2050.
- 1.5 This response focusses on aspects of the proposed reform that relate to transport and energy.

The Key points to our response are summarised below

Vision Led approach to transport planning

- The current legislation only provides an advisory role for Local Planning Authorities to engage with Local Transport Authorities at the development application stage where mitigation is determined and viability assessed.
- The ability to address cumulative impacts of both large and small developments at a larger scale than LPA geography beyond the geographic limits of individual LPAs. This can be achieved at LTA boundaries for local matters and at a regional network scale for strategic infrastructure and cross boundary impacts. Sustainable growth must also encompass a whole systems approach to assessing energy needs, for housing, business, and transport.
- The proposed changes to 114 and 115 would weaken the ability for appropriate transport mitigation to be delivered at both a local and strategic level, it will also weaken the ability for cumulative impacts to be mitigated.
- Clear, enforceable criteria need to be established to ensure that individual developments and the broader local growth plans contribute to sustainable development.
- An integrated vision-led approach for planning that links to, rather than redefines, the visions and strategies set out in strategic transport plans, and those identified in emerging strategies from the newly formed Business Boards, should be considered earlier within the planning process.
- To be effective this should be undertaken at local and regional scale.

Duty to cooperate

- The strategic need for mitigation should be considered for the cumulative cross boundary/regional needs and an improved mechanism established to ensure developer contributions can be secured for both local and strategic measures.
- Consideration needs to be given to delivering regionally and locally strategic infrastructure and services in advance of significant planned growth to create the conditions for investment, enable that growth to come forward and for developments to be sustainable from the start
- Longer term funding certainty for LTPs and STBs, with flexibility for delivery across modes, would also support the timely delivery of key infrastructure and services, supporting and enabling growth.
- Transport infrastructure and key services should be considered as an additional category in original para 100.

- Transport East is keen to work with government to identify and support delivery of key infrastructure to enable the ambitious short-term housing targets to be achieved in the East region.

Delivering sustainable growth

- The identification of growth locations should be considered at a county and regional level to identify the most sustainable locations, either with existing or improved infrastructure and services. Understanding the sustainable capability of locations should be considered at the call for sites stage and inform the prioritisation of sites to be brought forward.
- There is a risk that the changes to 114 and 115, together with a re-prioritisation of developer funding contributions to affordable housing, that the funding required for local and wider strategic improvements will be insufficient to deliver the mitigation and result in an even greater funding gap which would adversely impact on creating the right conditions for growth and sustainable development. This could result in a deterioration of the sustainability of the networks and the need to retrofit mitigation when other funding opportunities arise.

Freight

- Planning is one of the priority areas of concern for this industry. These needs cover a range of functions, warehousing, operations, HGV driver facilities and sites for refuelling and recharging alternatively fuelled vehicles going forward. Consideration should be given to ensuring that all industry needs are met.
- Through the Wider South East Freight Forum, the three STBs with key partners could establish the requirements of the industry and need to be met through the local plan process.

2 A summary of the aims of the proposed NPPF reforms.

2.1 The Government has committed to deliver sustained economic growth and improve the prosperity of our country and the living standards of working people. Amending the planning framework, and ambitious local plan coverage are needed to achieve economic growth and build 1.5 million new homes.

2.2 The changes will:

- Make and implement a standard method for assessing housing needs mandatory to support the Government's commitment of 1.5 million new homes this Parliament.
- Reverse the NPPF changes made in December 2023, considered detrimental to housing supply.
- Broaden the definition of brownfield land and introduce a grey belt land definition, these will promote the uplift of density in urban areas and support decision making to meet development needs.
- Improve the operation of 'the presumption' in favour of sustainable development and introduce safeguards to ensure good quality development
- Enable local planning authorities (LPAs) to prioritise the types of affordable homes their communities need on all housing developments.
- Support economic growth in key sectors aligned with the Government's industrial strategy and future local growth plans, including laboratories, gigafactories, datacentres, digital economies and freight and logistics.
- Deliver community needs to support society and the creation of healthy places
- Support clean energy and the environment, including support for onshore wind and renewables.

- Consider if reform of the Nationally Significant Infrastructure Projects (NSIP) regime is needed.

3 Vision Led approach to transport planning

- 3.1** Transport East's Regional Transport Strategy, approved by government in 2023, outlines a vision for sustainable transport in the East of England. The strategy addresses the unique challenges of the region, including large rural areas, 500 miles of coastline and key strategic corridors supporting our 13 ports and 3 airports, including two Freeports. Our four strategic priorities, supported by specific goals, aim to ensure sustainable transport growth across the region.
- 3.2** Our Strategy is also reflected at a local level in the Local Transport Authorities (LTAs) statutory Local Transport Plans (LTPs) that set out the local vision for delivering sustainable transport and key infrastructure. It is these strategies and plans that should be considered in developing the sustainable transport requirements for local plans, in addition to working with Local Planning Authorities (LPAs) and developers on identified sites.
- 3.3** The current legislation requires LPAs to engage with LTAs during the preparation of local plans and for them to assess the soundness of the proposed development with respect to transport, but only provides an advisory role at the development application stage where mitigation is determined and viability assessed. The impact of changes to paragraphs 114 and 115, (ref Q69), with regards mitigation and sustainable development is considered below.
- 3.4** Delivering sustainable growth requires the ability to address cumulative impacts of both large and small developments beyond the geographic limits of individual LPAs. This can be achieved at LTA boundaries for local matters and at a regional network scale for strategic infrastructure and cross boundary impacts. Sustainable growth must also encompass a whole systems approach to assessing energy needs for housing, business, and transport, aligning with Regional Energy Strategic and Sub-national Transport Body (STB) geographies.
- 3.5** Transport East can provide valuable insight into regional transport needs and support growth decisions that look beyond LPA and LTA boundaries, or where impacts extend beyond these boundaries, to identify the most sustainable locations for growth by utilising our working relationships with government organisations such as National Highways, Network Rail and the rail operators; alongside our data tools, including:
- An Agent Based Model (Behaviour, Transport; Impact & Equity model), this is a people focussed regional model that assess how people travel to enable them to complete end to end journeys throughout the day.
 - Connectivity analysis, between strategic and local places
 - Mobile phone data, looking at origin and destination of trips by time and demographics.
 - Rural focussed work through our Rural Mobility Centre of Excellence.
 - EV-Ready tool that identifies the demand and location needs for EV charging.
 - A regional travel and behaviour survey, that considers recent and typical travel behaviour, attitudes to different modes and identifies barriers to travelling more sustainably.
- 3.6** The NPPF should clearly define the use of a 'Vision Led' approach for all aspects of the Local Plan in terms of helping to develop a clear, integrated vision that incorporates the plans and strategies of partner organisations. Transport East would welcome the opportunity to work

with government to define the approach that sets out the evidence criteria needed, and to ensure the delivery of statutory local transport plans, regional strategies, and government policy.

- 3.7 Q69 – The proposed changes to 114 and 115 would weaken the ability for appropriate transport mitigation to be delivered at both a local and strategic level, it will also weaken the ability for cumulative impacts to be mitigated. This will put the onus on delivery of infrastructure and services on LTAs and government organisations, this is a significant funding risk to those authorities. Clear, enforceable criteria need to be established to ensure that individual developments and broader local growth plans contribute to sustainable development, with infrastructure and services delivered in tandem.
- 3.8 An integrated vision-led approach for planning that links to, rather than redefines, the visions and strategies set out in strategic transport plans, and those identified in emerging strategies from the newly formed Business Boards, should be considered earlier within the planning process. This will enable the sustainability of growth locations to be considered and the delivery of a modern economy. To be effective this should be undertaken at local and regional scale.
- 3.9 Transport East supports the NPPF's introduction of a vision-led approach to transport planning, transitioning away from the traditional 'predict and provide' model. However, the practicalities of implementing such an approach need further clarification to ensure it generates deliverable outputs. Mechanisms should be established to define the scope and provide resources for this vision-led approach, as it may require significant technical expertise in transport planning. We believe the following key aspects must be clarified:
- 3.9.1 *Clear Definition of Vision-Led Approach:* The NPPF should provide clear guidance on the application of a vision-led approach in Local Plans, ensuring that transport and spatial planning strategies align with Local Transport Plans, Economic Growth Strategies, and other relevant frameworks. Transport East welcomes opportunity to work with government in developing further guidance (e.g., through updated Planning Practice Guidance) to clarify how this integration should occur.
- 3.9.2 *Emphasis on Long-term Sustainable Transport:* The focus of the vision-led approach must extend beyond highway capacity, placing sustainable transport at the core of development planning. Sustainable interventions should not be secondary mitigations but integral components of development from the outset. The NPPF should prioritise identifying sustainable locations for development, ensuring designs, layouts, and infrastructure promote sustainable modes of transport and foster behavioural change.
- 3.9.3 *Challenges with Current LPA Site Allocations:* LPAs are currently restricted to site allocations through the 'call for sites' process, which may not always align with sustainable transport strategies. The NPPF should encourage a more strategic approach to site allocation, ensuring growth locations align with transport visions and plans.
- 3.9.4 *Role of Local Transport Plans (LTPs):* The NPPF should underscore the importance of LTPs in shaping local transport strategy and influencing spatial planning. Revised guidance from the Department for Transport (DfT) should strengthen the connection between Local Plans and LTPs, ensuring transport and development planning are fully integrated.
- 3.9.5 *Developers' Responsibility in Delivering the Vision:* The NPPF must clarify developers' responsibilities in supporting the vision-led approach. Developers should be required to demonstrate their contribution to the vision through tangible investments in sustainable transport infrastructure and services, and measures to support their use, as stipulated by planning conditions and obligations.

- 3.9.6 *Potential Loopholes in Paragraph 114:* The term 'in all tested scenarios' could allow developers to limit their assessments to favourable outcomes. The NPPF should ensure transport assessments are aligned with the broader transport vision, not just focused on traffic capacity.
- 3.9.7 *Applicability Across Development Scales:* The NPPF should set realistic expectations for the vision-led approach, recognising that it may not be feasible for all types of development. Guidance is needed to ensure the approach is tailored to different scales and locations of development.
- 3.9.8 *Clarification of 'Severe Impact' Test:* The current difficulty in applying the 'severe impact' test in planning responses needs to be addressed. More clarity is required to ensure the effective assessment of transport impacts.
- 3.9.9 *Monitor and Manage Approach:* The DfT's circular on the Strategic Road Network (01/2022) advocates a 'Vision and Validate' and 'Monitor and Manage' approach. The NPPF should clarify whether this approach is expected at the local level as well, and if so, lessons from National Highways' implementation should be considered.
- 3.9.10 *Lorry Parking:* We recommend updating paragraph 111 to highlight the need for strategic lorry parking provisions, addressing both through-traffic and local traffic requirements.
- 3.9.11 We recommend deleting 'so far as is possible' from paragraph 114a as this lessens the importance of providing access to high quality public transport.

In summary, while the vision-led approach offers a positive framework for sustainable transport planning, further clarification, guidance, and resourcing are needed to ensure its effective implementation across varying scales of development. Transport East remains committed to working with the government to refine this approach and ensure the delivery of sustainable, well-planned growth across the region.

4 **Duty to cooperate**

- 4.1 The duty to cooperate is already well evidenced across the Transport East (TE) region, where LPAs continue to work together on cross boundary growth areas to enable the delivery of required housing. There is also a need to consider significant growth and demand along transport corridors, for example the A12 South in Essex and the A11 Thetford/Mildenhall across Suffolk and Norfolk; and from cross region growth, namely in and around Cambridge and Gilston. Corridor and cross regional growth can result in out of area commuter trips and the need for mitigation outside the LPA, LTA, and regional boundaries and across transport network hierarchies, for example local, major, and strategic road networks.
- 4.2 Cooperation is needed at each stage of the planning process to ensure that capacity on the transport, energy and utility networks combined local planned growth, and that capacity is not secured by one LPA/site to the detriment of wider development delivery. The strategic need for mitigation should be considered for the cumulative cross boundary/regional needs and an improved mechanism established to ensure developer contributions can be secured for both local and strategic measures.
- 4.3 A challenge to the timely delivery of strategic infrastructure is the coordination of the developer contributions across the local plan period, with government funding periods for organisations such as National Highways and Network Rail. This uncertainty around timing makes securing a place in the RIS and CP funding programmes difficult.
- 4.4 Consideration needs to be given to delivering regionally and locally strategic infrastructure and services in advance of significant planned growth to create the conditions for investment, enable that growth to come forward and for developments to be sustainable from the start. The risk of the current approach is the need to retrofit infrastructure and a failure to secure developer contributions, putting greater financial pressures on local and national government

organisations. Longer term funding certainty for LTPs and STBs, with flexibility for delivery across modes, would also support the timely delivery of key infrastructure and services, supporting and enabling growth.

- 4.5 Q67 - Transport infrastructure and key services should be considered as an additional category in original para 100.
- 4.6 STBs have developed Strategic Infrastructure Programmes that identify regional priorities for infrastructure and service improvements, across modes and network hierarchies. Transport East is keen to work with government to identify and support delivery of key infrastructure to enable the ambitious short-term housing targets to be achieved in the East region.

5 CPOs and Land Access

- 5.1 Consideration should also be given to a coordinated and collaborative approach to the requirement for bonds and agreements to ensure that the public interest is taken into account. Examples include bonds to access government organisation land to support development, agreements for Local Authorities to underwrite the risk associated with the construction and early operation of new rail stations, and the cost of Air Rights for new access over the railway, that often limit sustainable transport opportunities due to viability impacts. These can add delay and impact on the viability of delivering key development sites.
- 5.2 Strengthened and simplified CPO powers and processes are needed to enable land to be brought forward or assembled.

6 Delivering sustainable growth

- 6.1 The identification of growth locations should be considered at a county and regional level to identify the most sustainable locations, either with existing or improved infrastructure and services. Understanding the sustainable capability of locations should be considered at the call for sites stage and inform the prioritisation of sites to be brought forward.
- 6.2 The East has a mix of urban centres and a large expanse of rural and coastal areas. It does not currently have any Mayoral Combined Authorities. The need for travel for access to services and facilities for the rural population is a significant contributor to the above national average transport related emissions in the region. Delivering sustainable public transport in rural and coastal areas, under current models is not commercially viable. The urban areas in the East are also not of the scale or density of metropolitan cities in the North, or London. Funding to enable a new model of public transport/mass rapid transit in these areas and improved access to rail is needed to enable sustainable growth in these areas and ensure everyone, irrespective of where they live or work, can participate fully in the economy, lead healthy and fulfilling lives and be part of an equitable society.
- 6.3 Evidence shows that larger settlements are intrinsically more sustainable in transport terms, being able to support a range of travel choices and daily travel destinations in a compact area. We should aspire to build up our regional larger settlements to achieve metropolitan levels of sustainability, through growth, careful land use planning and interconnecting the satellite towns and villages to their regional centre, through sustainable transport corridors. Research on a national scale about optimal settlement sizes and land use blends would be helpful, so we can learn how best to grow our key settlements, in the best ways.

- 6.4 The proposed NPPF changes increase the priority for affordable housing, this is welcomed in the East. However, this brings challenges associated with the viability of sites in the East, especially where there are not the land values to drive private inward investment. There is a risk that the changes to 114 and 115, together with a re-prioritisation of developer funding contributions to affordable housing, that the funding required for local and wider strategic improvements will be insufficient to deliver the mitigation and result in an even greater funding gap which would adversely impact on creating the right conditions for growth and sustainable development. This could result in a deterioration of the sustainability of the networks and the need to retrofit mitigation when other funding opportunities arise.

We acknowledge funding is a challenge, and the position of some of our key multi-million-pound transport investments scheme is clearly more challenging. However mitigating impacts by sustainable transport (active, shared and passenger travel) is often far more cost effective, especially when backed up by effective behaviour change initiatives and clear affordable ticketing arrangements. TE and LTAs could have a role in collecting contributions across a wider range of sites, rather than focusing key mitigation on a small number of strategic developments, where viability could be a challenge. Spreading out the cost of mitigation to smaller sites, which are intrinsically more car dependant, will allow the mitigation to be funded overall. National and local policy is needed to support the collection of contributions from all sites. Not all authorities in the East have taken advantage of CIL, therefore a simplified national infrastructure levy should be introduced, and be made mandatory. As well as capital funding more revenue funding is needed, secured from development, to allow rural bus services and other operation costs to be fully funded. In many cases rural bus services end, with the pump priming funding, leaving rural development, and existing communities cut off. Secure long term funding models are needed.

- 6.5 The HIFF approach provided an opportunity for forward funding infrastructure to deliver larger sites. An approach that would enable infrastructure led growth would be welcomed, either through a HIFF or UKIB mechanism.
- 6.6 The ability of New Towns to absorb growth from across LPA or LTAs would be welcomed, enabling sustainability to be an integral part of the development. This will require the identification of potential sites that could deliver a sustainable community, where an infrastructure led approach would be essential. Transport East, in collaboration with our LTA and LPA partners, has the potential to consider spatial planning at scale, utilising our existing and planned tools to determine the most appropriate locations for new and substantially expanded settlements across the TE geography, then at an individual LHA or LPA level. would be able to support the analysis needed to identify potential sites.
- 6.7 Duty to cooperate would mean that growth could be amalgamated into larger settlements. There are existing examples within the TE area, where growth is being successfully delivered across administrative areas where urban growth is otherwise limited.
- 6.8 For all growth, effective monitoring of the effectiveness of developer, infrastructure and service measures should be undertaken to inform and improve future growth.

7 Freight

- 7.1 Transport East welcomes the reference to meeting the needs for commercial sites to support freight and logistics. Transport East in partnership with England's Economic Heartland and Transport for the South East, engage with the freight and logistics industry through the Wider South East Freight Forum. Planning is one of the priority areas of concern for this industry. These needs cover a range of functions, warehousing, operations, HGV driver facilities and sites for refuelling and recharging alternatively fuelled vehicles going forward. Consideration should be given to ensuring that all industry needs are met.
- 7.2 STBs have developed a tool, ALFFI, to look at site prioritisation for refuelling and recharging of HGVs. This tool could be used in partnership with National Highways, LTAs, and LPAs to establish these sites. It could also inform HGV driver facility sites. Through the Wider South East Freight Forum, the three STBs with key partners could establish the requirements of the industry and need to be met through the local plan process.

8 Summary

- 8.1 Transport East as a Sub-national Transport Body has developed a regional integrated Transport Strategy that has been approved by the Secretary of State for Transport. This sets out priorities for delivering net zero and improved integrated transport for businesses and people. The region's Strategic Investment Programme set out priorities for investment in the region.
- 8.2 Transport East has a regional agent-based model that can be used to assess sustainability of growth from a people perspective and be utilised to, working with local authorities and government, identify sustainable locations for new towns. We also have regional analysed mobile phone data that can provide regional and local understanding of journeys to support plan development and development site delivery. The connectivity studies and modelling can provide evidence of strategic infrastructure needed to enable growth.
- 8.3 The joint STB Wider South East Freight Forum can provide a platform for engaging with the freight and logistics industry to inform detail of the proposed changes to the NPPF.
- 8.4 We strongly believe that STBs have the necessary tools and understanding of the needs of their regions to support the future of sustainable growth, for example, through setting a regional framework or working with partners to identify the most sustainable and accessible locations for delivering growth at scale and pace.

End