



SCOTTISH EXECUTIVE

Development Department

Scottish Planning Policy

Addendum to NPPG 17

**Transport and Planning
Maximum Parking
Standards
Regulatory Impact
Assessment**

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Planning Series:

- **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars** which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development control.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to the decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

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Introduction

1. Scottish Executive transport policy sets out a vision of a Scotland where, inter alia:
 - Key parts of town and city centres are free of non-essential car and other road traffic, for the benefit of people and businesses;
 - The practical first choice for personal travel, particularly within, and to, centres of towns and cities, is by foot, by cycle or by accessible, affordable, efficient, safe and environmentally-clean public transport;
 - Social exclusion is reduced through increased accessibility to public transport for those without a car;
 - The integrated transport network is geared to the needs of the Scottish economy;
 - Traffic volumes are controlled tightly in particular locations, with optimum use made of technological innovation to reduce noise and air pollution;
 - The impact of roads on the countryside and the environment is reduced.
2. Implied in that vision is the need to devise policies that will create a shift from car dependent travel to taking advantage of a choice of means of travel. Such policies may be both positive and negative e.g. improvements to walking, cycling and public transport accessibility, and discouragement to car use through reduction of road or parking space or by increasing motoring costs.
3. Other mechanisms are in play in implementing many aspects of the White Paper policy. The NPPG17 Addendum, subject of this Regulatory Impact Assessment, is concerned with the role of the land use planning system in the provision of parking space in new developments.
4. Consultation on the draft NPPG17 Addendum and on the draft Regulatory Impact Assessment brought forward views from business and industry which have contributed to the final NPPG17 Addendum and Regulatory Impact Assessment.

Purpose And Intended Effect Of The Measure

5. In considering the planning of new development, NPPG17 stresses that significant travel generating new development should be located where it can be accessed by a range of means of travel, including walking, cycling and public transport, as well as car. A key element in deciding whether to use a car for any trip is the availability of a parking space at the destination. Policies for the amount of parking to be permitted in significant travel generating new development are therefore fundamental to achieving overall sustainable transport objectives.
6. The measure is set out in the NPPG17 Addendum essentially in two parts. There is general guidance to local authorities on parking standards which are for them to apply in the circumstances of their

areas. There is then guidance on national parking standards in relation to specified limited circumstances. The following discussion of regulatory impact deals with both these aspects, although it should be noted that local authorities are already under a policy obligation to introduce maximum parking standards in their areas.

Options

7. In considering options for determining the amount of parking at new developments, planners can control the number of spaces to be provided, and in theory could control the price at which such spaces were offered to those parking cars. The Scottish Ministers have ruled out (during the passage of what is now the Transport Act 2001) workplace parking levy as a mechanism, so policy must focus on number of spaces.

8. There are four options:

- The traditional requirement on developers to provide at least a minimum number of spaces per unit of floorspace;
- Allowing developers to provide the number of spaces they consider appropriate to serve their development;
- Requiring developers to provide no more than a maximum number of spaces per unit of floorspace; and
- Allowing developers to provide a number of spaces within a range from a specified minimum number of spaces to the specified maximum number of spaces

These are referred to below as Options 1 to 4.

9. In the first, third and fourth of these options, the issue also arises who has responsibility for setting the standards? Again there are options:

- The Scottish Ministers could set all possible standards for all land use definitions for all areas of Scotland;
- Local authorities could set all possible standards for all land use definitions for their own area;
- There could be some combination of these two, where local authorities set most standards, but the Scottish Ministers exercised some control in the national interest on key standards for significant travel generators.

These are referred to below as Options A to C.

10. Option 1: The status quo: Minimum Parking Standards: This has typically required more parking spaces than are necessarily needed by the development. Land is thus in less productive use than it could be, affecting in turn the economics of development and of the end-user business. Larger than necessary car parks can also be intimidating to non-car users and potentially discourage those on foot from accessing the development, thereby not only losing custom but also exacerbating social exclusion.

11. Option 2: Non-regulation: Developer judgement: Leaving developers to provide what they judge necessary will be a market-led solution but may result in too few or too many spaces in the context of the wider transport and land use policy of a local authority. There may also be circumstances e.g. town centres, where it would not be

appropriate for every development site to contain its own car parking, but without some form of local authority policy, achieving contributions to communal provision may be very difficult.

12. Option 3: Maximum Parking Standards: Setting maximum car parking standards gives developers the freedom to relate car parking to business needs subject to the maximum limit. This typically requires less land for parking than if minimum standards are in force, thus enabling a greater intensity of productive development, which is itself beneficial to the operation of public transport, and more convenient to those walking and cycling.

13. Option 4: Range from Minimum Parking Standards to Maximum Parking Standards: This is as Option 3, except for an underpinning minimum requirement, to ensure that developers do not attempt to build with no parking whatsoever where it would clearly be desirable to have some parking to avoid cars being parked in the surrounding area to the detriment of the community.

14. The judgement to be made by a developer concerns the balance between what he regards as the amount of car parking necessary to make his development viable, and the costs of land (or of constructing multi-storey car parking) required to accommodate that car parking. In a planning regime which requires Transport Assessments for significant travel generating developments, the developer will also have to make judgements, based on professional advice, as to the proportion of travel generated by his development which can, or could with some investment, be accommodated by public transport, walking or cycling. There may be trade-offs between providing car parking and contributing to public transport access together with providing access by walking and cycling. There are therefore a range of cost implications to be considered in relation to such developments, and it is likely that packages of proposals will be subject to negotiation with the planning and transport authority.

15. Option A: Scottish Ministers' Standards: Local authority parking standards are very fine grained in terms of defining land uses, and also in terms of defining the constituent sub-areas of the Council. It would be impractical and inappropriate for the Scottish Ministers to become involved in this local level of detail.

16. This would involve promoting a wholly prescriptive set of national maximum parking standards that would cover the many subtle nuances of land use and location that are found in most authorities' parking standards at the moment. This would be inappropriate in that it would breach the principle of subsidiarity, and could not hope to reflect local geographical circumstances, for example in respect of locations served by innovative or intensive public transport, where authorities may wish to impose very restrictive parking standards. It would also be impractical to devise a list of land use types and sub-types, to which parking standards could be allocated, which would be both comprehensive and appropriate to all areas.

17. Option B: Local Authority Standards: This option has the risk that different authorities within an area will adopt different standards, and that the difference could be sufficient to affect the balance of costs referred to at paragraph 14 and attract developers from one

authority to another as a result. It may not be in the best interests of good planning either at a regional level or at a local level. For example, the vitality and viability of town centre developments or the focus on regeneration of deprived areas may be prejudiced if a neighbouring authority has parking standards which encourage development to move there contrary to regional planning objectives.

18. Option C: Local Authority Standards with Scottish Ministers' National Key Standards: This is to allow local authorities to set most standards according to their local circumstances, but for the Scottish Ministers to set standards for a relatively small number of land uses. These are the major travel generating uses, and are expressed at a generic level. These standards will act as a control for the specified land uses and sizes of development, such that local authority standards should be equal to or more stringent than them.

19. In other words, with these ceiling levels set nationally, it is open to local authorities to set other levels of detail, be it for land use sub-types, or for more detailed locational types, for which they would wish to apply more restrictive standards, or for minimum standards. Local authorities are best placed to identify areas for intensive high density development, perhaps at public transport network nodes or in transport corridors, where more restrictive standards would benefit urban design, and support and be supported by the public transport network.

20. By adopting national maximum parking standards in this guidance, local authorities can effectively ensure that the overall level of parking is reduced in new development to at least the ceiling levels set out in that policy.

Risk Assessment

21. Risks associated with different options for handling the amount of car parking in developments may arise from the following factors:

- Insufficient car parking to accommodate demand (Options 2, 3 and 4) may either:
 - lead to inefficiency of operation of the development due to delays and costs of finding parking space or of abandoning the attempt; and/or
 - lead to potential knock-on effects on traffic, businesses and residents in the surrounding area and to operation of public transport due to overspill parking;
- More parking than is required to meet demand (Options 1, 2 and 4) may:
 - lead to valuable parking space standing unused with consequential resource cost;
 - encourage those to drive who would otherwise use another mode thereby reducing viability of public transport services to detriment of those without cars;
 - result in a volume of traffic which may cause traffic congestion, pollution and delay to all road users, and particularly to the detriment of those walking, cycling or using public transport, either to access the development or

generally in the locality.

22. According to the distribution of these risks in specific cases, the risks will be borne by a combination of developers (Options 1, 3 & 4), end-users of the development (Options 2, 3 & 4), businesses in the locality of a development (Options 2 & 3), local residents (Options 2 & 3), car drivers (Options 2 & 3), potential car drivers (Options 2 & 3), and those walking, cycling and using public transport (Options 1 & 2). It is apparent from this distribution that Option 1 (Minimum Standards) can result in risks to all parties due to either waste of land or encouragement to use cars with pollution and congestion effects. Option 3 (Maximum Standards) can result in risks to all parties either due to inefficient servicing of the development or through effects of overspill parking on other modes and local people. Option 2 (Non-Regulation) could exhibit either of these risk patterns. Option 4 appears to minimise risk, being most favourable to developers while also protecting the local community and those using sustainable transport modes.

Equity And Fairness

23. Where only minimum standards (Option 1) apply, it would normally be the case that anyone with a car would be able to park in a development parking area. It is not however the case that those without a car can always gain access to particular developments if there are no public transport services, or walking or cycling networks are poor or non-existent. Non-regulation (Option 2) has no inherent mechanism to create an equitable position between all types of user. It is part of the NPPG17 package that constrained maximum parking standards (Options 3 and 4) are accompanied by greater consideration of access by public transport, walking and cycling. While this cannot be guaranteed, there is a greater likelihood of a more level playing field in making travel choices as between car-users and non-car-users. The requirement to make adequate provision for parking to meet the needs of the disabled is also protected. Options 3 and 4 therefore tends towards having social justice benefits for those without access to a car, with Option 4 also benefitting the local community..

24. In so far as Options 3 and 4 set ceiling values for parking standards for key land uses in different types of geographical area, they will encourage equity among local authorities. It is not intended to constrain in any way local authorities' freedom of action within those ceilings. It therefore acts as a constraint on one local authority adopting an unsustainable transport policy to attract development from a neighbouring authority whose policy is more sustainable. Options 1 and 2 may encourage such predatory development behaviour. There is a built-in safeguard for most rural areas in that the national maximum parking standards (Options 3 and 4) will be threshold-related and in many rural areas the relevant developments will not reach the threshold to trigger the standards.

Benefits

25. It is very difficult accurately to quantify the benefits of planning policies, because of the many other factors which influence the development process and shape the outcome of that process. In addition impacts will vary in nature and extent in different locations. Consultation did not enlighten this situation.

26. If Minimum Standards (Option 1) is retained, benefits will accrue to motorists who are likely to find a parking space whenever they wish associated with whatever development they wish to visit, and that utility will have a benefit for the occupier of the development. In so far as motorists are not searching for a space or having to park on surrounding streets, there will be benefits for local residents and for business efficiency in the surrounding areas.

27. If non-regulation (Option 2) prevails, there will be benefits to developers who presumably will optimise their parking provision according to the financial profile of their development. It is difficult to see that there will be benefits guaranteed to any other parties, although depending on what provision is in fact made in any specific development, different parties could benefit.

28. If maximum parking standards (Options 3 and 4) are implemented consistently over a period of years, potential benefits are to:

- increase the cost-effectiveness of public transport investment (both public and private) by focusing major new generators of travel demand where use of public transport can be maximised. By providing a pattern of demand which can more effectively be served by public transport it will help to make some services profitable which might otherwise have been less so, and / or make services worthwhile which might not otherwise have been viable;
- enables developers to make a judgement that their interests may be better served by providing fewer parking spaces thus releasing valuable development land which could be put to more productive use, and instead invest in more sustainable access modes;
- considerably reduce competition among authorities for development on the basis of amount of parking that can be allowed, and refocus competition on inherent attractions of different areas e.g. skills base, general amenities, available development land, availability of housing and other facilities;
- promote urban regeneration and renaissance by enabling developments to take place at a more urban scale of density without as great a requirement for land for car parking;
- promote social justice through ensuring the location and design of new development provides a realistic choice of access by all modes, enabling people without use of a car to gain access to jobs, shopping, leisure facilities, and services; and

- help implement the Scottish Ministers' integrated transport policy, by forming part of a package of measures which will focus developers' attention on providing for the travel needs generated by their developments in a sustainable manner.

Compliance Costs For Business, Charities And Voluntary Organisations

29. Again, consultation did not add anything significant to the draft Regulatory Impact Assessment of this issue. In broad terms the costs of continuing with Minimum Standards (Option 1) would not represent any new cost or burden over long-standing practice. However, when compared with Options 2, 3 and 4, maintaining the status quo could lead to organisations investing more than is otherwise necessary in provision of car parking, either spaces or multi-storey structures. There could also be congestion costs on business generally through continuing to cater for full car parking demand which consequently imposes no restraint on motorised travel.

30. Non-regulation (Option 2) could impose costs as in Options 1, 3 or 4, depending on how the non-regulated market responded.

31. Maximum parking standards (Options 3 and 4) could potentially reduce costs borne by developers in providing car parking, and if the secondary effect is to reduce non-essential car traffic, the congestion costs on business could also be reduced.

32. For a "typical" large office development of say 10,000 m² gross (accommodating 550 people) it is likely that operation of maximum parking standards would result in the developer requiring approximately 10-15% less parking on-site, which would save approximately £40,000 in construction costs (50 less spaces at £800 per space). Annual savings on car park maintenance would be of the order of £5,000.

33. The effect of the measures will allow some companies to expand without the costs and disturbance of moving site, by building on some of their existing car parking. This has already occurred at Gyle Shopping Centre in Edinburgh as a result of Edinburgh operating maximum parking standards. It would also enable some developments to be accommodated on smaller sites. While this may achieve savings in land costs, smaller more central sites may have higher land costs which cancel out savings.

34. The sanctions on a developer who did not conform to the guidance would be an increased likelihood of having an application refused, or increased delay in receiving permission whilst details of the scheme are revised.

35. The impact on small businesses should be no different in kind from the above, but will be lesser in terms of scale, and probably

subject only to locally derived standards. It is unlikely that national maximum car parking standards would be triggered as small businesses will be below the relevant thresholds.

36. The impact on micro businesses (those employing 0 to 5 employees) would be likely to be negligible as it is very unlikely that such small firms would reach the size thresholds for application of maximum standards, either nationally, or indeed in the way that local standards are applied.

Effect On Local Authorities

37. The costs to local authorities administering the system should remain broadly unchanged. There may be some initial costs in incorporating the new national maximum standards into their own policy documents, but below the national ceilings they are already under an obligation to review their parking standards and change from minimum to maximum standards, a process which some have already started.

38. Sanctions on those authorities who are not applying standards compatible with the new national maximum parking standards would come through existing normal planning procedures. Scottish Ministers approve Structure Plans and Local Plans have to conform to these. For planning applications not in line with the guidance which planning authorities propose to approve, we propose a referral direction which would result in applications which breached the National Maximum Parking Standards being referred to Scottish Ministers. This has the effect of leaving all decisions on car parking elsewhere in the hands of the planning authorities. On referral, Scottish Ministers can decide whether to call-in the application for their own decision or to clear it back to the planning authority.

Review of Regulatory Impact Assessment

39. On 13th February 2001, the Scottish Ministers announced that all regulations which impact significantly on businesses would be subject to rigorous Review Regulatory Impact Assessment within 10 years. Accordingly the parking standards resulting from this NPPG Addendum will be kept under review and a further piece of research into their impact will be commissioned in time to review the guidance, including a Review Regulatory Impact Assessment. It is proposed that this should be done within 5 years, by 31st January 2008 so that the issues can be reviewed in the light of experience.

Conclusion

40. This measure is in effect a detailed operational aspect to a package of policy measures introduced in NPPG17 in April 1999. While the effect on specific businesses cannot be specified in detail, provision is made for businesses with special needs e.g. 24 hour shift working, and generally costs to business are expected to be no worse than neutral.

NPPG 17 Addendum Transport and Planning Maximum Parking Standards
Regulatory Impact Assessment

DECLARATION:

I have read the Regulatory Impact Assessment and I am satisfied that the balance between cost and benefit is the right one in the circumstances.



Signed by the responsible Minister:

Date:

Date of Regulatory Impact Assessment: February 2003