



Report of the Director of City Development

Executive Board

Date: 30 March 2011

Subject: City Centre Commuter Car Parking Policy

Electoral Wards Affected: All

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In
(Details contained in the report)

EXECUTIVE SUMMARY

1. Leeds City Council had been successful in appeals against enforcement action concerning a number of cleared sites in the City Centre south of the train station which were being used for commuter car parking. As a consequence, the Council has endorsement of Unitary Development Plan Review (UDPR) policy to pursue enforcement action against these and other unauthorized commuter car parks.
2. However, the City Council is mindful of the negative impact that such a “clampdown” on commuter car parking could have on the economic competitiveness of the city at a time when public transport infrastructure improvements have not been delivered as envisaged in the UDPR
3. An informal policy is proposed to facilitate up to 3000 city centre commuter car parking spaces for a temporary period of 5 years on unauthorized sites on condition that physical improvements are made to the appearance and layout of sites.
4. A four week period of consultation is proposed running from 31st March to 29th April 2011

1.0 Purpose of this Report

- 1.1 To seek approval of Executive Board to introduce an informal interim policy to deal with commuter car parking sites in the city centre.

2.0 Background Information

- 2.1 Existing UDP policy seeks to control commuter car parking in the Core and Fringe areas of the city centre on the basis of transport strategy objectives to reduce reliance on the car for commuting.
- 2.2 Over recent years an increasing number of cleared development sites in the city centre, particularly in the areas to the south of the train station, have been made available for commuter car parking without the benefit of planning permission.
- 2.3 During 2010 Leeds City Council used policy in the Unitary Development Plan (UDP) to take enforcement action against a number of sites in and around Holbeck Urban Village which were being used for commuter car parking. In essence, UDP policy encourages provision of *Short Stay* car parking in the city centre to support shopping and leisure trips but discourages *Long Stay* car parking in order to promote sustainable transport choices and lessen congestion. Leeds City Council was successful in the enforcement appeals; the Inspector concluded that the use of pricing structures to ensure that the car parking spaces are taken up by short stay visitors is ineffective; he concurred with the Council that an opening hour condition preventing parking before 9.30am would be much more reliable and enforceable means of discouraging commuter car parking.
- 2.4 Since the appeal decision, arguments have been presented to the Council warning that widespread enforcement against the unauthorized car parking spaces could be damaging to Leeds' city centre economy and pointing out the unfairness to commuters who have no choice but to commute by car. Such arguments have prompted officers to consider alternatives to continued application of the UDP policy.

3.0 Main Issues

- 3.1 It is evident that large areas of brownfield land to the south side of the city centre are being used for commuter car parking without planning permission often with little or no attention to visual appearance and presentation. The planning process provides the opportunity to secure improvements to the quality and appearance of the sites as well as considering the wider transport policy context.

Policy Justification

- 3.2 Unitary Development Plan (UDP) policy is the development plan for Leeds which has been subject to Examination so should be afforded considerable weight. Good reasons need to be advanced to justify any new informal policy which supersedes UDP policy. In this case, it should be noted that UDP policy on commuting into the city centre was conceived on the basis of West Yorkshire Local Transport Plan objectives. UDP paragraph 6.5.7 explains the overall objective is to reduce the rate of traffic growth, particularly into the city centre at peak periods, and this would include "...the promotion of all forms of public transport to provide an attractive alternative to the car, park and ride facilities in the suburbs..." Since the UDP was originally adopted in 2001 the delivery of new public transport infrastructure such as Supertram/NGT and the provision of park-and-ride schemes has been delayed. The

effect of the government's spending cuts has further impacted on the ability of the Council to bring forward such schemes. Major interventions of this nature are unlikely to be delivered in the short term. It is therefore considered that now would be the wrong time to clamp down on unauthorised commuter car parks without an appropriate mitigation strategy being in place.

- 3.3 Also, if the City Council is to legitimise currently unauthorised commuter car parking, an essential proviso will be to ensure that car parks are physically improved in terms of quality and appearance. This will be of benefit to the local environment, and will thus assist developers in these areas in marketing their developments to potential tenants. It will also improve security for users.

Quantity of Car Parking Spaces Affected

- 3.4 The number of unauthorised city centre car parking spaces are as follows:

Spaces directly affected by recent enforcement action	1890
Further spaces currently available for use	4180
Total	6070

- 3.5 It is important that new policy is framed to permit no more commuter car parking spaces than are currently in use on unauthorised sites. In addition to the above there are some 45Ha of other cleared sites with the potential for use as commuter parking. The new policy therefore needs to set an overall limit on the quantity of spaces that can be permitted otherwise the Council would be undermining the policies set out in the local transport plan and its own targets to reduce CO2.
- 3.6 The total spaces currently available for use (6070) have an occupancy rate of 80% and therefore serve approximately 4800 cars. In addition, there are a significant number of spare long stay spaces within authorised public car parks and on-street within the city centre. It is therefore suggested that the new policy incorporates a cap of 3000 total spaces, which reflects the level of usage of the unauthorised sites and the availability of parking elsewhere.
- 3.7 Permissions will be granted on a "first come, first served" basis regardless of site specific circumstances and geographic distribution. Those sites subject to enforcement action during 2010 but which have recently been given an amnesty will be written to after the public consultation when the policy is finally adopted offering a further 3 months to submit planning applications. After this period, enforcement action will recommence on those sites that do not respond.

Geographic distribution

- 3.8 Existing unauthorised spaces are clustered mainly into two areas: the south west quadrant (4770) and Mabgate (1060). There is insufficient evidence to justify a policy which apportions the overall 3000 space cap to different sectors of the city. It cannot be assumed that commuters who use unauthorised spaces in one sector also have their place of work in the same sector; for many, the city centre and its fringe is one entity which allows them to park in the cheapest fringe location and walk the distance to work. Therefore, it is not proposed that the policy should set different caps for different sectors of the city centre.

- 3.9 However, to avoid local traffic impacts that are greater than the network can accommodate it is suggested that the policy requires each planning application to submit a Transport Assessment. Permission may be therefore refused if the traffic impacts are forecast to impact significantly on congestion levels.
- 3.10 The new policy will apply equally to both Fringe and Core city centre car parking zones as defined in the UDP (see map at appendix 1). For commuter car parking policy generally, there are stricter standards for the Core area because of better public transport accessibility and the greater need for short-stay spaces close to the Prime Shopping and Entertainment Quarters; but in the case of cleared sites being used for commuter car parking there are only one or two sites within the Core Area (Whitehall Road), and these are in a peripheral location where short stay demand is limited. In addition, much of the existing commuter parking on cleared sites is undertaken by people who work in the Core area, so applying further restrictions in the Core would not necessarily have any impact on overall levels of car use. On this basis it is not proposed to develop separate policy standards for both areas.

Duration of permissions and cost

- 3.11 Permissions should not be permanent or for such a long length of time that the City Council is unable to take stock of the impact of anticipated public transport infrastructure and park-and-ride schemes. On the other hand, permissions need to be long enough to justify the investment that site owners/operators will have to make in physical improvements. Officer calculations suggest that 5 years will be long enough for financial investment to be recouped. 5 years is also about the time when park-and-ride schemes might be realised.
- 3.12 It is suggested that the 5 year period should normally begin when permission is granted as this builds in an automatic incentive for the owner to carry out improvement works promptly. If there are exceptional circumstances why works cannot be implemented promptly, alternative arrangements can be agreed.
- 3.13 The physical improvement works should be expected to be completed within a reasonable period after temporary planning permission is granted. A condition should make clear that the use for commuter car parking is not sanctioned until the physical improvements are completed. A maximum of 3 months from date of planning permission is considered reasonable.

4.0 Proposed Policy

- 4.1 Taking all of the above considerations into account the following policy is proposed:

To permit temporary car parks in the city centre core and fringe car parking areas to accommodate commuter car parking subject to:

a) Physical improvements to the quality and appearance of the car park including i) an attractive surface making use of sustainable urban drainage solutions as far as possible, ii) clear space markings, iii) landscaping of not less than 20% of gross area, iv) security lighting v) attractive means of enclosure and vi) signage being agreed in writing with the City Council and implemented before commencement of operation,

b) where the site is of a scale and location that pedestrian movement between different areas of the city is impeded, insertion of pedestrian linkages through the site

c) the total number of commuter car parking spaces not exceeding 3000 for Leeds city centre Core and Fringe areas only,

d) Permission being temporary for 5 years from the grant of planning permission.

On expiry of the 5 year temporary planning permissions, the City Council will consider whether the delivery of public transport improvements would justify the cessation of the car parking or the granting of further temporary extensions of permission.

Parts a) and b) of the policy will be informed by other planning policies and guidance notes adopted by Leeds City Council, for example on design and drainage

5.0 Other Considerations

- 5.1 Sustainability Appraisal is no longer necessary for Supplementary Planning Documents according to national planning policy guidance and that conclusion would apply equally to informal policy change as proposed here. However, the proposed policy may have potential effects in terms of Strategic Environmental Assessment (SEA) and Equality Impact Assessment (EIA). Hence, the policy has been screened against SEA and EIA criteria to assess whether full SE and EI Assessment is required (see Appendices 2 and 3).
- 5.2 The conclusions of the screenings are that because the policy is setting out to merely legitimise an existing situation (ie regularise the use of commuter car parking which is already taking place in an unauthorised way) its impacts will not justify full SEA and EIA. However, if the nature of the policy were changed significantly (for example to sanction higher levels of commuter car parking by removing the 3000 space cap) full SEA and EIA would then become necessary.
- 5.3 The City Council will consider other opportunities for changes to existing car parking arrangements and introduction of new initiatives but within the overall objective not to increase overall car commuting to the city centre.

6.0 Consultation

- 6.1 Officers expect to have discussed the proposed policy with Metro and the Highways Agency prior to Executive Board so that comments may be made available at the meeting.
- 6.2 In order to obtain wider feedback about the implications and operation of the policy with the potential to abandon, or revise the policy before introduction, it is proposed that a 4 week period of public consultation is undertaken from 31st March to 29th April 2011. This will also make the final policy more defensible against possible challenge.
- 6.3 It is proposed that the following interests are consulted: known authorised and unauthorised car park operators and owners, Leeds Chamber of Commerce, Bus and Train Companies and Neighbouring local authorities. It is also proposed that the draft policy should be put onto the LCC website and all people and organisations who commented on the transport chapter of Leeds' Core Strategy Preferred Approach consultation should be notified of the proposal and given the opportunity to comment.

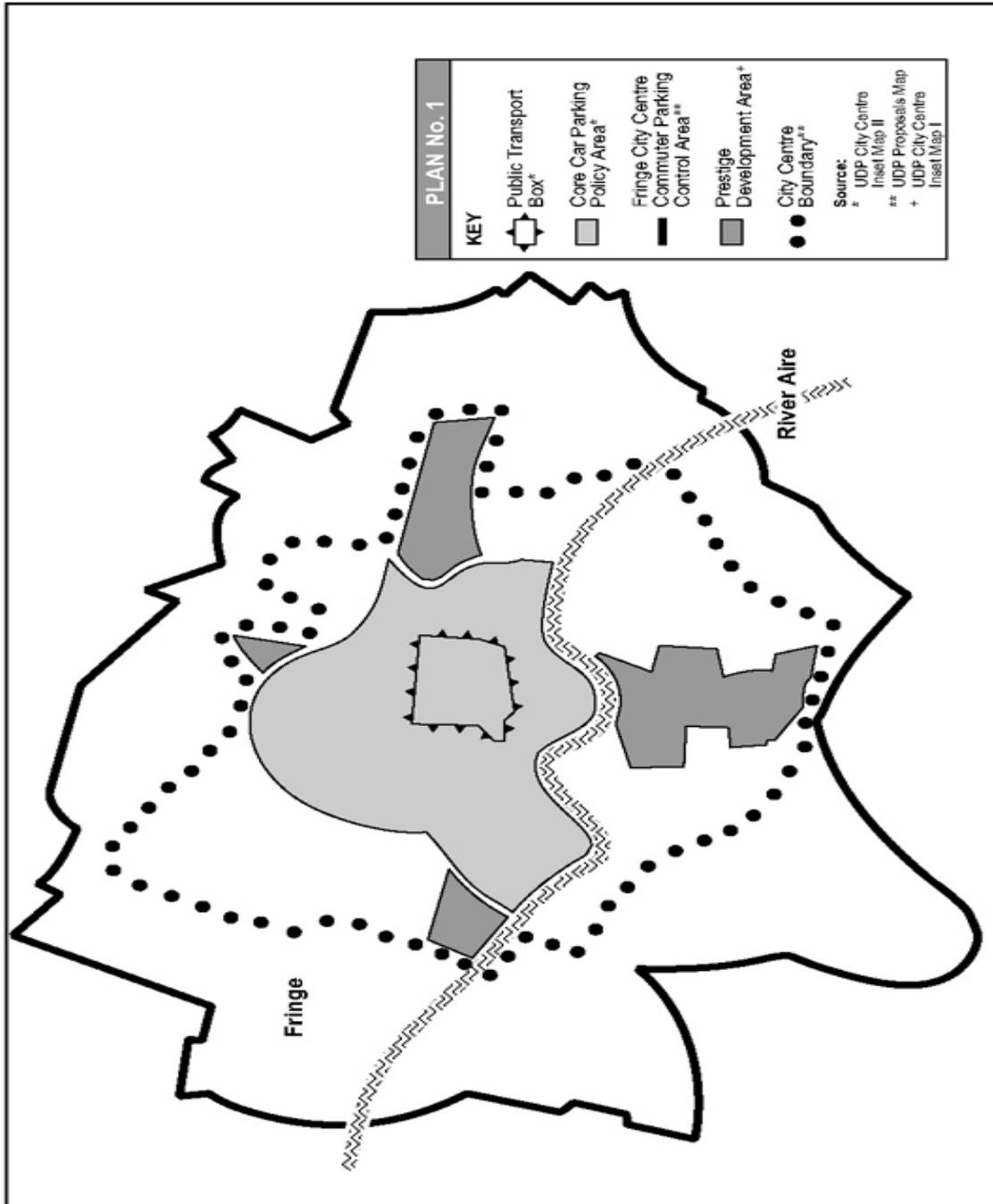
6.0 Recommendation

6.1 Members are asked to approve the draft policy for public consultation.

Background Papers

Leeds Unitary Development Plan Review Vol 1&2 - 2006

CITY CENTRE COMMUTER PARKING



Leeds City Council Informal City Centre Commuter Car Parking Policy Screening for Strategic Environmental Assessment February 2011.

1. Introduction

1.1 The requirement for a Strategic Environmental Assessment (SEA) stems from the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (SEA Directive). This Directive was transposed in law by The Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). These documents place an obligation on local authorities to undertake a SEA on any plan or programme prepared for town and country planning or land use and which sets the framework for future development consent of certain projects (which includes development sites over 0.5ha). Guidance on the SEA process is provided in “A Practical Guide to the Strategic Environmental Assessment Directive (ODPM et al, 2005).

1.2 Under Article 3(3) and 3(4) of the SEA Directive, SEA is required for plans and programmes which “determine the use of small areas at a local level” or which only propose “minor modifications to plans” to plans and programmes, and which would otherwise require SEA, only where they are determined to be likely to have significant environmental effects.

2. Draft Informal City Centre Commuter Car Parking Policy

2.1 The Draft Informal City Centre Commuter Car Parking Policy has been prepared for consultation purposes. It seeks to regularise the unauthorised use of up to 3000 car parking spaces on temporary cleared sites in the fringe and core car parking areas of the Unitary Development Plan Review (UDPR). On a temporary basis it would introduce some departure from the UDP policy to control city centre commuter car parking. In granting temporary planning permission for sites, effectively regularising their use for commuter parking, the policy expects physical improvements to the quality and appearance of the car parks.

2.2 It is therefore a “minor modification to a plan”. As a result, it is for the local planning authority (Leeds City Council) to follow a screening process to decide whether SEA should be undertaken. The screening process is based upon consideration of standard criteria and consulting three “environmental consultation bodies” to determine whether the plan is likely to have “significant environmental effects”. The result of the local planning authority’s screening process is detailed in this Screening Statement. This will be made available for public scrutiny alongside the Draft Informal City Centre Commuter Car Parking Policy consultation. The three environmental consultation bodies (Natural England, English Heritage and the Environment Agency) are currently being consulted on the screening process.

2.3 Alongside consultation on the Draft Informal City Centre Commuter Car Parking Policy, the three “environmental consultation bodies” will be consulted to determine whether they agree with the local planning authority that the plan would not be “likely to have significant environmental effects”. In accordance with Regulation 9 of the SEA Regulations, only after these “bodies” have been consulted can the local planning authority confirm whether a SEA will be required. This screening determination will therefore be updated when the views of these three “bodies” are known.

2.4 Should the three “bodies” advise that the plan would be likely to have significant environmental effects, listing the grounds for their views, the scope of a Strategic Environmental Assessment would then need to be set.

3. The Screening Process

3.1 The key screening decision is the determination of whether the Draft Informal City Centre Commuter Car Parking Policy is likely to have significant environmental effects, using the criteria set out in Schedule 1 of the SEA Regulations. These criteria are set out in the table below, and a response is given to each from the perspective of the draft Interim Affordable Housing Policy.

APPENDIX 2

SEA Regulations Criteria (from Annex II of SEA Directive)	LCC Response	Is there a significant effect?
1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	The Informal Policy will not set a new framework. It still sits within the context of overall policy objectives set out in the UDPR and West Yorkshire Local Transport Plan	No
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The Informal Policy is informal policy and will not influence other plans and programmes	No
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The Informal Policy concerns a single issue and therefore does not have the scope to affect the integration of environmental considerations	No
1d) Environmental problems relevant to the plan or programme	None are envisaged.	No
1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	The Informal Policy is not linked to any community legislation on the environment.	No
2a) The probability, duration, frequency and reversibility of the effects	There will be no effects from the Informal Policy that are likely to damage the environment which cannot be reversed	No
2b) The cumulative nature of the effects	As the Informal Policy contains a cap of 3000 regularised commuter car parking spaces, the policy will not allow any more car commuting than happens now.	No
2c) The trans-boundary nature of the effects	The Informal Policy will have negligible trans-boundary effects. This is because i) the Informal Policy focuses on the city centre and ii) contains a cap of 3000 regularised commuter car parking spaces so will not allow any more car commuting than happens now.	No
2d) The risks to human health or the environment (e.g. due to accidents)	As the Informal Policy contains a cap of 3000 regularised commuter car parking spaces, the policy will not allow any more car commuting than happens now and therefore there is not expected to be any greater risk to health either through accidents or pollution.	No
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	As the Informal Policy contains a cap of 3000 regularised commuter car parking spaces, the policy will not allow any more car commuting than happens now. Therefore, the geographical areas and residential	No

APPENDIX 2

	populations of Leeds through which car commuters pass will not be any more affected than now.	
2f) The value and vulnerability of the area likely to be affected due to: I. special natural characteristics or cultural heritage, II. exceeded environmental quality standards or limit values III. intensive land-use	It is considered that the Informal Policy will not adversely affect the value and vulnerability of the authority's area.	No
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	It is considered that the Informal Policy will not materially affect areas or landscapes which have a recognised national, Community or international protection status	No

4. Statement of Reasons for Determination

4.1 In reviewing these criteria the Council has been mindful of the fact that the Draft Informal City Centre Commuter Car Parking Policy sets a cap of up to 3000 commuter car parking spaces to be regularised through implementation of the policy. This is of critical importance to prevent the scale of car commuting into Leeds city centre increasing beyond current levels.

4.2 Having reviewed the criteria in this manner the Council concludes that the Draft Informal City Centre Commuter Car Parking Policy **is unlikely to have significant environmental effects**, and therefore does not require a Strategic Environmental Assessment.

4.3 Before it can be confirmed that a SEA is not needed, it is necessary to consult the three environmental bodies over this screening determination. (Consultation is currently ongoing). This screening determination will therefore be updated when the views of these three “bodies” are known, and the updated screening determination will be made available to the public.

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

Screening will help to determine the relevance of proposals and decisions to equality, diversity, cohesion and integration and whether an **impact assessment** will be required.

Directorate: City Development	Service area: Forward Planning
Lead person: Robin Coghlan	Contact number: 247 8131

1. Title:
Is this a:

Strategy
 Policy
 Service
 Function
 Other

Is this:

New/proposed
 Already exists and is being reviewed
 Is changing

(Please tick one of the above)

2. Please provide a brief description of the policy/strategy/ service/function being screened:

- Main aim:** to depart from policy of the Unitary Development Plan Review to regularise up to 3000 city centre commuter car parking spaces for a temporary period of 5 years on unauthorized sites on condition that physical improvements are made to the appearance and layout of sites.
- Purpose:** same as Main aim

APPENDIX 3

3. Relevance to equality, diversity, cohesion and integration	
please tick the appropriate boxes	
Question	Your answer
Does your strategy, policy, service or function affect service users, employees or the wider community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does your proposals relate to areas where there are known inequalities? (for example disabled peoples access to public transport, the gender pay gap, racist or homophobic bullying in schools, educational attainment of Gypsies and Travellers)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If you have answered yes to either or both of the above go to question 4</p> <p>if you have answered no to both of the above go to question 5, decision 3</p>	

4. Considering equality, diversity, cohesion and integration	
Are you including equality, diversity, cohesion and integration as part of considerations within your future planning. (you need to consider age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If yes, please provide specific details of how you will be including equality, diversity, cohesion and integration within your future planning and how this removes the need for an impact assessment</p>	

5. Screening decision
<p>Decision 1 – need to complete an equality, diversity, cohesion and integration impact assessment...</p> <p>...if you have answered yes to either or both questions in 3 and no to question 4 you will need to complete an equality, diversity, cohesion and integration impact assessment.</p>

APPENDIX 3

When will you complete the impact assessment?	Date:
Who will lead the impact assessment?	Name and job title:

Decision 2 – do not need to complete an equality, diversity, cohesion and integration impact assessment...

...if you have answered **yes** to either or both questions in 3 and **yes** to question 4 you do not need to complete an impact assessment.

Decision 3 – do not need to complete an equality, diversity, cohesion and integration impact assessment...

...if you have answered **no** to both questions in 3

Please provide details

The policy does not affect service users or employees of Leeds City Council. Any effects on the wider community will be negligible because the policy sets a cap of 3000 commuter car parking spaces so that no more car commuters will be created than exist already using unauthorised car parks. As such, there will be no difference to the status-quo. The quantum of car commuting and therefore effects of cars passing through inner city neighbourhoods to the city centre will remain unchanged as a result of the policy.

The sites used for commuter car parking are in predominantly non-residential commercial areas which are not known for their inequalities.

Please note: if this decision is to not do an impact assessment this screening document will be published

Date screening completed	17 th February 2011
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