



# **Brighton & Hove City Plan Part 1: Proposed Modifications**

**Inspector's Matters and Further Statements**

## **Matter 3**

*Submission by:*

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REP/174

Paragraph 4.126 (not 4.116) of the Brighton & Hove City Plan, Part 1, states:

*“In terms of new development, it will be a priority to review and prepare an up to date Supplementary Planning Document (SPD) setting out parking and servicing standards for new development. Car parking standards will be based on maximum standards, and cycle and disabled driver parking will be minimum standards. Consideration will also need to be given to the level of provision of motorcycle parking. Standards and requirements for meeting the needs for new technologies including electric vehicle charging points and for ‘car free’ housing proposals will be addressed in the SPD.”*

The Ministerial statement, dated 25 March, 2015, in relation to parking states:

*“This government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets.*

*The imposition of maximum parking standards under the last administration lead to blocked and congested streets and pavement parking. Arbitrarily restricting new off-street parking spaces does not reduce car use, it just leads to parking misery. It is for this reason that the government abolished national maximum parking standards in 2011. The market is best placed to decide if additional parking spaces should be provided*

*However, many councils have embedded the last administration’s revoked policies. Following a consultation, we are now amending national planning policy to further support the provision of car parking spaces. Parking standards are covered in paragraph 39 of the National Planning Policy Framework. The following text now needs to be read alongside that paragraph: “Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.”*

*Building on the success of our previous guidance to help householders rent out under-used car parking spaces, we have also updated planning guidance to local authorities to clarify that non-residential car parking space can be rented out. This will support the shared economy and increase the provision of competitively priced car parking spaces.”*

Following the Ministerial Statement, the crucial issue is whether local parking standards for residential and non-residential development are justified by “clear and compelling justification” that it is necessary to manage the local road network.

Therefore as it stands, paragraph 4.126 may need to be modified to provide that clear and compelling justification. Brighton & Hove Friends of the Earth (BHFOE) would argue that there is a need to set parking standards locally and that the justification is present.

Brighton & Hove is a city that has illegal levels of air pollution as well as being situated within a region that is non-compliant when it comes to the European limits on air pollution. The recent Supreme Court Judgment on ClientEarth vs Defra, dated 29 April 2015<sup>1</sup> and published after this consultation started and the Ministerial statement was published, has ordered the UK Government to produce a new Air Quality Action Plan by the end of the year. This plan has to produce action which will bring the UK into compliance “as soon as possible”<sup>2</sup>. Within the judgment, reference is made to the relevant legislation (European Union law, Directive 2008/50/EC) and a quote from it is included to demonstrate some of the measures that should be considered:

*“(d) measures to limit transport emissions through traffic planning and management (including congestion pricing, differentiated parking fees or other economic incentives; establishing low emission zones);”*<sup>3</sup>

Car parking provision is an element of traffic planning and management and alongside the fact that road transport is responsible for the vast majority of air pollution, particularly in a city like Brighton & Hove, where there is very little heavy industry, this ruling is of direct relevance to the City Plan. Therefore, there is a clear and compelling justification to reduce the number of private motor cars being used in the city, to reduce air pollution and to bring the levels of nitrogen dioxide down to legal levels. Brighton & Hove has many narrow streets and combined with its location between the sea and the South Downs National Park, has resulted in quite a dense urban layout, particularly in central areas. This makes it difficult for its roads to take large volumes of traffic, or where they do, the development and topography can ‘trap’ the pollution.

Allowing developers to include as much parking as they wish, will fuel car use, and increase air pollution, as more people will be encouraged to drive rather than use more sustainable and land efficient means of transport<sup>4</sup>. The extra traffic will also add to congestion and that will further increase pollution. Regardless of levels of significance, any proposal that delays compliance or increase emissions, is potentially illegal. This in itself is enough to warrant strict controls on local parking levels.

In addition, there are a number of bus corridors, where development with car parking on or adjacent to those corridors could severely impact on bus services which are essential to the economic vitality of the city. Some 12,000 (bus) seats an hour pass by Churchill Square, for example, on a corridor that is already heavily congested. Allowing cars to enter this area could

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<sup>1</sup> Supreme Court Judgment on ClientEarth vs Defra, 29 April 2015 - <https://www.supremecourt.uk/cases/docs/uksc-2012-0179-judgment.pdf>

<sup>2</sup> Paragraphs 15 & 16, page 7, paragraph 27, page 12 and paragraph 33, page 14, Supreme Court Judgment on ClientEarth vs Defra, 29 April 2015 - <https://www.supremecourt.uk/cases/docs/uksc-2012-0179-judgment.pdf>

<sup>3</sup> Page 3, Supreme Court Judgment on ClientEarth vs Defra, 29 April 2015 - <https://www.supremecourt.uk/cases/docs/uksc-2012-0179-judgment.pdf>

<sup>4</sup> A double decker bus has a physical footprint of two to three cars, yet can carry around 80 passengers. A typical car has an average occupancy of 1.57 people (from National Travel Survey, July 2014), so it only takes 3- 5 people on a bus to be making better use of the road space.

cause unnecessary and expensive delays. These are places where BHFOE believes that there should be car-free developments, because their potential impact individually and cumulatively could be so great.

Therefore, BHFOE would also submit that these two reasons need to be written into or acknowledged within paragraph 4.126 to ensure compliance with the Ministerial Statement.