

TravelWatch NORTHWEST

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promoting quality public transport.....

Secretary of State
DCLG
Eland House
Bressenden Place
London
SW1E 5DU

22nd December 2011

Dear Secretary of State,

Localism Act 2011

TravelWatch NorthWest (TWNW) is an independent Community Interest Company representing users of all forms of public transport in North West England. We are aware of the proliferation this autumn of DCLG consultations on issues around the Act. Whilst we appreciate that these primarily address Local Government, we fear that they could have wide ranging if unintended consequences for Local Transport Authorities and the procurers, providers and users of public transport.

The issues around which we are becoming increasingly concerned are as follows -

Elected Mayors

We are content that your powers to transfer functions to Elected Mayors in England's 12 largest cities are to be subject to referendum. However in the consultation they are compared with the Mayor of London, which we think is unfair, as the Mayor of London's powers are territorially co-terminal with those of Transport for London. Some of the newly elected Mayors' powers would extend over only part of an Integrated Transport Authority's area and this could give rise to a conflict of policy between the Mayor and ITA. The removal, against the wishes of South Yorkshire ITA, of bus lanes in Doncaster by that Local Authority's elected Mayor is an illustration of the sort of situation which might possibly occur more widely. Although we appreciate that it is not in the spirit of Localism we have consistently argued that Local Transport Authorities should cover wider journey to work areas than existing County, Unitary or "Combined" Authorities (like Transport for Greater Manchester (TfGM)). This of course raises the question of "Conurbation Mayors" such as having a Mayor for the whole of Greater Manchester,

Neighbourhood Planning

We understand your “Localism” rationale for devolving planning functions to the lowest practical participating level. As we believe that this will be hard to do with so many existing planning authorities having no local development plans, we are not completely reassured by the fact that it is to be subject to the checks and balances of independent examinations and referendums,

We are alarmed from a transport and land use planning perspective that Neighbourhood Planning areas will be able to cross boundaries and cover parts of two or more Planning Authorities, since some development or community right to build (CR2B) orders contain planning obligations involving the provision of public transport.

The end result could be the disparate provision of registered local bus services in adjacent areas with no overall integrated transport plan. We do not think it appropriate that community councils or self-elected business forums should have powers which could, however indirectly, interfere with existing transport and land use planning procedures

We note that, under the Community Right to Challenge (CR2C) provisions of the Act, Voluntary and Community groups, Parish Councils and Local Authority employees can express an interest in providing local services. Some of these may be supported registered local bus services. The Local Transport Authority in this case must respond and, if they accept the proposal, trigger a procurement exercise. Voluntary Groups may include Community Transport operators, and we support the efforts of the Community Transport Association to fill gaps in the provision of supported services, as, for example, Hackney CT does in London. We also support similar initiatives by the taxi trade to use the provisions of the Transport Act 2008 to provide taxi bus services, and would urge DVLG and Local Taxi Licencing Authorities to engage with the Law Commission in the current review of how taxi licensing legislation might be simplified.

Community Infrastructure Levy (CIL)

We were pleased when the Planning Act 2008 introduced this levy as an alternative to existing “planning gain” provisions like section 106 agreements (Town and Country Planning Act 1990) which have too often failed to secure the relevant necessary public transport benefits. The Localism Act’s distinction between charging and spending authorities (accepting that these may in some cases be the same) is, we think, helpful – especially the proviso that Local Authorities must pass a meaningful amount of the receipts to the neighbourhood in which the originating development takes place. We note too that the levy is to be spent on the on-going costs of providing infrastructure. However, despite guidance that this can include strategic transport infrastructures we are concerned that the provision of necessary infrastructure implies only capital expenditure. Frequently what local transport providers and procurers need is on-going revenue support for necessary services. We would like to see subordinate legislation specifically allowing spending authorities (which may be as local as Parish or Community Councils or as strategic

as Integrated, or Local, Transport Authorities).to support both capital and revenue transport expenditure.

We note that the consultation on the CIL refers to the Localism Act's Community Right to Build (CR2B), and whilst we accept that Housing is another issue on which we prefer not to comment specifically, we would remind you that Transport and Land Use Planning are inextricably linked and have in the past been jointly undertaken by the same Local Planning Authorities, We urge that neither should be processed in isolation.

Conclusion

If there are any parts of our submission on which you would like us to elaborate, either verbally or in writing, we would be pleased to do so.

I trust that you will give our concerns due weight.

Yours faithfully,

(signed)

JOHN MOORHOUSE
Company Secretary

(Author Paul Fawcett MPhil FCILT)