Planning and land use policy

THIS BRIEFING COVERS:

The planning system and planning policy background; what's good for cycling; economic growth and motor traffic restraint; climate change and low-carbon transport; community engagement.

HEADLINE MESSAGES

- Planning policies can help reduce people's dependency on their cars for work, shopping, leisure and other trips. They can do this both by focusing developments in places that can be easily reached by sustainable transport choices (e.g. in town centres rather than out-of-town locations), and by including good cycling provision in and around the development.
- Good planning policies are vital to wider economic, environmental and health objectives. They should explicitly state that built and rural environments need to: promote and cater well for walking and cycling to help boost active, healthy travel and recreation; reduce car-dependency and motor traffic volume; and make places attractive to live in and visit.

KEY FACTS

- One of the 12 core principles of England's *National Planning Framework* (NPPF) states that planning should: *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable." (NPPF Section 17)*
- Just 2% of trips in the UK are made by cycle, compared to 10% in Germany, 16% in Denmark and 27% in the Netherlands. In these three countries, planning policies covering the use of land and the layout of urban areas make an important contribution to such high levels of cycling.
- NICE (The National Institute for Health and Clinical Excellence) recommends that local authorities *"Ensure planning applications for new developments always prioritise the need for people to be physically active as a routine part of their daily life."*

Cycling UK VIEW

Planning policy and cycling

- Planning policies locally and nationally make a significant impact on travel patterns and travel choice. They need to complement and support transport policy and programmes to promote cycling and other healthy and sustainable options. They should include policies on:
  - Cycle proofing all new or altered infrastructure associated with the development;
  - Road safety;
  - Locating development where it can be easily reached by walking, cycling and public transport;
  - Supporting sustainable local transport strategies;
  - Providing good cycle access to and within new developments;
  - Ensuring the provision of cycle parking and other 'trip end' facilities (e.g. lockers and showers for employees etc.);
  - Always adopting a travel plan as part of a wider planning agreement for developments and giving cycling a key role in it; and ensuring plans are implemented and well monitored;
  - Securing appropriate developer contributions towards improved cycle provision in the surrounding area;
  - Requiring high standard design for the public realm to create an environment that is inviting for pedestrians and cyclists;
  - Considering the impact that planning decisions may have for recreational and utility cycling, particularly in relation to long distance routes, local green spaces, rights of way network, canals and riversides, disused railway lines and other transport corridors, forests, national trails & parks, AONBs and other areas that provide valued opportunities for outdoor activities and recreation;
  - Ensuring that plans for the built environment contribute to improvements in public health.

Economic growth and local motor traffic restraint

- National guidance should recognise that the historic association of economic growth with the growth of motor traffic is inherently unsustainable. It should therefore state unambiguously that planning decisions should reduce the need to travel by private car; and that sustainable, healthy modes offer economic and other benefits in their own right.
- Local authorities should set out policies in their development plans that resist development projects that would increase car dependent travel patterns and/or enable them to secure developer contributions for measures that benefit cycling.

Climate change and low-carbon transport

- The Government should introduce ways to measure the specific carbon impacts of individual developments as part of the transport assessment process, and aggregate these so that the public can assess the overall impact of planning policies and decisions, both locally and nationally. It should be possible to dismiss plans on carbon grounds in the interests of achieving the legal limits set out in the *Climate Change Act*, and incentivise planners to ensure that low-carbon travel is properly accommodated.

Community engagement

- Representatives of relevant NGOs and local communities should always enjoy meaningful input into planning decisions and the policies and strategies that inform them. Consultation on planning applications for all proposals, major and minor, should be supported by clear information, transparency, regulations and guidance. Communities should also be granted a limited third party right of appeal against planning permissions to which they object.

BACKGROUND INFORMATION

1. The planning system and planning policy: background

The planning system in the UK is 'plan-led', which means that permission for the development of land (construction) has to be in line with national and local plans. The economy, society and the environment are the three main stated priorities.

Overarching policy is set by national government, while local planning authorities are required to involve their communities in producing distinctive plans for their own areas. Naturally, local plans are expected to be consistent with their respective national policy/strategy.

The law and 'sustainable development': Every local and national plan focuses on 'sustainable development', which is the statutory purpose of planning as set out in section 39 of the *Planning and Compulsory Purchase Act 2004* (England and Wales), and section 3D of the *Planning etc. (Scotland) Act 2006*.

The planning framework for England explains that 'sustainable' means *"ensuring that better lives for ourselves don't mean worse lives for future generations".* 'Development' here generally means 'growth'. Otherwise, 'sustainable development' is not defined in law, except in Wales under the *Well-being of Future Generations Act 2015*, which describes it as: *"the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals."*[1]

Sustainable transport: *The Planning Framework for England* defines 'sustainable transport modes' as: *"Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport."*

Localism: The *Localism Act 2011* applies to England and Wales (the extent to which it covers Scotland and N Ireland is very limited and not relevant here). As far as planning is concerned, the Act's declared intention was to shift much of the decision-making that affects local communities from central government to the lowest level practical level. As a result, local authorities have been given greater freedom and flexibility, in theory. They also have the 'general power of competence', i.e. the legal capacity to do anything that an individual can do that is not specifically prohibited. For more on community engagement, see section 5.

The Infrastructure Act 2015: *"Enshrining new measures to make it easier, quicker and simpler to get Britain building",* this Act makes a range of provisions relevant to planning for nationally significant infrastructure projects and local housing. It mostly covers England & Wales only.[2]

All planning acts are listed and summarised at:
www.planningportal.gov.uk/planning/planningpolicyandlegislation/currentlegislation/acts

a. England:

The National Planning Policy Framework (NPPF, 2012),[3] simplified and streamlined the Government's myriad planning policies in under 60 pages. It is a 'material consideration'[4] in planning decisions and requires a 'presumption in favour of sustainable development'. It does not specifically cover nationally significant infrastructure projects (e.g. power stations, airports, railways and motorways), but may be considered relevant.

Development Plans are produced by the Local Planning Authority (LPA) and incorporate the Local Development Framework (LDF), a folder of documents outlining how planning will be managed for an area. Development plans include Local Plans, neighbourhood plans and the London Plan. A key document within the LDF is the authority's 'Core Strategy', which sets out its overarching vision for planning. These plans are submitted to the Secretary of State (in practice the Planning Inspectorate) for an examination to make sure that they're 'sound'.

Local Plans are drawn up by the LPA and cover the future development of a local area. The current NPPF recommends that they should be *"drawn up over an appropriate time scale, preferably a 15-year time horizon"*, be kept up-to-date and reviewed in whole or in part to respond flexibly to changing circumstances.

Neighbourhood Plans were introduced under the *Localism Act 2011* (see p3 above) to reduce bureaucracy and shift power from central government to communities and individuals. They are prepared by the parish council (if there is one) or designated 'neighbourhood forum'.[5] They set out policies in relation to the development and use of land in the area in question, and need to pass a local referendum before they are accepted. Parish councils and neighbourhood forums are entitled to initiate a process requiring an LPA to make Neighbourhood Development Orders (NDOs) to grant planning permission for a development in the area. NDOs are also subject to a referendum.

To facilitate cross-boundary working, the Act places a 'duty to cooperate' on local planning authorities to ensure that their policies are coordinated.

b. Scotland

The Scottish Government published its *National Planning Framework 3* and associated *Scottish Planning Policy* in June 2014.[6] Its objectives are similar to that of the English NPPF. The four largest city regions are subject to Strategic Development Plans (SDPs), whilst Local Development Plans are under way. The main planning act in Scotland is *Planning etc. (Scotland) Act 2006.*

c. Wales

Planning Policy Wales[7], supplemented by a series of topic-based *Technical Advice Notes* (TANs), is the current framework for Welsh planning. As elsewhere in the UK, LPAs have to prepare a Local Development Plan. The *Well-being of Future Generations Act 2015*, which essentially commits Wales to the principles of sustainable development, has imposed a duty on public bodies to *"give current and future generations a good quality of life we need to think about the long term impact of the decisions we make"*. The *Localism Act* applies to Wales too (see above).

d. Northern Ireland

The *Regional Development Strategy*[8] (RDS, 2012) and the complementary *Sustainable Development Strategy* (2010)[9] set out the planning framework. Until fairly recently, planning was centralised, but the *Planning Act 2011* provides for the transfer of the majority of planning functions from the Government to district councils who must now produce Local Development Plans.

2. Planning policy and cycling

Cycling UK view: Planning policies locally and nationally make a significant impact on travel patterns and travel choice. They need to complement and support transport policy and programmes to promote safe cycling and other healthy and sustainable options. They should include policies on:

- Cycle proofing all new or altered infrastructure associated with the development;
- Road safety;
- Locating development where it can be easily reached by walking, cycling and public transport;
- Supporting sustainable local transport strategies;
- Providing good cycle access to and within new developments;
- Ensuring the provision of cycle parking and other 'trip end' facilities (e.g. lockers and showers for employees etc.);
- Always adopting a travel plan as part of a wider planning agreement for developments, and giving cycling a key role in it; and ensuring plans are implemented and well monitored;
- Securing appropriate developer contributions towards improved cycle provision in the surrounding area;
- Requiring high standard design for the public realm to create an environment that is inviting for pedestrians and cyclists;
- Considering the impact that planning decisions may have for recreational and utility cycling, particularly in relation to long distance routes, local green spaces, the rights of way network, canals and riversides, disused railway lines and other transport corridors, national trails, national parks and forests, AONBs and other areas that provide valued opportunities for outdoor activities and recreation;
- Ensuring that plans for the built environment contribute to improvements in public health.

Creating good cycling conditions and securing high quality cycle provision contributes significantly to the three main objectives of national planning policy, i.e. the economy (see section 3 below), society and the environment. For instance, cycle-friendly town centres are far more attractive for both shopping and relaxing than streets filled with polluting cars. Also, cycling in the countryside is a healthy recreational activity that helps boost the rural economy in a sustainable way.

At local level, developers who are left to their own devices may opt for car-dependent locations, and neglect the needs of existing and potential cyclists in their detailed designs. Consequently, areas with historically low levels of cycling (or where this is perceived to be the case) may end up with minimal cycle provision that limits people's transport choices. Of course, some developers are already conscious of the need to cater for sustainable travel, but others may well follow suit, if given clear direction.

All planning policies should specifically cover cycling and guide decision-makers clearly on:

a. Cycle proofing

'Cycle proofing' is defined as: *"... a process which over time ensures that the built environment generally, and roads specifically, are seen to be safe, convenient and pleasant for cycle use by people of all ages and abilities."* The concept has received prime ministerial backing and a working group has been set up by the DfT to take it forward: www.gov.uk/government/groups/cycle-proofing-working-group

New developments often impact on cycle access, safety and convenience, e.g. with new road layouts and junctions, removing/moving crossing points etc. To ensure that provision for cyclists is enhanced rather than undermined, planning decisions need to be cycle proofed at all levels. Impetus from the local planning authority working closely with the council's highways department and/or Highways England or Transport Scotland as appropriate, plus a supportive national framework, is vital.

b. Road safety

Apart from making sure that any road infrastructure alterations will not put vulnerable road users at risk, when granting planning permission local authorities should be mindful of the lorry movements the site is likely to generate during construction (and/or after construction if the site is some kind of depot).

Through planning permission and Section 106 agreements (England & Wales) / Section 75 agreements (Scotland)[10], Cycling UK believes LPAs should:

- Oblige all operators to use vehicles designed to the specification set out in section 3, and conform to Construction Logistics and Community Safety standard (CLoCS);
- Stipulate the routes lorries must take;
- Require that construction sites are suitable for vehicles fitted with safety features; and
- Insist that all drivers are given cycle awareness training.

It is, of course, important to enforce these conditions and take action against all breaches.

For more on HGVs and CLoCS, see our briefing on goods vehicles:
www.cyclinguk.org/campaigning/views-and-briefings/goods-vehicles-lorries-hgvs-vans-etc

Rejecting development on road safety grounds: case studies

- In 2017, Wealden District councillors unanimously blocked retrospective planning permission for a heavy goods vehicle operation out of Chilley Farm, Rickney Lane, Pevensey. The decision followed representations from Cycling UK and local cycling clubs concerned about the safety implications of continuing to allow regular HGV movements on a narrow country road, particularly for walkers and cyclists. www.cyclinguk.org/press-release/2017-02-03/pevensey-cyclists-celebrate-lorries-barred-country-lane
- In 2018, Rother District councillors agreed with Cycling UK and other objectors that a campsite on Pannel Lane, part of a rural route promoted to cyclists and walkers, would have an adverse impact on road safety and refused the application. www.rother.gov.uk/article/13005/Thursday-18-January-2018

c. Locating development where it can be easily reached by sustainable transport

Planning policies can help make it convenient for people to walk, cycle or travel by bus or train. Locating new development predominately in urban areas is the best way of doing this, because trips tend to be shorter and public transport connections good. Remote, disconnected housing developments, out-of-town shopping centres and business parks inevitably encourage driving because of the distances involved.

- **Compactness v sprawl:** levels of cycling are higher in countries whose national planning policies insist on nearness and compact cities:
  - The scarcity of space in the Netherlands has made this a key approach of the Dutch government, and the benefits for cycling are self-evident. An official report on cycling there says: *"Here there is a rule of thumb: the closer people live to their destinations (work, school, shops etc.) the more often they will make a short trip. And the more often they make a short trip, the more readily they opt to use the bicycle."* [11] Research also confirms that the denser an urban area is in the Netherlands, the more likely it is that adults travel actively.[12]

    In the Netherlands, 27% of trips are cycled, as opposed to 2% in the UK; and average trip distances in Britain by all modes are 7% longer than in the Netherlands (11.7km compared to 10.9km). Yet the density of development in the UK and the Netherlands is not dissimilar.

- In Denmark, where 16% of trips are cycled, the Government's commitment to reduce the negative impact of motor traffic while maintaining the flow of goods means that new residential development may only take place within existing urban zones and areas specifically designated for urban development. Also, commercial development has to be sited in regional and municipal centres. The Cycling Embassy of Denmark's *Collection of Cycle Concepts* explains how important this approach is for cycling and strongly recommends it to other countries. [13]

d. Supporting sustainable local transport strategies

Local transport strategies that aim to prioritise healthy and sustainable transport over driving are more likely to succeed if local planning policies support them. This includes committing to pedestrian and cyclist-friendly town centres, and area-wide 'filtered permeability' where 'through movement' by motor vehicles is restricted, but cycling welcomed. The Dutch new town of Houten is a good example of the latter approach, but traditional Dutch towns (e.g. Groningen) have benefited from it too. While cycle-accessible town *centres* do exist in the UK (e.g. Leicester), few have applied the concept over an entire town or city.

e. Providing good cycle access to and within new developments

It's essential that highway infrastructure accommodates walking and cycling as the most logical and convenient choice for travelling to, from and within new developments. It also makes better sense to inform plans with this principle from the start, rather than adopting it retrospectively. All developments are likely to benefit from this approach, but it is particularly worthwhile in the case of affordable housing because cycling helps reduce residents' transport costs.

See also Cycling UK's briefing on cycle-friendly design and planning
www.cyclinguk.org/campaigning/views-and-briefings/cycle-friendly-design-and-planning-overview

f. Providing cycle parking and other 'trip end' facilities

Decisions about whether to cycle to the shops or work - or indeed whether to own a cycle at all - may well hinge on how convenient it is to park or store the machine and how secure it will be. It is therefore important for planning guidance to include best practice cycle parking standards, both domestic and public (e.g. for flats, leisure centres, schools, colleges, workplaces etc.).

In Cycling UK's view, housing standards that apply to floor and storage space in homes should include advice on providing communal and private bike parking for residents. The *Parker Morris Standards,* developed in the 1960s and mandatory for new towns and council housing until the 1980s, set a useful precedent. They specified, for instance, the typical dimensions needed for typical items of furniture that occupants would probably want to accommodate. This approach could easily be adapted to cover bike storage.

As outdoor cycle parking is a much more cost-effective use of land than car parking, it is a particularly important consideration for businesses: one car parking space can accommodate at least eight cycles. (For more on parking standards, see 3c below).

Good planning guidance also needs to direct workplaces to install lockers and showers for cycle commuters. Facilities like these may well help make cycling a more feasible option for more staff.

Cycle storage in front gardens: In terraces or where there is little space to store cycles elsewhere, a front garden cycle shed may be the ideal solution. Unfortunately, national planning rules make this difficult as it is unlawful to install most outbuildings in front of a house in England and Wales without planning permission, a process that currently costs around £200, and may go against the applicant. Also, although not obliged to do so, some councils take tough enforcement action against people who have installed a cycle shed at the front without permission.[14]

Arguably, councils should deem a cycle shed as exempt 'minor operations' and take a positive approach to aesthetically acceptable cycle storage through stated policy and briefings. They can also use Local Development Orders to grant planning permission for specific types of development within a defined area and apply this to cycle sheds. Better still, the Government should amend the legislation itself so that it's possible for residents to install cycle storage at the front of their properties without needing planning permission. For more see: www.cyclistsdefencefund.org.uk/cycle-storage-advice

g. Adopting, implementing and monitoring travel plans

A travel plan is a collection of practical measures to reduce a development's car use and promote alternatives. It covers, for example, routes, lockers, maps, cycle storage, pool bikes etc.

A robust travel plan, when adopted as part of a wider planning agreement with a developer, may not only make it easier to obtain planning permission, but also help settle community concerns about extra motor traffic in the neighbourhood.

Many LPAs insist on travel plans for any development proposal (residential, business, retail etc.) that is likely to have an impact on local traffic, and they offer advice on how to produce and submit one. It is important that authorities make sure that the proposals follow best practice and that cycling features prominently.

To make a real difference, however, authorities must also make sure that travel plans are not merely tokenistic – i.e. no more than a developer's bid to make planning permission more likely (and involve nothing much more than delivering a bus timetable to every new resident, for example). Monitoring can be a problem too, as some local authorities lack the capacity and/or the will to make sure that a developer honours their obligations. Travel plan agreements should therefore include a well-resourced commitment to monitor them and their impact.

h. Securing appropriate developer contributions

When planning permission for development is granted, the land in question usually increases in value. While this mainly benefits the landowner, a levy or tax may be made to divert some of this 'planning gain' to the public following negotiations between the developer and the council. Various legislation covers this, e.g. Section 106 of the *Town and Country Planning Act 1990* (England and Wales), Section 278 of the *Highways Act 1980* in the case of works to the highway in England and Wales; Section 75 of the *Town and Country Planning (Scotland) Act 1997*, and the Planning Act 2008.

Under the *Planning Act 2008*, the Community Infrastructure Levy (CIL) allows English and Welsh local authorities to set charges that developers must pay when bringing forward new development in order to contribute to new or enhanced services and infrastructure. The *Localism Act* (see section 1) provides for regulations to require that a meaningful proportion of these funds be passed to neighbourhoods where the development has taken place.

Given that some local councils may have visionary plans for sustainable transport but not enough funding to support them, developers' contributions are vital. They have the potential to make a substantial difference to the area in which the construction is located, and they can be put to particularly good use if they go towards enhancing provision for sustainable transport (e.g. high quality cycle routes to and in the vicinity of new developments). In 2014-15, between them, three English local authorities spent £403,661 of CIL money on transport and travel, including cycle lanes.[15]

Cycling UK believes that local development plans and documents should formalise the need to secure developer contributions, and include a map showing proposed locations for cycling improvements, plus those that may require land acquisitions. Developers may be more positive about contributing if the authority supplies consistent, uniform design guidelines and accurately costed proposals.

Also, from the national point of view, the Government should preserve and strengthen the ability of local communities to benefit fully from planning gain.

The Planning Advisory Service supplies detailed information about CIL:
https://www.local.gov.uk/pas/policies-plans/community-infrastructure-levy

i. Requiring high standard design for the public realm

An aesthetic and welcoming public environment that caters for people rather than cars is more likely to be a cycle-friendly one, as long as cycles aren't subject to unnecessary bans or expected to negotiate good-looking but cycle-unfriendly infrastructure. If there is a genuine need for them, specific cycling facilities can be subtly incorporated (e.g. by contrasting paving rather than white lining) and unobtrusively signed. Town centres, squares and green spaces with seating, *al-fresco* dining areas, artwork and pleasant lighting etc. can all be designed to accommodate cyclists, whether they're passing through or visiting, and reinforce the idea that cyclists and pedestrians can share space harmoniously.

j. Supporting opportunities for cycling along long-distance routes, in local green spaces, the rights of way network and the countryside

Preserving tranquillity and beauty are important to society, and accessing and enjoying them by benign, quiet and sustainable transport is particularly appropriate. LPAs are well advised, therefore, to:

- Look favourably on sympathetically designed developments that support cycling and other outdoor pursuits, e.g. visitor centres that offer MTB or BMX activities etc.;
- Ensure that rural developments, where permitted, are accessible by cycle;
- Safeguard long-distance cycle routes, disused railway lines, canal towpaths etc. These are strategically important for utility cycling and offer less trafficked/motor-free routes that leisure cyclists and families often value.[16] The Scottish Government, for instance, has given long-distance cycling and walking routes national development status in its 3rd *National Planning Framework*;
- Avoid interfering with existing rights of way (e.g. by extinguishing or severing a bridleway as a result of development), and look at enhancing what's already available instead, if possible.

k. Ensuring that the built environment contributes to improvements in public health

Both walking and cycling make a significant contribution to levels of physical activity and to the battle against obesity, heart disease etc. As mentioned above, the lay-out of towns and cities influences how people choose to travel and LPAs have an important role to play in this respect. In recent years, the interest of health and physical activity professionals in the built environment has escalated:

- NICE (The National Institute for Health and Clinical Excellence) offers evidence-based advice on how to improve the physical environment to encourage physical activity. One of its recommendations to local authorities is to *"Ensure planning applications for new developments always prioritise the need for people to be physically active as a routine part of their daily life."* [17]
- Public Health England publishes several resources for planning authorities and other stakeholders on promoting better health through planning and design. Cycle-friendliness features heavily.[18]
- Sport England has developed '10 principles of Active Design' to inspire and inform the layout of cities, towns, villages, neighbourhoods, buildings, streets and open spaces, to promote sport and active lifestyles, including making it easier for people to cycle for local trips. [19]
- In 2016, the Lancet published a three-part series on urban design, transport and health.[20]

- In its call for action on active travel, the Association for the Directors of Public Health urged decision-makers at all levels to *"'health check' every transport and land use decision, focusing on the potential impact on levels of walking and cycling and other aspects of health; […] and reject proposals whose impact on walking and cycling will not be positive."* [21]

Now that Directors of Public Health and their staff are working within English local authorities to help them discharge their public health functions, they are in a stronger position to engage more effectively with local planning departments.

National governments should therefore always make sure that official guidance and policy stress the link between planning decisions and public health and well-being.

England's NFPP already explicitly recognises this: *"Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation […]), including expected future changes, and any information about relevant barriers to improving health and well-being."*

For more, see: www.cyclinguk.org/campaigning/views-and-briefings/health-and-cycling

3. Planning, economic growth and local motor traffic restraint

Cycling UK view:

- National guidance should recognise that the historic association of economic growth with the growth of motor traffic is inherently unsustainable. It should therefore state unambiguously that planning decisions should reduce the need to travel by private car; and that sustainable, healthy modes offer economic and other benefits in their own right.
- Local authorities should set out policies in their development plans that: resist development projects that would increase car dependent travel patterns; and maintain maximum car parking and minimum cycle parking standards.

National planning guidance should enable and encourage local authorities to refuse development proposals that would increase dependence on private motorised transport.

Unfortunately, the NPPF in England has made it harder for local planning authorities to do either of the above because the framework does not explicitly require them to reduce car travel and makes it easier for developers to challenge them if they try.

a. National guidance and the emphasis on economic growth

Firstly, where national guidance unreservedly prioritises economic growth without stipulating the need to reduce car travel, the likely result is free-for-all development and unrestrained increase in motor traffic volume. This policy, in fact, has negative implications for the economy: the Cabinet Office Strategy Unit calculated in 2009, for instance, that the "costs of transport harm in urban areas" are between £38-49 billion per year.[22] Too much motor traffic also creates hostile road conditions that deter people from cycling, the economic benefits of which are often underestimated.

See Cycling UK's briefing *Cycling and the Economy* for more:
www.cyclinguk.org/campaigning/views-and-briefings/cycling-and-economy

National planning policy therefore needs to be clear about the economic harm of over-dependency on the car and establish policies accordingly. The NPPF, however, fails to do this.

b. National guidance and motor traffic restraint

The predecessor to the NPPF (England), *Planning Policy Guidance on Transport,* (PPG13) stated unambiguously that traffic growth should be restrained and the need to travel reduced.[23] The NPPF, however, did not follow suit and in doing so fails to give effective support to local authorities who wish to tackle motor traffic volume through planning.

The NPPF does, nevertheless, make a variety of commitments to maximising sustainable modes and minimising journey lengths.[24] One of its 12 core principles, for instance, states that planning should: *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable." (NPPF Section 17)*

However, this principle is weakened by several qualifications that developers could readily exploit to plead special circumstances, even if their proposals are likely to have adverse transport impacts. NPPF says, for example:

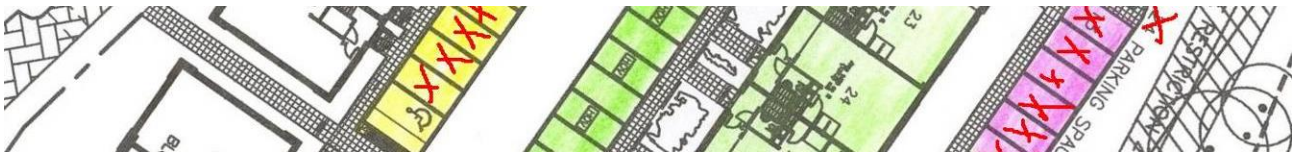
> *"The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognise that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas." 4.29*
>
> *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." 4.32*
>
> *"Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas." 4.34*

As a result, the NPPF does not provide clear-cut guidance on the need to reduce motor traffic and encourage walking and cycling, and makes refusing development on transport grounds far from straightforward. The level at which a development's impact on traffic should be defined as 'severe', for example, may be subject to debate.

While this lack of national direction is ostensibly to give LPAs greater freedom, Cycling UK is concerned that it has actually strengthened developers' ability to challenge those who adopt and uphold their own policies and standards on tackling local motor traffic growth or unsustainable development; or who want to secure 'planning gain' for sustainable transport (see below, p11).

Cycling UK believes that this is not only contrary to the spirit and letter of the Government's 'localism' principle (see section 1), but also undermines the promotion of its own objectives for active travel, health and sustainability.

Note: on 5 March 2018, the Government launched a consultation on revisions to the NPPF, largely in response to the pressure to build more homes. Some of the changes could make positive differences for cycling and walking.[25]



c. Local planning policies and car-dependency

While they must have regard to national guidance (however weak it is), local authorities who want to resist development proposals on grounds of increased car-dependency or road safety are in a stronger position if their own distinctive planning policies explicitly support this approach.

Core Strategy: A strong commitment to reducing motor traffic and providing for walking and cycling made in key planning documents, especially an LA's 'Core Strategy' (England) or the equivalent elsewhere, helps set the scene for supplementary planning documents (SPDs) that are consistent with this approach. Given the lack of a robust national steer (see 3 a-b above), this requires strong leadership and political will.

Parking standards: in relaxing the national framework for planning (see above), in England, the Government opted at the same time to weaken its guidance to LPAs on suitable parking standards. The maximum provision for car parking in a development is no longer dictated nationally, and local planning authorities are under no obligation to set their own. Equally, the guidance fails to advise authorities on using parking restrictions, charges and enforcement as effective ways of discouraging driving.[26]

Research, however, has shown that maximum car parking standards are an important demand management tool for local authorities.[27] Cycling UK believes that these need to be accompanied by standards that set minimum levels of cycle parking to ensure that car parking restrictions are offset by plentiful provision for cycles. It is therefore important that LAs reflect this in SPDs on parking standards for both car and cycle parking.

Travel plans: if robust, implemented and properly monitored, these can make a significant impact on local traffic to reduce car use for commuting and business travel (see 2g above).

Transport for New Homes, a fieldwork project looking at how and if new housing is being built around sustainable transport, concluded that many of them were still making residents car dependent.
http://transportfornewhomes.co.uk/home
www.transport-network.co.uk/Estates-without-footways-homes-without-transport/14106

4. Climate change, planning and low-carbon transport

Cycling UK view: The Government should introduce ways to measure the specific carbon impacts of individual developments as part of the Transport Assessment process, and aggregate these so that the public can assess the overall impact of planning policies and decisions, both locally and nationally. It should be possible to dismiss plans on carbon grounds in the interests of achieving the legal limits set out in the *Climate Change Act*, and incentivise planners to ensure that low-carbon travel is properly accommodated.

Of all modes of vehicular transport, cycling has the lowest environmental footprint.

The current and future impact of climate change necessarily influences planning policy (e.g. because of increased flood risk, coastal erosion etc.); but, in turn, planning policy can help mitigate its dangers, not least by making sure that it provides a significant boost for low-carbon transport. After all, emissions from transport account for around a quarter of all the UK's CO2 emissions – and passenger cars are responsible for over a half of this.

The *Climate Change Act* 2008 requires the Government to reduce greenhouse gas emissions from 60% to 80% by 2050, based on 1990 levels. This, and the target to reduce CO2 emissions by at least 26% by 2020, are legally binding and relate to the whole of the UK. Scotland's own *Climate Change Act* (2009) introduced a statutory target to reduce Scotland's greenhouse gas emissions by 80% by 2050. However, as there is no mechanism for assessing the accumulated CO2 impact of local planning proposals, it is possible that the carbon from unconstrained development will exceed the legal limits set out in the Climate Change Acts when aggregated across the country.

Transport assessments of larger new developments therefore need rigorously to consider their likely and potential carbon impacts, as well as assessing both the positive and negative impact on cycle use and cycle accessibility.

In Cycling UK's view, these assessments should be publicly available both for individual developments and for the whole of each LPA's area. In the light of the Government's push towards 'localism', this type of information would help arm communities when holding their local decision-makers to account, and it would be easier to support the case for dismissing individual schemes or developments on the basis of their potential carbon emissions. In turn, providing for walking and cycling would become a necessity rather than merely an aspiration too readily subordinated to other objectives, such as economic growth (see 3 above).

Meanwhile, aggregating this data nationally would allow the Government's planning policies to be assessed against the targets of the Climate Change Acts.

See Cycling UK's briefing on climate change for more:
www.cyclinguk.org/campaigning/views-and-briefings/climate-change

"As a key part of the low carbon agenda, we will encourage local authorities to develop at least one exemplar walking- and cycling-friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting our vision for increased cycling." Scotland's Planning Framework (5.14). http://scotland.gov.uk/Resource/0045/00453683.pdf

5. Community engagement

Cycling UK view: Representatives of relevant NGOs and local communities should always enjoy meaningful input into planning decisions and the policies and strategies that inform them. Consultation on planning applications for all proposals, major and minor, should be supported by clear information, transparency, regulations and guidance. Communities should also be granted a limited third party right of appeal against planning permissions to which they object.

'Localism' (England & Wales) is meant to decentralise decision-making, but if an LPA refuses planning permission, developers can appeal and, if successful, have their plans sanctioned by the Secretary of State and/or the Planning Inspectorate instead, contrary to the principles of local accountability. As it is, decisions about major infrastructure projects are made centrally, often with little or no deference to local opinion. Similarly, the ability of residents to object to locally made applications that affect them is compromised whenever national government decides to relax - even temporarily - the strictures of the local planning process.

Friction between local democracy and national planning objectives is almost inevitable, and one of the best ways of tackling it is through the process of meaningful community engagement.

a. The principles of good community engagement

Good consultation on development proposals not only makes sure that people have the opportunity to help shape their neighbourhood, but it also goes some way towards settling tensions between national and local guidance, and between local guidance and the community. An effective process to resolve objections at the earliest possible stage might also help reduce the likelihood of a costly public inquiry.

Timely consultation is therefore a valuable mediation exercise and it makes sense to involve local residents, representatives of NGOs who take an interest in planning, and local interest groups (e.g. cycle campaigns). This should happen in the case of all developments, including 'nationally significant projects' where democratically accountable government ministers make the final decision.

LPAs have to consult with their community when they develop the overarching framework documents that inform their planning decisions and they are required to follow a strict consultation procedure for individual planning applications by law. These processes need to be a worthwhile exercise for all parties, not merely a token, bureaucratic gesture. This means listening to local concerns considerately and without prejudice, answering questions carefully, and backing up decisions with clear evidence.

b. Speed v delay

Developers often complain when local consultation delays the processing of planning applications. Where council inefficiency and/or lack of resources are clearly to blame, removing blockages to speed matters up is entirely justifiable. However, expediting the process simply for the sake of speed and at the expense of giving the community a meaningful say is unfair (e.g. by allowing developers to bypass the local council and apply to a higher, national authority such as the Planning Inspectorate).

Where there are serious and legitimate local concerns about a scheme, they need to be thoroughly aired and this often takes time. Objectors are, after all, likely to be unpaid lay people who either have to acquaint themselves with a legalistic system, or call in expert help with little if any financial backing. Without enough time to develop and submit their case, objectors are put at a significant disadvantage. Clear information, transparency, regulations and guidance should always be in place to make sure this doesn't happen.

c. Third party right of appeal

At the moment, a developer (1st party) has the right to appeal against a planning decision made by a planning authority (2nd party), but communities or others (i.e. 3rd parties) do not, despite the impact that some approved schemes will have on them. There are concerns that 3rd party appeals might lead to developments being blocked without good reason, but these could be allayed by permitting such appeals only in certain, limited circumstances, e.g. if the scheme is not in line with the Neighbourhood Plan, or where the local authority has a financial or other interest.

FURTHER READING

- Plain English Guide to the Planning System. (DCLG). 2015. www.gov.uk/government/uploads/system/uploads/attachment_data/file/391694/Plain_English_guide_to_the_planning_system.pdf
- Collection of Cycle Concepts 2012 (Cycle Embassy of Denmark). http://www.cycling-embassy.dk/2013/08/01/cycle-concepts2012/
  See also: http://www.cycling-embassy.dk/category/know-how/planning-know-how/
- Manual for Streets. (DfT, Welsh Assembly Gvt., DCLG). Published by Thomas Telford. 2007. www.gov.uk/government/uploads/system/uploads/attachment_data/file/3891/pdfmanforstreets.pdf - advises on creating neighbourhoods that are not dominated by motor traffic, linking planning policy to the design for residential streets.

- Planning Campaign Briefing 5 Transport (CPRE). March 2013.
www.cpre.org.uk/local-group-resources/campaigning/planning/item/3258-planning-campaign-briefing-5-transport
Thriving Cities: Integrated land use and transport planning (L. Sloman & I. Taylor, Transport Quality of Life).
www.pteg.net/resources/types/reports/thriving-cities-integrated-land-use-and-transport-planning

WEBSITES

- Planning aid resources: www.rtpi.org.uk/planning-aid/ (England) / https://www.pas.org.uk/ (Scotland) / http://www.planningaidwales.org.uk/ (Wales) / http://planningaidforlondon.org.uk/ (London)
- CPRE's explanation of the English planning system, with clear advice of how to take local action: www.planninghelp.org.uk/
- The Government's online planning and building regulations resource for England and Wales: www.planningportal.gov.uk

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[2] https://www.gov.uk/government/news/infrastructure-act-will-get-britain-building
[3]DCLG. *National Planning Framework* (NPPF). March 2012.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
[4] A 'material consideration' is something that a decision maker has to consider by law when assessing an application for development and determining the outcome of an application.
[5] https://www.gov.uk/guidance/neighbourhood-planning--2
[6] Framework: http://www.scotland.gov.uk/Resource/0045/00453683.pdf ; Policy: http://www.scotland.gov.uk/Topics/Built-Environment/planning/Policy
[7] Welsh Government. *Planning Policy and guidance.* http://gov.wales/topics/planning/policy/?lang=en
[8] Dept. for Regional Development Northern Ireland. Regional Development Strategy 2035 – Building a better future. 2012.
https://www.infrastructure-ni.gov.uk/publications/regional-development-strategy-2035
[9] Northern Ireland Executive. *Everyone's Involved: Sustainable Development Strategy*. 2010.
https://www.nienvironmentlink.org/cmsfiles/policy-hub/files/documentation/Waste/Sustainable-Development-Strategy.pdf
[10] Section 106 agreements (introduced by the 1990 Town & Country Planning Act) are made between local authorities and developers to a planning permission. For more on planning obligations, see https://www.gov.uk/guidance/planning-obligations
[11] Dutch Ministry of Transport/Fietsberaad. *Cycling in the Netherlands*. 2009.
www.fietsberaad.nl/library/repository/bestanden/CyclingintheNetherlands2009.pdf
[12] Fishman, E (et al). *Adult Active Transport in the Netherlands: An Analysis of Its Contribution to Physical Activity Requirements*. April 2015. Published in PLOS ONE.
http://www.plosone.org/article/fetchObject.action?uri=info:doi/10.1371/journal.pone.0121871&representation=PDF
[13] Cycling Embassy of Denmark. *Collection of Cycle Concepts 2012*. www.cycling-embassy.dk/2013/08/01/cycle-concepts2012/
[14] Town and Country Planning General Permitted Development Order (GPDO) 1995 Schedule 2 Part 1 Class E. See Cyclists' Defence Fund article for more: http://www.cyclistsdefencefund.org.uk/cycle-storage-advice
[15] DCLG.*The value, impact and delivery of the Community Infrastructure Levy*. Feb. 2017.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589635/CIL_Research_report.pdf
[16] The NPPF highlights the need for LPAs to "identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice." (41)
[17] NICE. *Guidance On The Promotion And Creation Of Physical Environments That Support Increased Levels Of Physical Activity*. Jan 2008. http://www.nice.org.uk/ph8
[18] For example: Spatial planning for health: an evidence resource for planning and designing healthier places (July 2017) https://www.gov.uk/government/publications/spatial-planning-for-health-evidence-review ; Healthy High Streets: good place making in an urban setting (January 2018).
https://www.gov.uk/government/publications/healthy-high-streets-good-place-making-in-an-urban-setting
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[20] The Lancet. *Urban design, transport, and health*. 23 Sept 2016. http://www.thelancet.com/series/urban-design
[21] ADPH. *Take Action on Active Travel*. 2008. www.fph.org.uk/uploads/Take_action_on_active_travel.pdf
[22] Cabinet Office. *Analysis of Urban Transport. Nov* 2009. The calculation was based on casualties, poor air quality, physical inactivity, greenhouse gas emissions, noise and low enjoyment of space (p22). Congestion came in at around £10bn a year in large urban areas.

http://webarchive.nationalarchives.gov.uk/+/http:/www.cabinetoffice.gov.uk/strategy/work_areas/urban-transport.aspx

[23] The objectives of PPG13 were to integrate planning and transport at the national, regional, strategic and local level to:

1. promote more sustainable transport choices for both people and for moving freight
2. promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and
3. reduce the need to travel, especially by car

http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/planningandbuilding/pdf/1758358.pdf

[24] E.g. One of the 12 core principles of planning, it states, is to *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development* in locations which are or can be made sustainable*"*. (17). NPPF. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

[25] https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework (deadline for responses 10 May 2018).

[26] Sections 39 & 40 of the NPPF cover car parking.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

[27] Atkins (for DfT). *National Maximum Parking Standards.* 2008.
http://webarchive.nationalarchives.gov.uk/20111025111955/http:/www.dft.gov.uk/publications/maximum-parking-standards