



Levelling Up and Regeneration Bill

Cycling UK priority amendments

Background

In 2020, the Government proposed reforms to England's planning system, which attracted criticism from across the political spectrum, and from a wide range of interest groups, some of which coalesced to form the [Better Planning Coalition](#) (BPC), coordinated by CPRE the countryside charity.

The Coalition's members are united by a common goal, namely: a planning system fit for people, nature and the climate. BPC has adopted 6 tests <https://www.cpre.org.uk/news/six-tests-that-campaigners-are-using-to-assess-new-planning-bill/> for reforms to the planning system. Cycling UK is asking MPs to support three BPC-backed amendments which reflect two of these tests, namely the need for developments to be planned and for planning policies and decisions:

- **To address the climate crisis** – from an active travel perspective, this means ensuring that the location of new development supports active travel and public transport, as well as ensuring that the design of road and path networks support cycling and walking, including high-quality facilities specifically for active travel (including cycle parking) within and around the development.
- **To benefit people's health and wellbeing** – this includes the provision of good walking and cycling networks, and access to nature, both within and around the new developments. This is also the focus of the Nature for Everyone campaign <https://www.wcl.org.uk/nature-for-everyone-launch.asp>, led by Wildlife and Countryside Link, who are also members of BPC.

Amendments Cycling UK is asking MPs to support

1. INTEGRATING CYCLING, WALKING AND RIGHTS OF WAY NETWORK PLANS INTO LOCAL PLANS

This amendment ensures that walking and cycling networks and rights of way networks drawn up by county councils or combined authorities are reflected in the local plans and planning decisions taken by local planning authorities.

It aims to address a problem which particularly affects two-tier areas, where the local transport or highway authority is not the same body as the local planning authority. The problem arises when the local planning authority unwittingly (or even intentionally) frustrates the higher-tier authority's aspirations for walking, cycling or rights of way networks, by not recording these network aspirations in its own local plan, and therefore fails either to safeguard land for those networks and/or to secure developer contributions to implement or upgrade those routes.

There are also examples of this problem arising within the same authority, for example, one part of a unitary authority commissioned Sustrans to assess the feasibility of re-opening a disused railway line as a walking and cycling route. Another part of the same authority then gave permission for a housing development which blocked that disused railway line before Sustrans had completed the study.

Local transport authorities (LTAs) have a duty to prepare a (statutory) Local Transport Plan (LTP) for their area. They are also responsible for drawing up one or more (non-statutory) Local Cycling and Walking Infrastructure Plans (LCWIPs) for their area (or parts of their area), while local highway authorities outside London (which are usually the same body) are each required to draw up a (statutory) Rights of Way Improvement Plan (RoWIP) for their area. The Department for Transport (DfT) plans to issue statutory guidance on Local Transport Plans next year, which is expected to require LTAs to include LCWIPs, and potentially also RoWIPs, in their LTPs.

Meanwhile local planning authorities are responsible for preparing a Local Plan for their area. Local plans determine what kinds of development can (or cannot) take place in which locations. They can also safeguard land to prevent development (e.g. where this would block potential future transport infrastructure or rights of way) and can help secure funding contributions from developers towards the costs of providing or improving transport and other infrastructure (including green infrastructure, such as rights of way).

Subsection (1) of the proposed amendment requires a local planning authority to incorporate within its development plan the policies and proposals of (a) any LCWIP prepared by an LTA, and (b) any RoWIP, that are relevant to the development of land in the local planning authority's area. Subsection (2) then additionally stipulates that, when making a planning determination, regard must be had to any material policies or proposals in any LCWIP or RoWIP that have not been included in the development plan (e.g. because the latter has not yet been updated since the LCWIP or RoWIP was adopted, or because the LCWIP or RoWIP has been drawn up by an authority other than the local transport authority or local highway authority respectively). In practice, the aim of subsections (1) and (2) is to provide a basis for planning determinations to favour proposed developments that would support the realisation of an LCWIP or RoWIP, or to reject development that would frustrate this aim.

Proposed New Clause—

Cycling, walking and rights of way plans: incorporation in development plans

(1) A local planning authority must ensure that the development plan incorporates, so far as relevant to the use or development of land in the local planning authority's area, the policies and proposals set out in:

- (a) any local cycling and walking infrastructure plan or plans prepared by a local transport authority;
- (b) any rights of way improvement plan.

(2) In dealing with an application for planning permission or permission in principle the local planning authority shall also have regard to any policies or proposals contained within a local cycling and walking infrastructure plan or plans and any rights of way improvement plan which have not been included as part of the development plan, so far as material to the application.

(3) In this section:

- (a) “local planning authority” has the same meaning as in section 15LF of PCPA 2004
- (b) “local transport authority” has the same meaning as in section 108 of the Transport Act 2000;
- (c) “local highway authority” has the same meaning as in the Highways Act 1980;
- (d) a “rights of way improvement plan” is a plan published by a local highway authority under section 60 of the Countryside and Rights of Way Act 2000.

Explanatory statement

This New Clause would require development plans to incorporate policies and proposals for cycling and walking infrastructure plans and rights of way improvement plans. Local planning authorities would be required to have regard to any such policies and proposals where they have not been incorporated in a development plan.

2. HEALTH AND WELL-BEING DUTY

Although the Government’s Levelling Up White Paper defined Levelling Up Missions for health (Mission 7) and Wellbeing (Mission 8), the Bill lacks any targeted measures to address these issues. This amendment seeks to address that gap.

It requires public authorities in England to prepare, publish and regularly review a plan to achieve a ‘general health and well-being objective’ – namely to reduce health inequalities and improve well-being. It additionally requires planning authorities to have regard to that objective when making planning decisions, particularly by creating walkable ‘20 minute neighbourhoods’ and walking and cycling routes.

This will place these powerful levelling up tools in the hands of authorities, to the benefit of the communities they represent – more active travel and access to nature opportunities mean more people living happier, healthier, longer lives.

Proposed New Clause—

General duty to reduce health inequalities and improve well-being

(1) For the purposes of this section “the general health and well-being objective” is the reduction of health inequalities and the improvement of well-being in England through the exercise of functions in relation to England.

(2) A public authority which has any functions exercisable in relation to England must prepare, publish and regularly review a plan to achieve the general health and well-being objective, to be known as a health inequalities and well-being improvement plan and carry out their functions so as to implement the plan.

(3) A relevant planning authority must have regard to the general health and wellbeing objective and the plan published under subsection (2) when preparing relevant plans, policies and strategies.

(4) A relevant planning authority when making a planning decision must aim to ensure the decision is consistent with achieving the general health and well-being objective.

(5) In complying with this section a relevant planning authority must have special regard to the desirability of—

- (a) delivering mixed-use walkable neighbourhoods which accord with the 20 minute neighbourhood principle; and
- (b) creating opportunities to enable everyday physical activity, through improving existing and creating new walking, cycling and wheeling routes and networks and natural spaces.

(6) For the purposes of subsection (5)(a), neighbourhoods which accord with the 20 minute neighbourhood principle are places where people can meet most of their daily needs including food shops, schools, health services and natural space within a 20 minute return walk of their home.

(7) Where the relevant authority is a local authority, in complying with this section, the authority must—

- (a) include specific objectives for access to natural spaces and ensure that those objectives are met;
- (b) ensure that the objectives established under subsection (a) set out standards for high quality accessible natural green and blue spaces, using Natural England's Accessible Natural Greenspace Standards as a baseline, and going beyond these standards where possible; and
- (c) implement and monitor the delivery of those objectives.

Explanatory statement

This new clause would create a general health and well-being objective for public authorities and require them to prepare and publish a health inequalities and well-being improvement plan. It makes further specific requirements of planning authorities.

3. EMBEDDING CLIMATE CONSIDERATIONS IN THE PLANNING PROCESS

This amendment seeks to ensure that (a) planning policies set by national government and (b) planning decisions taken by planning authorities are consistent with the 'net zero' target and carbon budgets set under the Climate Change Act. This would lead to planning policies and development decisions being more closely aligned with the existing legislative framework for tackling climate change, including the net zero duty.

It does this by defining 'mitigation of, and adaption to, climate change' in line with this framework; and new duties to complement those on plan-making set out in the published Bill. These duties apply to the national policy that governs plan-making and to development management, to secure consistency in the cascade from national policy to local delivery.

The drafting of this amendment reflects concerns to avoid disrupting the delivery of new development, including the new homes needed in communities. However, without it, there is a real risk we continue to see plans, policies and decisions paying no more than lip-service to tackling climate change, and local policies and decisions that do seek to tackle climate change continuing to be challenged.

Proposed New Clause -

Consistency with the mitigation of and adaption to climate change

(1) The Secretary of State must aim to ensure consistency with the mitigation of, and adaption to, climate change in preparing -

- (a) national policy or advice relating to the development or use of land,
- (b) a development management policy pursuant to section 38ZA of the PCPA 2004.

(2) A relevant planning authority when making a planning decision must aim to ensure the decision is consistent with the mitigation of, and adaption to, climate change.

(3) For the purposes of subsection (2), a relevant planning authority is as set out in section 81.

(4) For the purposes of subsection (2) a planning decision is a decision relating to -

- (a) development arising from an application for planning permission;
- (b) the making of a development order granting planning permission;
- (c) an approval pursuant to a development order granting planning permission.

(5) For the purposes of this section -

- (a) the mitigation of climate change shall include the achievement of -
 - (i) the target for 2050 set out in section 1 of the Climate Change Act 2008, and
 - (ii) applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008.
- (b) adaption to climate change shall include the achievement of long-term resilience to climate-related risks, including -
 - (i) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and
 - (ii) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010.

(6) The meaning of the mitigation of, and adaption to, climate change given by subsection (5) applies for the purposes of -

- (a) Parts 2 and Part 3 of the Planning and Compulsory Purchase Act 2004,
- (b) section 334 of GLA Act 1999, and
- (c) Part 10A of the Planning Act 2008.

Explanatory statement

This new clause would require planning policy prepared by the Secretary of State to inform local plan-making and planning decisions, and planning decisions themselves (including those made by the Secretary of State) to be consistent with national targets and objectives for the mitigation of, and adaptation to, climate change. To ensure consistency in implementation, the clause extends the definition to the requirements relating to the mitigation of, and adaptation to, climate change set out in the bill.