



The  
Bikeability  
Trust



HSBC UK  
BRITISH  
CYCLING

we are  
cycling  
UK



RAMBLERS

sustrans

## Lords 2<sup>nd</sup> Reading briefing from the Walking and Cycling Alliance on the LEVELLING UP AND REGENERATION BILL (LURB)

### INTRODUCTION

This briefing represents the views of the 7 organisations comprising the Walking and Cycling Alliance (WACA):

- The Bicycle Association, the national trade association for the UK cycle industry;
- The Bikeability Trust, the charity which promotes the Bikeability cycle training programme;
- British Cycling, the governing body for competitive cycling;
- Cycling UK, the national membership charity promoting everyday cycling;
- Living Streets, the national charity promoting everyday walking;
- Ramblers, the national charity primarily focussed on recreational walking; and
- Sustrans, the walking and cycling charity, best known for the National Cycle Network.

### BACKGROUND

In 2020, the Government proposed reforms to England's planning system in a [White Paper](#). Concerns about the original proposals prompted the formation of the [Better Planning Coalition](#) (BPC). BPC's members are united by a common goal: **a planning system fit for people, nature and the climate**. Four of the WACA organisations (Cycling UK, Living Streets, the Ramblers and Sustrans) are members of the BPC, while the others are broadly supportive of its calls.

WACA supported the amendments that BPC proposed to the Levelling Up and Regeneration Bill during its Commons stages, particularly those aimed at **incorporating climate, health and nature considerations into planning policies and decision-making**. We also proposed an amendment to **embed walking, cycling and rights of way networks in local planning authorities' development plans**.

Since the LURB was passed by the Commons, the Government has launched a consultation on:

- some [minor revisions to its National Planning Policy Framework](#) (NPPF); and
- an '[NPPF prospectus](#)', outlining not only these revisions but also some further changes to the NPPF which it proposes to make in the future.

During the Commons debates on the LURB, the Government had suggested that WACA's (and BPC's) concerns would best be dealt with through the NPPF rather than through legislation. However, **the new draft NPPF does not include any new policy on these issues**. Instead, it defers further action on sustainable transport, and indeed on the climate more generally, to a future NPPF revision.

This briefing outlines the amendments that WACA is supporting and the shortcomings of the current draft NPPF proposals.

### INCORPORATING CLIMATE, HEALTH AND NATURE CONSIDERATIONS INTO PLANNING POLICIES AND DECISION-MAKING

The [Government's Levelling Up White Paper](#) defined Levelling Up Missions for public transport connectivity, (Mission 3), health (Mission 7) and Wellbeing (Mission 8). However neither the Bill nor the draft NPPF revisions contain any targeted measures to address these issues.

The BPC's proposals include amendments to address these issues, notably:

- **Climate:** BPC's amendment seeks to ensure that national planning policies, local plan-making and development decisions are all consistent with the 'net zero' target and carbon budgets set under the Climate Change Act. This is particularly important for the WACA organisations, given the need to ensure that the location (as well as the design) of new developments supports active travel and public or shared transport, so as to avoid entrenching car-dependence.
- **Health and Wellbeing:** BPC's amendment would require English local planning authorities' Development Plans to incorporate a 'general health and well-being objective' – to reduce health inequalities and improve well-being – and to consider this when making planning decisions. It specifically mandates local planning authorities and the Secretary of State where appropriate to have special regard to the creation of walkable '[20 minute neighbourhoods](#)' and walking, wheeling and cycling routes.
- **Environmental Outcome Reports (EORs):** The Government has proposed that EORs will replace the current processes for assessing the climate, air quality and other environmental impacts of Development Plans and specific new developments. BPC's amendment would require full parliamentary scrutiny for any proposed changes to these processes.
- **Permitted Development Rights (PDRs):** BPC fears that the over-use of PDRs (whereby planning permission is not required for certain types of development) risks enabling developments that would have adverse environmental, heritage and other impacts. BPC's amendment would require the Government to establish a review of the impacts of PDRs, and to publish a report of its recommendations within 12 months of the LURB coming into force.

For more information on these, see [BPC's Commons Report Stage briefing](#).

## **EMBEDDING CYCLING, WALKING AND RIGHTS OF WAY NETWORKS IN DEVELOPMENT PLANS**

An additional amendment, drawn up by WACA and supported by BPC, seeks to ensure that plans for walking and cycling networks and rights of way networks drawn up by county councils or combined authorities are incorporated into local planning authorities' Development Plans, and reflected in their planning decisions. This would help to safeguard land that might be needed for walking and cycling routes or rights of way (e.g. disused railway lines), to link existing walking, wheeling and cycling networks with new development and to secure developer contributions to introduce or upgrade such routes.

It aims to address the problem of local planning authorities unwittingly (or even intentionally) frustrating a higher-tier authority's aspirations for walking, cycling or rights of way networks, by not recording those network aspirations in their own Development Plans, thereby failing to safeguard land for those networks, to connect new development with existing networks and/or to secure developer contributions to implement or upgrade specific routes.

This problem is most common in two-tier areas, where the local transport or highway authority (usually a county council or a combined authority) is not the same body as the local planning authority (usually a district council, some city councils or metropolitan unitary authorities). However, it can arise even within the same authority. In one case, 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, yet 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' 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. DfT is due to consult on new statutory guidance on LTPs, which is expected to require local transport authorities to include LCWIPs, and potentially also RoWIPs, in their LTPs.

Meanwhile, 'local planning authorities' are responsible for preparing a Development Plan for their area. As well as spelling out where different kinds of development will or will not be permitted, Development Plans can also safeguard land (e.g. to prevent developments from blocking potential future transport links or rights of way) and can help secure funding contributions from developers towards the costs of providing or improving these links.

The Government has argued that our concerns about this lack of coordination would best be addressed through the NPPF, rather than through legislation. However the current NPPF – and its proposed revision – only mentions LCWIPs in passing and omits RoWIPs altogether. As a result, developments are still being granted permission without taking account of or adequate provision for walking, cycling or rights of way networks.

We therefore urge Peers to support our proposed amendment.

#### **OTHER FAILINGS OF THE NEW DRAFT NPPF**

The Government's [new draft NPPF](#) lists (in Chapter 12) various "*aspects of policy which may require updating*". These include "*better environmental and health outcomes [and] delivering appropriate infrastructure (including sustainable transport provision*"; adding that the Government "*proposes to assess what changes are needed to reflect the government commitment to encourage active travel through the 'Gear Change' programme ... and wider work to reduce carbon consumption from transport planning choices as set out in the Transport Decarbonisation Plan*".

Regrettably though, action to address these issues has been **deferred to a future update of the NPPF**, with policies to enhance the 'beauty' of new developments being prioritised instead. Whilst promoting 'beauty' is clearly desirable, addressing the climate impacts of development is surely a lot more urgent and critical. **A beautiful development in an unsustainable location is still an unsustainable development.**

Specifically, we urgently call for an amendment to paragraph 111 of the current NPPF (or paragraph 113 under the proposed renumbering). As currently drafted, this paragraph makes it very hard for councils to justify rejecting planning permission "on highways grounds", even for developments that are bound to entrench car-dependence, contrary to the Government's Net Zero goals. This paragraph needs to **mandate local planning authorities to reject developments that are likely to entrench car-dependence**, as clearly as paragraph 134 (to be renumbered as 136) requires them to reject developments that are not beautiful.

It should also **support the principle of [20 minute neighbourhoods](#)**, where key facilities (e.g. schools, healthcare, public transport) are within a short walk of people's homes.