



The
Bikeability
Trust



BRITISH
CYCLING we are
cycling
UK



RAMBLERS

sustrans 

Lords Committee Stage briefing from the Walking and Cycling Alliance on the LEVELLING UP AND REGENERATION BILL (LURB)

INTRODUCTION

This briefing outlines 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 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.

The amendments proposed in this briefing are also backed by the [Better Planning Coalition](#), whose members' interests also cover housing, local democracy and the protection of nature and heritage as well as sustainable transport, health and wellbeing, and the climate.

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**. WACA are broadly supportive of the BPC's amendments, with four of our organisations (Cycling UK, Living Streets, the Ramblers and Sustrans) being members of the BPC.

Since the LURB was passed by the Commons, the Government has consulted 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 draft NPPF did not include any new policy on these issues**. Instead, it deferred further action on sustainable transport and active travel, and indeed on the climate more generally, to a future NPPF revision.

This briefing focuses on an amendment, proposed by WACA and supported by BPC, on **embedding walking, cycling and rights of way networks into local development plans**. This would help safeguard land (e.g. disused railway lines) that could form useful walking and cycling routes, while ensuring that new developments are well-connected to such routes, and securing developer contributions for new or improved walking and cycling provision.

It then outlines the BPC's amendments which seek to embed **climate** and **health and wellbeing** as key considerations in national and local planning policy and decision-making. We strongly support these amendments, given their relevance for promoting and improving conditions for walking and cycling.

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

This amendment, proposed 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 for new walking and cycling routes or rights of way (e.g. disused railway lines) or to improve existing routes. It would also ensure that developments are connected with existing or new walking, wheeling and cycling networks, while securing 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. In another case, planning permission was granted by a local planning authority for development which adversely impacted a section of the National Cycle Network (which Sustrans manages), with planning officers unaware of the existence and importance of this walking, wheeling and cycling route.

'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 only mentions LCWIPs in passing and omits RoWIPs altogether. Nor are any changes to this proposed in the revision which DLUHC consulted on earlier this year. As a result, developments are still being granted permission without taking account of or adequate provision for walking, cycling or rights of way networks.

By way of an example, we cite a recent case in Chesterfield, Derbyshire. The local planning authority recently considered a housing development close to the town centre

and railway station. The council officials pressed for the development to include walking and cycling routes, to facilitate access to, from and through the development. However, on the day that the Committee was due to consider the application, the developer made a submission claiming that the walking and cycling routes would render the development economically unviable. The Councillors, who (understandably) wanted the housing therefore agreed to permit the development to proceed without the walking and cycling provision. Hence a development that was potentially well-located to support active will not only lack walking and cycling provision, but will also sever opportunities to improve walking and cycling connections to the town centre from further afield.

This is not an isolated example. The omission of walking and cycling provision, and indeed the severance of existing or potential walking and cycling routes, is common with new developments, despite the fine words of the NPPF.

The Government will doubtless point out that Active Travel England (ATE) has recently been established to support the development of high-quality provision for walking and cycling, and that it is now formally a statutory consultee for larger new developments. Whilst this is welcome, it does not obviate the need for this amendment. If anything, this amendment is needed to enable ATE to fulfil its statutory consultee role effectively.

Without it, developers are still likely to begin drawing up masterplans for development sites, and even enter into negotiations with planning officers, with nobody having sight of the proposed walking, cycling and rights of way network aspirations of the local highway or transport authority. ATE will then be consulted only at a much later stage, by which time it will be difficult to retrofit walking and cycling provision into those masterplans. It would be so much better if the relevant authorities' walking, cycling and rights of way network plans were clearly shown in development plans from the outset. ATE would then be far better placed to ensure that those networks were delivered to the quality standards set out in guidance such as the Government's Local Transport Note (LTN1/20) on Cycling Infrastructure Design, rather than seeking belatedly to get walking and cycling infrastructure retrofitted into development masterplans that were already well advanced.

We therefore urge Peers to support **Amendment 199**, tabled by Lord Berkeley and Lord Young of Cookham (see '[Amendment papers](#)' for current 'Marshalled list').

Amendment 199: new Clause, to be inserted after Clause 94 —

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) 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.

BETTER PLANNING COALITION (BPC) AMENDMENTS: 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:** [Amendment 191](#) places a duty on the Secretary of State and relevant planning authorities to have special regard to the mitigation of, and adaptation to, climate change with respect to national policy, local plan-making and planning decisions. 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 inequalities:** [Amendment 198](#) defines a “general health and well-being objective”, namely “the reduction of health inequalities and the improvement of well-being”. Local planning authorities in England would be required to ensure that their development plans included policies to contribute to this objective and that planning decisions were consistent with it. Specifically they would be required to have “special regard to the desirability of:
 - ensuring that key destinations such as essential shops, schools, parks and open spaces, health facilities and public transport services are in safe and convenient proximity on foot to homes;
 - facilitating access to these key destinations and creating opportunities for everyone to be physically active by improving existing, and creating new, walking and cycling routes and networks;
 - increasing access to high-quality green infrastructure;
 - ensuring a supply of housing which is affordable to and meets the health, accessibility and well-being needs of people who live in the local planning authority's area.”

FOR FURTHER INFORMATION

For more information from WACA, contact Cycling UK’s Policy Director Roger Geffen (roger.geffen@cyclenguk.org) or Sustrans’ Senior Policy and Parliamentary Officer Dan Simpson (dan.simpson@sustrans.org).