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PLYMOUTH LOCAL ACCESS FORUM

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When telephoning please ask for: **Mr Ross Jago**

PLYMOUTH LOCAL ACCESS FORUM

DATE: MONDAY 12 APRIL 2010

TIME: 10.30 AM

PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO CIVIC CENTRE)

Committee Members–

Mr Fairchild, in the Chair

Mr Stewart, Vice Chair

Mrs Mewton, Mr Loze, Councillor Wheeler, Mrs Mickley, Ms Roberts, Mr Pawley,
Mr Skinner, Mr Attrill, Councillor Berrow, Mr Emery, Mr Hitchens, Mr Goddard

Members are invited to attend the above meeting to consider the items of business overleaf

Members are requested to sign the attendance list at the meeting.

PLYMOUTH LOCAL ACCESS FORUM

1. APOLOGIES

To receive apologies for non-attendance submitted by Forum Members.

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. MINUTES

(Pages 1 - 4)

The Forum will be asked to confirm the minutes of the 8th February 2010.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. STEPPING STONES TO NATURE PROJECT

The Stepping Stones to Nature Project Coordinator will give a presentation on the project.

6. CONSULTATION - COASTAL ACCESS REPORTS

(Pages 5 - 62)

Members will consider the Forums response to the Natural England consultation on proposed regulations setting out procedures for making representations about and objections to Natural England's coastal access reports.

7. 'RAMBLERS 1988' MAP

Members will report on their progress on checking 'ramblers 1988' map.

8. FEEDBACK FROM WORKING GROUPS

The Forum will receive feedback from working groups.

9. LOCAL VALIDATION LISTS

(Pages 63 - 96)

The forum will consider a draft Local Validation List for consultation feedback.

10. CORRESPONDENCE

(Pages 97 - 102)

To consider any correspondence received and note any correspondence sent by the Forum.

11. DATE OF NEXT MEETING

The next meeting will take place on the 14 June at 10:30 am in the Council House.

12. ANY OTHER BUSINESS

To discuss any business that, in the opinion of the Chair, should be brought forward for urgent consideration.

(a.) LOCAL ISSUES

(b.) INFORMATION AND NEWS

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Plymouth Local Access Forum

Monday 8 February 2010

PRESENT:

Mr Fairchild, in the Chair.

Mr I Stewart, Vice Chair.

Mr N Attrill, Councillor Peter Berrow, Councillor Thomas Browne, Mr J C Emery, Mr R Goddard, Ms P Hitchens, Mr K R Loze, Miss B Roberts, Mr J Skinner and Councillor George Wheeler

Apologies for absence: Mrs Mewton

The meeting started at 10.30 am and finished at 12.15 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

45. APPOINTMENT OF FORUM CHAIR AND VICE CHAIR

Resolved that Ray Fairchild be appointed as Chair and Ian Stewart be appointed as Vice-Chair of this Committee for the forthcoming year, term of office commencing on 29 March 2010.

46. DECLARATIONS OF INTEREST

Name	Minute	Reason	Interest
Councilor Browne	51 – Ridgeway School Public Path No.2 Extinguishment Order	Previous member of the planning committee	Personal
Councillor Wheeler	51 – Ridgeway School Public Path No.2 Extinguishment Order	Member of the Planning Committee	Personal

47. MINUTES

The forum received the minutes of 7 December 2009.

With regard to the meeting of 7 December 2009 and minute -

- (i) apologies for the Mr K Loze were not recorded;
- (ii) to read that 'it was agreed discussion of the order to extinguish Footpath no 2 at Plympton would be deferred for consideration at the Forum meeting in February.

Resolved that the minutes of the meeting held on 7 December 2009 be approved.

48. CHAIR'S URGENT BUSINESS

Chair read out a letter received from Robin Pearce, Rights of Way Officer (ROWO) saying that he will attend meetings as and when required. Ross Jago, Democratic Support Officer will now pick up any matters in the first instance.

The following comments were made by members of the group -

- (i) a LAF wouldn't normally operate without a ROWO as this person provides technical advice. Plymouth is not a typical forum and meets 6 times a year which is more than other forums. Plymouth also has a large number of contentious issues which take up a lot of time and effort. An option is to see how you get on as a forum without the ROWO;

- (ii) some members were concerned that the ROWO will no longer attend the forum and that the LAF meets for 3 hours every two months. They felt that the ROWO should be attendance at each meeting;
- (iii) we need to understand the role of the ROWO, this role assists the Chair and the Secretary in an advisory capacity;
- (iv) can progress be made on the definitive map by the ROWO not attending this meeting? We have never addressed our relationship with the Planning Department and still awaiting a session with them. This could be the catalyst to working better.

Resolved that the Chair respond to the letter and express the forum's concerns and the attendance of the ROWO at LAF meetings is essential.

49. **FORWARD WORK PROGRAMME**

The forum gave suggestions for the LAF Forward Plan. They decided that the following items need to be addressed –

- Definitive Map;
- Rights of Way Improvement Plan;
- invite officers to attend themed meetings e.g. Planning officers on why footpaths are not included in planning meetings;
- Local Transport Plan;
- LDF Community Plans;
- Annual Revision of the Forum's Terms of Reference;
- Disability Access Update to definitive map and statement.

Resolved that a Forward Plan be produced and submitted at the next meeting for approval.

50. **PLYMOUTH LOCAL ACCESS FORUM ANNUAL REPORT**

The Chair asked for suggestions from the forum for collation of the report. The panel suggested an index in the report to show Rights of Way claims.

51. **RIDGEWAY SCHOOL PUBLIC PATH NO.2 EXTINGUISHMENT ORDER**

The forum discussed the two position statements.

Resolved that a decision will be made when a point of order has taken place and a special meeting be organised to discuss this issue.

(Councillor Wheeler declared a personal interest in the above item and Councillor Browne having declared a personal interest in the above item, withdrew from the meeting).

52. **DISABILITY DISCRIMINATION ACT 1995**

The forum noted the Disability Discrimination Act 1995.

53. **CORRESPONDENCE**

Mrs Mickley has received a response to a letter a sent by the Chair on Cozie Quarry.

54. **WORKING GROUPS**

a) **POTENTIAL RIGHTS OF WAY WORKING GROUP**

The group is meeting next Monday to work out the format for the responses from the Ramblers Right of Way map.

b) **PLANNING WORKING GROUP**

The group has nothing to report but highlighted the need for a Planning Seminar to address issues like -

- future planning and access to green space;
- planning applications and the amalgamation of forms.

55. **DATE OF NEXT MEETING**

Resolved that the next meeting of this Committee be held at 10.30 am on Monday 12 April 2010.

56. **ANY OTHER BUSINESS**

a) **LOCAL ISSUES**

The following items were raised –

- access at Yacht Haven is near completion;
- maps to be made available on topics of discussion at each meeting;
- Bircham Valley Local Nature Reserve - the Public Rights of Way and Nature Conservation teams have been working in partnership with Derriford Hospital to promote access to local greenspaces;
- Maristow Estate Permissive Path Agreement – negotiations have been on-going and have now entered into formal permissive path agreement with the landowners involved in reinstating access within the Plymouth areas.

b) **INFORMATION AND NEWS**

The Chair reported that he has replied to the Coastal Access consultation on behalf of the LAF.

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Plymouth Local Access Forum

Summary

Consultation on regulations on procedures for making representations and objections to coastal access proposals made in a report by Natural England. Defra

Closing date for responses – 14 June 2010

Full report: <http://www.defra.gov.uk/corporate/consult/coastal-access2010/20100322-consult-condoc.pdf>

Summary

Under the Marine and Coastal Act 2009, section 302, an additional section, section 1A, was added to the National Parks and Access to the Countryside Act 1949. This Act covers the coastal access reports to be prepared by Natural England. Schedule 1A covers the process for making representations and objections about coastal access proposals under Natural England's implementation scheme. Defra is proposing to lay down regulations under Schedule 1A which will set out the procedures for advertising, giving notice of the report, making objections and representations and who will be appointed to consider these. This consultation gives an opportunity to comment on these processes.

Natural England will be required to produce a map and report on each section of coastline, showing the landward boundary of coastal access (or description of boundary) and any proposed access restrictions or exclusions. Proposals will be put forward to the Secretary of State for approval following consultation with:

- a. persons with a relevant interest in affected land (the landowner, holder of a term of years absolute or person in lawful occupation);*
- b. access authority for an area in which affected land is situated;*
- c. London borough councils in which affected land is situated;*
- d. local access forum for an area in which affected land is situated;***
- e. Secretary of State for any defence and national security issues;*
- f. Historic Buildings and Monuments Commission (English Heritage);*
- g. Environment Agency.*

"Affected land" refers to the route and associated coastal margin (or an alternative route with alternative route strip) and is not excepted land.

Representations

A representation may be made about any matter in Natural England's report by any person.

Objections

Objections can only be made by those with a lawful interest in the land and they can only comment on whether the following factors strike a 'fair balance' between access use and those with a relevant interest in the land.

- a. the position of the route;*
- b. proposals for the route where the land is or may be subject to coastal erosion;*
- c. proposals for alternative routes;*
- d. proposals for the margin of coastal land to coincide with a physical feature;*
- e. restrictions and exclusions of access; and*
- f. the exercise of Natural England's discretion to propose the location of the route where the coast is interrupted by a river estuary.*

The objector can propose changes or modifications. Objections will be heard by an appointed person, envisaged as being a member of the Planning Inspectorate, at a hearing or inquiry. The Secretary of State in considering Natural England's report, under section 52(1) of the 1949 Act, must have regard to any representations, any objections and Natural England's response, and the recommendations of the appointed person. The Secretary of State may approve the report with or without modifications, for all or part of the route.

Regulations on advertisements and notices of coastal access reports

Advertisements and form of advertisements

Under paragraphs 2(1)(a), 2(3)(a) and (c) of Schedule 1A, regulations may be made about the form and manner in which Natural England's reports are to be advertised, and also the timing of any advertisement.

Defra proposes that Natural England's report should be advertised:

- a. in one or more local or regional newspapers circulating in the area to which the report relates;*
- b. on Natural England's website;*
- c. in any other way that Natural England thinks appropriate for drawing the attention of members of the public to the report; and*
- d. at the offices of the access authority in or close to the area to which the report relates.*

Advertisements should follow swiftly after submission of a report to the Secretary of State, either on the date or as soon as practical afterwards. The advertisement should state the date the report was submitted to the Secretary of State, indicate clearly the land and public rights over it and where the report can be inspected. It should invite people to make representation within six weeks to Natural England, on a standard form, obtainable on the Natural England website or from its offices.

Natural England will make the report available:-

- a. on Natural England's website;*
- b. at the offices of Natural England in or close to the area to which the report relates during normal office opening hours;*
- c. at the offices of the access authority in or close to the area to which the report relates during normal office opening hours; and*

d. at any other location that Natural England thinks would provide access to members of the public with an interest in the area to which the report relates.

Question 1: Do you have any comments on the proposals for the form and manner in which Natural England's reports are to be advertised, and the timing of any advertisement?

Notices

Under paragraphs 2(1)(b), 2(3)(b) and (c) of Schedule 1A, regulations may be made about the form, manner and timing of notices. Natural England must give notice of a report to those people and bodies which are listed in paragraph 2(2)(a) to (f) of Schedule 1A:

- a. persons with a relevant interest in affected land;*
- b. each access authority for an area in which affected land is situated;*
- c. each local access forum for an area in which affected land is situated;***
- d. Historic Buildings and Monuments Commission (English Heritage);;*
- e. Environment Agency;*
- f. such other persons as may be specified in regulations made by the Secretary of State.*

Representations made by the above, with the exception of a. are to be forwarded to the Secretary of State.

Defra proposes to list in a schedule those organisations to be included in f., as below:

Question 2: Do you agree that the British Mountaineering Council, Country Land and Business Association, National Farmers Union, Open Spaces Society and Ramblers Association and owners of sporting rights (and those with a sporting tenancy) should be included under paragraph 2(2)(f)?

Question 3: Are there any other persons you consider should be included under paragraph 2(2)(f)?

Manner and form of notice

The consultation process, prior to the report, will include extensive consultation by Natural England. Natural England will notify organisations in b. to f. by e-mail or recorded delivery. The notice should:

- a. indicate the date the report was submitted;*
- b. be in terms which:*
 - i. clearly indicate the land to which the report relates and the nature of the proposed public rights over it; and*
 - ii. are sufficient to enable reference to be made to the report either on a website or by inspection at a place indicated in the notice;*
- c. invite representations on the report, to be received by Natural England within 6 weeks from the date of the notice, indicating the address (including the website address) to which representations must be sent.*

Natural England will make efforts to contact land owners and those with a relevant interest using information it holds, local publicity, contacts with other local landowners or occupiers and organisations. If these steps fail a notice will be put on the land. These efforts will also identify other interests, for example holders of sporting rights.

It is proposed that persons with a relevant interest should be contacted, either by delivering a notice to their last known address or sending them a notice by recorded delivery. Using e-mail only is not considered sufficient, unless the person has consented for information to be sent in this way. For those with a relevant interest the notice will also invite objections as well as representations. Those objecting will need to:

- a. identify the land to which the objection relates;*
- b. state the objector's interest in the land;*
- c. state under which of the grounds in paragraph 3(3) the objection is made, and the objection itself; and*
- d. explain why, in the opinion of the objector, Natural England's report has failed to strike a fair balance between the interests of the public in having rights over the land, and the interests of the objector.*

It is proposed there should be a standard form for objectors to make objections or representations. There will be a multiple choice section to identify the type of objection and a section for suggesting modifications.

It is proposed to make provision in the regulations for people to withdraw representations or objections in writing to Natural England, who will then notify the Secretary of State if the objection has already been sent on. The person appointed to consider objections will be notified by the Secretary of State and an inquiry or hearing might be cancelled if already set.

Question 4: Do you have any comments on the proposals for the form and manner in which a notice about Natural England's report is to be given, and the timing of any notice?

Regulations on objections considered by the appointed person

It is proposed the Planning Inspectorate will be the appointed person. The appointed person will determine whether the matters raised by the objector mean that Natural England's report fails to strike a fair balance. If so, the appointed person will publish the objection, as below, under paragraph 10 (6)(a) of Schedule 1A and invite representations:-

- a. published on the appointed person's website;*
- b. published in one or more local or regional newspapers circulating in the area to which the report relates; and*
- c. in any other way that the appointed person thinks appropriate for drawing the attention of members of the public to the notice.*

In addition, the appointed person must give a notice to Natural England and those listed in 2(2)(b) to (f) below by e-mail or recorded delivery:-

- a. access authority for an area in which affected land relevant to the objection is situated;*
- b. each local access forum for an area in which affected land relevant to the objection is situated;***
- c. Historic Buildings and Monuments Commission (English Heritage);;*
- d. Environment Agency;*
- e. such other persons as may be specified in regulations made by the Secretary of State*

The appointed person must also give a notice to those with a relevant interest 2 (2)(a) **and** those who might have a relevant interest in affected land under any modifications to the original scheme, by recorded delivery, or e-mail if consent has been given.

Form of notice

A blank form will be completed by the appointed person and include:-

- a. the date the notice was published;*
- b. a summary of the grounds of the objection identifying the land involved and the relevant section of the report;*
- c. where the report and a map of the area indicating the proposed line of the route and, (if applicable) the boundaries of the margin, which is the subject of the objection may be available for inspection;*
- d. a summary of the details of Natural England's comments on the objection;*
- e. a statement that the appointed person is minded to determine that Natural England's proposals fail to strike a fair balance; and*
- f. any representations on:*
 - i. the objection (including any modifications of the proposals proposed by the objection);*
 - ii. any relevant alternative modifications in Natural England's comments under paragraph 6 of the Schedule; and*
 - iii. any observations which the appointed person made in the notice on any relevant alternative modifications or any modifications proposed by the objection.*

Under paragraph 10(5) of Schedule 1A those with a relevant interest, or potentially a relevant interest, will be sent a form to make representations. Other people, groups b. to f. will be able to obtain one from Natural England.

Timing of notice

Given the complexity of the issues which might be involved Defra is not proposing to give a time limit for the appointed person to publish or give a notice following an objection.

Question 5: Do you have any comments on the proposals for the manner in which notices are to be published or given and the timing of a notice?

Form of notice

Defra proposes prescribing a form under 10 (4)(c) of the Schedule on which representations can be made.

- a. be made in the prescribed form to the appointed person*
- b. be sent to the appointed person at the address given in the notice; and*
- c. be made to the appointed person within 6 weeks of the date of the issue of the notice.*

Question 6: Do you have any comments on the proposals for the manner in which representations are to be made in response to an invitation in a notice and the timing of a notice?

Local Inquiries and Hearings

Paragraph 13(1) of Schedule 1A allows the appointed person to hold a public inquiry (cross-examination) or hearing (discussion) should this be necessary. The appointed person may deal with two or more objections and may have a site visit. The appointed person may determine an objection without either an inquiry or a hearing.

- a. the appointed person may require any person to attend by summons to give evidence or produce documents;*
- b. costs would be paid by Natural England or any other party as the appointed person directs and that failure to do so renders that party liable for a fine; and*
- c. the appointed person may make other orders as to the parties' costs.*

Inspection of land

Under paragraph 14(2)(b):-

- a. the appointed person may arrange for an inspection of the land which is the subject of the objection under consideration where it appears to him that it is necessary or expedient to do so;*
- b. the appointed person must ask the person making the objection and Natural England whether they wish to be present or be represented at such an inspection;*
- c. where the person making the objection or Natural England have indicated that they wish to be present, the appointed person must give the person and Natural England reasonable notice of the date and time of the inspection, and must afford the person and Natural England the opportunity of being present during the inspection; and*
- d. the inspection does not need to be deferred if the person making the objection or Natural England is not present at the appointed time of the inspection*

Question 7: Do you have any comments on the proposals in the case of where an objection is to be determined by way of a written representation?

Hearing

It is proposed that the appointed person advertise the hearing in a notice, published in one or more local or regional newspapers; published on the appointed person's website; and in any other way felt appropriate. This should:-

- a. state the date of the notice;*

- b. state that the appointed person intends to determine the objection by way of an hearing;*
- c. state the date, time, and place of the hearing; and*
- d. give a brief description of:*
 - i. the affected land and the report to which the hearing relates;*
 - ii. the objection/objections to be considered at the hearing; and*
 - iii. details about where and when documents relating to the hearing may be available for inspection.*

The notice must be given to:

- a. Natural England;*
- b. the person or persons who made the objections which will be the subject of the hearing; and*
- c. any person who has made representations that are relevant to those objections or the proposed modifications*

Timing of a hearing

The hearing should be not less than 6 weeks from the date of the notice. The appointed person should be able to change the date and venue if notice is given to those originally notified.

Appearances at a hearing

Those able to attend a hearing are:

- a. Natural England;*
- b. the person or persons making the objection which will be the subject of the hearing; and*
- c. any person who has made a representation either that is relevant to those objections or the proposed modifications*

In addition anyone else can attend, or their representative, with the permission of the appointed person.

Hearing procedure

The appointed person will lead a discussion. There will be no cross-examination, unless required to ensure thorough examination of the main issues. In this case the appointed person would have to consider closing the hearing and having an inquiry instead.

The appointing person must identify the main issues to be discussed. During the course of the hearing other people may raise relevant issues not identified by the appointed person.

The objector and Natural England can give oral evidence, or ask others to do so. The appointed person can refuse to permit this if it is considered irrelevant or repetitive.

The appointed person may ask for written evidence instead of permitting oral evidence, either before the end of the hearing or by a given date.

Disruptive people may be asked to leave and may not be permitted to return or only under certain conditions.

The hearing may continue in the absence of anyone entitled to be there.

The appointed person may consider evidence received before or during the hearing, provided such information is disclosed.

The hearing may be adjourned and, if a future date, time and place is set, no further notice is needed.

Inspection of land

People entitled or permitted to appear at a hearing will have a right to accompany the appointed person if a site inspection is arranged. Reasonable notice should be given of the date and time but the inspection can still proceed if neither the objector nor Natural England is present.

Once the hearing has started the appointed person can adjourn it to the land provided:-

- a. the hearing would proceed satisfactorily and that no party would be placed at a disadvantage;
 - b. all parties present would have an opportunity to attend the adjourned hearing;
- and
- c. neither the objector nor Natural England have raised any reasonable objections to its being continued at the site of the affected land.

Question 8: Do you have any comments on the proposals in the case of where an objection is to be determined by way of a hearing?

Inquiry

The procedure would be as for a hearing but the appointed person will lead a formal examination. Unless otherwise decided Natural England will commence and other persons will be heard in the order determined by the appointed person.

Any person appearing at the inquiry may cross-examine any person giving evidence orally or in writing or presenting any matter at the inquiry. The appointed person may refuse continued cross-examination where this is considered irrelevant or repetitious.

Question 9: Do you have any comments on the proposals in the case of where an objection is to be determined by way of an inquiry?

Pre-inquiry meeting

To ensure an efficient inquiry, the appointed person may hold a pre-inquiry meeting, giving at least two weeks notice to Natural England, person(s) making objections and anyone who has made a representation under paragraph 10(4)(c) with details of the time, place and procedure to be followed. A further pre-inquiry meeting with full notice could result.

At the pre-inquiry meeting the appointed person:

- a. must preside at the pre-inquiry meeting;*
- b. must determine the matters to be discussed and the procedure to be followed;*
- c. may require any person present at the pre-inquiry meeting who, in his opinion, is behaving in a disruptive manner to leave;*
- d. may refuse to permit that person to return or to attend any further pre-inquiry meeting or may permit him to return or attend only on such conditions as he may specify; and*
- e. shall determine the nature of any documentation that must be submitted to the inquiry and the deadlines for doing so.*

Question 10: Do you have any comments on the proposal to hold a pre-inquiry?

Consideration of two or more objections

Defra proposes that the appointed person could consider two or more objections at the same hearing of inquiry where:-

- a. the objections relate to the same area of affected land in a report (whether or not they also relate to other land);*
- b. where all the objections relate to adjacent, or contiguous areas of affected land;*
- c. where all objections relate to the same issue or ground and the appointed person considers the circumstances in which they arise are sufficiently similar to warrant the objections being considered together; and*
- d. where the appointed person otherwise considers that it would be expedient to consider two or more objections together.*

Question 11: Do you have any comments on or suggestions for any other circumstances where the appointed person might wish to consider determining two or more objections together?

Regulations on preliminary consultation by the Secretary of State

Under paragraph 15(1) of Schedule 1A, the Secretary of State may consider identifying or investigating and consulting on modifications other than those proposed by the appointed person.

Where the Secretary of State wishes to consult for this purpose, Defra propose that the regulations should say that the appointed person must consult:

- a. Natural England;*
- b. any person with a relevant interest in affected land who has made an objection which has caused the Secretary of State to identify the possible modification as one to which it might be appropriate to give further consideration;*
- c. any person with a relevant interest in land which might become affected land; and*
- d. any other person with a relevant interest in affected land whom it appears to the Secretary of State it is appropriate to consult.*

Any modifications the Secretary of State wishes to make will then go through the same procedure process.

Question 12: Do you have any comments on the proposals that allow the Secretary of State to consult people with a view to investigating what possible modifications it might be appropriate to give further consideration

Regulations on determinations made by the Secretary of State

In order to ensure that those persons potentially affected by modifications proposed by the Secretary of State are able to make representations on them, Defra proposes that the existing procedures relating to representations and objections set out in Schedule 1A and the proposed regulations should apply in these circumstances.

Question 13: Do you have any comments on the proposals where the Secretary of State is minded to approve proposals with modifications other than the modifications made by the appointed person?

Use of electronic communications

It is proposed that electronic communications can be used. Where people have a relevant interest in land use of electronic communication can only be used to contact them with their consent and only if the information appears in the same form as if sent.

Further documentation

The appointed person can request further documentation.

Inspection and copying of documents

The regulations should state that any person who has been requested to provide a copy of such a document should ensure that the copies are received by the appointed person within the period specified. This would be under the power in paragraph 14(2)(c) of Schedule 1A.

Question 14: Do you have any comments on the proposals for:
a. the use of electronic communications;
b. further documentation; or
c. the inspection and copying of documents?

Telephone: 0117 372 8427

Web: www.defra.gov.uk

Date: 22 March 2010

Dear Consultee

Consultation on proposed regulations on representations and objections under Schedule 1A to the National Parks and Access to the Countryside Act 1949, as inserted under Schedule 19 to the Marine and Coastal Access Act 2009

1. I am writing to invite views on one piece of secondary legislation that will be made under Part 9 of the Marine and Coastal Access Act 2009. Part 9 of the Act provides the framework for establishing a new right of access to the English coast, through the creation of a route that people may walk along the length of the English coast, and access to a wider margin of land for the purpose of outdoor recreation.

2. The 2009 Act inserts a new Schedule 1A into the National Parks and Access to the Countryside Act 1949. It is contained in Schedule 19 to the 2009 Act. This consultation sets out our proposals for regulations which will cover the process in Schedule 1A under which representations and objections may be made about Natural England's coastal access proposals. Objections made by a person with a relevant interest in affected land may be referred to an "appointed person".

3. The following documents may be found on Defra's website at:
<http://www.defra.gov.uk/corporate/consult/coastal-access2010/index.htm>

- A copy of this letter
- The consultation paper
- A response template
- List of consultees

4. We have prepared an electronic template which we hope you will find helpful in responding to the consultation, but responses in any format are welcome. If you wish to obtain a hard copy of this consultation, please write to us or e-mail using the addresses below.

Responses

5. Please either e-mail your response to coast.consultation@defra.gsi.gov.uk or send it to the following address:

Coastal Access Team

Department for Environment, Food and Rural Affairs
1/01 Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6EB

Responses should be received no later than **14 June 2010**.

Consultation criteria

6. This consultation is in line with the Government's Code of Practice on Consultations. This can be found at <http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html>.
7. When this consultation ends, we will put a copy of responses received in the Defra library at Ergon House, London. This is so that the public can see them. Also, members of the public may ask for a copy of responses under freedom of information legislation.
8. If you do not want your response – including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that will not count as a confidentiality request. Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation but, because of the law, we cannot promise that we will always be able to keep those details confidential.
9. We will summarise all responses and place this summary on our website. This summary will include a list of names of organisations that responded, (other than those which asked not to be made public), but not people's personal names, addresses or other contact details. To see consultation responses and summaries, please contact the Defra library at:

Defra Information Resource Centre
Lower Ground Floor
Ergon House
17 Smith Square
London SW1P 3JR

Telephone: 020 7238 6575
Email: defra.library@defra.gsi.gov.uk

Please give the library 24 hours notice. There is a charge for photocopying and postage.

If you have any comments or complaints about the consultation process, as opposed to comments about any of the issues in the consultation paper, please address them

to Defra's Consultation Co-ordinator, Area 7C Nobel House, 17 Smith Square, London, SW1P 3JR, or e-mail: consultation.coordinator@defra.gsi.gov.uk

If you have any queries please contact us as above. Thank you for your help.

Yours faithfully

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Coastal Access: National Parks and Access to the Countryside Act 1949, Schedule 1A (inserted by Schedule 19 to the Marine and Coastal Access Act 2009)

Consultation on proposed regulations setting out procedures for making representations about and objections to Natural England's coastal access reports

March 2010

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The context

The Marine and Coastal Access Act (“the Act”) received Royal Assent on 12 November 2009. It includes at Part 9 provision for improving access to the English coast. A copy of the Act, explanatory notes and impact assessment can be found on the Defra website at <http://www.defra.gov.uk/environment/marine/legislation/mcaa/key-docs.htm>.

Section 302 of the Act inserts new sections into the National Parks and Access to the Countryside Act 1949 (“the 1949 Act”) which cover the coastal access report (“the report”) that Natural England must prepare under section 51 of the 1949 Act proposing a coastal long-distance route and the associated coastal margin. The Act also introduces a new Schedule 1A to the 1949 Act which is contained in Schedule 19 to the Act.

Schedule 1A provides a process in which representations may be made about Natural England’s coastal access proposals. It also provides for objections to be made about Natural England’s coastal access proposals by persons with a relevant interest in affected land and for those objections to be referred to an appointed person. This consultation seeks views on the regulations we propose to make under Schedule 1A. These regulations will set out procedures for advertising and giving notice of the report, making representations and objections, and for the appointed person to consider those representations and objections.

Request for comments

We are seeking views on a number of questions under each chapter. Please do not feel that you have to comment on all the questions – responses on any number are welcome. The closing date for receipt of responses is 14 June 2010.

How to respond

This is your chance to contribute to a consultation on the regulations to be made under Schedule 19 to the Act. There are a number of specific questions throughout the document and these are summarised in Annex C. Don't feel that you have to respond to all the questions if you do not wish to do so.

You can view a copy of the consultation on the Defra website. We have also prepared an electronic template which we hope you will find helpful in responding to the consultation, although responses in any format are welcome. The consultation and a copy of the template are available at <http://www.defra.gov.uk/corporate/consult/coastal-access2010/index.htm>

The commencement date of this consultation is 22 March 2010. The closing date for responses is **14 June 2010**. Written responses should be sent to: Coast.consultation@defra.gsi.gov.uk

Alternatively, you can send your response to:
Coastal Access Team
1/01 Temple Quay House
2 The Square
Bristol BS1 6EB

When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

In line with the Government's policy of openness the information you submit may be made available to other parties. The information they contain may also be published in a summary of responses. If you do not consent to this, you must clearly request that your response be submitted confidentially. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request. You should be aware that there may be circumstances in which we will be required to communicate this information to third parties on request in order to comply with our obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Defra Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone requests (tel: 020 7238 6575) or to email requests (email: defra.library@defra.gsi.gov.uk). Wherever possible, personal callers should give the library 24 hours notice of their requirements. An administrative charge will be made to cover photocopying and postage costs.

A summary of responses will be made available on Defra's website in due course.

If you have any comments or complaints about the consultation process, as opposed to comments about any of the issues in this consultation paper, please address them to:

Rhonda Marshall
Defra Consultation Co-ordinator
Area 7C, Nobel House
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London SW1P 3JR
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Chapter 1: Background

History

- 1.1 Part 9 of the Marine and Coastal Access Act 2009 (“the Act”) makes provision for improving access to the English coast. The Act received Royal Assent on 12 November 2009. The coastal access provisions place a duty on the Secretary of State and Natural England to secure two linked objectives:
 - a. that there is a route for the whole of the English coast consisting of one or more long-distance routes and available to the public for recreational journeys on foot or by ferry, and
 - b. that in association with the route there is a margin of land along the length of the English coast which the public can access and enjoy for the purpose of recreation.
- 1.2 The Act introduces amendments to existing public access legislation to enable the objectives to be implemented: the National Parks and Access to the Countryside Act 1949 (“the 1949 Act”) to provide a procedure for the designation of a coastal route or routes; and the Countryside and Rights of Way Act 2000 (“the CROW Act”) under which the right of public access to the route and wider margin will be provided.
- 1.3 A copy of the Act, explanatory notes and impact assessment can be found on the Defra website at <http://www.defra.gov.uk/environment/marine/legislation/mcaa/key-docs.htm>. We have not prepared a separate impact assessment for this consultation paper because the impact assessment for the Act includes assumptions which are reflected in this paper.

Natural England’s coastal access report and the representation and objections procedures

- 1.4 Section 302 of the Act inserts new sections into the 1949 Act which make provision for the coastal access report (the report) that Natural England must prepare under section 51 of the 1949 Act proposing a coastal long-distance route and the associated coastal margin. The report will include a map showing the landward boundary of the relevant coastal access land or a description of the boundary which is sufficient to identify that land. The report will include details of any restrictions to, or exclusion of, the right of access that Natural England intends to put in place if the proposals are approved by the Secretary of State. The right of access under the CROW Act will come into force for any particular stretch of the coast on a date specified by the Secretary of State. Natural England is required under the Act to consult a number of persons and bodies before the report is prepared in addition to requirements under section 51(4) of the 1949 Act.¹ These persons and bodies are:
 - a. persons with a relevant interest in affected land;
 - b. access authority for an area in which affected land is situated;
 - c. London borough councils in which affected land is situated;
 - d. local access forum for an area in which affected land is situated;
 - e. Secretary of State for any defence and national security issues;
 - f. Historic Buildings and Monuments Commission;²
 - g. Environment Agency.

¹ Section 51(4) of the 1949 Act makes it clear that before preparing a report Natural England must consult every national park authority, joint planning board and county district council through whose park or area the route passes.

² Commonly known as “English Heritage”.

Chapter 1: Background

- 1.5 For this purpose the term “affected land” is defined in section 55J(1) of the 1949 Act (as amended by section 302(1) of the Act) as meaning:
- (a) *land over which the route, or any alternative route, to which the proposals relate passes, and*
 - (b) *any other land which:*
 - (i) *is relevant coastal margin, or an alternative route strip in relation to such an alternative route, and*
 - (ii) *is not excepted land*
- and “relevant interest” is also defined in section 55J(2) of the 1949 Act (as amended by section 302(1) of the Act) as meaning that a person has a relevant interest in affected land if the person:
- (a) *is the owner of the land,*
 - (b) *holds a term of years absolute in the land, or*
 - (c) *is in lawful occupation of the land.*
- 1.6 Section 55E of the Act (inserted by section 302 of the 2009 Act) introduces a new Schedule 1A to the 1949 Act which is contained in Schedule 19 to the Act. The new Schedule 1A provides a process in which representations may be made about Natural England’s coastal access proposals. A representation may be made by any person about any matter relating to the proposals in Natural England’s report. In contrast, objections may only be made by those with a relevant interest in affected land, about matters set out in the Schedule. These are:
- a. the position of the route;
 - b. proposals for the route where the land is or may be subject to coastal erosion;
 - c. proposals for alternative routes;
 - d. proposals for the margin of coastal land to coincide with a physical feature;
 - e. restrictions and exclusions of access; and
 - f. the exercise of Natural England’s discretion to propose the location of the route where the coast is interrupted by a river estuary.
- 1.7 Schedule 1A also provides that objections by a person with a relevant interest in affected land must be referred to an appointed person, who it is currently envisaged will be an inspector from the Planning Inspectorate³. The appointed person may hold a hearing or inquiry, and make recommendations to the Secretary of State. The objection to Natural England’s proposals for the route must be made on the grounds that the proposals do not strike a fair balance⁴ within the meaning of section 297(3) of the Act in such respects as are specified in the objection as a result of any of the particular matters listed in the paragraph above.
- 1.8 The Secretary of State must consider the proposals in Natural England’s report under section 52(1) of the 1949 Act. Before making a determination under that section, he must have regard to any objections that may have been made; Natural England’s comments on them; any representations forwarded to him by Natural England and the recommendation of the appointed person.

³ The 2009 Act does not make a direct reference to the Planning Inspectorate as being the appointed person. The Inspectorate might alter, disappear or might change its name in future. As such the Act preserves the ability for the Secretary of State to change the appointed person if necessary and to refer an objection to someone other than the Planning Inspectorate.

⁴ Section 297(3) of the Act states that “They [Natural England and the Secretary of State] must aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land.”

Outline of procedure in Schedule 1A

- 1.9 Schedule 1A to the 1949 Act sets out the following procedure for making and considering objections and representations about a report:
- Natural England must advertise a report and must take reasonable steps to give notice of the report to those with a relevant interest in affected land and to certain bodies, and to persons set out in regulations. It also says that the Secretary of State may make regulations relating to the form, manner and timing of advertisements and notices (*paragraph 2*).
 - People with a relevant interest in affected land may make an objection to Natural England's report on the grounds that its proposals fail to strike a fair balance as a result of certain issues including the position of any part of the proposed route; proposals for routes subject to erosion; proposals for alternative routes; proposals for the boundary of the coastal margin to coincide with a physical feature; proposals for exclusions and restrictions of access, and any decision to treat the relevant upstream waters of a river as part of the coast (*paragraph 3*).
 - The person making the objection must specify the reasons they are of the opinion a fair balance has not been struck and they may propose modifications of the proposal, but the modifications must meet the criteria that they must be practicable, take account of the considerations mentioned in sections 297(2) and section 301(4) (where the proposals in the report include a river estuary), and must be in accordance with Natural England's approved coastal access scheme. The Secretary of State may make regulations about the steps to be taken by Natural England to make persons with a relevant interest in affected land aware of their entitlement to make objections, and the form and manner in which, and period within which, objections are to be made (*paragraph 3*).
 - Any objection received by Natural England must be forwarded to the Secretary of State who must refer the objection to the appointed person. The paragraph also includes details about the appointment of the appointed person (*paragraph 4*).
 - The appointed person must decide if the objection is admissible and must give notice of that determination to the person who made the objection, Natural England and the Secretary of State (*paragraph 5*).
 - Natural England has to provide comments on any objections to the Secretary of State, and the appointed person may require Natural England's comments to include information on any relevant alternatives or rejected options (*paragraph 6*).
 - Anyone may make a representation to Natural England about a report. Any representations that have been made from those persons and bodies to whom Natural England had to give a notice, as set out in paragraph 2(2)(b) to (f) of the Schedule, will be sent in full to the Secretary of State together with Natural England's comments on them. Other representations will be summarised by Natural England and sent to the Secretary of State with Natural England's comments on them (*paragraphs 7 and 8*).
 - The Secretary of State must send to the appointed person a number of documents which are relevant to an admissible objection including Natural England's report and any representations (*paragraph 9*).

Chapter 1: Background

- The appointed person must determine whether in his view the proposals in Natural England's report fail, in the respects specified in the objection, to strike a fair balance. The appointed person will consider the information and if he is minded to decide that a fair balance has not been struck the appointed person must publish a notice including the details of the objection and inviting representations. If this happens anyone can make representations to the appointed person. But this will be necessary only if the appointed person considers that a fair balance may not have been struck. If he considers a fair balance has been struck in Natural England's proposals, he must make a report recommending that the Secretary of State makes a determination to that effect (*paragraphs 10 and 11*).
- The appointed person must give a report to the Secretary of State in which he recommends whether the Secretary of State should determine that Natural England's proposals do not fail to strike a fair balance, or that they do fail to strike a fair balance. If he recommends that Natural England's proposals do fail to strike a fair balance, then the appointed person must recommend either that no modification would strike the fair balance, a certain modification would strike the fair balance, or a certain modification may strike the fair balance. Where he recommends that no modification would strike a fair balance, he may additionally make a recommendation that a certain modification would, or may, mitigate the effects of the failure to strike a fair balance (*paragraph 11*).
- The appointed person may ask for other relevant information from Natural England or the Secretary of State (*paragraph 12*).
- The appointed person may hold a hearing or a local inquiry where he considers it necessary or expedient to do so (*paragraph 13*).
- The Secretary of State may make regulations regarding the consideration of objections by the appointed person which may allow two or more objections to be considered together by the appointed person; he may make provision for the appointed person to conduct an inspection of land and may make provision for the conduct of a hearing or local inquiry (*paragraph 14*).
- The Secretary of State has a power to make provisions for procedures to be followed where he may wish to consider modifications to Natural England's proposals (these would be modifications other than those proposed by the appointed person with reference to an objection) (*paragraph 15*).
- The Secretary of State makes a determination on the report as a whole and in making that determination he must consider certain information including any objections, Natural England's comments on them, the appointed person's report, any representations and Natural England's comments on them. In making a determination, the Secretary of State may approve proposals relating to one or more parts of the route only, and may reject the remaining proposals. He may also approve proposals subject to modifications (section 52(1) of the 1949 Act). He may make regulations about the procedure to be followed where he is minded to approve the proposals with modifications other than modifications contained in the appointed person's report. The Secretary of State will also be bound by a statement of a finding of fact in the appointed person's report, unless he is satisfied on a number of grounds, for example, that there was insufficient evidence to make the finding, or the finding was made by reference to irrelevant facts, or that the finding involves an assessment of the significance of a matter to a person with a relevant interest in land or to the public (*paragraph 16*).

- The Secretary of State must give notice of his determination to persons with a relevant interest in affected land, or publish such notice, and in addition he must give notice to certain bodies, including local authorities and local access authorities. The notice must include, so far as relevant to the objection, a statement of his reasons for the determination (*paragraph 17*).

1.10 A flow diagram summarising the representations and objections procedures under Schedule 1A is included at **Annex A** to the paper. A glossary of the main terms used in the paper, which is intended to assist in the reading of the consultation paper but which should not be regarded as an authoritative interpretation of the legislation, is at **Annex B**.

Introduction to the consultation

1.11 The purpose of this consultation is to seek views on the detailed proposals for the regulations below that are to be made under the powers set out in the following paragraphs of Schedule 1A. The proposals for regulations are set out in the following chapters:

Chapter 2 – the form and manner by which Natural England’s reports are to be advertised and notices given, and the form and manner in which objections and representations about Natural England’s reports are to be made, and their timing (**regulations to be made under paragraphs 2(3), 3(7) and 7(2)**).

Chapter 3 – the form and manner by which notices about objections are to be published by the appointed person (**regulations to be made under paragraph 10(6)**).

Chapter 4 – consideration of objections by the appointed person including procedures for local inquiries and hearings (**regulations to be made under paragraph 14(1)**).

Chapter 5 – procedures where the Secretary of State wishes to identify or investigate possible modifications of proposals (**regulations to be made under paragraph 15(1)**).

Chapter 6 – procedures where the Secretary of State is minded to approve proposals with modifications (**regulations to be made under paragraphs 16(4) and (6)**).

Chapter 7 – we are also seeking views on a number of other issues on the use of electronic communications, further documentation and the inspection and copying of documents.

1.12 Under each chapter there is an explanation of our proposed approach and a number of questions on which we are seeking views. Your comments in response to any or all of the questions are welcome. A summary of the questions is at **Annex C** to the paper.

Chapter 2: Regulations on advertisements and notices of coastal access reports

- 2.1 This chapter deals with regulations providing for the form and manner by which Natural England's reports are to be advertised and notices given, and the form and manner in which objections and representations about Natural England's reports are to be made, and the timing of such advertisements and notices under paragraphs 2(3), 3(7) and 7(2) of Schedule 1A.

Background

- 2.2 Paragraph 2 (1) of Schedule 1A provides that Natural England must:
- a. advertise a coastal access report, and
 - b. take such steps as are reasonable to give notice of the report to such persons within sub-paragraph (2).
- 2.3 Persons within sub-paragraph (2) are:
- a. persons with a relevant interest in affected land;
 - b. each access authority for an area in which affected land is situated;
 - c. each local access forum for an area in which affected land is situated;
 - d. Historic Buildings and Monuments Commission for England;
 - e. Environment Agency;
 - f. such other persons as may be specified in regulations made by the Secretary of State.
- 2.4 Paragraph 2(3) of Schedule 1A provides powers to make regulations about:
- a. the form and manner in which reports are to be advertised under sub-paragraph (1)(a);
 - b. the form and manner in which notices are to be given under sub-paragraph (1)(b);
 - c. the timing of any advertisement or the giving of any notice.

Paragraphs 2(1)(a), 2(3)(a) and (c) (Advertisements)

- 2.5 Under paragraphs 2(1)(a), 2(3)(a) and (c) of Schedule 1A, regulations may be made about the form and manner in which Natural England's reports are to be advertised, and also the timing of any advertisement.

Manner of advertisement

- 2.6 We propose that the regulations should set out where Natural England's advertisement should appear, and that they must state where Natural England's full report on any particular stretch of the English coast might be available for inspection.
- 2.7 We propose that Natural England's report must be advertised as follows:
- a. in one or more local or regional newspapers circulating in the area to which the report relates;
 - b. on Natural England's website;
 - c. in any other way that Natural England thinks appropriate for drawing the attention of members of the public to the report; and
 - d. at the offices of the access authority in or close to the area to which the report relates.

Form of advertisement

- 2.8 We propose that the regulations should provide that an advertisement of a report should take the following form and should:
- a. state the date the report was submitted to the Secretary of State;
 - b. be in terms which:
 - i. clearly indicate the land to which the report relates and the nature of the proposed public rights over it; and
 - ii. are sufficient to enable reference to be made to the report either on a website or by inspection at a place indicated in the advertisement.
- 2.9 The form should also:
- a. invite representations on the report;
 - b. state that representations upon the report must be received by Natural England within 6 weeks from the date of the advertisement; and
 - c. indicate that representations must be made on a form and that the form may be obtained from Natural England, either from its website or by writing to Natural England.
- 2.10 We envisage that Natural England will make the report available for inspection at the following places:
- a. on Natural England's website;
 - b. at the offices of Natural England in or close to the area to which the report relates during normal office opening hours;
 - c. at the offices of the access authority in or close to the area to which the report relates during normal office opening hours; and
 - d. at any other location that Natural England thinks would provide access to members of the public with an interest in the area to which the report relates.

Form of representations

- 2.11 Paragraph 7(2) of Schedule 1A provides a power to make regulations providing for the steps to be taken by Natural England to make people aware of their entitlement to make representations and the form and manner in which, and the period within which, representations are to be made. We propose that the regulations should set out the details of what is provided for in the power in paragraph 7(2). The regulations will provide that representations must:
- a. be made in writing to Natural England;
 - b. be sent to Natural England at the address given in the notice or advertisement; and
 - c. be made to Natural England within 6 weeks of the date of the advertisement of the report.
- 2.12 We consider that in the interests of the person making a representation and the efficient conduct of the representation process, there should be a standard form for representations to be made to Natural England. We propose therefore to prescribe in a Schedule to the regulations a form to be completed where a representation is to be made.

Chapter 2: Regulations on advertisements and notices of coastal access reports

Timing of advertisement

- 2.13 We propose that the regulations under paragraph 2(3)(c) should require Natural England to advertise a report on, or as soon as is reasonably practicable, after the date on which it is submitted to the Secretary of State.

Question 1: Do you have any comments on the proposals for the form and manner in which Natural England's reports are to be advertised, and the timing of any advertisement?

Paragraphs 2(1)(b), 2(3)(b) and (c) (Notices)

- 2.14 Under paragraphs 2(1)(b), 2(3)(b) and (c) of Schedule 1A, regulations may be made about the form and manner in which notices are to be given and also the timing of any notice. Natural England must give notice of a report to those people and bodies which are listed in paragraph 2(2)(a) to (f) of Schedule 1A:
- a. persons with a relevant interest in affected land;
 - b. each access authority for an area in which affected land is situated;
 - c. each local access forum for an area in which affected land is situated;
 - d. Historic Buildings and Monuments Commission;
 - e. Environment Agency;
 - f. such other persons as may be specified in regulations made by the Secretary of State.
- 2.15 Any representations made by the persons and bodies in paragraph 2.14 above will be forwarded in full to the Secretary of State, other than those people in paragraph (a).
- 2.16 During the Parliamentary passage of the Marine and Coastal Access Bill in 2009 Ministers made a commitment to consult on such other persons it would be appropriate to include in the regulations under paragraph 2(2)(f). Ministers said that they envisaged it would include several national organisations representing recreational, sporting, and land-owning and land management interests (such as the British Mountaineering Council, Country Land and Business Association, National Farmers Union, Open Spaces Society and Ramblers Association) and owners of sporting rights (and those with a sporting tenancy). Subject to the responses to this consultation we propose to include a Schedule in the regulations listing the bodies to be included under paragraph 2(2)(f).

Question 2: Do you agree that the British Mountaineering Council, Country Land and Business Association, National Farmers Union, Open Spaces Society and Ramblers Association and owners of sporting rights (and those with a sporting tenancy) should be included under paragraph 2(2)(f)?

Question 3: Are there any other persons you consider should be included under paragraph 2(2)(f)?

Manner of notice

- 2.17 Natural England must give notice of their report to those people and bodies listed in paragraphs 2(2)(a) to (f) of Schedule 1A which includes all those with a "relevant interest" in affected land as defined in section 297(4) of the Act.

- 2.18 Natural England will be undertaking an extensive process of consultation prior to the issue of each report and it has stated at paragraph 3.3.5 of the consultation version of the Scheme (which is required to be approved by the Secretary of State under section 298 of the Act) that:

"We will take all reasonable steps to identify and contact owners, tenants and lawful occupiers who are likely to be affected. We will make use as appropriate of information we already hold, local publicity, raising awareness through relevant organisations and the personal knowledge of other local owners or occupiers. If we have been unable to identify the owner or occupier by any other means, we will place a notice on the land asking them to contact us. These steps will also bring to our attention other interests in the land, for example holders of sporting rights."

- 2.19 We propose that Natural England should send the notice to those bodies and organisations listed in paragraph 2(2)(b) to (f) of Schedule 1A either by recorded delivery or by email. Natural England should give notice of the report to those persons with a relevant interest in the land – those at paragraph 2(2)(a) – either by delivering the notice to their last known address or by sending the notice to that person by recorded delivery. We do not think that it is sufficient for the regulations to provide for Natural England to send the notice to a person with a relevant interest in the land **only** by email unless the use of email would ensure that the information contained in the notice is available to the person in all material respects as it would appear if the notice were sent, and the person has consented to the information being made available to them by such means.

Form of notice

- 2.20 We propose that the regulations should provide a standard form of a notice which sets out certain information. There will be two types of a form of notice. The first will be for Natural England to send to those who are only able to make representations on the report, that is those persons or bodies which are mentioned at paragraph 2(2)(b) to (f) of Schedule 1A. The notice should enclose a form on which representations may be made, and:
- a. indicate the date the report was submitted;
 - b. be in terms which:
 - i. clearly indicate the land to which the report relates and the nature of the proposed public rights over it; and
 - ii. are sufficient to enable reference to be made to the report either on a website or by inspection at a place indicated in the notice;
 - c. invite representations on the report, to be received by Natural England within 6 weeks from the date of the notice, indicating the address (including the website address) to which representations must be sent.
- 2.21 Where a notice is being sent to a person who has a right to make both an objection and a representation to the report (ie those with a relevant interest in the land at paragraph 2(2)(a) of Schedule 1A) there will be a different form of notice which will be prescribed in the regulations and which will inform the person of their right to make both representations and objections about the report. Any person to whom a notice is sent may, if they so wish, make a representation about Natural England's report rather than an objection.

Chapter 2: Regulations on advertisements and notices of coastal access reports

- 2.22 The form of notice for an objection should enclose a form on which an objection and representations may be made, and:
- a. indicate the date the report was submitted;
 - b. be in terms which:
 - i. clearly indicate the land to which the report relates and the nature of the proposed public rights over it; and
 - ii. are sufficient to enable reference to be made to the report either on a website or by inspection at a place indicated in the notice;
 - c. invite objections and representations on the report, to be received by Natural England within 6 weeks from the date of the notice, indicating the address (including the website address) to which any objection or representations must be sent;
- 2.23 The objection should be made in the form for objections set out in the Schedule to the regulations. The form would require the person making the objection to:
- a. identify the land to which the objection relates;
 - b. state the objector's interest in the land;
 - c. state under which of the grounds in paragraph 3(3)⁵ the objection is made, and the objection itself; and
 - d. explain why, in the opinion of the objector, Natural England's report has failed to strike a fair balance between the interests of the public in having rights over the land, and the interests of the objector.
- 2.24 We also propose that the grounds and matters upon which an objection may be made – these are specified in paragraph 3(3) of the Schedule – will be set out in a multiple choice box on the form and these will need to be completed. We think that this would provide a simple process enabling a person who is making an objection to tick the relevant grounds for an objection and say why he believes the grounds apply. It will ensure that the information the appointed person may want to consider is included. The form for objections would also include a question about any modifications the person with a relevant interest in the land may propose.
- 2.25 The regulations will provide that objections must be sent to Natural England:
- a. within 6 weeks of the date of the issue of the notice or advertisement; and
 - b. to the address given in the notice or advertisement.

Timing of notice

- 2.26 We propose that the regulations under paragraph 2(3)(c) of Schedule 1A should require Natural England to give notice of their report on, or as soon as is reasonably practicable, after the date of its submission to the Secretary of State.

⁵ See paragraph 1.6 on page 6

- 2.27 We propose to make provision in the regulations that a person who has made either an objection or a representation about Natural England's report should be able to withdraw any such objection or representation that he has made at any time. If the person wishes to do this he must do so in writing to Natural England. We propose to give guidance to Natural England that where Natural England has already sent any such objection (under paragraph 4(1) of Schedule 1A) or any such representation (under paragraph 8(1) of the Schedule) to the Secretary of State, Natural England will then take such steps as are reasonable to notify the Secretary of State of the withdrawal of either the objection or representation.
- 2.28 The Secretary of State will then notify the appointed person of the withdrawal of any objection. No further action will be required by the Secretary of State on a representation other than to note that it has been withdrawn and that it should not be considered when the Secretary of State comes to determine the report under section 52 of the 1949 Act. In the event of the withdrawal of an objection at any time before an inquiry or a hearing has been convened by the appointed person the regulations will provide that the appointed person may give notice cancelling the hearing or inquiry.

Question 4: Do you have any comments on the proposals for the form and manner in which a notice about Natural England's report is to be given, and the timing of any notice?

Chapter 3: Regulations on objections considered by the appointed person

- 3.1 This chapter deals with regulations providing for the form and manner by which notices about objections are to be published by the appointed person under paragraph 10(6) of Schedule 1A.

Background

- 3.2 Ministers stated during the Parliamentary passage of the Marine and Coastal Access Bill that they intended to appoint the Planning Inspectorate in the role of appointed person under paragraph 4(3) of Schedule 1A. The appointed person must determine whether in his view the proposals in Natural England's report fail, in the respects specified in any objection, to strike a fair balance as required under section 297(3) of the Act. The appointed person will consider the information and if he is minded to decide that Natural England's proposals **fail** to strike a fair balance the appointed person will publish the objection and invite anyone to make representations on the objection to him.
- 3.3 In this situation, paragraph 10(4) of Schedule 1A requires the appointed person to publish a notice containing:
- a. details of the objection and Natural England's comments on it under paragraph 6 of the Schedule;
 - b. a statement that the appointed person is minded to determine that the proposals fail to strike a fair balance; and
 - c. an invitation for representations to be made to the appointed person about:
 - i. the objection (including any modifications proposed by the objector);
 - ii. any relevant alternative modifications as defined in paragraph 6 of the Schedule in Natural England's comments under that paragraph; and
 - iii. any observations which the appointed person has made in the notice.
- 3.4 Paragraph 10(6) of Schedule 1A provides that regulations may be made about:
- a. the form and manner in which notices are to be published or given – 10(6)(a);
 - b. the timing of the publication or giving of notices – 10(6)(b); and
 - c. the form and manner in which, and the period within which, representations are to be made in response to an invitation in a notice – 10(6) (c).

Paragraph 10(6)(a) and (b)

Manner of publication

- 3.5 The word "published" in paragraph 10(6)(a) of Schedule 1A indicates that the notice is to be published to the general public. The regulations should therefore set out where the notice is to appear and what the notice must contain. It is proposed that the notice should be given the following publicity:
- a. published on the appointed person's website;
 - b. published in one or more local or regional newspapers circulating in the area to which the report relates; and
 - c. in any other way that the appointed person thinks appropriate for drawing the attention of members of the public to the notice.

- 3.6 Under paragraph 10(6)(a) of Schedule 1A the appointed person must give a copy of the notice mentioned above to Natural England and the persons listed in paragraph 2(2)(b) to (f) ie.
- access authority for an area in which affected land relevant to the objection is situated;
 - each local access forum for an area in which affected land relevant to the objection is situated;
 - Historic Buildings and Monuments Commission;
 - Environment Agency;
 - such other persons as may be specified in regulations made by the Secretary of State.
- 3.7 The appointed person must also give a copy of that notice to any person with a relevant interest in affected land – those listed in paragraph 2(2)(a) of Schedule 1A – to which the objection relates. He must also give notice to any person with a relevant interest in land which is not affected land but which would become affected land if any of the modifications to Natural England’s proposals which an objector had proposed, or any alternative modifications which Natural England had made in its comments, were made to the proposals. These are the persons referred to in paragraph 10(5) (b) of Schedule 1A.
- 3.8 We propose that the appointed person should send the notice to Natural England and those bodies and organisations listed in paragraph 2(2)(b) to (f) of Schedule 1A either by recorded delivery or by email. The appointed person should send the notice to persons with a relevant interest in the land to the last known address by recorded delivery. We do not think that it is sufficient for the regulations to provide for the appointed person to send the notice to persons with a relevant interest in the land **only** by email unless the use of email would ensure that the information contained in the notice is available to the person in all material respects as it would appear if the notice were sent, and the person has consented to the information being made available to them by such means.
- 3.9 Paragraph 10(7) of Schedule 1A provides a power to require the Secretary of State at his expense to discharge the appointed person’s duty to publish or give notice under paragraph 6, and to forward such representations to the appointed person.

Form of notice

- 3.10 We propose that we should prescribe a form to be included in the regulations which contains blanks for the details below to be inserted:
- the date the notice was published;
 - a summary of the grounds of the objection identifying the land involved and the relevant section of the report;
 - where the report and a map of the area indicating the proposed line of the route and, (if applicable) the boundaries of the margin, which is the subject of the objection may be available for inspection;
 - a summary of the details of Natural England’s comments on the objection;
 - a statement that the appointed person is minded to determine that Natural England’s proposals fail to strike a fair balance; and

Chapter 3: Regulations on objections considered by the appointed person

- f. any representations on:
 - i. the objection (including any modifications of the proposals proposed by the objection);
 - ii. any relevant alternative modifications in Natural England's comments under paragraph 6 of the Schedule; and
 - iii. any observations which the appointed person made in the notice on any relevant alternative modifications or any modifications proposed by the objection.
- 3.11 In the case of persons to whom a copy of the notice is given under paragraph 10(5) of Schedule 1A the form on which a representation may be made will be sent with the notice. In other cases the form of notice will state that a form for representations is available from Natural England.

Timing of notice

- 3.12 Under paragraph 10(6)(b) to Schedule 1A regulations may make provision for the period within which the appointed person must give notice. We expect the time it will take the appointed person to decide that he is minded to determine that Natural England's proposals fail to strike a fair balance will vary from objection to objection according to the issues and complexity of the objection involved. The appointed person's decision at this time will mean that he intends to invite representations to be made to him on the objection under paragraph 10(4)(c) and **not** that he has made a final decision on the objection.
- 3.13 Given the varying time the appointed person may take on any objection we do not think it would be appropriate for the regulations to include a set time for the appointed person to be required to publish or give a notice but instead that he should be required to do so, on or as soon as is reasonably practicable for him to do so, after having reached a decision.

Question 5: Do you have any comments on the proposals for the manner in which notices are to be published or given and the timing of a notice?

Paragraph 10(6)(c)

- 3.14 Paragraph 10(6) (c) of Schedule 1A enables regulations to be made prescribing the form and manner in which and period within which representations are to be made in response to an invitation in a notice under this paragraph. In the interests of the person making a representation and the efficient conduct of the representation process, we consider that there should be a standard form for a representation to be made under paragraph 10(4)(c) of the Schedule. We therefore propose that we should prescribe a form in a Schedule to be included in the regulations which a person making a representation in response to an invitation in a notice should be required to use. This would follow the format of the form mentioned in paragraph 3.10 above.
- 3.15 The regulations should provide that representations must:
 - a. be made in the prescribed form to the appointed person
 - b. be sent to the appointed person at the address given in the notice; and
 - c. be made to the appointed person within 6 weeks of the date of the issue of the notice.

Question 6: Do you have any comments on the proposals for the manner in which representations are to be made in response to an invitation in a notice and the timing of a notice?

Chapter 4: Regulations on local inquiries and hearings and supplementary provisions on objections

- 4.1 This chapter deals with regulations providing for the consideration of objections by the appointed person including procedures for local inquiries and hearings under paragraphs 13(1), 14(1) and (2) of Schedule 1A.

Background

- 4.2 Paragraph 13(1) of Schedule 1A allows the appointed person, where he thinks it necessary or expedient to do so, to hold a local inquiry (where witnesses are often cross-examined) or other hearing (a discussion of an objection) before determining the objection.
- 4.3 Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) apply to local inquiries or other hearings held under Schedule 19. This provides that:
- a. the appointed person may require any person to attend by summons to give evidence or produce documents;
 - b. costs would be paid by Natural England or any other party as the appointed person directs and that failure to do so renders that party liable for a fine; and
 - c. the appointed person may make other orders as to the parties' costs.
- 4.4 Paragraph 14(1) of Schedule 1A enables regulations to be made about the consideration of objections by the appointed person. Paragraph 14(2) provides that regulations may in particular:
- a. allow the appointed person to consider two or more objections together – 14(2)(a);
 - b. enable the appointed person to conduct an inspection of land – 14(2)(b); and
 - c. make provision for the conduct of a hearing or local inquiry – 14(2)(c).

Determination by the appointed person of an objection

- 4.5 Paragraphs 4.6 to 4.19 of the consultation paper cover the procedures to be followed in each of the circumstances where the appointed person has decided to determine an objection either by way of written representations, a hearing or a local inquiry. The procedure type for determining an objection will be decided by the appointed person and will depend on a number of different factors which could include such things as scale, complexity, interest (either public interest or the extent to which a person's interests are affected) and the implications of the objection.

Written objections

Procedure for determination

- 4.6 The regulations should allow the appointed person to determine an objection without holding a hearing or local inquiry.

Inspection of land

- 4.7 Under paragraph 14(2)(b) the regulations may enable the appointed person to conduct an inspection of land. We propose that the regulations should provide the following:
- a. that the appointed person may arrange for an inspection of the land which is the subject of the objection under consideration where it appears to him that it is necessary or expedient to do so;

Chapter 4: Regulations on local inquiries and hearings and supplementary provisions on objections

- b. the appointed person must ask the person making the objection and Natural England whether they wish to be present or be represented at such an inspection;
- c. where the person making the objection or Natural England have indicated that they wish to be present, the appointed person must give the person and Natural England reasonable notice of the date and time of the inspection, and must afford the person and Natural England the opportunity of being present during the inspection; and
- d. the inspection does not need to be deferred if the person making the objection or Natural England is not present at the appointed time of the inspection.

Question 7: Do you have any comments on the proposals in the case of where an objection is to be determined by way of a written representation?

Hearing

Procedure for determination

- 4.8 We propose that the appointed person should give written notice if he intends to determine the objection by way of a hearing and should give this notice as soon as possible after he has decided that a hearing is necessary. The notice should:
- a. state the date of the notice;
 - b. state that the appointed person intends to determine the objection by way of an hearing;
 - c. state the date, time, and place of the hearing; and
 - d. give a brief description of:
 - i. the affected land and the report to which the hearing relates;
 - ii. the objection/objections to be considered at the hearing; and
 - iii. details about where and when documents relating to the hearing may be available for inspection.
- 4.9 The notice must be given to:
- a. Natural England;
 - b. the person or persons who made the objections which will be the subject of the hearing; and
 - c. any person who has made representations that are relevant to those objections or the proposed modifications.
- 4.10 We propose that the notice must also be given the following publicity. It must be:
- a. published in one or more local or regional newspapers circulating in the locality to which the report relates;
 - b. published on the appointed person's website; and
 - c. in any other way that the appointed person thinks appropriate for drawing the attention of members of the public to the notice.

Chapter 4: Regulations on local inquiries and hearings and supplementary provisions on objections

Timing of a hearing

4.11 It is proposed that the date fixed by the appointed person for a hearing shall not be less than 6 weeks after the publication of the notice. Subject to this, the regulations should allow the appointed person at any time to change the date, time or place fixed for the hearing and require that where he does so, he must give such notice of the change as appears to him to be reasonable to those to whom he had originally notified of the original date of the hearing.

Appearances at a hearing

4.12 The persons entitled to appear at the hearing should be:

- a. Natural England;
- b. the person or persons making the objection which will be the subject of the hearing; and
- c. any person who has made a representation either that is relevant to those objections or the proposed modifications.

4.13 In addition the regulations should provide that any other person may appear at the hearing with the permission of the appointed person and that any person, who may be entitled or permitted to appear at the hearing may appear in person or be represented by any other person.

Notification of the name of the appointed person

4.14 The appointed person must at the commencement of the hearing, announce his name and the fact of his appointment.

Procedure at a hearing

4.15 We propose that the regulations will provide that the procedure to be followed at a hearing should be determined by the appointed person except as otherwise provided. The procedure will be as follows:

- a. a hearing is to take the form of a discussion led by the appointed person, and cross examination is not be permitted unless the appointed person considers that cross examination is required to ensure a thorough examination of the main issues;
- b. where the appointed person considers that cross examination is required he must, after consulting every person who is entitled or permitted to appear at the hearing, and is present at that hearing, consider whether the hearing should be closed and an inquiry should be held instead;
- c. at the start of the hearing the appointed person must identify what are, in his opinion, the main issues to be considered at the hearing and any matters on which he requires further explanation from any person appearing at the hearing; but this does not preclude any person in the course of the hearing from referring to issues which they consider relevant to the consideration of the objection but which are not issues so identified by the appointed person;
- d. the objector and Natural England are to be entitled to give, or call another person to give, oral evidence if permitted by the appointed person at his discretion, but the appointed person may at any stage in the proceedings refuse to permit the giving of evidence or presentation of any other matter which he considers to be irrelevant or repetitious;

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- e. where the appointed person refuses to permit the giving of oral evidence, or presentation of any matter, he may permit that evidence to be given to him in writing before the close of the hearing or within a specified time of the close of the hearing at the discretion of the appointed person;
- f. the appointed person may require any person to leave the hearing if he is behaving in a disruptive manner and may refuse to permit that person to return or permit him to return only on such conditions as the appointed person may specify;
- g. the appointed person may proceed with the hearing in the absence of any person entitled to appear at it;
- h. the appointed person may take into account any written representations or evidence or any other document received by him from any person before a hearing starts or during the hearing provided he discloses it to the hearing; and
- i. the appointed person may adjourn a hearing and if the date, time and place for a further hearing are announced before the adjournment, no further notice shall be required.

Inspection of land

- 4.16 We propose that the appointed person may carry out a site inspection of the affected land to which the objection relates where an objection is to be determined on the basis of a hearing. The appointed person may take any persons with him (if he chooses to do so) and, if he does so decide to make an inspection, he will give a right to those persons entitled or permitted to appear at an hearing to accompany him (if they choose to exercise it).
- 4.17 If the appointed person decides to make an inspection he should give the person(s) who is/are to accompany him reasonable notice of the date and time of the inspection and the opportunity of being present. The inspection however does not need to be deferred if the person making the objection or Natural England is not present at the appointed time of the inspection.
- 4.18 We propose that the regulations should provide that once the hearing has started the appointed person may adjourn the hearing to the land that is the subject of the hearing and may conclude the hearing there, if he is satisfied that:
- a. the hearing would proceed satisfactorily and that no party would be placed at a disadvantage;
 - b. all parties present would have an opportunity to attend the adjourned hearing; and
 - c. neither the objector nor Natural England have raised any reasonable objections to its being continued at the site of the affected land.

Question 8: Do you have any comments on the proposals in the case of where an objection is to be determined by way of a hearing?

Chapter 4: Regulations on local inquiries and hearings and supplementary provisions on objections

Inquiry

- 4.19 We propose that the same considerations and procedures that apply where the appointed person intends to determine the objection by way of a hearing – as set out in paragraphs 4.8 to 4.18 – should also apply where he intends instead to determine the objection by way of an inquiry but with the following changes:
- a. that the procedure at an inquiry will consist of a formal examination of the issues led by the appointed person;
 - b. unless in a particular case the appointed person otherwise determines, Natural England must begin and any other persons appearing at the inquiry must be heard in such order as the appointed person shall determine; and
 - c. any person appearing at the inquiry may cross-examine any person giving evidence orally or in writing or presenting any matter at the inquiry but the appointed person may, at any stage in the inquiry, refuse to permit the person continuing the cross-examination of evidence or presentation of any matter which the appointed person considers to be irrelevant or repetitious.

Question 9: Do you have any comments on the proposals in the case of where an objection is to be determined by way of an inquiry?

Pre-inquiry

- 4.20 We consider that the regulations should make provision for a pre-inquiry meeting or meetings where the appointed person considers it to be necessary. By “pre-inquiry meeting” we mean a meeting held before an inquiry to consider what may be done to ensure that the inquiry is conducted efficiently and expeditiously.
- 4.21 We propose that the regulations should cover:
- a. that the appointed person may hold a pre-inquiry meeting or meetings if it appears to him to be necessary;
 - b. the appointed person must give notice in writing of the pre-inquiry meeting to:
 - i. Natural England;
 - ii. the person or persons making the objection; and
 - iii. anyone who has made a representation in relation to the report or in response to an invitation in a notice under paragraph 10(4)(c) of the Schedule; and
 - c. the notice must contain:
 - i. the date, time and place of any such meeting; and
 - ii. procedures to be followed at the meeting.
- 4.22 We propose that the appointed person shall give not less than 2 week’s notice of a pre-inquiry meeting to every person to whom the notice of the inquiry is to be given. In addition where a pre-inquiry meeting is held the appointed person may decide to hold a further pre-inquiry meeting if it thinks it necessary and must give such notice of that further meeting as appears to him necessary.

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- 4.23 At the pre-inquiry meeting the appointed person:
- a. must preside at the pre-inquiry meeting;
 - b. must determine the matters to be discussed and the procedure to be followed;
 - c. may require any person present at the pre-inquiry meeting who, in his opinion, is behaving in a disruptive manner to leave;
 - d. may refuse to permit that person to return or to attend any further pre-inquiry meeting or may permit him to return or attend only on such conditions as he may specify; and
 - e. shall determine the nature of any documentation that must be submitted to the inquiry and the deadlines for doing so.

Question 10: Do you have any comments on the proposal to hold a pre-inquiry?

Consideration of two or more objections

- 4.24 Under paragraph 14(2)(a) of Schedule 1A regulations may allow the appointed person to consider two or more objections together. We propose that the regulations should set out the circumstances where we consider this may be appropriate and these are:
- a. where the objections relate to the same area of affected land in a report (whether or not they also relate to other land);
 - b. where all the objections relate to adjacent, or contiguous areas of affected land;
 - c. where all objections relate to the same issue or ground and the appointed person considers the circumstances in which they arise are sufficiently similar to warrant the objections being considered together; and
 - d. where the appointed person otherwise considers that it would be expedient to consider two or more objections together.

Question 11: Do you have any comments on or suggestions for any other circumstances where the appointed person might wish to consider determining two or more objections together?

Chapter 5: Regulations on preliminary consultation by the Secretary of State

- 5.1 This chapter deals with the regulations providing for procedures where the Secretary of State wishes to identify or investigate possible modifications of proposals under paragraph 15(1) of Schedule 1A.

Background

- 5.2 The purpose of the power under paragraph 15 of Schedule 1A is to enable the Secretary of State to identify or investigate further any modification which he would like to consider to Natural England's proposals other than one proposed by the appointed person. This allows the Secretary of State to consult people with a view to investigating what possible modifications it might be appropriate to give further consideration to, or as to their views on any given proposed modification.

Paragraph 15(1)

- 5.3 Regulations under paragraph 15(1) of Schedule 1A may make provision about the procedure to be followed where, before determining whether or not to approve the proposals in a report, the Secretary of State wishes:
- to identify or investigate possible modifications of the proposals to which it might be appropriate to give further consideration; and
 - to consult persons for the purposes of identifying or investigating such modifications.
- 5.4 Where the Secretary of State wishes to consult for this purpose, we propose that the regulations should say that the persons he must consult are:
- Natural England;
 - any person with a relevant interest in affected land who has made an objection which has caused the Secretary of State to identify the possible modification as one to which it might be appropriate to give further consideration;
 - any person with a relevant interest in land which might become affected land; and
 - any other person with a relevant interest in affected land whom it appears to the Secretary of State it is appropriate to consult.
- 5.5 This is the stage at which the Secretary of State will be looking into any further possible modifications. Any modifications which the Secretary of State wishes to make as a result of this consultation process, will then go through similar procedures as the initial report which is set out in the regulations under paragraph 16 of the Schedule and which we deal with in chapter 6 of the consultation paper.

Question 12: Do you have any comments on the proposals that allow the Secretary of State to consult people with a view to investigating what possible modifications it might be appropriate to give further consideration?

Chapter 6: Regulations on determinations made by the Secretary of State

- 6.1 This chapter deals with regulations providing for procedures where the Secretary of State is minded to approve proposals with modifications under paragraphs 16(4) and (6) of Schedule 1A.

Background

- 6.2 The Secretary of State is required to make a determination on Natural England's report as a whole under section 52 of the 1949 Act and in so doing he must consider:
- any objections which the appointed person had deemed were admissible;
 - Natural England's comments on any admissible objections;
 - the report of the appointed person on any admissible objections;
 - any representations made about Natural England's report, or summary of such representations, and comments by Natural England on them; and
 - any information or document which has been sent to him by Natural England.

In making a determination on the report, the Secretary of State may approve proposals relating to one or more parts of the route only, and may reject the remaining proposals. Under section 51(1) of the 1949 Act he may approve the report with or without modifications.

- 6.3 Paragraphs 16(4) to (6) of Schedule 1A gives the Secretary of State power to make provision in regulations about the procedure to be followed where he is minded to approve proposals with modifications (other than modifications made or in accordance with the recommendation by the appointed person) and to apply any provision of Schedule 1A. The reason for the power in paragraph 16(4) is to provide for consultation where the Secretary of State is minded to approve Natural England's report with a modification which the appointed person has not recommended in his report to the Secretary of State.

Paragraphs 16(4) and 16(6)

- 6.4 In order to ensure that those persons potentially affected by modifications proposed by the Secretary of State are able to make representations on them, we propose that the existing procedures relating to representations and objections set out in Schedule 1A and the proposed regulations should apply in these circumstances.
- 6.5 Regulations may make provision about the procedure to be followed where the Secretary of State is minded to approve proposals with modifications (other than modifications made or in accordance with a recommendation made to him by the appointed person under paragraphs 11(7)(b) or (c) or (8)(a) or (b) of Schedule 1A). Paragraph 16(6) enables regulations under paragraph 16(4) to apply any provision of the Schedule with or without modifications.
- 6.6 Procedures under the regulations made under paragraph 16(4) of Schedule 1A will apply to all modifications that the Secretary of State is minded to make other than those set out in the report of the appointed person under paragraph 11 of Schedule 1A.

- 6.7 We propose that the regulations should provide that paragraphs 2(1) and (2), 3(1) to (6), 4, 5, 6, 7(1), 8, 9, 10(1) to (5) and (7), 11, 12, and 13 of Schedule 1A, and the provisions of any regulations made under paragraphs 2(3), 3(7), 7(2), 10(6) and 14, should apply in relation to such a modification proposed by the Secretary of State, as they apply in relation to a coastal access report (with appropriate modifications to the wording of those paragraphs and provisions of the regulations).

Question 13: Do you have any comments on the proposals where the Secretary of State is minded to approve proposals with modifications other than the modifications made by the appointed person?

Chapter 7: Additional issues

- 7.1 This chapter deals with a number of additional issues on which we would welcome any views. These are as follows:

Use of electronic communications

- 7.2 We consider that any requirement for a representation or an objection to be sent in writing may be met by means of an electronic communication. Any notification or passing of any document in writing may also be met by means of an electronic communication, except where a notice is given to those persons with a relevant interest in the land (as set out in paragraphs 2.19 and 3.8). However an electronic communication may be used in such a case where its use would ensure that the information contained is available to the person in all material respects as it would appear if the document were sent, and the person has consented to the information being made available to them by such means.

Further documentation

- 7.3 We propose that there should be a general provision in the regulations allowing the appointed person to request Natural England and anyone who has made an objection to supply the appointed person upon request with any further documentation or information in order to assist him in coming to a determination on an objection. This would be under the power in paragraph 14(1) of Schedule 1A.

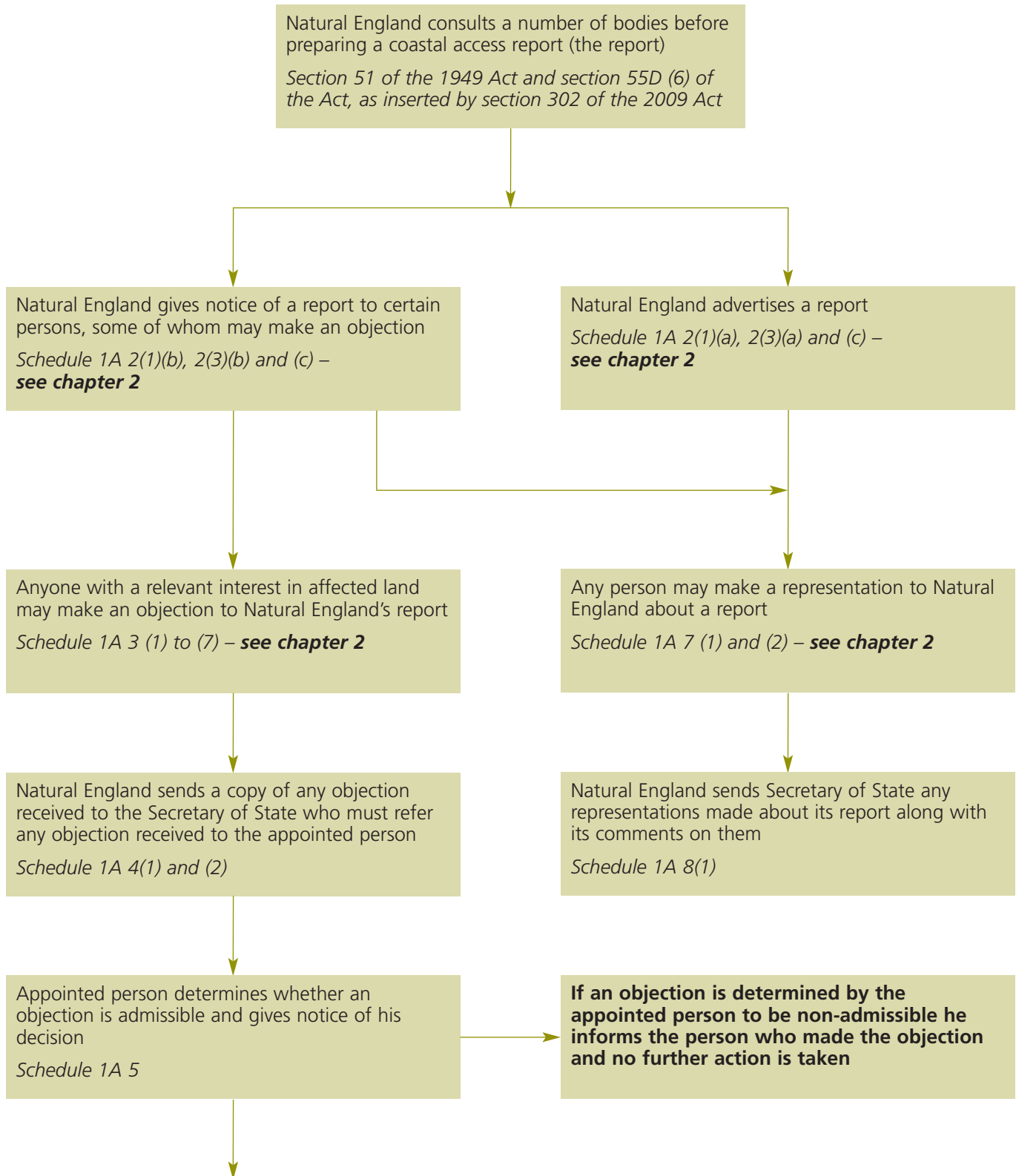
Inspection and copying of documents

- 7.4 The regulations should enable the appointed person to request from any person, who is entitled or permitted to appear at a hearing or an inquiry, copies of any document or available to that person, and to specify a reasonable time within which such copies should be received by the appointed person. The regulations should state that any person who has been requested to provide a copy of such a document should ensure that the copies are received by the appointed person within the period specified. This would be under the power in paragraph 14(2)(c) of Schedule 1A.

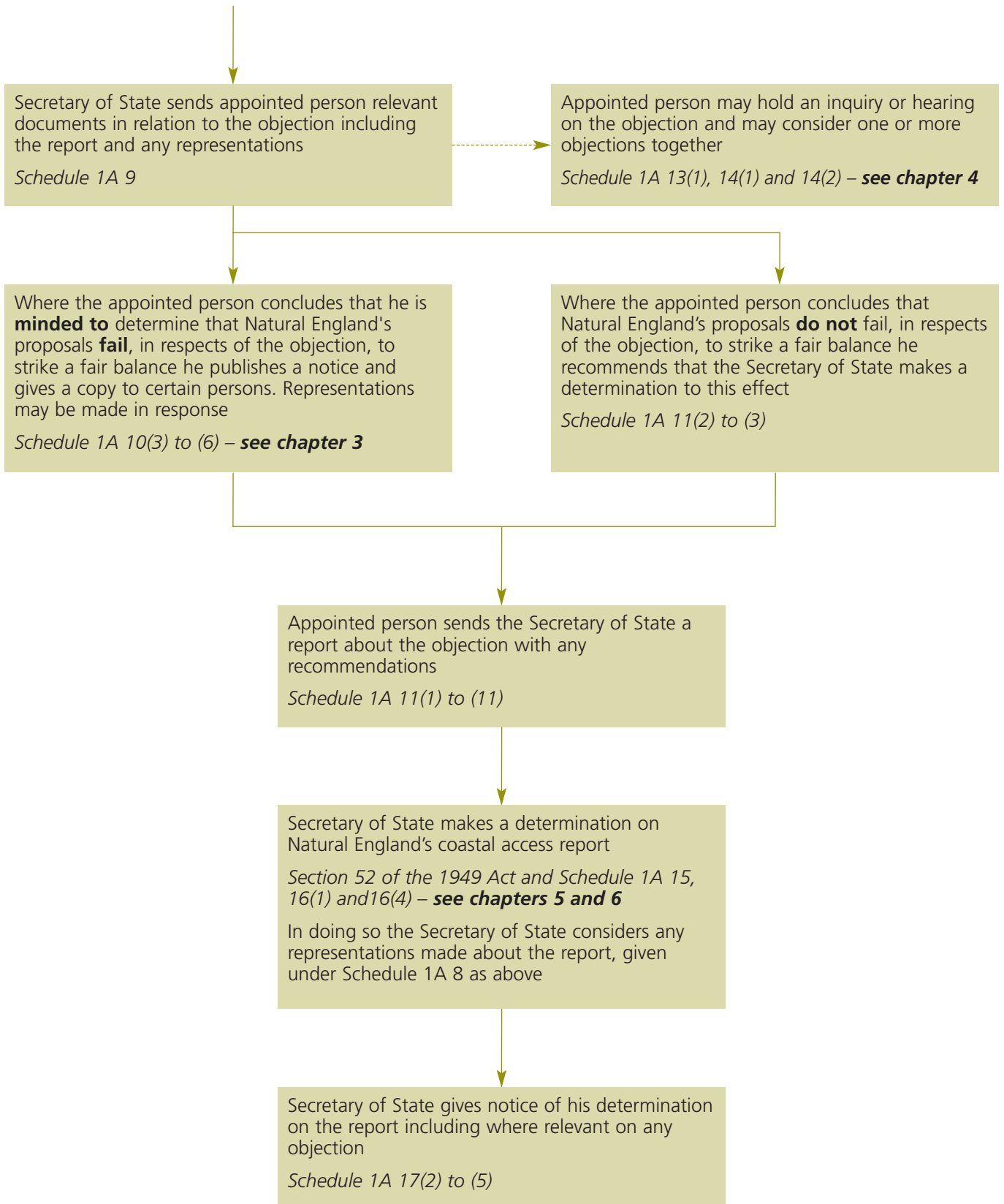
Question 14: Do you have any comments on the proposals for:

- a. the use of electronic communications;**
- b. further documentation; or**
- c. the inspection and copying of documents?**

Annex A: Flow diagram summarising the representations and objections procedures under Schedule 1A to 1949 Act



Annex A: Flow diagram summarising the representations and objections procedures under Schedule 1A to 1949 Act



Annex B: Glossary of the main terms used in the consultation

Affected land

Affected land is land which relates to a proposal in a coastal access report by Natural England. It includes land over which the coastal route or any alternative route passes, and other relevant land within the wider coastal margin. It does not include excepted land. A person with a *relevant interest* in affected land may make an *objection* to a proposal in a coastal access report.

Appointed person

Refers to a person appointed by the Secretary of State to consider an *objection*, made by someone with a *relevant interest*, to a proposal by Natural England set out in a *coastal access report*. The appointed person must determine whether these proposals fail to strike a fair balance in the terms set out in the objection. The appointed person must report to the Secretary of State on his determination and recommendations, which the Secretary of State must consider before reaching a decision on Natural England's proposals. The appointed person is likely to be an inspector from the Planning Inspectorate.

Coastal access report

A coastal access report is a report prepared by Natural England setting out its recommendation for the position of the coastal route on a particular stretch of the English coast. A report will also give details of the extent of the wider margin of land that will be accessible to the public as a result of the proposed position of the route and any restrictions or exclusions of access that Natural England proposes to apply on the route or margin. The Secretary of State may approve the proposals for the route in the report with or without *modifications*. He may approve the proposals for one or more parts of the route only and reject the remaining proposals.

Modification

- (a) A person making an *objection* can suggest changes (modifications) to Natural England's proposals where, in their view, the suggested modifications would meet or mitigate the concerns to which the objection relates.
- (b) The *appointed person* may include in his report setting out his conclusions with regard to an *objection*, a recommendation that the Secretary of State include, or consider, certain modifications to Natural England's proposals.
- (c) The Secretary of State may chose to approve the proposals in a *coastal access report* with or without modifications.

Objection

An objection to a proposal in a *coastal access report* by Natural England may be made by a person with a *relevant interest* in *affected land*. An objection must be based on certain specified grounds. Objections will be considered by an *appointed person* who will make a recommendation to the Secretary of State. The Secretary of State must take an objection, and the recommendations of the *appointed person* regarding the objection, into account in reaching a decision on Natural England's proposal for a coastal route.

Annex B: Glossary of the main terms used in the consultation

Relevant interest

A person making an *objection* to a proposal in a *coastal access report* by Natural England must have a relevant interest in *affected land*. This means that they must be the owner, a leaseholder, or otherwise in lawful occupation of the *affected land*.

Representation

A representation to a proposal in a *coastal access report* by Natural England may be made by any person. A representation may be made on any grounds, and may include statements in support of Natural England's proposals as well as against them. Natural England must send a copy of representations made by certain organisations and persons, and a summary of other representations, to the Secretary of State together with its comments on them. The Secretary of State must take the representations, and Natural England's comments on them, into account in reaching a decision on Natural England's proposal for a coastal route.

Annex C: Summary of consultation questions

Chapter 2

- Question 1: Do you have any comments on the proposals for the form and manner in which Natural England's reports are to be advertised, and the timing of any advertisement?
- Question 2: Do you agree that the British Mountaineering Council, Country Land and Business Association, National Farmers Union, Open Spaces Society and Ramblers Association, and owners of sporting rights (and those with a sporting tenancy) should be included under paragraph 2(2)(f)?
- Question 3: Are there any other persons you consider should be included under paragraph 2(2)(f)?
- Question 4: Do you have any comments on the proposals for the form and manner in which a notice about Natural England's report is to be given, and the timing of any notice?

Chapter 3

- Question 5: Do you have any comments on the proposals for the manner in which notices are to be published or given and the timing of a notice?
- Question 6: Do you have any comments on the proposals for the manner in which representations are to be made in response to an invitation in a notice and the timing of a notice?

Chapter 4

- Question 7: Do you have any comments on the proposals in the case of where an objection is to be determined by way of a written representation?
- Question 8: Do you have any comments on the proposals in the case of where an objection is to be determined by way of a hearing?
- Question 9: Do you have any comments on the proposals in the case of where an objection is to be determined by way of an inquiry?
- Question 10: Do you have any comments on the proposal to hold a pre-inquiry?
- Question 11: Do you have any comments on, or suggestions for, any other circumstances where the appointed person might wish to consider determining two or more objections together?

Annex C: Summary of consultation questions

Chapter 5

Question 12: Do you have any comments on the proposals that allow the Secretary of State to consult people with a view to investigating what possible modifications it might be appropriate to give further consideration?

Chapter 6

Question 13: Do you have any comments on the proposals where the Secretary of State is minded to approve proposals with modifications other than the modifications made by the appointed person?

Chapter 7

Question 14: Do you have any comments on the proposals for:

- a. the use of electronic communications;
- b. further documentation; or
- c. the inspection and copying of documents?

Department for Environment, Food and Rural Affairs

Consultation on proposed regulations on procedures for representations and objections under Schedule 1A to the National Parks and Access to the Countryside Act 1949, as inserted by Schedule 19 to the Marine and Coastal Access Act 2009

Response proforma

Please use this proforma to answer the questions in the above document. The closing date for the submission of responses is **Monday 14 June 2010**. Please send your response:

- by email to: coast.consultation@defra.gsi.gov.uk
- or by post to: Andrew Crawford, Coastal Access Team, Zone 1/01, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6EB

This email address may also be used for general queries relating to the consultation.

In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses. If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request.

You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

To help us analyse responses, please provide details of yourself or your organisation (* if appropriate) below.

Name	
Organisation/company *	
Job title *	
Department *	
Address	
Email *	
Telephone *	
Fax *	
Website *	
Date of response	

NB: on the form below, please leave the response box blank for any questions that you do not wish to answer. Responses including any general comments you might wish to make are welcome on any number of the questions.

Chapter 2:

1. Do you have any comments on the proposals for the form and manner in which Natural England's reports are to be advertised, and the timing of any advertisement?

Comment:

2. Do you agree that the British Mountaineering Council, Country Land and Business Association, National Farmers Union, Open Spaces Society and Ramblers Association, and owners of sporting rights (and those with a sporting tenancy) should be included under paragraph 2(2)(f)?

Comment:

3. Are there any other persons you consider should be included under paragraph 2(2)(f)?

Comment:

4. Do you have any comments on the proposals for the form and manner in which a notice about Natural England's report is to be given, and the timing of any notice?

Comment:

Chapter 3:

5. Do you have any comments on the proposals for the manner in which notices are to be published or given, and the timing of a notice?

Comment:

6. Do you have any comments on the proposals for the manner in which representations are to be made in response to an invitation in a notice, and the timing of a notice?

Comment:

Chapter 4:

7. Do you have any comments on the proposals in the case of where an objection is to be determined by way of a written representation?

Comment:

8. Do you have any comments on the proposals in the case of where an objection is to be determined by way of a hearing?

Comment:

9. Do you have any comments on the proposals in the case of where an objection is to be determined by way of an inquiry?

Comment:

10. Do you have any comments on the proposal to hold a pre-inquiry?

Comment:

11. Do you have any comments on, or suggestions for, any other circumstances where the “appointed person” might wish to consider determining two or more objections together?

Comment:

Chapter 5:

12. Do you have any comments on the proposals that allow the Secretary of State to consult people with a view to investigating what possible modifications it might be appropriate to give further consideration?

Comment:

Chapter 6:

13. Do you have any comments on the proposals where the Secretary of State is minded to approve proposals with modifications other than the modifications made by the “appointed person”?

Comment:

Chapter 7:

14. Do you have any comments on the proposals for:
a. the use of electronic communications;
b. further documentation; or
c. the inspection and copying of documents?

Comment:

Any other comments

Comment:

Thank you for your response.

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Consultation	Local Validation Lists
Start	15 March 2010 09:00:00 GMT
End	26 April 2010 17:00:00 BST
Published on	29 March 2010 14:50:51 BST



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- **View and Search comments** made by other consultees once they have been processed

Untitled Region

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1 Introduction and Background

Background

This document has been produced in order to assist users of Plymouth City Council's Planning Service when submitting applications for planning permission or other similar consents.

On the 6th April 2008 the Government introduced a mandatory Standard Application Form (1APP) accompanied by changes to the procedures involved in the validation of applications. There are two elements to the new validation requirements;

- A national list of mandatory information that must be submitted with every planning application; and
- A local list of additional information that will be required when making an application to Plymouth City Council.

The 1APP Form and associated National and Local lists form part of the Government's drive to provide a quicker, more predictable and efficient planning service. The Local List clearly sets out the information requirements for different types of planning applications within Plymouth and has incorporated the advice contained within the DCLG consultation document 'Streamlining Information Requirements for Planning Applications' (July 2009). As a result, the Local List validation criteria include:

- when/why information is needed;
- what sort of information is required; and,
- where to get further guidance.

The local list essentially formalises the submission of information that is frequently either submitted with applications or requested by the council during the life of the application.

The major distinction with the formal Local List is that it requires the submission of specified information **before** applications can be registered, rather than requested after registration. As a consequence, everyone involved in the planning application process will enjoy greater certainty and consistency over what information applications need to be accompanied by. The level of information needs to be proportionate to the size and type of application and the local list intends to require only information that is necessary to the consideration of the application.

Validation

It is essential to refer to both the national and local lists of requirements before formally submitting a planning application. If an application is submitted that does not meet both the national and local requirements then the Council will be able to state that the application is invalid and refuse to determine it. Applicants are therefore strongly encouraged to discuss the list of requirements with the council prior to submission.

If an applicant considers that an item of information required by the local list is not applicable to their proposal, then a written statement must accompany the application justifying why the information is not needed in this particular circumstance.

Where an application is invalid, the Council will write to explain what information is required and indicate a time period within which it must be provided.

Please note - it is possible that an application initially considered to be valid may later be found to be invalid. At this point, the applicant will be notified and the application process will stop until the additional information is submitted. The process will restart at the beginning once the required information has been submitted. To avoid any delay, it is in the interests of applicants to ensure all the relevant information is provided at submission.

Development Enquiry Service

Discussions prior to the submission of an application are an important stage in ensuring that they are complete in terms of their information requirements. Advice at this stage of the process can be sought from the Local Planning Authority through the Development Enquiry Service. For further information please go to the Council's website.

Where an applicant chooses to use the Development Enquiry Service advance guidance and agreement on the range of supporting documents that will be required to accompany a valid planning application will be given when sufficient background information has been provided.

General Advice on Plans and Drawings

If submitted drawings do not contain sufficient detail, the registration of a planning application may be delayed until revised or additional drawings are submitted.

Detailed drawings are the most important part of a planning application therefore it is essential that they are of a suitable standard and include all the relevant information necessary to describe proposed development in detail. Applicants are encouraged to follow the advice below but further advice is available at <http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningconsents/planningpermission/planningapply.htm>

- All plans and drawings must be accurately drawn, using a conventional metric scale such as 1:100 or 1:50 and must be drawn true to the stated scale(s). (Plans/drawings must not contain disclaimers such as 'Not to Scale' and 'Do Not Scale' with the exception of 'perspective' drawings);
- Site Location Plans must show the site outlined in red at a metric scale of 1:1250 or 1:2500 with a north point and two named roads. Any other land owned by the applicant must be outlined in blue;

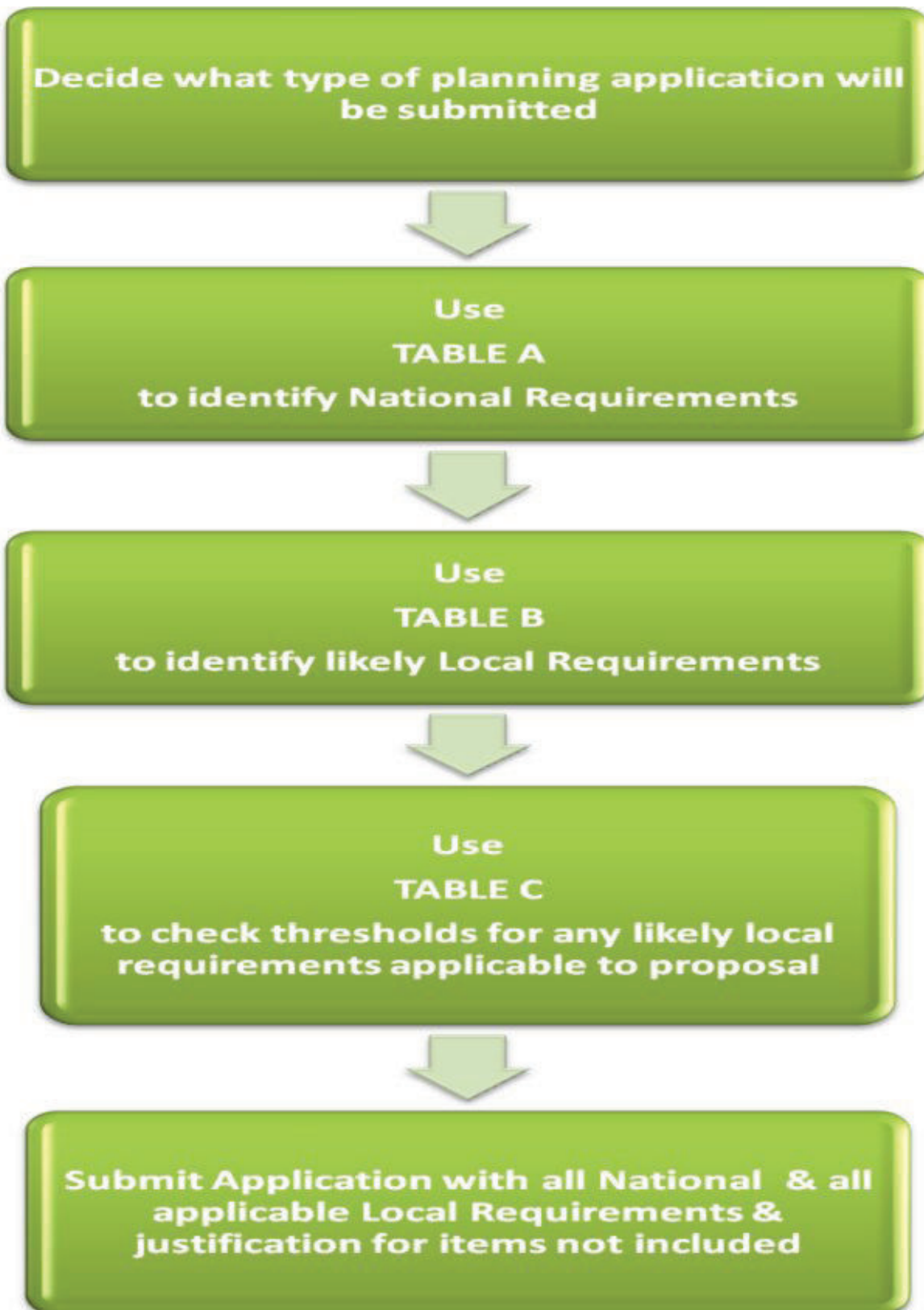
- All elevations of proposed development should be shown with corresponding existing drawings;
- Measured dimensions on the plans/drawings should be included;
- The clearest way to present proposals is to group “existing” and “proposed” drawings side by side, using the same scale for both;
- Each plan/drawing should have a title box stating:
 - the address and proposal
 - the title of the drawing (e.g. “existing rear elevation, proposed floor plan”)
 - the date, scale of the drawing and the drawing number, with revisions clearly identified
- Fully annotated plans and drawings are more understandable, for example, a line between two properties could be annotated to say ‘boundary fence’.
- Every plan (including all copies) based upon Ordnance Survey maps should have the appropriate Ordnance Survey copyright notice
- The site location plan should ideally be provided on a separate sheet of paper to aid consultation

Online planning applications

Online planning applications are simple and easy to create using the Planning Portal - <http://www.planningportal.gov.uk/england/public/planning/applications/>.

Use the forms and tools to create your proposal, calculate your fee and add any attachments. You can also pay the fee before you submit your proposal direct to us. If you would rather send your application by post, you can create it online, then print it out and return it to us.

Flow Diagram - 'How to use this Validation Document'



Please note – If the National & Local Requirements are not met, the application will not be registered until the additional information or justification for not submitting the information is received.

2 National Validation Criteria

National Validation Criteria

For any application to be registered as a valid application, it must be accompanied by the relevant forms, plans and associated details necessary to provide sufficient information for the determination of the application. The specified national criteria are mandatory and must be strictly adhered to if an application is to be accepted as valid.

The General Development Procedure Order 1995 (GDPO)(As Amended) requires, as a minimum, that an application for planning permission include the items set out in the following **Table A**. The table sets out:

- The item required
- Description of the information
- The number of copies required when submitting a paper copy.

Please note that no copies are required if the application is submitted electronically, however, for major developments (where a number of A1 or A0 size plans are to be submitted) applicants are requested to provide two complete sets of plans, drawings and supporting documents in paper format.

Table A - National Validation Requirements

Criteria	Description of information required *where applicable	Quantity Required (Unless submitted electronically)
Application Form	<p>All sections need be completed using the relevant national 1APP form - http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningconsents/planningpermission/1app.htm</p> <p>Please ensure you select the form relevant to your proposal.</p>	4 (3 plus original)
Ownership Certificate	<p>An ownership certificate (A, B, C or D) must be completed stating the ownership of the property. For this purpose an “owner” is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than seven years.</p> <p>A notice to owner of the application site must be completed and served in accordance with Article 6 of the General Development Procedure Order</p>	
Agricultural Holdings Certificate	<p>This certificate is required whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application.</p> <p>Not required for Reserved Matters applications, renewals of temporary planning permission; non-material amendments; agreement/variation of conditions or express consent to display an advertisement, listed building consent and conservation area consent.</p>	

<p>Site Location Plan</p>	<p>The plan must show the site outlined in red at a metric scale of 1:1250 or 1:2500 with a north point. Any other land owned by the applicant must be outlined in blue. The site location plan should also include nearby properties, their postal numbers and street names.</p>	4
<p>Plans and drawings</p>	<p>As a minimum these must include:</p> <p>Block plan - showing the proposal in relation to the site boundaries, other buildings and trees at a metric scale of 1:200 or 1:500</p> <p>Elevations – all existing and proposed to be shown at a metric scale of 1:50 or 1:100 (if not retrospective)</p> <p>Floor plans – existing (where relevant) and proposed at a metric scale of 1:50 or 1:100.</p> <p>Sections- required where any proposal involves a change in levels or is on a sloping site. Drawings should include finished floor levels.</p> <p>See following link for more information http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningconsents/planningpermissions/planningapply.htm</p>	4
<p>Correct fee</p>	<p>See - http://www.plymouth.gov.uk/fee_sheet_2008.pdf</p> <p>Alternatively, the Planning Portal has a useful fee calculator - http://www.planningportal.gov.uk/england/public/tools/feecalculator</p>	

<p>Design and Access Statement</p>	<p>Not required for Householder planning applications (unless in a Conservation Area); Engineering or mining operations and a material change of use of land and buildings (unless it also involves operational development).</p> <p>A Design and Access Statement (DAS) is always required for a listed building consent application.</p> <p>A DAS does not form part of the application but is a short report to support and provide an evidence base for a planning application. It should seek to explain and justify the proposal in a structured way. The level of detail required in a DAS will depend on the scale and complexity of the application, and the length of the statement will vary accordingly. The DAS should cover both the design principles and concepts that have been applied to the proposed development and how issues relating to access to the development have been dealt with. A section regarding Climate Change & Sustainability should also be included (See Section 10, para 10.10, of the Plymouth City Council 'Development Guidelines Supplementary Planning Document' – Please see the Council's website - http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy.htm).</p> <p>Information provided within the DAS cannot be a substitute for other requirements in either the National or Local List.</p> <p>What is required in a DAS is set out in Article 4C of the Planning General Development Procedure Order 1995 (GDPO) and Department of Communities Circular 01/06 – Guidance on Changes to the Development Control System. Further guidance can be found in the CABE publication "Design and Access Statements: how to write, read and use them - http://www.cabe.org.uk/publications/design-and-access-statements</p>	<p>4</p>
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Table A - National Validation Requirements

Table A – Additional National Requirements for specific application types

Application type	Description of information required *where applicable
Advertisement Consent	<p>The drawing of the proposed advertisement must: Be at a scale of 1:20 or 1:50, show the size of the advertisement and its position on the land or the building in question, indicate the materials and colours to be used, how the height above ground and, where it would project from a building, the extent of projection provide details of the method and colour(s) of illumination, if applicable. Photographs and photomontages will also be required.</p>
Listed Building Consent	<p>Listed building consent is required for any alterations or extensions that "affect the character" of listed building(s). This includes internal works as well as external. It also includes buildings, objects and structures, attached to the building and /or within the curtilage, including boundary walls and gates.</p> <p>Detailed drawings, which may include plans, elevations, and vertical and horizontal sections, must be to a scale of 1:20, show small units of construction or detail, (e.g. all new doors, windows, shop fronts, panelling, fireplaces, plaster moulding and other decorative details) indicate the relationship of the proposed works to adjacent existing structures/details.</p>
Certificate of lawfulness	<p>For existing development, as much information and evidence as possible must be supplied to verify the information included in the application. It will be necessary to supply such other information as is considered to be relevant to the application. For example: Statutory Declaration from person/persons with knowledge of the existing use/works carried out, plans and drawings, sworn affidavits from previous employees, suppliers, contractors etc. who have had dealings with a business in the past, receipts and invoices for goods & services, vehicle registration documents, VAT receipts for commercial businesses, previous rates, council tax and community charge bills.</p> <p>If there is insufficient information presented, a certificate will not be issued. The onus lies with the applicant to supply enough evidence to enable the Council to determine the application.</p> <p>For proposed development the application should include existing and proposed elevations, block plan of the site, existing and proposed floor plans, site survey plan and a planning statement.</p>

<p>Outline Applications</p>	<p>Applications for outline planning permission generally need not give details of any proposed reserved matters (Article 4E(3) of the GDPO) unless the matters include layout, scale or access. However if the Council receives an application for outline planning permission, but decides that the application ought not to be considered separately from all or any of the reserved matters, it must notify the applicant within one month from the receipt of the application that further details must be submitted. The Council should also specify what further details are needed (see Article 3(2) of the GDPO).</p> <p>Department of Communities Circular 01/2006 sets out the scope of information to be submitted with an outline application. Even if layout, scale and access are reserved, an application will still require a basic level of information. As a minimum, applications must always include information on: Use (the use or uses proposed for the development and any distinct development zones within the site identified), amount of development – the amount of development proposed for each use, indicative layout – an indicative layout with separate development zones proposed within the site boundary where appropriate, scale parameters – an indication of the upper and lower limits for height, width and length of each building within the site boundary, indicative access points – an area or areas in which the access point or points to the site will be situated.</p>
<p>Application for prior notification – proposed demolition</p>	<p>A completed form or written description of the proposed development.</p> <p>A statement that the applicant has displayed a site notice in accordance with A.2(b)(iii) of Part 31 of Schedule 2 to the General Permitted Development Order 1995.</p>
<p>Application for prior notification – telecommunications</p>	<p>Evidence that the developer has given notice of the proposed development in accordance with A.3(1) of Part 24 of Schedule 2 to the General Permitted Development Order 1995</p> <p>where the proposed development consists of the installation of a mast within three kilometres of the perimeter of an aerodrome evidence that the developer has notified the Civil Aviation Authority, the Secretary of State for Defence or the Aerodrome operator in accordance with A.3(2) of Part 24 of Schedule 2 to the General Permitted Development Order 1995.</p>

<p>Application for Tree Works</p>	<p>For works to trees protected by a Tree Preservation Order, the following information must be provided:</p> <p>A Completed and dated application form, with all mandatory questions answered, a sketch plan showing the location of all tree(s), a full and clear specification of the works to be carried out, statement of reasons for the proposed work; and evidence in support of statement of reasons, where required by the standard application form.</p> <p>For works to trees in Conservation Areas, it is important to supply precise and detailed information on the proposal. Please therefore provide a completed and dated form, with all questions answered, sketch plan showing the precise location of all tree(s), and a full and clear specification of the works to be carried out.</p> <p>N.B. - Comprehensive guidance notes accompany the statutory form.</p>
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Table A – Additional National Requirements for specific application types

3 Local List Validation Requirements

Local List Validation Requirements

The requirements within the local list are set out in the DCLG publication 'The Validation of Planning Applications – Guidance for Local Planning Authorities' and it is recommended that you refer to this publication for detailed background information on the specific requirements (available at - <http://www.communities.gov.uk/publications/planningandbuilding/validationplanningapplications>).

The following **Table C** sets out:

- Items of local list information that could possibly be required (listed alphabetically);
- where and when the item of information is required, what the policy background of the need is; plus,
- links to further sources of guidance/help.

Please note that this table lists the documents required to accompany planning applications before they are validated. Whilst guidance is provided for each item, the nature and extent of the information required will depend upon the individual site and proposal. The list is not exhaustive and it is possible that, once an application has been validated, further information may have to be submitted in order for the application to be determined. **The list does not therefore limit the council's ability to request additional information should further issues arise during the planning application determination period.** Sufficient information will be required in order for your application to be successful.

To understand which items can be required for different types of application, **Table B** lists application types and the items on the local list that could potentially be required.

Where reference is made to a 'major' application, this means:

- development of 10 or more dwellings (including conversions)
- residential sites of 0.5ha
- other buildings with a floor space of 1000sq.m or more, or on sites of 1ha or more
- All waste applications

Use classes refer to classes set out in the schedule to The Town and Country Planning (Use Classes) Order 1987, as amended.

TABLE B – Application Types & Local List Validation Requirements

Type Of Application	Local Requirements (Where applicable & In addition to national requirements)
Householder Application for Planning Permission for works or extension to a dwelling	Item 24 Local List
Householder Application for planning permission for works or extension to a dwelling and Listed Building Consent (LBC)	Item 24 Local List
Householder Application for Planning Permission for works or extension to a dwelling and Conservation Area Consent for demolition in a Conservation Area	Item 24 Local List
New Buildings and Non-domestic Activities	
Full Planning Permission	Items 1 – 27 (inclusive)
Full Planning Permission and Conservation Area Consent for demolition in a Conservation Area	Items 1 – 27 (inclusive)
Full Planning Permission and LBC for alterations, extension or demolition of a Listed Building	Items 1 - 27 (inclusive)
Full Planning Permission and consent to display advertisement	Items 1 – 27 (inclusive)
Listed Building and Conservation Area Consent	
LBC for alterations, extension or demolition of a Listed Building	None
Application for Conservation Area Consent for demolition in a Conservation Area	Item 11
LBC for alteration, extension or demolition of a Listed Building and Advertisement Consent	None
Outline and Reserved Matters	
Application for Outline Planning Permission with all matters reserved	See Table A –requirements for specific applications Items 1 – 27 Local List (unless the item is a reserved matter)

Type Of Application	Local Requirements (Where applicable & In addition to national requirements)
Application for Outline Planning Permission with some Matters Reserved	See Table A –requirements for specific applications Items 1 – 27 Local List
Application for Approval of Reserved Matters following outline approval	See Table A –requirements for specific applications Items 1 -27
Approving, Removing and varying existing conditions	
Approval of details reserved by condition	None
Removal of variation of a condition following grant of Planning Permission	None
Amendments to Planning Permission	
Extensions to the time limits	None
a non-material amendment following a grant of planning permission	None
Adverts, Trees and Hedgerows	
Application for consent to display an advertisement	See Table A – requirements for specific applications
Application for tree works	See Table A – requirements for specific applications
Application for hedgerow removal notice	See Table A – requirements for specific applications
Certificates of Lawfulness	
Application for a Lawful Development Certificate for a Proposed use or development	See Table A – requirements for specific applications
Application for a Lawful Development Certificate for an Existing use or operation	See Table A – requirements for specific applications

TABLE B – Application Types & Local List Validation Requirements

TABLE C - Local List Validation Requirements

Where or when this item is required	Guidance	Policy Background	Further info sources
<p>1. Affordable Housing Statement</p> <p>15 dwellings or more proposed</p>	<p>A negotiated element of affordable housing is required for this size of development. An Affordable Housing Statement must include:</p> <ul style="list-style-type: none"> ● the numbers of residential units; the mix of units, with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units; plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. ● If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. ● Design quality standards (Housing Corporation compliant) ● Lifetime Homes / Accessibility standards (20% of new dwellings are to be built to this standard) 	<p>PPS 3 – 'Housing' Draft RSS Policy - H1 Core Strategy Policy - CS15 'Planning Obligations & Affordable Housing' Supplementary Planning Document</p>	<p>PPS3 – 'Housing': http://www.communities.gov.uk/planningandbuilding/planning/policyguidance/affordablehousingstatementsps3/ Plymouth City Council's 'Planning Obligations & Affordable Housing' SPD (Dec 2008) http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/idf/spds/</p>
<p>2. Air Quality Assessment</p> <p>I. Major development within/or adjacent to an Air Quality Management Area (AQMA) – currently Exeter Street & Mutley Plain; and/or,</p> <p>II. Development in excess of 100 dwellings or 10,000m2 new floorspace; and/or,</p> <p>III. Development falling within Use Class B2 with floorspace of 1000m2 + ; or,</p> <p>IV. Where >300 new parking spaces are proposed.</p>	<p>All Air Quality Assessments must indicate the change in air quality resulting from the proposed development and outline appropriate mitigation measures as necessary.</p>	<p>PPS 23: 'Planning and Pollution Control' Draft RSS Policy - RE9 Core Strategy Policies CS22 & CS34</p>	<p>PPS 23: Planning and Pollution Control http://www.communities.gov.uk/planningandbuilding/planning/policyguidance/planningpolicystatements/pps23/ Plymouth City website – http://www.plymouth.gov.uk/airquality Additional information can also be found at http://www.defra.gov.uk/environment/airquality/</p>

Where or when this item is required	Guidance	Policy Background	Further info sources
<p>3. Archaeological Assessment</p> <p>Where any proposal includes works on or adjoining a site of archaeological interest and includes:</p> <ol style="list-style-type: none"> I. new building; or, II. ground disturbance. 	<p>For applications affecting archaeological assets, the statement should include Desk-based archaeological assessment and archaeological evaluation report in accordance with PPG16: Archaeology and Planning.</p>	<p>PPG16: 'Archaeology and Planning' RSS Policies- ENV1 and ENV5</p>	<p>PPG16: Archaeology and Planning http://www.communities.gov.uk/planningandbuilding/pdfs/rss/rssenv1andenv5.pdf Advice is within Plymouth City Council Design Supplementary Planning Document - http://www.plymouth.gov.uk/homepage/environmentandplanning/planningpolicy/ldf/spds/ldfdesignstrategies.htm</p>
<p>4. Community Involvement</p> <p>Required for 'Significant Applications':</p> <ol style="list-style-type: none"> I. Major applications that are a departure from the Local Plan or LDF; or, II. EIA applications; or, III. Large scale retail (20,000sqm+ or 2,500sqm if combined with existing would be 20,000sqm+); or, IV. 150 dwellings or site is 5ha+ on Greenfield land; or, V. Development is proposed on playing fields. 	<p>Applicants for larger development are encouraged to consult with the local community prior to making a planning application. The statement should set out how and when consultation has been carried out. It may be appropriate to include this item within a Planning Statement.</p> <p>Where no Community Involvement has been conducted the Statement must still be provided and should confirm 'Nil Involvement'</p>	<p>PPS1 - 'Delivering Sustainable Development'</p>	<p>Guidance on how to carry out such consultation is set out in Plymouth City Council Statement of Community Involvement document http://www.plymouth.gov.uk/sci Further guidance on the SCI's are available in Chapter 7 of Creating Local Development Frameworks: - http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppps12lsp.pdf</p>
<p>5. Contaminated Land Assessment</p> <p>Required where:</p> <ol style="list-style-type: none"> I. contamination is known or suspected or the development 	<p>A report to determine the existence of contaminated land, its nature and the risks it may pose to the proposed development and whether remedial measures are feasible to satisfactorily reduce the contamination to an acceptable level.</p>	<p>PPS23 - Planning and Pollution Control</p>	<p>PPS23 - Planning and Pollution Control http://www.communities.gov.uk/planningandbuilding/pdfs/pps23/pps23env1andenv5.pdf</p>

Where or when this item is required	Guidance	Policy Background	Further info sources
<p>site is in the vicinity of such land, and ground-works are proposed; or,</p> <p>II. there is a vulnerable or sensitive end user i.e. Residential, Schools, Nurseries, Hospitals and Allotments.</p>	<p>Where contamination is known or suspected or the development site is in the vicinity of such land, a report with a desk study listing current and historic uses of the site and adjoining land, together with a site reconnaissance shall be provided, to determine the likelihood of contamination.</p> <p>In addition, where contamination is known or suspected or the site is in the vicinity of such land, a preliminary conceptual site model (showing all potential pathways between contaminants and receptors – known as pollutant linkages) shall be provided, together with a preliminary risk assessment of these pollutant linkages. This extended assessment of contamination shall be carried out with reference to Planning Policy Statement 23: Planning and Pollution Control.</p> <p>For applications involving the decommissioning of underground storage tanks, a method statement for decommissioning of tanks in line with APEA Guidance. A report to determine the existence of contaminated land, its nature and the risks it may pose to the proposed development and whether remedial measures are feasible to satisfactorily reduce the contamination to an acceptable level. A report with a desk study listing current and historic uses of the site and adjoining land, together with a site reconnaissance shall be provided, to determine the likelihood of contamination.</p>	<p>RSS Policies – SD3 and RE6</p> <p>Core Strategy Policy - CS22</p> <p>Core Strategy Policy - CS34</p>	<p>Further guidance is available in 'Model Procedures for the Management of Land Contamination (CLR11)' by Defra/Environment Agency - http://www.environment-agency.gov.uk/research/planning/33710.aspx</p> <p>Plymouth City Council website – http://www.plymouth.gov.uk/contaminatedland</p>
<p>6. Ecological mitigation & Enhancement Strategy</p> <p>I. Major development inc. areas of semi-natural habitat (inc. brownfield sites);</p>	<p>A screening opinion should be sought from Natural England if development is likely to have a significant impact on the Special Area of Conservation. As a result, an Appropriate Assessment may be necessary.</p>	<p>PPS9 – 'Planning for Biodiversity and Geological Conservation'</p>	<p>Please see Chapter 7 'Sequential approach to analysing biodiversity on a development site' within Plymouth City Council 'Design Supplementary Planning Document' for further advice on the content and timing of ecological survey types– http://www.plymouth.gov.uk/resources/environmentandplanning/planningpolicy/1503b1d5c92a3e1a.htm</p>

Where or when this item is required	Guidance	Policy Background	Further info sources
<p>II. Where protected species are known to be present;</p> <p>III. If proposal is within or adjacent to a designated conservation site (SINC, SSSI, LNR and biodiversity network);</p> <p>IV. On or over intertidal/ estuarine habitats;</p> <p>V. Affecting existing buildings in mature gardens (particularly complex roof structures/gable ends/ slate roofs/weather boarding);</p> <p>VI. Affecting existing bridge structures;</p> <p>VII. Affecting tunnels/kilns/ military fortifications/ underground ducts or structures;</p> <p>VIII. Affecting old/veteran trees;</p> <p>IX. Floodlighting green space or lighting churches/listed buildings within or adjacent to designated sites.</p>	<p>Notwithstanding the above, an Extended Phase 1 Habitat Survey is usually required. Depending on the results of this, further protected species surveys may be necessary, such as:</p> <ul style="list-style-type: none"> ● Bat Survey ● Breeding Birds ● Reptiles ● Other Species (e.g. otter, dormouse, badger) <p>Information should include the existing wildlife interest of the site and adjacent land plus the possible impacts on them to allow full consideration of those impacts. The Mitigation & Enhancement Strategy should demonstrate how the proposal will produce a net gain in biodiversity and provide mitigation and enhancement both during and post construction.</p> <p>Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Protection of Badgers Act 1992.</p> <p>This information might form part of an Environmental Statement, where one is necessary (refer to item 10).</p> <p>Ecological Assessments should be carried out at specific times of the year particularly in terms of protected species</p>	<p>Circular 06/05: 'Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System'</p> <p>RSS Policies – SD3, ENV1 & ENV4</p> <p>Core Strategy Policies CS18, CS19 & CS34</p> <p>Relevant Area Action Plans</p>	<p>Advice on specific requirements can also be found in the emerging document 'Validation of Planning Applications' by the Association of Local Government Ecologists - http://www.alge.org.uk/publications/files/Validation%20Plan%20Apps%20Plan%20Plan%2006at%20June%2007.pdf</p> <p>PPS9 - Planning for Biodiversity and Geological Conservation & Guide to Good Practice - http://www.communities.gov.uk/planningandbuilding/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps9</p> <p>Government Circular: Biodiversity and Geological Conservation http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity</p> <p>The South West Nature Map http://www.biodiversitysouthwest.org.uk/nm_map3dk.html</p> <p>The Devon Biodiversity Centre holds information relating to the diversity and density of the flora and fauna http://www.devonwildlifetrust.org/index.php?section=services:biodiversitycentre</p> <p>Protected species information: http://www.plymouth.gov.uk/homepage/environmentalplanning/conservation/nature/protectedspecies.htm</p>
<p>7. Environment Statement</p>			

Where or when this item is required	Guidance	Policy Background	Further info sources
<p>Developments likely to have a significant effect on the environment by virtue of their nature, size and location and are listed under Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 may require an Environmental Impact Assessment.</p> <p>The Town and Country Planning (Environmental Impact Assessment) Regulations (SI1999/293), as amended, set out the circumstances in which an Environmental Impact Assessment (EIA) is required.</p>	<p>Where an EIA is required, Schedule 4 to the regulations sets out the information that should be included in an Environmental Statement.</p> <p>You may request a 'screening opinion' (i.e. to determine whether EIA is required) and a "scoping opinion" (scope of EIA) by writing to us before submitting a planning application. In cases, where a full EIA is not required, we may still require environmental information to be provided.</p> <p>If an LA-IPPC installation also needs planning permission, it is recommended that the operator make both applications in parallel whenever possible. This will allow the local authority to begin its formal consideration early on, thus allowing it to co-ordinate both the planning process and LA-IPPC application process (including in cases where different tiers of authority handle the different applications). It may also be beneficial to follow the same approach for LAPPC applications.</p>	<p>The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999</p>	<p>EIA Guidance - http://www.communities.gov.uk/planningandbuilding/planning/planetaryenvironmentalimpactassessment/</p> <p>PPS 23: Planning and Pollution Control</p> <p>http://www.communities.gov.uk/planningandbuilding/planning/planetaryenvironmentalimpactassessment/planetaryenvironmentalimpactassessment/pps23/, paragraphs 8-12</p> <p>Guidance on policy and procedure for the permitting of A2 and B installations. Available from: http://www.dft.gov.uk/transport/policy/policydocuments/gmp/pata/essp2009.pdf</p>
<p>8. Energy Statement</p> <p>All non-residential development over 1,000sqm;</p> <p>New residential development comprising 10 units or more</p>	<p>The statement needs to demonstrate how the proposal incorporates onsite renewable energy production equipment to off-set at least 10% of the predicted carbon emissions for period up to 2010 and 15% for the period 2010-2016.</p>	<p>PPS1 – 'Supplement 'Planning and Climate Change'</p> <p>PPS22 – 'Planning for Renewable Energy'</p> <p>'Building a Greener Future: policy statement'</p> <p>RSS policies – SD1, SD2 & RE1</p> <p>Core Strategy Strategic Objectives - 1 and 11</p> <p>Core Strategy Policy - CS20</p>	<p>This policy statement confirms the Government's intention for all new homes to be zero carbon by 2016 -</p> <p>http://www.communities.gov.uk/publications/planningandbuilding/building-a-greener-pps22/ – Companion Guide -</p> <p>http://www.communities.gov.uk/publications/planningandbuilding/planningrenewable/</p>

Where or when this item is required	Guidance	Policy Background	Further info sources
<p>9. Flood Risk Assessment (FRA) and Drainage strategy</p> <p>I. Flood Zone 2; or,</p> <p>II. Flood Zone 3; or,</p> <p>III. Development over 1ha only</p> <p>Please note – this does not apply to household applications</p>	<p>A FRA should address the issue of flood risk to both property and people.</p> <p>'PPS25: Development and Flood Risk' provides comprehensive guidance for applicants in relation to the undertaking of flood risk assessments and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.</p> <p>The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. This will include sequential and exception tests for major developments. Guidance on the sequential approach and the exception test is provided in paragraphs 14-20 of PPS25. The FRA should identify opportunities to reduce the probability and consequences of flooding, include the design of surface water management systems (Sustainable Drainage Systems) and address the requirement for safe access to and from the development in areas at risk of flooding.</p> <p>Flood zones maps are available from the Environment Agency.</p>	<p>PPS25 – 'Development & Flood Risk'</p> <p>RSS Policy - F1</p> <p>Core Strategy Policies - CS21 & CS34</p>	<p>The Environment Agency flood map and advice on the content of Flood Risk Assessments for different application types: http://www.environment-agency.gov.uk/research/planning/82587.aspx</p> <p>PPS25 – 'Development & Flood Risk' http://www.communities.gov.uk/planninganddevelopment/planninganddevelopment/82587</p> <p>See Plymouth's Strategic Flood Risk Assessment – http://www.plymouth.gov.uk/homepages/planninganddevelopment/developmentandplanninganddevelopment/82587</p>
<p>10. Foul Sewerage & Utilities Statement</p> <p>I. 100 dwellings or more; or,</p> <p>II. 10,000 sq m new floorspace; or,</p> <p>III. an equivalent combination of both</p>	<p>A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot</p>	<p>Core Strategy Policy - CS34</p>	<p>Guidance on what should be included in a non-mains drainage assessment is given in DETR – http://www.communities.gov.uk/publications/planningandbuilding/circularplanningrequirement</p>

Where or when this item is required	Guidance	Policy Background	Further info sources
	<p>connect to the public mains sewer system and show that the alternative means of disposal are satisfactory.</p> <p>In terms of utilities, two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands that result from the completed development and secondly, whether the provision of services on site would give rise to any environmental impacts, e.g. excavations in the vicinity of trees or archaeological remains. A utility statement should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal.</p> <p>A utility statement should indicate how the development connects to existing utility infrastructure systems and demonstrate that –</p> <ul style="list-style-type: none"> • the availability of utilities has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community; • proposals incorporate any utility company requirements; • service routes have been planned to avoid as far as possible damage to trees and archaeological remains; • where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure should have been agreed with the service provider 		
11. Heritage Statement			

Where or when this item is required	Guidance	Policy Background	Further info sources
<p>Proposals that:</p> <ol style="list-style-type: none"> I. Affect any listed building II. Are located within or adjacent to a Conservation Area III. Affecting any Scheduled Ancient Monument <p>Please note – this does not apply to household applications</p>	<p>The scope and degree of detail necessary in a Heritage Statement will vary according to each application, however, general guidance is provided below. Alterations to a listed building can be a complex matter; it is a good idea to discuss intentions with a Historic Environment Officer at an early stage.</p> <p>The document should consist of a written statement plus appropriate plans and photographs including:</p> <ul style="list-style-type: none"> • a schedule of all works • an audit of features of importance • an analysis of the significance of archaeology, history and character of the building; • the principles of and justification for the proposal • where appropriate, a structural survey <p>For applications within or adjacent to a conservation area, an assessment of the impact of the development on the character and appearance of the area will be required.</p>	<p>PPG 15 – ‘Planning & the Historic Environment’</p> <p>RSS Policies – SSD3, ENV1 & ENV5</p> <p>Core Strategy Policy – CS03 & CS34</p> <p>Relevant Area Action Plan</p>	<p>English Heritage</p> <p>http://www.english-heritage.org.uk/server/show/nav.1373</p> <p>Advice on heritage assets is provided in http://www.communities.gov.uk/planningandbuilding/planningguidance/heritage/conservationfromentppg15/</p> <p>http://www.plymouth.gov.uk/heritage/conservation/conservationfromentppg15/</p> <p>Advice is within Plymouth City Council Design Supplementary Planning Document - http://www.plymouth.gov.uk/homepage/environmentandplanning/planningpolicy/ldf/spds/ldfdesignstrategies.htm</p>
<p>12. Landscaping Scheme</p> <p>New residential development comprising 5 units or more; or,</p> <p>Buildings with a floor space of 1000sq.m or more, or sites of 1ha or more</p>	<p>Proposals to include details of hard and soft landscaping layout and management approach</p>	<p>Core Strategy Policy - CS34</p> <p>Plymouth City Council ‘Design Supplementary Planning Document’</p>	<p>Plymouth City Council Design Supplementary Planning Document - http://www.plymouth.gov.uk/homepage/environmentandplanning/planningpolicy/ldf/spds/designstrategies.htm</p>
<p>13. Lifetime Homes</p>			

Where or when this item is required	Guidance	Policy Background	Further info sources
<p>5 new dwellings or more proposed</p>	<p>Lifetime Homes make life as easy as possible for as long as possible because they are thoughtfully designed. They provide accessible and adaptable accommodation for everyone, from young families to older people and individuals with a temporary or permanent physical impairment. To qualify as a Lifetime Home there are 16 specified criteria – checked at the time of the planning application and ‘spot – check’ monitored post completion.</p>	<p>Core Strategy Policy – CS15 ‘Planning Obligations & Affordable Housing’ Supplementary Planning Document</p>	<p>Information regarding Lifetime Homes can be found on the very useful website: www.lifetimehomes.org.uk Plymouth City Council’s ‘Planning Obligations & Affordable Housing’ SPD (Dec 2008) : http://www.plymouth.gov.uk/homepages/environmentandplanning/planning/%20planningpolicy/tf/spds/</p>
<p>14. Noise Assessment</p> <p>I. Potentially noise generating developments (i.e. pubs, clubs, takeaways, industrial/commercial uses, recreation) in the vicinity of existing noise sensitive developments - residential, schools and hospitals; or,</p> <p>II. Noise sensitive uses in the vicinity of existing noise generating uses, classified roads, railways or in areas with an existing noisy environment such as the city centre; or,</p> <p>III. Mixed use applications comprising both noise generating and noise sensitive uses; or,</p> <p>IV. Commercial applications including extractor or cooling units in the vicinity of noise sensitive uses.</p>	<p>Noise Assessments should be prepared by suitably qualified acousticians. They should usually outline the existing noise environment, the potential noise sources from the development, or the noise sources likely to affect the development, together with any mitigation measures.</p> <p>Advice should be sought from the council’s Public Protection Service for individual requirements. (BS4142).</p> <p>Advice should be sought from the council’s Public Protection Service for individual requirements.</p> <p>The sound power level and the likely resultant noise level of equipment at the site boundary for all noise-producing machinery such as extract ventilation systems, refrigeration equipment etc. that is likely to be installed. Where any noise-generating plant or equipment will be located and installed so as to reduce noise impacts on neighbouring properties.</p> <p>Delivery times and opening hours for commercial premises within noise sensitive areas. Details of waste collection e.g. pubs/clubs where glass collection could be noisy.</p>	<p>PPG24: ‘Planning and Noise’ Core Strategy Policies CS13, CS22 & CS34</p>	<p>PPG24: ‘Planning and Noise’- http://www.communities.gov.uk/planninganddevelopment/planninganddevelopment/planningpolicyandguidance/ppg24/ Plymouth City Council website - http://www.plymouth.gov.uk/noise</p>

Where or when this item is required	Guidance	Policy Background	Further info sources
	<p>Proposed developments immediately adjoining (including below or above) residential premises should provide full details of sound insulation measures. Position and design of entrances/exits plus car parking.</p> <p>For pubs and clubs, consideration of location provided for smokers to prevent noise impact from patrons outside the premises.</p>		
<p>15. Planning Obligations in Plymouth Development Tariff – Draft Heads of Terms</p> <p>New residential development comprising 5 units or more; or, Buildings with a floor space of 500sq.m or more.</p>	<p>In response to market conditions, there may be market recovery measures in place. Please refer to the latest Planning Obligations and Affordable Housing Supplementary Planning Document.</p> <p>Where an application is proposed without Tariff or other Planning Obligations a Nil Return should be provided under this item heading.</p>	<p>Circular 05/2005 'Planning Obligations'</p> <p>PPS1 – 'Delivering Sustainable Development'</p> <p>Core Strategy Strategic Objective 2</p> <p>Core Strategy Policies CS15 & CS33</p>	<p>For details of background and calculations, please see the Planning Obligations and Affordable Housing Supplementary Planning Document - http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/lcff/spds/dfplanningobligations.htm</p> <p>Reduced rate tariff details - http://www.plymouth.gov.uk/planning_obligations_cabinet_report.pdf</p>
<p>16. Details of applicant's Solicitors</p>			
<p>Where Item 15 above applies.</p>		<p>Circular 05/2005 'Planning Obligations'</p>	<p>Further details and advice is available from the following link: http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningobligations.htm</p>
<p>17. Planning Statement</p> <p>Major Applications</p>	<p>The statement should identify the context and need for a proposed development and should include an assessment of how the proposal accords with relevant national, regional and local planning policies. It should also include any details of pre-application consultation and wider community/statutory consultees</p>		

Where or when this item is required	Guidance	Policy Background	Further info sources
	undertaken prior to submission. Alternatively, a separate statement on community involvement may be appropriate.		
<p>18. Parking Provision</p> <p>New dwellings, including conversions of existing dwellings</p> <p>Development involving new non residential floor space</p> <p>Change of use</p>	<p>Where parking for motorcycles, bicycles and other vehicles is proposed, these details should also be shown on the drawings, including plans and elevations of any secure storage buildings or enclosures.</p>	<p>Plymouth City Council 'Development Guidelines Supplementary Planning Document' regarding Parking Standards – Please see the Council's website -http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy.htm</p> <p>Government Guidance on Paving Front gardens - http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens</p>	
<p>19. Refuse disposal</p> <p>All new dwellings; or</p> <p>All new industrial/commercial proposals; or,</p> <p>The sale or preparation of cooked food within Use Classes:</p> <p>I. A3 (i.e. Restaurants and cafes – use for the sale of food and drink for consumption on the premises);</p> <p>II. A4 (i.e. Drinking establishments – use as a public house, wine-bar or other drinking establishment);</p> <p>III. A5 (i.e. Hot food takeaways – use for the sale of hot food for consumption off the premises).</p>	<p>Separation of waste takes place at source to reduce landfill and improve recycling.</p> <p>There is convenient access, both for users of the waste storage facility and for those who collect waste.</p> <p>Waste materials do not create odours or attract vermin.</p> <p>Waste storage does not create a fire hazard or impact on public health.</p> <p>Security should be provided for all waste storage areas, to design out opportunities for vandalism or fly-tipping.</p> <p>Details of size and location of waste storage, for commercial premises details of separation and storage facilities that must be adequate for the proposed use.</p> <p>Provision for prevention of litter from commercial premises.</p>	<p>Plymouth City Council 'Development Guidelines Supplementary Planning Document'</p>	<p>See Section 6 of Plymouth City Council 'Development Guidelines Supplementary Planning Document' regarding Refuse Guidelines – Need link when adopted</p>

Where or when this item is required	Guidance	Policy Background	Further info sources
20. Site Waste Management Plan Applications proposing developments in excess of 100 dwellings or 10,000m ² new floor space (or an equivalent combination);	Proposed new development should be supported by site waste management plans of the type encouraged by the code of practice published in 2004 by the Department of Trade and Industry now the Department for Business Enterprise and Regulatory Reform detailing the identification of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.	PPS1 - 'Delivering Sustainable Development' Core Strategy Policy – CS26	Site Waste Management Plans: guidance for construction contractors and clients - http://www.berr.gov.uk/ For guidance also refer to: http://www.constructingexcellence.org.uk/resources/publications/view.asp?id=2568
21. Tall Buildings Report Any building that is significantly higher than its neighbours and/or recognisably changes the skyline.	The proposals should be presented within the context of an Urban Design Study, Design and Access Statement and full EIA.	PPS 1 – 'Delivering Sustainable Development' Plymouth City Council 'Design Supplementary Planning Document'	Advice is within Plymouth City Council Design Supplementary Planning Document - http://www.plymouth.gov.uk/homepage/environmentandplanning/planningpolicy/ldff/spds/ldffdesignstrategies.htm Revised Joint Guidance on Tall Buildings - http://www.enhanceheritage.gov.uk/docs/ldff/CABE_and_English_Heritage_Guidance_ontel_bldgs.pdf?1265668845
22. Town Centre uses – evidence to accompany applications All retail and commercial proposals over 2500 sqm gross floor space not located within an existing centre and not in accordance with an up to date development plan (and extensions exceeding 200 sqm will require a sequential test).	Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out the main town centre uses to which the policy applies in paragraph 4. Policy EC14 sets out the supporting evidence for planning applications. Policies EC15 and EC16 set out the key considerations of sequential assessments and impact assessments.	PPS 1 – 'Delivering Sustainable Development' PPS4 – 'Planning for Sustainable Economic Growth' Core Strategy Policy - CS07	Planning Policy Statement 4 – 'Planning for Sustainable Economic Growth' http://www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement4
23. Transport Assessment inc. Transport Statement & Travel Plan			

Where or when this item is required	Guidance		Policy Background	Further info sources
Where the proposed development has significant transport implications.	<p>Planning Policy Guidance Note 13: Transport (PPG13) states that, where a new development is likely to have significant transport implications, a Transport Assessment (TA) should be prepared and submitted with a planning application for the development. It will allow the transport implications of proposed developments to be properly considered and, where appropriate, will help identify suitable measures to achieve a more sustainable outcome.</p> <p>A TA will include an analysis of all existing and proposed trips by all modes of travel generated by the site. The TA should illustrate accessibility to the site by all modes, and the likely modal split of journeys to and from the site. The TA should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.</p> <p>Loading areas and arrangements for manoeuvring, servicing and parking of vehicles should also be clearly identified. It should describe and analyse existing transport conditions, how the development would affect those conditions and any measures proposed to overcome any problems.</p> <p>For a development that has relatively small transport impacts, a Transport Statement would be required which would contain a similar assessment of the existing and proposed conditions as a TA however, a detailed analysis of impact on the wider network would not be required</p> <p>A draft travel plan should outline the way in which the transport implications of the new development will be managed in order to ensure the minimum environmental, social and economic impacts. Developers should state</p>		PPG13 – 'Transport' Core Strategy Policy – CS28	<p>Guidance on Transport Assessments and indicative thresholds- http://www.dft.gov.uk/pgr/regional/transportassessments/guidanceonia</p> <p>Planning Policy Guidance 13 – Transport http://www.communities.gov.uk/planningandbuilding/planningpolicyguidance/guidanceonla</p> <p>Guidance on travel planning is available from DfT - http://www.dft.gov.uk/pgr/sustainable/travelplans/work/</p> <p>Plymouth City Council Travel Plan guidance: http://www.plymouth.gov.uk/homepage/transportandstreets/publictransport/workbasedtravelplans.htm</p>
Food Retail	TS > 2500 <4000sqm	TA/TP >4000sqm		
Non-Food Retail	TS > 800 <1500sqm	TA/TP >1500sqm		
A2 Financial/ Professional	TS > 1000 <2500sqm	TA/TP >2500sqm		
A3 Restaurants/ cafe	TS > 300 <2500sqm	TA/TP >2500sqm		
A4 Drinking Est's	TS > 300 <600sqm	TA/TP >600sqm		
A5 Hot Food takeaway	TS > 250 <500sqm	TA/TP >500sqm		
B1 Business	TS > 1500	TA/TP >2500sqm		

Where or when this item is required	Guidance	Policy Background	Further info sources
	<p>how new occupiers or customers of the development will use alternative means of travel, which do not involve private vehicle use.</p> <p>The Travel Plan should include details of targets and arrangements for monitoring.</p>		
<p><2500sqm</p>	<p>>4000sqm</p>		
<p>B2 General Industrial</p>	<p>>2500 <4000sqm</p>		
<p>B8 Storage / Distribution</p>	<p>>3000 <5000sqm</p>		
<p>C1 Hotels</p>	<p>>75 <100 bedrooms</p>		
<p>C2 Hospitals,</p>	<p>>30 <50 beds</p>		
<p>C2 education</p>	<p>>50 <150 students</p>		
<p>C2 institutional hostels</p>	<p>>250 <400 residents</p>		
<p>C3 Dwelling houses</p>	<p>>50 <80 units</p>		
<p>D1 Non-residential institutions</p>	<p>>500 <1000sqm</p>		
<p>D2 Assembly & Leisure</p>	<p>>500 <1500sqm</p>		

Where or when this item is required	Guidance	Policy Background	Further info sources
<p>This is not a definitive list, please see APPENDIX B of DfT's 'Guidance on Transport Assessment' for all indicative thresholds for Transport Assessments/Travel Plans and Transport Statements - http://www.dft.gov.uk/transport/assessment/</p>			
<p>24. Tree Survey Tree Survey BS 5837 -2005</p>			
<p>For householder applications, any proposals involving development within 2 metres of the canopy spread.</p> <p>I. Where there are trees within the application site; and/or,</p> <p>II. on land adjacent to it that could influence or be affected by the development (including street trees).</p>	<p>Householder applications should indicate the position and spread of any tree on the applications plans.</p> <p>Information will be required describing which trees are to be retained and the protection of these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturalist.</p> <p>A plan must be provided, including annotated photographs, showing the location of all trees on site and within influencing distance of the proposal (for full applications this plan must show where fencing will be installed to protect the trees and the proposed location of any new underground services). An accompanying report must be submitted in accordance with the recommendations of BS5837: 2005 'Trees in Relation To Construction' to include a survey of existing trees, an arboricultural implications assessment, a concise list of trees that are desired to be retained/removed any other tree surgery works and a method statement outlining how the trees will be physically protected during the works.</p>	<p>Town and Country (Trees) Regulations 1999.</p> <p>British Standard 5837:2005 'Trees in relation to construction-Recommendations'.</p> <p>Core Strategy Policies CS18 & CS34</p>	<p>Details of registered arboricultural consultants are available from the Arboricultural Association at www.trees.org.uk or alternatively phone 01794 368717.</p>

Where or when this item is required	Guidance	Policy Background	Further info sources
<p>25. Telecomm. Development – Supplementary Information</p> <p>All planning applications for mast and antenna development by mobile phone network operators.</p>	<p>Supplementary information including the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development.</p> <p>Applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Further guidance on information required is set out in the Code of Practice on Mobile Network Development (2002).</p>	<p>Planning Policy Guidance 8: Telecommunications</p>	<p>http://www.communities.gov.uk/planningandbuilding/planningguidance/developmentofmobilenetworkdevelopment</p> <p>Further guidance on information required is set out in the Code of Practice on Mobile Network Development (2002).</p>
<p>26. Ventilation extraction Statement</p> <p>All applications for the use of premises for purposes within Use Classes:</p> <ol style="list-style-type: none"> I. A3 (i.e. Restaurants and cafes – use for the sale of food and drink for consumption on the premises); or II. A4 (i.e. Drinking establishments – use as a public house, wine-bar or other drinking establishment); III. A5 (i.e. Hot food takeaways – use for the sale of hot food for consumption off the premises) or, IV. B1 (general business); and, V. B2 (general industrial). VI. Commercial developments that will cause odorous emissions e.g. brewing, rendering, paint spraying. 	<p>The statement must prove that nuisance or pollution from cooking odours will not be caused by the proposed use.</p> <p>Details of proposed fume extraction systems. This must include details of the size, design, siting, finish, acoustic treatment and odour abatement techniques of the flue extraction system.</p> <p>Elevation drawings showing the size, location and external appearance of plant and equipment will be required.</p> <p>This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.</p>	<p>PPS 23: 'Planning and Pollution Control'</p> <p>Core Strategy Policies CS22 and 34</p>	<p>PPS23 - Planning and Pollution Control</p> <p>http://www.communities.gov.uk/planningandbuilding/planningguidance/developmentofmobilenetworkdevelopment</p> <p>Further guidance is provided in Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems, published electronically by Defra, Product Code PB10527.</p> <p>See Section 3 of Plymouth City Council 'Development Guidelines Supplementary Planning Document' regarding Food & Drink Uses – Please see the Council's website -http://www.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy.htm</p>

Where or when this item is required	Guidance	Policy Background	Further info sources
	<p>Details of active odour control systems where proposed.</p> <p>Odour control methods to limit the odour from waste, location of waste storage.</p>		
27. Viability statement	<p>Discussion Note – Comments requested as part of consultation exercise</p> <p>In addition to the above items we are also considering including a viability statement to support schemes where the applicant is proposing to pay a reduced tariff. We would appreciate your comments on including this item in the final validation list.</p>		

TABLE C - Local List Validati on Requirements



TRANSPORT AND HIGHWAYS

PLYMOUTH.GOV.UK/HIGHWAYS

Plymouth Transport & Highways
Civic Centre
Plymouth PL1 2AA

T 01752 304233
E prow@plymouth.gov.uk

Our ref:
Your ref:

Date: March 25, 2010

PLYMOUTH LOCAL ACCESS FORUM
Mr. Ross Jago - Secretary to the Forum
Floor 1
Civic Centre
Plymouth
PL1 2AA

Dear Mr. Jago,

ATTENDANCE AT THE PLYMOUTH LOCAL ACCESS FORUM

Thank you for your letter dated 17th March 2010.

The reasoning behind my not attending future LAF meetings was explained to the Forum by briefing note at the last meeting, minute 48 refers.

My decision has high level support including that of the Director of Development, the Leader of the Council and Natural England all of whom have queried, and subsequently agreed, the basis for this change. Initial feedback suggests the last meeting progressed well with a noticeable improvement in focus. It would therefore seem short-sighted of me not to allow the changes this decision will bring to be realised.

The Forum is not a new body, they have a long term and experienced Chair with a clear understanding of the LAF's role on a local, regional and national level. Micro management by Officers is detrimental to its progression. I, like other Officers of the Council, will treat the PLAF as we would treat any Council or Area Committee. We will attend for relevant and specific agenda items. If there is a topic the Forum wishes to discuss which requires my input I will attend to provide that support for that agenda item. If there are no agenda items which require my input there is no need for my attendance. Therefore if Members wish me to attend they need to agree relevant agenda items with the Chair prior to each meeting or through the future work programme.

Your current Secretary is extremely capable and works regularly with both the Chair and myself to ensure the business of the Forum continues. I receive debriefs after each meeting and we discuss in detail each agenda to determine if additional support is needed. We will review the situation in the future to determine whether or not the level of support we provide to the Forum is sufficient.

I hope this information is of use to you, should you have any further queries please do not hesitate to contact me.

Yours Sincerely

Robin Pearce
Public Rights of Way Officer
Sustainable Transport - Plymouth Transport & Highway

Plymouth Transport and Highways is a partnership between Plymouth City Council and Amey

Director of Development (Plymouth City Council) - Anthony Payne
Amey LG Limited | company number 3612746 | registered in England & Wales | Registered address at The Sherard Building, Edmund Halley Road, Oxford, OX4 4DQ

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ACCESS NEWSLETTER

Issue 44

23 March 2010

Coastal Access – New consultation launched!

Consultation on regulations on procedures for making representations and objections to coastal access proposals made in a report by Natural England

The Marine and Coastal Access Act 2009 received Royal Assent on 12 November 2009. Part 9 of the Act sets out the Government's proposals for improving access to the English coast.

Schedule 19 to the Act introduces a new Schedule 1A into the National Parks and Access to the Countryside Act 1949. Schedule 1A enables a number of regulations to be made about the process by which people may make representations or objections about Natural England's coastal access proposals. Objections made by a person with a relevant interest in affected land may be referred to an "appointed person" for consideration.

Yesterday we launched a public consultation seeking your views on our proposals for the regulations. You can read a copy of the consultation document at:

<http://www.defra.gov.uk/corporate/consult/coastal-access2010/index.htm>.

We have prepared a response template which you may find helpful for submitting your comments but responses in any format are welcome.

Responses should be sent by email to: coast.consultation@defra.gsi.gov.uk or by post to: Coastal Access team, 1/01 Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6EB.

The final date for receipt of responses is **Monday 14 June 2010**.

The Access to the Countryside (Coastal Margin) (England) Order 2010

Part 9 of the MCA Act includes provision for an Order to be made to make changes to the existing provisions in the CROW Act 2000 as they apply to coastal land (the existing provisions will remain in place for other access land). Following a public consultation on the proposed content of the Order (see Access newsletter issue 41), The Access to the Countryside (Coastal Margin) (England) Order 2010 was laid before Parliament on 20 January 2010. Following debate in the House of Lords on 9 February and in the House of Commons on 23 February, the Order was approved by both Houses on 24 February. It will come into force on 6 April 2010.

- A copy of the Order and an explanatory memorandum can be viewed at:

<http://www.opsi.gov.uk/si/si201005>

South Downs National Park update

The Order confirming the South Downs as a National Park comes into force on 31 March 2010. From this date, the National Park will be in existence and both the East Hampshire and Sussex Downs Areas of Outstanding Natural Beauty will be revoked.

The Order to establish the National Park Authority is currently before Parliament and is due to come into force on 24 March. This will enable the National Park Authority to be established from 1 April 2010 (it will take on its full functions a year later, on 1 April 2011).

- A copy of the establishment Order can be viewed at:
http://www.opsi.gov.uk/si/si2010/pdf/uksi_20100497_en.pdf

English National Parks and the Broads UK Government Vision and Circular 2010

We held a public consultation seeking views on proposals for a new National Park Circular and Vision between 13 November 2009 and 5 February 2010. Respondents provided many helpful comments and we amended the draft Circular and Vision as a result.

The English National Parks and the Broads UK Government Vision and Circular 2010 was published on 18 March and can be viewed at: <http://defra.gov.uk/rural/national-parks/index.htm>

A summary of responses, outlining the main points raised by respondents to the consultation, together with the Government's response to them and an explanation of changes made to the draft Circular and Vision can be viewed at:

<http://defra.gov.uk/corporate/consult/nationalpark/index.htm>

England Access Forum

Parkburn
Colby
Appleby
Cumbria
CA16 6BD

Email duncan.graham01@virginmedia.com

29th March 2010

Dear Fellow LAF Chair,

In the light of the responses received from LAFs since my letter to you on 8th February, the LAF representatives of the England Access Forum met on Monday 8th March in London to consider how best to proceed in the light of the strongly expressed view that an England Access Forum is needed and should be enabled to continue to speak for LAFs at a national level and to champion the cause of access more widely. The paper which was considered is available on request.

In the light of the very considerable difficulties presented by being reliant on Natural England for support it was resolved that

- Every effort must be made to ensure that EAF is able to continue and widen its work on behalf of the LAFs which it represents
- Continuing with Natural England on the present basis was no longer an option
- There was a need to discuss with the Minister alternative sources of support and funding.
- That discussions should centre on DEFRA providing or facilitating a means of ensuring that EAF is free to advise and contribute as LAFs and regions see fit
- That the period between now and the forthcoming election be used for discussions with all three main parties. Warm support for the continuation of EAF has been received from the Conservative and Liberal Democrat parties. A letter was sent some time ago to the Minister requesting a meeting.

Natural England has since informed us that they intend to carry out unilaterally a review of EAF. I have pointed out that it was agreed at the outset that this review would be done jointly. Furthermore it would have to be carried out acknowledging fully the difficulties which have prevented EAF from functioning effectively for over a year now. I am pleased to say that Natural England has accepted that a review should be a joint one, specifically recognising that EAF cannot continue on the existing basis and that while

preserving links with Natural England will need a broader support and funding mechanism. A joint letter will be sent in due course to LAF Secretaries and sufficient consultation time will be allowed for every LAF to meet and respond.

As a timely illustration of the need to consider the way forward in the light of effectively a 'lost year' there was on the Agenda in London a considerable list of important topics which LAFs and regions have submitted to EAF for discussion with Natural England. These are really the very things to which we should be directing all our time, talents, experience and energies.

We resolved that without prejudicing the outcome of our discussions about adequate support for EAF, we should request a meeting with Natural England in May to discuss these and any other items which you request. The list at present is:

1. Ensuring that planning procedures are updated to embrace LAFs where appropriate
2. Lack of balance within in NE over environment and access
3. Meeting with Sustrans – rural tarmac and apparent exclusion of horse riders
4. Undergrazing and Access
5. Progress from NE on undertaking to raise gating orders with government
6. Forestry commission –
Claims that no new access routes can be developed on its land
Access to forestry commission (and Woodland Trust) land
7. 4x4 and motorized vehicle issues
8. Replacing BVPI 178 system with greater safeguards for ROWIPs
9. A more holistic approach to policy to encompass all non-motorised users
10. Fencing of open Access Land
11. Tree Planting and Section 16 of the CROW Act

I hope that there will be positive news in the next few months as we continue to explore a workable and lasting solution for the Forum. Personally, I have been privileged to meet many of you in recent months and have been enormously impressed with the dedication and enthusiasm I have seen. Access is fundamental to so many agendas from recreation to health and diversity and yet it is somehow a "Cinderella" service for which all too often LAFs are the main and sometimes the only advocates. The evidence is that we do individually and collectively "make a difference", but there is much more to do.

Best wishes,

Yours sincerely,

Duncan Graham
Chair of Cumbria LAF and EAF



Supporting people with disabilities to help themselves

‘Countryside Mobility’ is a Big Lottery funded project (through Natural England’s ‘Access to Nature’ grant scheme) which aims to improve access to the countryside for people with disabilities living in and visiting the South West region.

The project is being run by Living Options Devon (www.livingoptions.org), a user-led organisation that exists to ensure people with physical and/or sensory disabilities and Deaf people with sign language can make an active and equal contribution in society.

Over the next two years we will be working with a range of partner organisations to place Tramper all-terrain mobility scooters (www.tramper.co.uk) and accessible Wheelyboats (www.wheelyboats.org) at 30 countryside and coastal sites including country parks, woodlands and lakes across the South West. The equipment will be available to hire for a small fee for anyone becoming a Countryside Mobility member.



This will provide disabled people with a real outdoor experience, and will allow them to access new areas of the countryside with independence, whether alone or with friends and family. The exact locations are still being agreed but the first equipment will be available for hire this summer...watch this space for more details!!

February Highlights...

February has been a busy first month! The Project Team, James Maben (Project Manager) and Fern Busuttill (Project Assistant), started work and have begun the task of planning the delivery of the project over the next two years. Highlights of the past months work include:



**INVESTORS
IN PEOPLE**





Countryside Mobility (South West)

Project Update 1: February 2010

*Supporting people with
disabilities to help themselves*

- First Project Board meeting held
- Graphic designer appointed to produce 'Countryside Mobility' logo and branding guide
- Access auditing started for 'Phase 1' sites
- 20 Tramper buggies ordered
- Partnership agreements drawn up with host sites
- Temporary project web page set up
(www.livingoptions.org/division.php?division=countryside_mobility)

Coming Next Month...

- First Project Steering group meeting
- Work on new Countryside Mobility website starting
- New Countryside Mobility logo unveiled!
- More details about the Countryside Mobility membership scheme
- News about 'Mobile Trampers' that will be available for organisations and groups to use later this year

This is the first of a regular monthly update that is intended to keep stakeholders informed as the project develops. The update will cover highlights from the last month and also look ahead to upcoming events & activities.

If you would like more information about any aspects of the project then please contact James Maben or Fern Busutil on 01392 456522 or fern.busutil@livingoptions.org or james.maben@livingoptions.org

Countryside Mobility (South West), Living Options Devon, ISCA House, Haven Bank, Exeter, EX2 8DS.



INVESTORS
IN PEOPLE



LOTTERY FUNDED



WALK THIS WAY

RECOGNISING VALUE IN

ACTIVE HEALTH PREVENTION





FOREWORD

Natural England is charged with promoting the natural environment and access to it. Contact with nature has proven benefits for our health and, at a time when the government's Change4Life Initiative has signalled the biggest public health campaign for a generation, this link should drive greater investment in high quality green space. It is for this reason that we have provided support for the development of the Walking for Health programme, which is getting over 40,000 formerly sedentary people out of their chairs to go walking in the natural environment every week.

The Walking for Health programme enables local groups and organisations to develop and run volunteer-led health walk schemes that meet local needs and helps individuals to take charge of their own health and well being. I know from my own experience of health walks that the scheme is not only improving the quality of people's lives and health, but is appreciated for the safe access it provides to the natural environment.

In 2009 The Department of Health recognised the success of the scheme, and agreed to fund a fourfold expansion of the project over three years as part of the government's strategy to encourage people to become more active to improve their health. To achieve this, there will need to be a significant increase in the number and variety of organisations developing and running led health walks.

Through undertaking this inquiry, Natural England and the LGiU hope to encourage others to set up walk schemes by sharing learning and good practice gained from existing projects. We also want to understand and find ways to overcome the barriers that are hindering health care organisations and local authorities from supporting and running schemes.

We hope that anybody reading this report will find it a powerful incentive to set up their own led health walks programmes, thereby demonstrating the contribution that the natural environment can make to maintaining healthy lives.

Helen Phillips
Chief Executive
Natural England



SUMMARY

Walking is the easiest, most accessible, cost effective, and enjoyable way for most people to increase their physical activity.

Health and wellbeing is a primary concern of local services. But despite ongoing improvements, health inequalities persist and the health gap between the worst off in terms of social inequalities and the average has not narrowed (DH, May 2009). It is clear there will be no universal answer to improving health outcomes, rather there needs to be choice and access that give communities the ability to tailor their own path to a healthy lifestyle.

In this context, Natural England and LGiU formed a partnership to investigate the value of walking as an important part of a package of locally driven preventative measures. As well as its role in championing the natural environment, Natural England has made the practical link between health and the environment through the national Walk for Health programme, funded by the Department of Health (DH). With the expansion of this programme, Natural England was keen to understand how they can better support local organisations to promote walking. The inquiry was initiated to explore the current opportunities and barriers to getting more people walking and this report brings together evidence and recommendations to encourage investment in walking programmes.

There were 35 organisations that responded to the inquiry including local authorities, PCTs, walking partnerships and national bodies. People who responded were experts in the field of walking, from the perspectives of research, commissioning and delivery of walking initiatives. They show that the benefits of walking mean it should be promoted in a joined-up, strategic way both nationally and in every locality across the country.

There is considerable evidence to show that exercise can improve physical and mental health and reduce the risk of a wide range of conditions including some cancers, muscular-skeletal conditions and coronary heart disease. Physical activity is now a major strand of national policy to prevent ill health and tackle health inequalities, with the first national cross-government framework *Be active, be healthy: A plan for getting the nation moving* (DH February 2009).

The inquiry concluded that walking is the easiest, most accessible, cost effective, and enjoyable way for most people to increase their physical activity. Based on research and their experience of promoting walking, respondents were passionate about its benefits.

Not only does walking improve people's health, but as a sustainable way of travelling short journeys it also helps the environment. It is integral to a large range of policies, such as social inclusion, community engagement, sustainable transport, safe routes to school, climate change, biodiversity and tackling obesity.

Some years ago, people walked as a matter of course — to school, to work, to local shops; this meant that they kept fit without the need for special exercise and produced less environmental pollution. Now, for a wide range of reasons, people walk less and are consequently at more risk of obesity and health problems. A variety of interventions are needed to encourage walking, with a particular emphasis on people who face health inequalities — who tend to be less active — to allow them to take responsibility for their own health.

The inquiry provided many excellent examples from across England of how national organisations, local authorities, PCTs and voluntary organisations have improved health through promoting walking. However, it also found that this is far from universal and much more can be done. Areas where walking is not supported are missing an important opportunity to reduce health inequalities.

RECOMMENDATIONS

- **Local commissioners should invest in promoting walking, recognising its strong business case as a cost-effective preventative health measure.**
- **Funding for walking initiatives should be mainstreamed, and not rely on short-term contracts which result in stop/start initiatives.**
- **National organisations should work together, with local partners and national government to produce guidance that gives a consistent message on organised walking and comprehensive evidence about the value of organised walking to inform local and national commissioning.**
- **Recognition needs to be given that improving the ability to walk crosses a number of government departments, including transport, planning, health, culture and leisure.**
- **National indicator 8 should be reviewed to provide a more effective, locally relevant way of measuring physical activity in the adult population.**
- **Every PCT and local authority, together with local strategic partnership (LSP) partners, should review how they support active lifestyles and establish a local strategy to promote walking which covers areas such as transport, built environment, green infrastructure, public information and organised walking for people with low levels of physical activity.**



TOP TIPS FOR LOCAL WALKING STRATEGIES

- Local partners should undertake an audit of the walking needs in their local area involving communities and any walking groups.
- A forum involving representatives from spatial planning, rights of way improvement planning (ROWIP), public health, social care, transport, and sport should be established to develop and oversee the implementation of walking strategies. The forum should report to a senior group within the LSP.
- The public sector should lead by example, supporting their staff to walk more often.
- Walking champions should be identified in organisations and communities to promote walking and embed it in mainstream work.
- Social marketing techniques should be implemented to raise awareness of the benefits of walking and encourage take up.
- There should be comprehensive and accessible information about walking, supported by physical signage in key walking areas.
- A comprehensive approach to led-walks should be developed, targeted at groups and communities with health needs, high levels of obesity and who are likely to face health inequalities or social exclusion.
- Walk organisers should be supported to implement best practice through involvement in regional and national networks, for instance through Natural England.
- Walking interventions should be evaluated to inform future commissioning.



WHY WALK? BENEFITS FOR HEALTH AND THE ENVIRONMENT

While all the forms of physical activity such as sports, gym-type exercise, games, running and dance are beneficial, walking has the greatest chance of making the greatest difference to the greatest number of people.

Research

The benefits of physical activity in combating a range of physical and mental health conditions are well documented. For example, physical activity can reduce the risk of stroke and type 2 diabetes by up to 50 per cent (DH, August 2009), and bowel cancer by 30 per cent (Giovannucci et al 1995). The Chief Medical Officer indicates that it can be as effective as psychotherapy or medication in the treatment of clinical depression (2004).

Although overall levels of physical activity are increasing, the majority of the population is not active and some people, such as those over 65 and women from some ethnic groups, take very little exercise. Crucially, people's perceptions of how much activity they undertake are often misleading. About 75 per cent of men and 67 per cent of women believe they are already sufficiently active, whereas in fact only 40 per cent of men and 28 per cent of women meet the recommended levels of activity — around 27 million adults in England (DH, August 2009).

Activity levels are defined in the following ways:

- **Low 30 minutes of moderate intensity activity (such as brisk walking) on less than one day a week**
- **Medium as above, on one to four days**
- **High as above, on at least five days a week.**

The Chief Medical Officer recommends the high level of activity for good physical health — the '5X30' message that can be seen in health campaigns (2004). These physical activity guidelines are currently being reviewed to bring them up to date in line with new research.

Examples of research into the health benefits of walking include:

- Walking more than four hours a week reduces hospitalisation for heart disease by 30 per cent compared with walking for one hour (LaCroix et al 1996). Heart disease is halved in men who walk over 1.5 miles a day (Hakim et al 1999), and women who walk four hours a week had a 35 per cent reduction in risk of heart disease (Manson et al 1999).
- Changes in diet and daily walking were found to be more effective in treating type 2 diabetes than medication — 58 per cent v. 31 per cent reduction (DPPRG 2002).
- Walking can improve self-esteem and relieve symptoms of depression and anxiety (Mobily et al 1996).
- Older women who walk between 1 and 1.25 hours per week reduce the risk of breast cancer by 18 per cent, rising to 30 per cent for women of normal weight (McTiernan et al).
- People with chronic obstructive pulmonary disease (COPD) who walk more than halve their risk of an emergency admission (Garcia-Aymerich et al 2003).

Walking has been described as “the nearest activity to perfect exercise” (Morris and Hardman 1997). It is recommended as an intervention in NICE guidance relating to a range of health conditions.

The inquiry suggested that, while all the forms of physical activity such as sports, gym-type exercise, games, running and dance are beneficial, walking has the greatest chance of making a difference to the greatest number of people, for the following reasons.

The notion that getting out of doors is good for you might seem like common sense, however, there is good evidence to show that living close to high quality accessible natural environment can lengthen life irrespective of other factors affecting life expectancy (Coombs et al, 2009). But many people who join health walks are not habitually using their local parks, footpaths, or other green space. They are often unaware of what is available on their doorsteps, so joining a health walk is often a revelation to new participants, who had no idea that the local nature reserve, park or canal tow path they are using existed, much less how beautiful it was, and how much wildlife it contained.

Many participants in Walking for Health cite the changing seasons, the variety of wildlife they have learnt to recognise, or the variety of flowers and trees they now know about as a major encouragement to continue attending the walks, and a spur to further explore the environment both locally and further afield.

There is good evidence to show that living close to good quality green space decreases the likelihood of obesity because it encourages activity (Bell et al, 2008), but for many they need to be introduced to what is on their doorstep before they can gain that benefit.

Easy and accessible

Walking is easy — it requires no special expertise, and no equipment other than a reasonable pair of shoes. It is generally safe for individuals with medical conditions and those who have never exercised because it is possible to start gently and increase capacity over time. Walking needs little preparation; it can happen at any time by stepping out of your front door. It can be fitted into lifestyles, such as using stairs rather than lifts and getting off the train a stop earlier. It is one of the forms of exercise that will be most appealing to women — as well as being social rather than competitive, it fits into a busy day.

Walking is also ideal for targeting the population groups for whom increasing physical activity has the greatest health benefits — people who are very inactive. The DH recommends that helping people move from low to moderate activity will produce the greatest reduction in health risk and the biggest health improvement (August 2009).

Walking is a great way of getting started with physical activity. Many respondents to the inquiry reported that people who started walking in organised groups went on to walk on their own and to do other forms of exercise.

Cost effective

Physical inactivity is said to cost the NHS between £1bn to £1.8bn a year, a conservative estimate that could be doubled by including conditions such as falls or osteoporosis. The cost to the economy from loss of productivity amounts to around £5.5bn in sickness absence and £1bn from the premature death of working age people (DH February 2009).

As a healthy lifestyle intervention, walking has been demonstrated to be highly cost effective. Organised walks are likely to be the best solution for encouraging activity in people who are initially unlikely to take exercise in any other way. Organised walks use high levels of volunteers, with costs mainly required for coordination, supporting groups and communities with high levels of health inequalities to get involved, and promotion.

Natural England's Walking for Health initiative, funded by the DH, is the largest programme in the UK promoting physical activity to sedentary people in urban and rural areas. It provides a framework for the delivery of 537 walking schemes and 6,500 volunteer leaders trained each year, which is expanding with over 600 walks per week and 40,000 people walking a week.

Natural England has made an analysis of the cost effectiveness of Walking for Health interventions based on a National Institute for Health and Clinical Excellence (NICE) model (see box). It is recognised that the cost of health walks varies dependent on the type of programme — walking projects in deprived communities with high levels of health inequality whether in an urban area or rural county

require support and capacity building and will cost more to run than small volunteer-led walks. Even so, the research shows the impact that getting people to be more active has on a range of health problems significantly outweighs the cost of supporting these programmes.

Cost-benefit analysis of walking

1. Research indicates that people over 50 who are physically active have between 1.1 and 3.7 more 'quality life years' or QALY. NICE calculates that an intervention is cost effective if it falls within the range of £20,000 — £30,000 per QALY. Pilot data indicates that led-health walks through Walking for Health can have a QALY cost below £100 meaning that they are an extremely cost-effective preventative health intervention.
2. The cost of health walks in relation to the cost of a dose of prescribed medicine. The cost to PCTs of even the most expensive programme is likely to be as little as 84p per 'dose' or for every walk. This compares very favourably to the cost of prescribing drugs.
3. It is estimated that every £1 spent on a health walk will save a PCT £7 on expenditure such as hospital admissions and medication.

Further information on the costing models and their research base is available from Natural England.

Social and community benefits

Another compelling reason for promoting walking is its impact on the wellbeing of individuals and communities. A strong message from the inquiry was that walking in organised groups was greatly enjoyed as a social activity and helped combat loneliness and isolation. Walking groups are therefore extremely useful for people who are vulnerable and may be accessing other services, such as those with mental health problems. Councils in the north west have recognised the benefits of walking as part of the 'Five steps to well-being' initiated by Liverpool PCT. Walking in green environments appears to be particularly effective and Wirral Council have taken this message on board, setting up walking schemes through their mental health services.

Feedback from walking group members and leaders

"Being new to the area the group has helped me find new friends and places to walk. It has also helped me continue to lose weight and it keeps me fit."

"Makes me walk more than I would on my own. I have found out more about Hasland and met new people and it is good for me."

“A good chance to meet new people while improving mobility. It was my first step to joining another walking group.”

Chesterfield walkers

“Walking is also an effective way to get people talking and discussing elements that affect their lives – it is astounding how it leads to people opening up. Additionally, whilst these individuals are talking they often do not realise how much activity they have completed.”

Carlisle Sport Development Officer

“I’m so glad the health walks were started, after such a long time in hospital, just being outside surrounded by nature was the best therapy I could get.”

West Country walk participant

“I started out doing the long walks and thoroughly enjoyed it discovering the various beauty spots in and around the Romsey area which I had no idea existed. A year or so later I started to get pains in my hips and ended up having a new hip and so walking was out for a couple of months.

“I got back into the routine of walking with the Romsey group, albeit doing the shorter and therefore slower walks. A year later my other hip needed replacing. The surgeon commented as to how strong my legs were and even though I was 80 years of age, very fit, he congratulated me on how much walking I had been doing and that it would be of great benefit to the restoration of my hips.”

Test Valley walker, 85 years

Moreover, walking is fun for all ages. The majority of walkers on organised walks are over 50, but when people of other ages try it they often find it enjoyable. Children might claim that walking is boring, but if they walk in the right space, particularly green environments which can be explored, they thoroughly enjoy the experience.

As the quotes from walkers suggest, the inquiry found that organised walking can also create a greater bond between people and their communities. Respondents pointed to walkers becoming more interested in improving their local areas, for example by removing litter and improvements to facilities. Parks where groups walk regularly attract more individual walkers and thus create a feeling of social activity and safety. Thus, walking is an excellent way of generating community cohesion.

These benefits demonstrate how walking can help local areas meet a number of indicators in the national indicator set. These include health indicators relating to mortality rates and life expectancy (NI 120, 121/122, 137); physical activity and obesity indicators (NI 8, 110, 55/56); self reported measures of health and wellbeing (NI 119); participation in volunteering (NI 6); satisfaction with the local area (NI 5, 138) and environmental sustainability (NI 167, 175, 186, 198).



WHAT STOPS US WALKING?

The inquiry identified three main barriers that prevent people from walking:

- problems in the quality of the physical environment
- lack of information about opportunities to walk
- psycho-social barriers — for a variety of reasons many people are not keen to walk.

Physical environment

Different issues about the physical environment were identified in urban and rural areas. The main urban problems were poor maintenance of the physical environment, safety issues such as poor lighting and isolated paths, barriers such as ring-roads, housing developments without walking routes, and unattractive environments such as litter. The main rural problems were accessing areas to walk because of lack of buses, the quality of walking route surfaces and barriers such as stiles.

The inquiry concluded that many local authority planning departments and transport officers were not sufficiently engaged in initiatives to support walking. It also found that involving the community and walking groups in developing areas for walking was essential.

Lack of information on walking opportunities

A number of respondents felt that the facilities and amenities in their areas were already good — the problem was that people were not aware of them. Many walkers were pleasantly surprised when they went on an organised walk and found what was available close to home. The inquiry identified awareness raising, information, encouragement and promoting the benefits of walking as major themes.

For example, some people do not walk because they over-estimate how long it takes to get to their destination. Others do not realise that walking is a valid way of getting fit. Information and awareness-raising may be enough to encourage some people to start walking independently without involvement in organised walking groups.

Psycho-social barriers

Respondents identified the problem of sedentary lifestyles as a major barrier to walking. Overall, walking was not part of people's routines — they did not see it as an obvious way of travelling short journeys. Parents did not view it as a way of helping children to keep fit. People at risk of facing health inequalities — such as people with learning disabilities, mental health problems, those living in low-income areas, people over 65, and women from some Asian communities — were less likely to walk. It is these groups who are seen as most requiring specific help through organised walks. The Women's Sport and Fitness Foundation (WSFF) has been awarded funding from the Big Lottery Fund to conduct research into the psycho-social barriers young women face in relation to exercise.



PROMOTING WALKING AS PART OF AN ACTIVE LIFESTYLE

Areas where walking is not promoted are missing an important opportunity to reduce health inequalities.

While the organisations in the inquiry were involved in promoting vibrant and valued walking initiatives, there was a marked difference in the number and range of programmes in different areas.

In a few areas, walking was a priority within the overall physical activity strategy and was well supported by local partners at a senior, strategic level. Walking had a well funded support infrastructure that allowed a comprehensive range of initiatives to take place.

In Middlesbrough for instance the elected mayor created a new portfolio to give an executive focus to improving health, including participation in physical activity. The lead executive member chairs the Active Middlesbrough Forum and also promotes walking through undertaking 10K and fun runs at walking pace, encouraging others to get involved. Other respondents have provided examples of how they have engaged with a range of different services from GPs to housing associations to allotment groups to spread the message about walking.

While at the other extreme some walking initiatives were not given strategic or resource priority and operated below potential. Problems identified include:

- Lack of prioritisation at a senior, strategic level meaning initiatives do not receive support and recognition.
- Lack of joined-up approach across organisations leading to, for instance, a focus on lifestyle interventions without considering the role of the built environment.
- Short-term investment leading to co-ordinators leaving, organisations losing their accumulated experience, skills and contacts, and communities losing faith when popular initiatives fizzled out.
- Insufficient funding to allow expansion of organised walking despite the clear potential for this.

A city-wide approach

Active Leeds is part of the Healthy Leeds Partnership and aims to increase the number of trips made by walking and cycling as part of everyday life. The BTCV Hollybush currently host the Citywide Walking Project as part of this initiative.

A Walking Forum meets bi-monthly to coordinate walking around Leeds. The Forum involves NHS Leeds, Leeds City Council, voluntary and community organisations, volunteer walk leaders and Natural England. Developments include an annual Active Leeds Walk and increasing the number of walks created within identified super output areas delivered by volunteers. So far 75 walk leaders have been trained, half paid workers and half volunteers. Recent investment has been put into neighbourhood parks with information on walking routes on signs as a permanent resource. Leeds City Council has trained four members of staff as volunteer walk leaders and will be piloting a lunchtime walking group for city centre employees in January 2010.

Respondents recognised that in recent years the Department of Health had become increasingly committed to the preventative health agenda and to increasing physical activity as a major strand of tackling health inequalities. However, there was also a view that more could be done and it was queried whether the DH had the right balance of prioritisation and investment in the physical activity agenda, and in walking in particular, in relation to its other health promotion initiatives.

In terms of national support for local areas, there was a concern that there were insufficient incentives for PCTs to prioritise physical activity; basically they did not see this as a must do. Specific issues raised were whether the national indicator 'adult participation in sport and active recreation' was working effectively, and whether there was more that could be done to monitor levels of expenditure in PCTs.

Guidance for promoting walking from a cross-government perspective, and involving input from specialist organisations, was seen as highly useful. National organisations such as Natural England, the Ramblers Association and Walk England have amassed considerable expertise in the policy and practice of organised walking and have a key role in promoting good practice and consistent messages. Evaluation of the healthy town initiative relating to walking will also provide useful information. The role of Natural England in providing a national voice for Walking for Health schemes was welcomed in the inquiry.

The inquiry considered research into walking. It was recognised that, while there was significant epidemiological evidence about health benefits, there were gaps in information, such as how best to promote walking. The inquiry pointed to a systematic review of different approaches to walking which found that a variety of tailored interventions can increase walking by between 30 to 60 minutes a week, at least in the short term; this review recommended further research (Ogilvy et al 2009).

The inquiry suggested that priorities for future studies should include identifying the best ways of encouraging walking to achieve long-term behavioural change; measuring the financial impact of walking on the NHS and the wider economy; and investigating the social and environmental impact of walking.

The funding of local initiatives was a particular concern. There was a contrasting picture of the role of the local NHS. Some respondents reported that their PCT provided significant investment and leadership for walking schemes. Others indicated that funding largely came from local authorities, while the PCT was more engaged in targeting support at people with health conditions through initiatives such as GP exercise referral schemes and Let's Get Moving. However, this should also provide an opportunity to engage with GP practices on the benefits of walking. Funding from councils, particularly from non statutory functions such as leisure, was often seen as vulnerable to cuts.

The inquiry was clear that all local areas should consider the financial, health and environmental benefits of walking and see if they are giving it sufficient focus in their local strategies. In the longer term, the clearest financial beneficiaries of increasing walking would be the NHS. It is imperative that local authorities and PCTs look beyond funding silos to the bigger picture. For instance, while PCTs are not responsible for spatial planning they could fund activity such as improved rights of way frequently used by walkers; local authorities are not responsible for healthcare, but could resource health walks.

Rights of Way Improvement Planning

As part of ROWIP implementation, Lincolnshire County Council is engaged in a variety of activities to encourage people to become more active on the rights of way network. As part of this the PCT has a budget to improve infrastructure on the health walking network. This has resulted in numerous improvements including:

- **2,500m of surface improvements undertaken**
- **55 stiles replaced with gates**
- **1 flight of steps installed**
- **5 bridges installed**
- **2 boardwalks installed.**

An annual Voice of the Walker questionnaire has resulted in 97 per cent satisfaction from walkers, plus many suggestions for actions.



FRAMEWORK FOR A LOCAL WALKING STRATEGY

The benefits of walking mean that it should be promoted in a joined-up, strategic way both nationally and in every local area across the country.

Engaging with communities to develop suitable places to walk

Walking requires safe, attractive corridors, pathways or networks connecting green spaces, transport hubs and other public facilities such as shopping centres. In the countryside it requires better access by public transport and where possible using kissing gates rather than stiles.

In recent years there has been an increase in guidance aimed at improving the built environment to encourage physical activity. For example, the National Institute for Health and Clinical Excellence (NICE) sets out recommendations to improve spatial planning and transport in its guide *Promoting and creating built or natural environments that encourage and support physical activity* (2008).

Further guidance from NICE on spatial planning for health is due in 2010. The Marmot Review interim report on health inequalities post-2010 includes information from two task groups — on the built environment and sustainable development (UCL 2009). The final report was published in February 2010. The Royal Town Planning Institute has produced guidance for spatial planners to utilise their existing powers and work more closely with health partners to make communities healthier and more sustainable (2009).

Studies have shown the health benefits of access to green space and conversely the link between obesity, poor health and the absence of green space. Research by the Universities of Bristol and East Anglia found that, even taking socioeconomic factors into account, people living more than a mile and a quarter away from a park were less likely to be physically active and 27 per cent more likely to be overweight or obese (Natural England 2009).

The Commission for Architecture and the Built Environment (CABE) is calling for a revolution in urban design with a shift from 'grey' to 'green' infrastructure and better networking of existing facilities (2009). Natural England has produced planning guidance for local authorities on green infrastructure (2009).

However, the inquiry was clear that improvements to the physical environment should never be imposed, and only be carried out in consultation with communities, and walking groups. For example, improving lighting on a route could result in gangs congregating making the route feel less safe.

In terms of transport planning, there was a feeling in the inquiry that, while cycling was automatically considered, walking was less well developed and should be given greater attention. Overall, there was a message that it was important not to wait for the perfect walking route to be formed. Walking had to get started with what was available – improvements may follow through demonstrating the popularity of a route.

Walking and regeneration

Walking for Health in Wolverhampton received three years' funding from New Deal for Communities, enabling a focus on two deprived wards in the city with 60 per cent of residents from black and minority ethnic groups. In the first year the number of walks increased by 69 per cent, with a 24 per cent increase in the second year — nearly 2000 walks in 2008-09. This was aided by renovation to three open fields that had no paths and which were used for fly tipping, drug dealing and prostitution.

The fields were made into parks with paths, landscaping and a trim fit trail. The area has improved and won a community safety award. Many Asian women now walk regularly in organised groups, and there has been a constant increase in people walking independently in the local parks. The project also runs special events, such as a fancy dress Halloween walk in an area where people would not normally go out after dark; over 200 people took part.

Walking and the countryside

Walking for Life! Shropshire was a three year project, 2006-2009, aimed at increasing physical activity levels and access to the countryside for sedentary people. The project aimed to increase participation in Walking for Health schemes across the county and to provide progression activities to enable people to move on to other walking activities and active outdoor recreation volunteering.

Through the Parish Paths Partnership (P3), local volunteers and communities were encouraged to get involved in running Walking for Health schemes, providing short guided walk programmes or developing short easy access routes on the ground. This increased opportunities for sedentary people to improve their health, meet new people and gain new skills. Demand for becoming involved in the partnership was high.

Information and awareness-raising

The inquiry found that people needed a variety of information and messages to get them to understand the benefits of walking and to walk more. There are lots of opportunities to promote walking alongside existing services that local agencies provide.

It was also thought that a market segmentation approach, such as that provided through Sport England, would be helpful. People also pointed to the excitement that will be generated by the 2012 Olympic Games as an opportunity to engage with people about physical activity. The economic downturn could also mean that people are more receptive to using walking as a way of saving money.

Active Bristol

Active Bristol is a five year (2008-2013) programme that aims to reverse the decline in physical activity of Bristol people and bring about a significant and sustainable increase. In order to meet these aims the programme focuses on everyday activity such as walking.

A Citizens Panel found that those who wanted to be more physically active wanted to “do more outside” (42 per cent) and “incorporate walking as part of the daily routine” (39 per cent). To do this they wanted “more flexible working hours” (52 per cent), “encouragement to walk or cycle” (51 per cent), “pedometers” (44 per cent) and “organised and community activities” (42 per cent).

Active Bristol includes a range of initiatives including the Active Travel Passbook. This social marketing initiative to promote active travel in areas of high health needs involved workshops with residents to identify barriers and opportunities; they were then asked to explore the area and worked on maps and resources to encourage sustainable travel. It is currently being evaluated to determine impact on levels of physical activity.

An independent evaluation of Bristol Walking for Health scheme by Bristol University found that the most significant benefits for participants include an increase in social contact and inclusion, particularly after bereavement, leading to an improved sense of well-being, confidence and energy and mitigation of stress and depression.

Information about local opportunities to walk is needed to underpin awareness-raising. This includes accessible, written information such as maps and guides, web-based information such as route planners and signage in local areas showing the walking-times and distances on key routes, such as town centres or routes to facilities such as GP practices.

Organised walking initiatives

There are many walking schemes organised on a voluntary basis across the country providing the opportunity for people to walk together as a group. Walking for Health and the schemes run by PCTs or local authorities, or commissioned by them from third sector organisations, tend to be targeted at people who would not otherwise be physically active — people likely to face social exclusion or health inequalities. They provide health walks specifically designed to be led at a pace which is brisk for the individual, taking into account their health needs and physical ability.

Most of these schemes aim to become self-sustaining by recruiting volunteer walk leaders, often coming from people involved in the walks. However, the inquiry was clear that paid, dedicated, long-term coordination is required for groups to run effectively. This allows schemes to be promoted, volunteers to be supported, links to be made with relevant organisations and groups to run consistently.

Schemes face a number of operational problems such as recruiting and training sufficient walk leaders, ensuring that groups welcome new members, and getting referrals from health professionals. Establishing walks does not happen overnight — in difficult areas, such as estates where people do not wish to be seen walking in a group, it can take up to two years of repeated encouragement. A paid co-ordination role is required to address such issues.

Some areas utilise generic posts such as physical activity coordinators. It is important that where such roles are used to cover walking interventions they should have a specific remit and dedicated time.

Research: People in Public Health

Early findings from a study into how public services could support people who contribute to health improvement in their communities were submitted to the inquiry by the Centre for Health Promotion Research at Leeds Metropolitan University. One element of this involved examining a local Walking for Health Scheme that used volunteers as walk leaders and promoters.

Findings from the case study were in line with those from the overall study which will conclude that organisations need to be able to help members of the public become health champions, and investment is needed to support these roles. If recruitment, training and support processes achieve the right balance, the potential for health gain is enormous.

This independent study was funded through the National Institute for Health Research Service Delivery and Organisation Programme and is due to report early in 2010.

Natural England's Walking for Health programme was seen by many respondents as an important element of their local provision. Walking for Health provides a range of facilities – accreditation, training packages, risk-assessment guidance, networking for practitioners, and evaluation methods such as the Outdoor Health Questionnaire (OHQ) – which help local areas to set up, run and evaluate walking schemes.

Evidence to the inquiry showed that walk organisers were extremely committed and enthusiastic about their role because, although there were challenges, the positive response of walkers and the results achieved gave considerable satisfaction.



FEATURES OF A SUCCESSFUL WALKING SCHEME

Links with a wide range of organisations

Successful schemes work with as many organisations as possible. Some, such as GPs are ideally placed to make referrals to groups; others, such as mental health trusts and community organisations may have personnel who can become involved in setting up and running groups.

Initially people may act as champions, but the aim is to go beyond this to embed walking in mainstream work. The following are key contacts.

- GP practices, including links with GP Exercise Referral and Let's Get Moving schemes which promote physical activity for people with healthcare needs for instance through vascular checks.
- Adult social care services and mental health trusts.
- Community and acute health organisations e.g. community nurses, cardio-vascular nurses, midwives — new mothers are often receptive to health messages.
- Voluntary and community organisations.
- Community centres and libraries — community cafes can also be good places to start and end groups.
- Children's centres — a good place to involve mums and young children in walking. Consistent messages about the safety of public places can be helpful to combat the perception that they are unsafe.
- Schools, particularly in relation to travel plans and walk once a week (WoW) schemes.

- Public health — it is important for walking schemes to link with other health initiatives such as promoting healthy food and reducing alcohol intake; health trainers have been trained as walk leaders in some areas.
- Leisure centres, gyms, the Ramblers — particularly for people who want to take up longer walks or other types of exercise.
- Youth centres and groups such as the Scouts, Guides and the Woodcraft Folk.
- Environmental and countryside organisations, such as the Forestry Commission, National Parks and park rangers.
- The workplace — employed people may take insufficient exercise and can benefit from activity such as organised lunchtime walks.
- Universities — research students may be able to conduct evaluations, and students may wish to train as walk leaders.

Encouragement and support

Groups can be mixed or cater for specific needs — perhaps where people with similar interests enjoy walking together. Some people may need to develop confidence in the walking group before joining in, so personal contact and encouragement over time may be needed.

Approaching people through existing, trusted organisations such as community centres, churches and religious centres can be helpful for this. For some, one to one support may be necessary; individual budgets in social care and eventually health could be used to provide this support.

Some of the people involved in walking groups identified in the inquiry include: adults with learning disabilities, wheelchair users, people with mental health problems, people with dementia, carers, families, people from BME communities, parents and toddlers on buggy walks, expectant mothers in pre-natal walks, older people, and people recovering from illness.

A varied menu of groups and activities

As well as providing a range of walks in different locations, organisers found a variety of ways of stimulating interest. Most important was to ensure groups were a social experience and involved refreshments.

Types of groups mentioned include: doorstep walks, basic walks, progressive groups, linking with other activities such as tai chi or Wii, race walking, fun walks, heritage walks, themed walks (e.g. nature or Christmas) vehicle-sharing to access new areas, taster sessions, and using pedometers. Small grant schemes and private sponsors may often support this type of low-cost activity e.g. providing safety equipment.

A few of the many examples of good or innovative practice submitted to the inquiry

The Calderdale Walk It project encourages people to walk in to town. The leaflet and map shows walking times from five minutes to 30 minutes in the town centre. There are also Walk It mats on pavements stating how long it takes to walk from that point.

In Western Cheshire and Chester, walks range from basic walks for Alzheimer's and stroke patients with carers to a Nordic Walking course in Delamere forest taught by an instructor.

South Gloucestershire's Walking to Health scheme works with the Bristol scheme to provide volunteer walk leader training for adults with learning disabilities.

In the Age Concern Hampshire's Spring in your Step scheme, older people who need confidence to join a walking group or lunch club or go to the shops alone are teamed up with a volunteer for a regular short walk. Volunteers include students from a local school providing intergenerational support.

Mallercise — the Trafford Centre Health Walk has been widely publicised as an English example of the American pursuit of walking round shopping malls. Publicity brought the health walk sponsorship.

East Riding of Yorkshire Walking for Health has involved the NHS Health Trainer Team as walk leaders. The trainers provide guidance and support not just on physical activity but on a wide range of health issues including healthy eating, stop smoking, managing stress, and cutting down on alcohol.

Sheffield runs the biggest regular health walk in the country, with an average attendance of 61 walkers throughout the year. Group cohesion is fundamental to regular attendance. Coordinators offer to collect people who plan to attend for the first time so 'new walkers' do not feel out of depth.

Walsall's Groundmiles® is an incentive scheme that encourages behaviour change by giving people involved in led activities such as health walks, points that can be exchanged for goods and services. The scheme has attracted international attention and been repeatedly identified as good practice.

Salford Community Leisure are developing Get Active Get Outdoors Back Packs to encourage families to walk and access greenspace, the backpack will include some simple outdoor game cards, equipment such as Frisbees and skipping ropes and environment information cards.

Next steps

The experience and enthusiasm that was brought forward in this inquiry has shown that walking can have the greatest chance of making the greatest difference to the greatest number of people. Local and national organisations should act on the recommendations brought forward in this report to ensure they make the most of this cost-effective preventative health approach.

There were a number of interesting points that were raised in this inquiry that should be considered for future research. By drawing together this evidence, it will be possible to bring in more support for walking as part of a broader strategy to improve health outcomes.

- Understanding psycho-social barriers: The inquiry provided some qualitative evidence that people had psycho-social barriers towards exercise. Their views and experiences need to be understood in more depth to be able to motivate people to get involved in improving their lifestyle. Linked to this, it would be useful to quantify the value of the social impacts of walking.
- Bringing together partners: Innovative opportunities to work with private organisations and the third sector to promote walking in local areas could be tested.
- Improving infrastructure: There were examples in the inquiry of changes to the way information is provided about walking, such as signs around towns, removing street furniture or journey planning websites. There should be further evaluation of these measures and how they fit with wider plans to promote sustainable travel.



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Useful websites

LGiU

www.lgiu.org.uk

Natural England

www.naturalengland.org.uk

Walking for Health

www.wfh.naturalengland.org.uk

The Ramblers Association

www.ramblers.org.uk

Sport England

www.sportengland.org

Sustrans

www.sustrans.org.uk

Walk England

www.walkengland.org.uk/WalkNow.aspx

Walking UK

For walking groups, clubs and routes.

www.walking-uk.com

Walk to School

www.walktoschool.org.uk/content/wow_scheme.php

APPENDIX 1 PARTICIPANTS IN ROUNDTABLE DISCUSSIONS

Thanks to the following individuals who participated in the roundtable discussions

London 20 January 2009

Chair: Bob Russell MP, Chair All Party Parliamentary Group on Urban Walking

Corinna Edwards-Colledge, Brighton & Hove Council
Charlotte Malyon, Hampshire County Council
Laura Simmonds, Harrow PCT
Christina Millar, LB Redbridge
Stella Goddard, Natural England
Andy Jennings, Natural England
Alice Walker, Natural England
Simon Barnett, Ramblers Association
James Thatcher, Swale Borough Council
Elaine Garrett-Simpson, West Sussex County Council
Lisa Cunningham, Women's Sports & Fitness Foundation

Manchester 29 January 2009

Chair: Gemma Bradshaw, Deputy Head of the Centre for Local Sustainability, LGiU

Julia Hope, Cheshire West & Chester Council
Jane South, Leeds Metropolitan University
Andy Ireland, Liverpool Primary Care Trust
Mark Jones, Liverpool Primary Care Trust
Dave Perry, Natural England
Julie Rhodes, Natural England
Jess March, NHS Calderdale
Jen Green, Ramblers Association
Jo Bennett, Salford Community Leisure
Sonia Atkins, Staffordshire County Council
Cllr Brenda Thompson, Middlesbrough Council
Louise Sword, Trafford Community Leisure Trust
Kim Greening, University of Chester
Eamon Clabby, Wirral Metropolitan Borough Council

APPENDIX 2 SUBMISSIONS OF WRITTEN EVIDENCE

Thanks to the following organisations that submitted written evidence

Active Bristol
Boston Borough Council & NHS Lincolnshire
Calderdale Council & PCT
Carlisle Council
Charnwood Borough Council
Cheshire West and Chester partners
Cumbria County Council
Cycling England
East Dorset District Council
East Hampshire, Basingstoke, New Forest Councils and Hampshire Age Concern
East Riding of Yorkshire Council
Elmbridge Borough Council
Forest Health Council
Hasland Walking for Health, Chesterfield
Leeds City Council and NHS Leeds
Leeds Metropolitan University – Centre for Health Promotion Research
Leicester-Shire and Rutland Sport
Lincolnshire Sports Partnership
Melton Borough Council
National Obesity Observatory
Middlesbrough Council
Northamptonshire Council
The Ramblers Association
Sheffield Walking for Health
Shropshire Walking for Health
South Gloucestershire Walking for Health
South Oxfordshire Council
Sport Hampshire and IOW
Test Valley Borough Council
Trafford Community Leisure Trust
Walsall Council
NHS Wakefield and Walking for Health
Wirral Council
Walking for Health Wolverhampton
Women’s Sport and Fitness Foundation

Authors: Christine Heron and Gemma Bradshaw

The LGiU is the largest, most influential think-tank and representative body operating in the space between Town Hall, Whitehall, Westminster and communities. Now in its 27th year, the LGiU continues to make a significant impact on public policy.

Our mission is to strengthen local democracy. Four policy centres — Service Transformation, Local Sustainability, Local Democracy and Children's Services — ensure that the LGiU's focus is on how councils and partners can deliver positive results and genuine impact for empowered communities.

The LGiU's Centre for Local Sustainability helps councils to better manage local resources; these resources can be environmental, social or economic. The Centre provides briefings and advice on climate change, waste management, green space, biodiversity, water quality, air quality, transport, planning, rural sustainability and sustainable economic development. The Centre for Local Sustainability works in partnership with government agencies and the private sector to join up policy and ensure that local government fully contributes to the development and implementation of sustainability strategies.

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Value *for* Money: An Economic Assessment of Investment in Walking and Cycling

**Dr Adrian Davis
(Updated) March 2010**

Research Report 5



Summary

The trend across the UK and other developed nations is for physical activity levels to decline. This is associated with widespread use of the private car, an increase in sedentary leisure activities and greater mechanisation in the home, workplace and public places. Illness as an outcome of physical inactivity has been conservatively calculated to be £1.08 Billion per annum in direct costs to the NHS alone (2007 prices). Indirect costs have been estimated as £8.2 Billion per annum (2002 prices).

Walking and cycling have been identified as a key means by which people can build physical activity into their lifestyles. Yet the volume of literature on Cost Benefit Analysis of interventions to promote routine walking and cycling has grown in the past decade or so and reveals that the economic justification for investments to facilitate cycling and walking has been undervalued or rarely considered in public policy decision-making.

In contrast to this omission, a consensus exists among experts in many OECD countries that significant public health benefits can be realised through greater use of active transport modes. In England there is evidence of change at the policy level. **Cost Benefit Analysis** is of growing importance. Not least, the Treasury and more recently the Cabinet Office have recognised the costs of physical inactivity (among others) and the need to reflect these by steering transport policy in urban areas to promote cost effective interventions including cycling promotion.

This review assesses the evidence base from both peer reviewed and grey literature both in the UK and beyond. **Almost all of the studies identified (UK and beyond) report economic benefits of walking and cycling interventions which are highly significant, and these average 13:1. For UK interventions only the average figure is higher, at 19:1.** Investment in infrastructure and to facilitate increased activity levels amongst local communities through cycling and walking is likely to be a 'best buy' for our health, the NHS at large in terms of cost savings, as well as for the road transport sector.

Value for Money: An Economic Assessment of Investment in Walking and Cycling

Introduction

Physical activity is recognised as an important element of a healthy lifestyle, reducing the risks of ill-health and premature death. For this reason physical activity has been identified as a 'best buy' for public health.¹ The trend across the UK and other developed nations is for physical activity levels to decline. This is associated with widespread use of the private car, an increase in sedentary leisure activities and greater mechanisation in the home, workplace and public places. There is also increasing evidence of the link between adult obesity levels and travel behaviour, one indicator of which is that countries with highest levels of active travel generally have the lowest obesity rates.²

In England the Chief Medical Officer has stated that the target of 30 minutes of moderate intensity activity for adults (1 hour for children) in order to promote health, such as brisk walking on at least 5 days per week, will only be achieved by helping people to build activity into their daily lives. His 2004 report on physical activity says,

“for most people, the easiest and most acceptable forms of physical activity are those that can be incorporated into everyday life. Examples include walking or cycling instead of driving...”³

Yet, 67% of adults in Bristol report taking insufficient physical activity to reduce their risk of disease and ill-health.⁴ A significant and growing body of evidence links insufficient physical activity to a number of medical problems and premature death (all cause-mortality). The evidence is strongest for chronic diseases, especially:

- cardiovascular disease
- stroke
- cancer (colon, and breast)
- type 2 diabetes
- osteoporosis
- depression.⁵

While this desktop review does not claim to be comprehensive it does claim to reflect the '*direction of travel*' within both peer reviewed and grey literature of the benefits to costs (BCR) which accrue from investments in walking and or cycling – through both infrastructure and general promotion work. Studies have been sought both through on-line searches of transport and health databases and contact with authors across the globe.

Most studies of physical activity have focused on the economic burden of inactivity in general, often addressing a single disease or a few major diseases. These studies tend to concentrate on direct health care costs - those directly associated with health care by the NHS.^{6,7} Indirect costs include expenditure not directly attributable to the NHS, such

as informal care, inferior physical and mental function, deficient physical and mental well-being, and loss of productivity through sick leave, but receive less attention in physical activity studies.

Illness as an outcome of physical inactivity has been conservatively calculated to be £1.08 Billion per annum in direct costs to the NHS alone (2007 prices).⁸ Indirect costs have been estimated as £8.2 Billion per annum (2002 prices).⁹

CBA of active travel interventions

CBA of active travel (walking and cycling) projects is not currently widespread. Nevertheless, a consensus exists among experts in many OECD countries that significant public health benefits can be realised through greater use of active transport modes.¹⁰ In 2009 there is a not inconsiderable volume of data on the CBA of environmental facilities on promoting physical activity in the general population including through walking and cycling.^{11 12} This includes a recent systematic review (16 studies) of economic analyses of transport infrastructure and policies including health effects related to cycling and walking.¹³

A signal as to the growing importance of CBA is that recently the Cabinet Office has considered physical inactivity costs (among others) and the need to reflect these by steering transport policy in urban areas to promote cost effective interventions including cycling promotion.¹⁴

“These results suggest that transport policy has the opportunity to contribute to a wider range of objectives. This is supported by emerging evidence on specific schemes eg high benefit cost ratios for cycling interventions.” p. 3

Since the start of the 21st century there has been an increasing number of studies addressing cost-benefit analysis (CBA) of walking and cycling. Most of these are focused on infrastructure intervention. Most include calculations for reductions in ill-health and premature death, but not all studies do. These indicate that including health impacts arising from existing and new users could make a major difference to CBA results.¹⁵ Non-UK evidence is in the Appendix.

The UK evidence for BCR of active travel interventions

CBA research for the Department for Transport

CBA research for the Department for Transport suggests the scale of cost-benefit ratio to be substantial ie that the benefits to costs (BCRs) were high. For example, a canal towpath in London was transformed into a high quality route and assessed in terms of levels of walking and cycling commuter use. User counts were conducted pre-project in 2002 and post-project in 2004. Improved route-surface quality and connectivity, in addition to the introduction of the congestion charge, led to considerable increases in usage, resulting in:

- A BCR of 24.5:1
- Savings of £5,487,130 through reduced absenteeism
- Savings of £28,537,854 due to increased physical fitness (based on numbers of preventable deaths)¹⁶

Links to School: Sustrans

During 2005, Sustrans, the Institute for Transport Studies at Leeds University, and the University of Bolton, produced guidance notes for the economic appraisal of cycling and walking schemes on behalf of the Department for Transport (DfT). The guidance is consistent with the government's New Approach to Transport Appraisal suite of tools, and is intended to form part of the DfT's WebTAG series which advises on methods of economically appraising transport schemes.

DfT's economic appraisal method with the new guidance was applied to three Links to Schools schemes in 2005 (a programme funded by DfT and administered by Sustrans to bidding local authorities).¹⁷

1) Bootle: This scheme consists of a series of improvements to an existing route close to a number of schools. The improvements include resurfacing, some new construction, road marking, signing and lighting. The grant awarded was £131,000 towards an overall project cost of £231,000. **BCR 29.3:1.**

2) Hartlepool: This scheme involved the construction of a toucan crossing close to a primary and a secondary school, with some more general infrastructure improvements in the immediate vicinity. The grant awarded was £25,174 towards an overall project cost of £50,349. **BCR 32.5:1.**

3) Newhaven: A new shared-use path in an existing grassed verge adjacent to, and set back from, the busy A259 was constructed. The route is some distance from, but forms a link between, two secondary schools. It also links to their communities of Seaford and Newhaven. The grant awarded was £125,000 towards an overall project cost of £300,000. **BCR 14.9:1.**

Research for Cycling England

Research by SQW Consulting for Cycling for England sets out a summary of the monetary values that have been estimated for one new cyclist, cycling regularly for a year.¹⁸ A model was developed with four different scenarios: urban on-road, urban off-road, rural on-road and rural off-road. The values for these scenarios are shown in Table 1. The scenarios suggest that the annual economic benefits range from around £540 to £640 with the greatest economic benefits for cycling generated by urban off-road projects and the least by rural on-road ones. The average benefit per additional cyclist is £590 per year.

While the differences between the scenarios are reasonably significant, it is important to note that the greatest impact that cycling has is on the health benefits of *additional cyclists*. These health benefits are universal. If people can be convinced to cycle, around

two-thirds of the economic benefit generated does not depend on the location or type of facility.

The figures in Table 2 provide a simple and straightforward way to assess whether a cycling project is likely to generate a positive return on investment. As a rule of thumb, every £10,000 invested would need to generate at least one extra cyclist, each year, over a 30 year period in order to break even. Where the effect of the intervention is likely to be shorter, the number of extra cyclists will need to be higher.

Table 1 Annual values attributed to each additional cyclist, cycling regularly for one year – the figures assume that 50% of cycle trips replace a car trip

Benefits (annual for each additional cyclist)	Urban		Rural	
	On Road	Off Road	On Road	Off Road
Health Benefits				
Value of loss of life	£408.67	£408.67	£408.67	£408.67
NHS Savings	£28.30	£28.30	£28.30	£28.30
Productivity gains	£47.69	£47.69	£47.69	£47.69
Pollution	£34.57	£34.57	£6.49	£6.49
Congestion	£68.64	£68.64	£34.32	£34.32
Ambience	£13.20	£53.60	£13.20	£53.60
Total Benefits	£601.06	£641.46	£538.66	£579.06

Source: SQW

The report included a number of case studies of the economic impact and each case study is outlined in Table 2. The value of the benefits for every one pound invested vary considerably, ranging from 34 pence to over £40. However, this range is understandable given that some of the projects have only very recently been completed. This is particularly true of Priory Vale, Queen Elizabeth Park and Surrey University's Manor Park campus. The average benefit to cost ratio of the five case studies is just under 2:1 excluding the Hull case study which is much higher than the other results. Including this outlier, the average benefit to cost ratio is almost 10:1. It is also worth stressing that these cases were identified independently by the consultants as typical examples.

Table 2 Number of cyclists needed to achieve a benefit to cost ratio of 1:1

Cost of Project	Urban		Rural		Average
	On Road	Off Road	On Road	Off Road	
£10,000	1	1	1	1	1
£25,000	3	3	3	3	3
£100,000	11	10	12	11	11
£250,000	27	25	30	28	27
£500,000	54	50	60	56	55
£750,000	80	75	90	83	82
£1,000,000	107	100	120	111	109
£1,250,000	134	125	149	139	136
£1,500,000	161	151	179	167	164
£1,750,000	187	176	209	195	191
£2,000,000	214	201	239	222	218

Source: SQW

The retrofitting of seven streets in Hull has proved to be extremely successful, combining low costs with a high number of additional cyclists. The implementation of a 20mph speed limit and other measures also contributed to the growth in cycling.

York City Council assessed the value of one of its cycle route schemes using the above data. The Malton Road cycle route scheme cost £600K for infrastructure works and would achieve a benefit to cost ratio of 1:1 if the scheme created an additional 60 cyclists (approximately) for this urban, off-road route. By 2007 there was an average of 439 cyclists, an increase of 178 cyclists, constituting a 68% increase over 10 years.¹⁹

Most recently (November 2009), using the WHO's HEAT tool, Cycling England researchers estimated the value of the reduction in adult mortality.²⁰ The HEAT analysis found a maximum annual benefit (once the maximum health benefit had been reached after an estimated five years) of £8.9 million per annum. Taking into account the build up of health benefits in the HEAT tool, the present value of the mean annual benefit of this additional level of cycling is in the region of £4.5 million per year. Over ten years, assuming the new cyclists remained cycling at the current level, this would result in a saving of £45 million.

The Cycle Demonstration Towns programme cost £2.8 million per year of direct Cycling England / Department for Transport grant, matched by funding from the local authorities which averaged £3.4 million per year, for three years. This is a total of £18.7 million, which equates to a net present value of £17.45 million at the start of the project. Thus, for each £1 invested, the value of decreased mortality is £2.59. This figure is for decreased mortality only. Including other benefits would be likely to increase the ratio considerably.

Calculating life years saved

Research in England has also reported cost-benefits in relation to cycling.²¹ For 100,000 people, evenly spread between the ages of 20 and 60, taking up regular cycle commuting, would result in 50 fewer deaths per year as an aggregate of health benefits and reduced road traffic casualties among those cyclists. This is equivalent to around 1660 life years. Assuming a value of around £30,000 per life year, this results in a net benefit of just over £50 million from those 100,000 cyclists.

Value for money

Although all schemes with a benefit-cost ratio greater than 1 might be worth pursuing, financial constraints, not least during periods of public finance contraction, mean that it is necessary to prioritise some schemes above others, at least in terms of value for money. The Department for Transport's Webtag Guidance categories value for money (V/M) as per Table 3 below so that schemes over 2 are those most worth pursuing.

Table 3 Value for money

BCR	V/M
Less than 1	Poor
Between 1 and 1.5	Low
Between 1.5 and 2	Medium
Over 2	High

(source Webtag 2.6.4)²²

Below is a compendium of the BCRs from the above studies. **For these UK projects the average BCR is 19:1.**

Table 4 Compendium of BCRs for UK walking and cycling infrastructure projects

Study	Study focus/location	Benefit to cost?	Comment
DfT, 2005	London	24.5:1	Canal towpath assessed in terms of levels of walking and cycling commuter use
SQW Consulting, 2008	UK	almost 10:1.	Estimated impacts of five cycling infrastructure projects
Cycling England	England	2.59	Increases in cycling associated with Cycling Demonstration Towns - mortality benefits only.
Sustrans	Bootle:::	29.3:1	Resurfacing, some new construction, road marking, signing and lighting
Sustrans	Hartlepool	32.5:1	Construction of toucan crossing close to primary and secondary school, with some general

			infrastructure improvements in immediate vicinity.
Sustrans	New Haven	14.9:1	New shared-use path in an existing grassed verge adjacent to, and set back from, the busy A259 was constructed
	average	19:1	

Conclusions

Health benefits are a fully recognised component within CBA calculations within transport planning. As with other areas of public policy decision making about interventions to increase physical activity, decisions are likely to be swayed by the economic case as much as by the general congestion reduction, health or environmental benefits. This is particularly accentuated in times of fiscal restraint. Consequently, an evidenced based approach to decision making, as required by Government, is especially important in informing the economic case.

The volume of literature on CBA/BCR of interventions to promote routine walking and cycling has grown in recent years and reveals that the economic justification for investments to facilitate cycling and walking has been undervalued or not even considered in public policy decision-making. Yet, almost all of the studies report economic benefits which are highly significant, with benefit to cost ratios averaging 11.5:1 (UK and non-UK). In addition, the conservative nature of their calculations implies even greater economic benefits are possible than those reported. Nonetheless, even with conservative calculations it is of note that such high benefit to cost ratios are rare in transport planning.

Consequently, environmental and other interventions to facilitate increased population physical activity through cycling and walking is likely to be a 'best buy' across areas of public policy ie both public health and the NHS at large in terms of cost savings, and for transport planning. Looking for opportunities for the application of CBA/BCR the Local Transport Plan 3 being drafted by all highway authorities for commencement in April 2011 is a clear target. Additionally, the significant values reported of BCRs should have a significant influence to inform regional and national transport policies.

Appendix 1: Non-UK BCR evidence

CBA (and BCR) calculations of traffic safety measures

CBA calculations of various traffic safety measures using European data show that measures for cyclists and pedestrians result in a more than positive ratio than other travel modes.²³

- Measures to restrict speed such as those now in use in increasingly more urban areas reduce the average risk of accidents by more than 50%. The ratio between benefits and costs is 9:1
- Separate cycle paths have a positive effect on safety for both motorized vehicles and cyclists and also benefit traffic flow. The ratio is 9:1
- A measure that gives cyclists right of way at traffic junctions by means of an advanced stopping line over the full width of the road also improves safety for cyclists and other traffic and has an even more positive ratio of 12:1.²⁴

BCRs for three Norwegian cities

A CBA of walking and cycling tracks in three Norwegian cities reported a series of benefits.²⁵ These benefits included improved fitness, reductions in health costs, decreased air and noise pollution and reduced parking costs. A range of other factors were included in the calculations including traffic accidents, travel time, insecurity, school bus transport, and medical and welfare costs (the latter being 60% of the total cost). The CBA/BCR included conservative estimates of some benefit components:

- *Traffic accidents* - assumed that the number of traffic accidents resulting in injury would remain unchanged because of the new walking and cycling tracks.
- *Travel time* – assumed that travel times for pedestrians and cyclists remain unchanged
- *Insecurity* - felt by pedestrians and cyclists moving along a road was included at a cost of 2 Norwegian Kroner (NOK) per kilometre. Assuming an average speed of 10–20 km/h the cost of insecurity was about NOK 20–40 per hour for cyclists.
- *School bus transport* - assumed that 50% of children previously using a bus would not need this if walking and cycle track networks were constructed.
- *Less severe diseases and ailments and less short-term absence* – assumed that short-term absence from work would be reduced by 1 percentage point (from 5% to 4%) and that 50% of new pedestrians and cyclists would see improvements in their health.
- *Severe diseases and ailments and long-term absence/disability* - moderate amounts of daily physical activity reduce risk of premature mortality in general.

Risk reductions were related to just four types of severe diseases or ailments - cancer, high blood pressure, type-2 diabetes and musculoskeletal ailments. Estimated costs due to welfare loss for people suffering from these diseases or ailments were included. The welfare loss is estimated to be 60% of the total costs - the same magnitude as for welfare loss for people injured in traffic accidents used in Norwegian CBAs of other road investments.

External costs of road transport included were:

- CO₂-emissions, local emissions to air,
- Noise
- Congestion
- infrastructure costs
- *Parking costs* – commute trips by car replaced by walking or cycling were assumed to reduce parking costs for businesses in Trondheim, Hamar and Hokksund by NOK 1165, NOK 560 and NOK 3254 per month, respectively.

A summary of the CBA results are presented in Table 5, demonstrating that investment in walking and cycle networks in the three Norwegian cities (best estimates of future pedestrian and bicycle traffic) appear to be highly cost effective.

Table 5 BCR of investments in walking and cycling track networks in Hokksund, Hamar and Trondheim

	Hokksund	Hamer	Trondheim	TOTAL
TOTAL BENEFIT	153.7m NOK (£133.7m)	309.1m NOK (£268.9m)	3023.3m NOK (£2630.2m)	3486.1m NOK (£3032.9m)
TOTAL COSTS	30.2m NOK (£26.27)	20.1m NOK (£17.5m)	767.4m NOK (£667.6m)	817.7m NOK (£711.4m)
Net benefit/cost ratio	4.09	14.34	2.94	

Unit: Norwegian Kroner (NOK 1 = GB £0.87)

Walking and cycling trails in Nebraska, USA

A US study team analysed walking and cycling trails in Nebraska and reported societal benefits.²⁶ COBA data were

- The per capita annual cost of using the trails was US\$209.28 (£120) (including construction, maintenance, equipment and travel).
- Per capita direct medical benefit of using the trails was \$564.41 (£320).
- The cost-benefit ratio was 2.94, meaning that every \$1 invested in trails for physical activity led to \$2.94 in direct medical benefit (£1.67 for every £1 invested).
- As a result, an active person is calculated to have spent \$564 (in 1998 dollars) less on medical care than an inactive person.

The results indicate that building walking and cycling trails is cost beneficial from a public health perspective, assuming the trail can be used for 10 years or more. Equipment and travelling to and from the trails formed the major part of the cost demonstrating the importance of increasing awareness of the health benefits of physical activity.

Danish bicycle promotion

A study of a Danish bicycle promotion scheme, using conservative estimates of health benefits, calculated net benefits of 3.1 billion Euro (£2.108 billion).²⁷ It was assumed that improving infrastructure and continued marketing activities would bring a 50% increase in cycling, associated with a 30% increase in walking across Denmark over 12 years.

Copenhagen, aiming to be World No. 1 Cycling City

Copenhagen has publicly set out to become the top cycling city in the world. The Danish Ministry of Transport's manual for calculating cost-benefit did not include a method for assessing cycle projects. The City of Copenhagen therefore devised a cycling assessment procedure based on the principles set forth in the manual. From a cost-benefit point of view the investments were particularly sound, giving an equivalent or better rate of return than road construction projects such as the widening of the motorway around Roskilde or a new motorway near Silkeborg.²⁸

Cycling figures in hard cash - Denmark

* When a person chooses to cycle this is a clear gain for society of 1.22 Danish Kroner per kilometer cycled.

* Conversely, society suffers a net loss of 0.69 Danish Kroner per kilometre driven by car.

* In cost-benefit terms the health and life expectancy benefits of cycling are seven times greater than the accident costs.

* The cost of a bicycle is 33 øre (0.33 of a Danish Kroner) per cycled kilometre covering purchase price and maintenance. The equivalent cost for a car is 2.20 Danish Kroner per driven kilometre.²⁹

Unit: Danish Kroner (DK 1 = GB £0.12)

World Health Organisation - Health Economic Assessment Tool

In 2007 the World Health Organisation published guidance on the economic appraisal of health effects related to walking and cycling and a tool to calculate the costs and benefits resulting from cycling interventions – Health Economic Assessment Tool.³⁰ This was premised on the fact that in recent years, a few countries have carried out pioneering work in trying to assess the overall costs and benefits of transport infrastructures taking health effects into account, and guidance for carrying out these assessments has been developed. However, important questions remained to be addressed regarding the type and extent of health benefits which can be attained through investments in policies and initiatives which promote more cycling and walking.

Addressing these questions was stated as important in order to:

- a) support Member States in their assessments of the health and environmental impacts of alternative transport policy options;
- b) promote the use of scientifically robust methodologies to carry out these assessments; and
- c) provide a sound basis for advocating investments in sustainable transport options.

Research for New Zealand Government research

More recently the New Zealand Land Authority commissioned a study to value economically the health benefits of active travel modes.³¹ A starting point for the study was the WHO HEAT tool. Elements of several methodologies were integrated and applied by the New Zealand researchers to estimate a value per km that could be easily incorporated into the existing economic evaluation methods. Mortality, morbidity and health-sector costs were all included in the total annual benefits that could be realised by an inactive person becoming physically active. These benefits were weighted and distributed across the average physical activity profile of the population to produce scenarios of an annual benefit per person.

For cycling this meant a per kilometre benefit of between \$(NZ) 1.77 (£0.80) and \$(NZ) 2.51 (£1.10). This is comparable to other calculations of benefit, including that generated using the HEAT tool.

Table 6 Compendium of BCRs for Non-UK walking and cycling infrastructure projects

Study	Study focus/location	Benefit to cost	Comment
PROMISING, 2000 EU Project	Restrict speed in urban areas.	9:1	reduce the average risk of accidents by more than 50%.
PROMISING, 2000 EU Project	Separate cycle paths	9:1	Positive effect on safety for both motorized vehicles and cyclists and also benefit traffic flow
PROMISING, 2000 EU Project	Advanced stop lines for cyclists	12:1	Advanced stopping line over the full width of the road also improves safety for cyclists and other traffic
Norwegian cities 2004 (peer reviewed)	Hokksund	4.09	Cycle network infrastructure
Norwegian cities 2004 (peer reviewed)	Hamer	14.34	Cycle network infrastructure
Norwegian cities 2004 (peer reviewed)	Trondheim	2.94	Cycle network infrastructure
Walking and cycling trails, 2005 (peer reviewed)		2.94	Off-highway cycle pedestrian routes in Nebraska
	Average	7.7:1	

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³⁰ WHO, 2007 *Economic assessment of transport infrastructure and policies: Methodological guidance on the economic appraisal of health effects related to walking and cycling*, Copenhagen: Denmark.
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