

ADVICE ON  
Town and Country Planning affecting  
Riders and Carriage Drivers  
– HOW YOU CAN INFLUENCE THE PROCESS

The  
British  
Horse  
Society



Town and country planning in the UK can have a significant impact on equestrians through effects on bridleways, byways, quiet roads, fields, riding schools, livery yards and events or their venues. Planning decisions can affect you, your horse and the places where you ride or drive.

Decisions on planning applications are made in accordance with local and national planning policies and it is difficult to influence a planning application that complies with policies. To protect and enhance equestrian access and safety, it is vital that you are aware of and involved in the planning process, from Local Plan through to individual decisions.

A little understanding and knowing where to go for help will do a great deal to ensure you can influence decisions; it is simpler than you may think and is well worthwhile to improve off-road access and to maintain safe routes to off-road access.

## What might happen if you ignore the planning process?

Most people are aware of the obvious impact of planning applications for new buildings, from a house extension to a new industrial estate which may close or divert bridleways, but other effects are less obvious and may not be evident until too late if the development has taken place. Examples of planning applications which can have a negative impact are:

- Activities adjacent to a bridleway or byway may reduce safe access, for example, quad-bike racing, paintballing, sphering, model aircraft flying, mineral extraction, waste disposal and energy production.
- A 'change of use', such as from field to garden, can alter the nature of a bridleway by new landscaping; a solar farm may reduce an unrestricted cross-field path to a fenced corridor; new buildings or fencing alongside a route may make it too narrow to pass others safely.
- Surfacing a track to a barn conversion may change it from a pleasant natural surface to slippery tarmac.
- Consent for sites some distance away may increase road traffic, making quiet lanes unsafe or road crossings impractical or introducing many more heavy goods vehicles.

Although changes in surface or width of bridleways are protected by highway law, it is not uncommon for planning consent to have been given without due consideration of the right of way, or for development to have taken place without first making provision for the right of way. Planning

officers are rarely able to be on site frequently enough to monitor accordance with the consent. Once the work has been done, it can be very difficult, if not impossible, to reverse it.

## What might happen if you get involved?

The British Horse Society strongly encourages all riders and carriage-drivers to be aware of the planning process and to become involved in protecting their interests, and those of future equestrians. Early involvement can produce positive outcomes, for example:

- Undesirable diversions or loss of access can be prevented.
- A new route may be provided as part of public gain as a condition of permission for a development.
- A new surface, undesirable for equestrians, may be proposed for the whole width of a path, but a horse-friendly strip can be incorporated on part of the width or between wheel lines.
- A recorded width may be impractically narrow if bounded by fences or buildings but a safer width can be incorporated in the planning consent.
- A path you have used may not be recorded and therefore will not automatically alert planning officers but provision can be made for it in the development. Knowledge that a route is in demand for equestrians may enable it to become a bridleway rather than a cycle track.

## Case Study

An industrial development was planned in B\*\*\*borough on land crossed by a bridleway which was a vital link for riders at two large livery yards to access a common, bridleways and quiet lanes.

The developer initially ignored the existence of the bridleway then proposed a diversion onto the estate road with temporary closure of the bridleway until completion of the development – potentially years.

Fortunately, the local plan identified the existence of horses and equestrian establishments within the area and their importance to health and well-being and the local economy. Success of several businesses was demonstrated as dependent on good access to bridleways.

By referral to the local plan by objectors, the bridleway was diverted prior

to development to a route on the site edge which was landscaped and suitably surfaced with a good separation distance from the built environment. Most felt it was an improvement, especially as a signal controlled road crossing in the vicinity was provided as part of an agreement with the developer and an extension to a cycle track, plus upgrade to bridleway as an additional route.

Without the appropriate inclusion in the local plan, the bridleway would have been lost for five years during development and then become another length of roadwork in an industrial estate with many heavy goods vehicle movements.

## Case Study

Dr Janice Bridger, BHS Regional Access and Bridleways Officer South said:

“West Berkshire Council put a decent section on equestrian travel in its LTP [Local Transport Plan] Active Travel Plan. I made quite a few suggestions, some of which are included. They accepted the need for inclusion of horse travel without any argument but I suspect this was because the equestrian/horse industry has a section in the local development Core Strategy.”

## How to get involved

Influencing development in your area occurs on two levels – first the Local Plan which comprises policy and strategy, and secondly, planning applications. (See The Planning Process for an explanation of how the system works.)

You can oppose or support individual planning applications, but your action will be much more effective if it is reflected in the Local Plan.

In Scotland, Access Strategies and Core Path Plans have a major role and are of great importance in the effect of development on access.

## Local Plans and Policies

- 1 Find out if your local plans have been produced or whether they are still being formulated. If they are being formulated and consultation is taking place, you will be able to make a case for including equestrian issues quoting the importance and size of the horse

industry in the area and the need to preserve and extend the equestrian public rights of way network (appendix 1).

- 2 If the Local Plan (or its component Development Framework documents) for your area has already been published, check it for any potential impact on equestrian interests. If there are any negative or positive elements, contact the authority and point them out. It is always beneficial to show support of good policies – planning officers need to know when they have it right.
- 3 It may be too late to change any negative elements, but it is highly beneficial to bring them to the attention of the planning officers with explanation of why they are negative and suggestions for improvement. Also, you can raise them to be addressed at any future review.
- 4 Ask to become a consultee for future changes to policies. This may be possible as an individual or you may be more successful by joining an established local group, or creating your own (see BHS Advice on Creating a Bridleways Group), or by working with your local BHS Access and Bridleways Officer.
- 5 If you have a good Local Plan, do not assume that it will remain so through future revisions. Planning officers and decision-makers change, as do concepts, needs, fashions and political will. Stay involved, keep checking and continue to let your planning office know what it is doing well.

The RTPi (Royal Town Planning Institute) Handy Guide to Planning (available on [www.rtpi.org.uk](http://www.rtpi.org.uk)) is an excellent guide to the Local Plan process and how to become involved. It includes simple flow diagrams of the local plan process and how to respond to planning applications.

## Planning Applications

Planning authorities are required to keep a register of applications which is easily accessible. This is likely to be available on an authority's website as well as at its offices. If you wish to see an application in more detail than is available online, it is advisable to call the office to check opening hours and availability of documents. If you wish to have copies, you may be charged for copying, but no more. The parish council may also have received copies and you may be able to arrange to see them locally by contacting the parish clerk if that is more convenient. You can find the contact details online, on the parish noticeboard and from the planning authority.

You can ask to be informed about applications in your area, but this may be a long list each week, many of which will be irrelevant. Parish clerks often receive all applications: it can be of great benefit to build awareness of equestrian interests with parish clerks and ask them to inform you of any application that could affect equestrians. You could work with your local BHS Access and Bridleways Officer<sup>1</sup>. Assisting a BHS volunteer by monitoring planning applications and raising awareness of equestrian interests would be of great value.

## Responding to a planning application

- 1 Respond within the allocated time (21 days from the date a site notice is put up or notice is served on neighbours, or 14 days from when an advert appears in a local newspaper).
- 2 Begin by stating clearly that "I object to ..." or "I support ...". These words are important. Refer to the planning application reference number. It can be as important to support a beneficial application as it is to object to a detrimental one.
- 3 Focus a response on material planning considerations, which are:
  - The size and location of the development
  - Its relationship with the immediate surroundings
  - How it will function
  - How its size, location, relationship and function may affect the local environment or community and particularly equestrian issues

Keep your response to these considerations; they have far greater relevance than subjective statements such as 'it will spoil the view' or 'it will devalue my property'.

Examples of material considerations would be that the development would increase traffic, affect a public right of way, change the character of a conservation area, reduce open space or act against the policies of the Local Plan.
- 4 Work out how the Local Plan supports the equestrian case and refer

---

<sup>2</sup> New volunteers for the BHS are always welcome. It is impossible for an Access and Bridleways Officer to cover a whole county, or even one district council or unitary authority. BHS volunteers who cover a few local parishes are very useful. Training and support are provided and the work may take as little or as much time as you can give. Some tasks may need wide knowledge and experience, but many can be done by anyone with enthusiasm and interest.

to it specifically, giving the paragraph number or similar exact point of reference in the document.

- 5 Comments, suggestions or objections raised at public consultations are not usually officially noted so you should always submit a formal written objection or intention of support. (This may be by email.)
- 6 An individual letter carries far more weight than a signature on a petition. Petitions have some value but ensure you respond as an individual as well. There is an informal rule of thumb that one formal response represents one thousand people and this will be taken into account by the planning authority.
- 7 Encourage local equestrians to respond by making similar points. Numbers of letters making similar points is important.  
  
Contacting local equestrians can be difficult as many do not live where they keep their horses. Contact any local equestrian centres and livery yards and the local BHS Access and Bridleways Officer (details from The British Horse Society).
- 8 Contact your local councillor and members of the Planning Committee to make them aware of your concerns.

## The Planning System

The planning system in the UK changed in 2011 and 2012 with the abolition in England of Regional Spatial Strategies and the introduction of the National Planning Policy Framework (NPPF). The changes are intended to strengthen the role of the public in the planning system, offering additional opportunities to comment on proposed development.

England, Scotland, Wales and Northern Ireland have slight differences in their planning procedures, but each operates to the same principles and is generally based upon the Town and Country Planning Act of 1990 with planning powers devolved to the relevant administrative bodies (Scottish Parliament, Welsh and Northern Irish Assemblies).

## Planning Policy

Planning policy is set at both national and local level. It may be known as local planning, development planning or spatial planning because it is about planning development of the location or space.

In England, the National Planning Policy Framework replaces the various circulars, policy statements and guidance which previously shaped

planning decisions and produces Local Plans.

**Local Plans** are prepared by the relevant local planning authority (district, borough, city and unitary councils, and national park authorities) and are intended to shape development in an area by applying the national framework locally.

Terminology varies and can be confusing, but a search for planning policy on your local council's website or in the local library will provide its particular framework of documents and their process of preparation.

Terms you may find are: Development Plan, Structure Plan, Regional Plan, Core Strategy, Spatial Strategy, Sustainable Communities Plan.

Making a Local Plan can involve more than one document, often several, which together may be called Local Development Documents or Local Development Frameworks (LDFs). The completed Local Plan may comprise several plans for different elements, perhaps a Master Plan and Area Action Plans, and supplementary plans for the identification of development sites, affordable housing, green space and other topics.

Local Plans will be reviewed periodically and it is recommended that you register an interest with your local authority to receive automatic notification of revision of a Local Plan.

**Local Transport Plans** are not part of the National Planning Policy Framework but are intended to advise planning authorities on highway and transport matters. They have a separate process from the Local Plan, under Department for Transport, but they have an important influence on equestrian access, so it is advisable to be aware of and involved in their process too, and in how it affects the Local Plan.

**Neighbourhood Plans** take spatial planning to a more local level, rather than district or whole town. They were introduced by the Localism Act 2011 and are intended to allow small communities to have greater influence over very local development. They must be in line with the Local Plan. They can offer an opportunity for equestrian involvement and may be of particular benefit in areas where there could be a lot of change, such as urban fringe where agricultural land is being developed and access lost.

In Wales, the Welsh Government is responsible for the production of Planning Policy Wales, Minerals Planning Policy Wales and Technical Advice Notes, which are translated into local policy through Local Development Plans, prepared by the 22 unitary authorities (county and county borough councils). These are broadly the same as in England, with a requirement for public consultation throughout the production and adoption process.

In Scotland, Development Plans are prepared by the 32 unitary authorities along with National Park Authorities, and again consist of policies and plans which guide the decision making on planning applications. The city regions in Scotland also have strategic development plans setting out the long term development aims of the region.

In Northern Ireland, the situation is different, with the NI Department of the Environment (Planning NI) being responsible for planning, including the production of development plans, as well as the determination of planning applications in consultation with local councils.

Decisions on individual planning applications are made based on planning policies.

## Planning applications

Proposals for development are generally the subject of planning applications to the relevant authority, which in most cases will be the local council. In Northern Ireland, applications are submitted to and determined by the Department of the Environment. Some major forms of development, such as motorways or new railways, are deemed Nationally Significant Infrastructure Projects (see below) and are currently decided by Government appointed bodies.

If a council refuses or fails to decide on an application, it may be the subject of an appeal to the Secretary of State through the Planning Inspectorate, Planning Inspectorate Wales, or to the Scottish Ministers or the Planning Appeals Commission in Northern Ireland.

Recent changes to legislation<sup>2</sup> require more stringent pre-application consultation for many types of development, with developers being required to engage with the community about proposed developments. This often gives you the opportunity to have an early indication of what is intended, as well as scope to influence the final proposals.

Following consultation, applications will normally be determined by the relevant authority within eight to sixteen weeks depending upon the scale and complexity. Many authorities delegate decisions to officers, although many applications are still decided by committees of elected members. The agenda for these meetings are normally available up to five working days before the meeting, with many authorities now allowing public speaking at meetings on a pre-arranged basis.

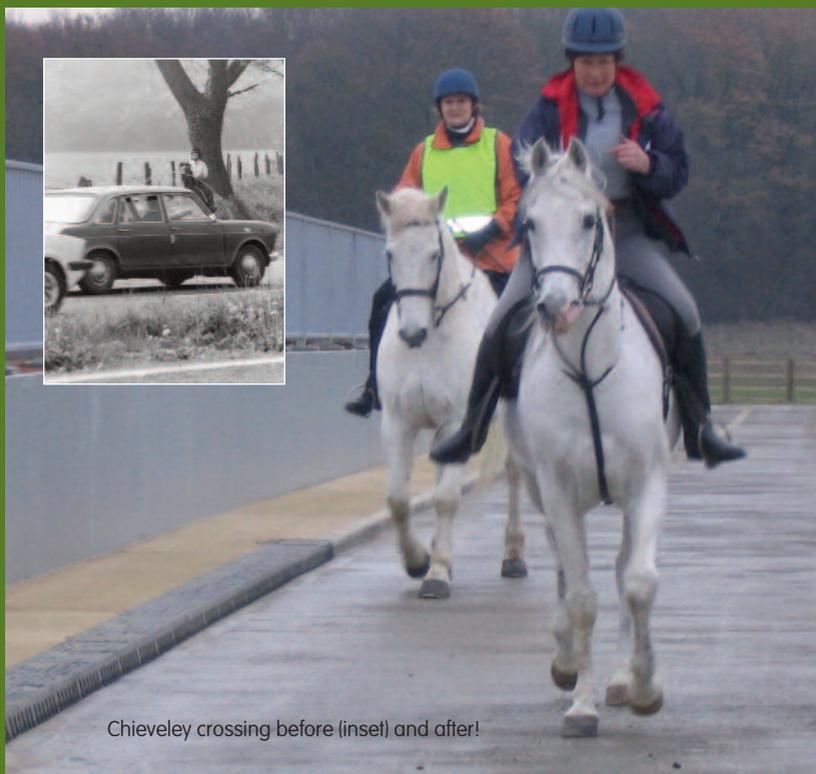
---

<sup>2</sup> Planning Policy Statement 1 and Circular 01/06

When an application is refused, this may be the subject of an appeal to the Secretary of State. If you have previously commented on an application, then you will be informed of the appeal and given an opportunity to submit representations to the Inspector or Reporter as appropriate (depending on the country). Appeals will be decided either by the Inspector making a site inspection and issuing a decision letter or through a Public Local Inquiry or Informal Hearing depending upon the scale and level of interest.

## Nationally Significant Infrastructure Projects

These are applications for development which is considered to have a greater than local area impact for the provision of infrastructure projects. Typically these can include, amongst other things, proposals for power plants, major road schemes, large scale renewable energy schemes and airport extensions.



Chieveley crossing before (inset) and after!

In England and Wales, decisions are made by the relevant Secretary of State.

In Scotland, proposals for development generating more than 50MW of electricity from wind farms or non-hydro power plants, together with overhead electricity lines and larger gas and oil pipelines are decided by the Scottish Ministers.

In Northern Ireland, schemes for wind farms which will be connected to the National Grid will be decided by the Renewable Energy team of the Planning Service.

## Minerals and Waste Planning

Sites for mineral extraction and waste processing may affect bridleways and byways. In non-unitary authorities in England, minerals and waste planning is the responsibility of County Councils. Applications may be called in by the Secretary of State for review if national interests could be compromised.

## Resources for more information

### England

[www.rtpi.org.uk/planning-aid](http://www.rtpi.org.uk/planning-aid) has useful resources that explain the planning process, including the RTPI Handy Guide to Planning which contains simple flow diagrams of the local plan process and planning applications.

CPRE (Campaign for the Protection of Rural England) has excellent advice on the planning process and responding to applications. See CPRE and NALC, 'How to respond to planning applications: an 8-step guide,' October 2011; CPRE and NALC, 'Planning Explained,' December 2011; CPRE and NALC, 'How to shape where you live: a guide to neighbourhood planning,' January 2012. These documents will probably be revised shortly to take account of the implementation of the new National Planning Policy Framework.

[www.gov.uk/government/topics/planning-and-building](http://www.gov.uk/government/topics/planning-and-building)

[www.planningportal.gov.uk](http://www.planningportal.gov.uk) has links to the relevant local authorities Planning Portal – Identify an LPA

A plain English guide to the Localism Bill is available at [www.communities.gov.uk/publications](http://www.communities.gov.uk/publications)

### Wales

[www.planningaidwales.org.uk](http://www.planningaidwales.org.uk)

[wales.gov.uk/topics/planning](http://wales.gov.uk/topics/planning)

[www.planningportal.gov.uk](http://www.planningportal.gov.uk) has links to the relevant local authorities  
Planning Portal – Identify an LPA

### **Scotland**

[www.planningaidscotland.org.uk](http://www.planningaidscotland.org.uk)

[www.scotland.gov.uk/Topics/Built-Environment/planning](http://www.scotland.gov.uk/Topics/Built-Environment/planning)

### **Northern Ireland**

[www.communityplaces.info](http://www.communityplaces.info)

[www.planningni.gov.uk](http://www.planningni.gov.uk)

If this advice note is a printed copy, please check for the latest version on [www.bhs.org.uk/access-and-bridleways](http://www.bhs.org.uk/access-and-bridleways).

01/2013

For more information on The British Horse Society's rights of way work contact:

Access and Rights of Way Department,  
The British Horse Society, Abbey Park, Sareton, Kenilworth,  
Warwickshire CV8 2XZ  
Telephone: 02476 840581 Email: [access@bhs.org.uk](mailto:access@bhs.org.uk)

This advice note applies to England and Wales.  
For information on Scotland, contact:  
Helene Mauchlen, BHS National Manager for Scotland,  
Woodburn, Crieff, Perthshire PH7 3RG  
Telephone: 02476 840727 Email: [helene.mauchlen@bhs.org.uk](mailto:helene.mauchlen@bhs.org.uk)

For information on Northern Ireland please contact:  
Susan Spratt, BHS National Manager for Ireland, Hawks Hill Cottage,  
26 Portaferry Road, Greyabbey, Newtownards, Co. Down BT22 2RU  
Telephone: 02476 840736 or 07808 141079 Email: [susan.spratt@bhs.org.uk](mailto:susan.spratt@bhs.org.uk)

The logo for The British Horse Society, featuring the text "The British Horse Society" in a red, serif font, arranged in four lines: "The", "British", "Horse", and "Society".

The  
British  
Horse  
Society