

# Advice on Including use with horses in plans for development

**The law and management of public access rights vary widely between the four countries of the United Kingdom. Practical elements of the following advice apply in all countries but the legal requirements in Scotland and Northern Ireland may differ from those in England and Wales.**

More advice is available on [bhs.org.uk/accessadvice](https://bhs.org.uk/accessadvice).

**IMPORTANT** This guidance is general and does not aim to cover every variation in circumstances. Where it is being relied upon, The Society recommends seeking advice specific to the site.

Town and country planning in the UK can have a significant impact on equestrians (riders and carriage-drivers) 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 more difficult to influence a planning application that complies with policies. Therefore, to protect and enhance equestrian access and safety, it is vital that equestrians are included in local planning policies which will affect them. These may include, among others:

- Local Plans
- Local Transport Plans
- Neighbourhood Plans
- Planning Policies
- Cycling and Walking Investment Plans
- Active Travel Plans

Inclusion of equestrians in policy and strategies will make it much easier to influence decisions on individual applications.

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 and byways (public rights of way) are protected by highway law, it is not uncommon for planning consent to have been given without due consideration of the public 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, could be changed to one which is desirable, or at least 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.
- A route that is in demand for equestrians may enable it to become a bridleway or restricted byway rather than a cycle track (with no equestrian access).

## 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 and associated documents 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 written and consultation is taking place, you will be able to make a case for including equestrians, 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 provision (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 an Equestrian Access 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 [rtpi.org.uk](http://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 receive all applications in the parish: 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 (a volunteer) by monitoring planning applications and raising awareness of equestrian interests.

## 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. 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. Begin by stating clearly that "I object to ..." or "I support ...". These words are important.
4. 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', which are largely irrelevant

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.

5. Work out how the Local Plan supports the equestrian case and refer to it specifically, giving the paragraph number or similar exact point of reference in the document.
6. 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.)
7. 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. Alternatively, a common approach is a templated letter, replicated, signed and submitted by many, which, so long as it raises genuine and legitimate planning issues should carry appropriate weight.

8. Encourage local equestrians to respond by making similar points. Numbers of letters making similar points is important.
9. Contacting local equestrians can be difficult as many do not live where they keep their horses.
10. Contact any local equestrian centres and livery yards and the local BHS Access and Bridleways Officer (details from The British Horse Society).

### **Last, but by no means least:**

11. Contact your local councillor and members of the Planning Committee to make them aware of your concerns. This can be far more important than it seems, it shows local values and concerns, which councillors are there to serve.

## **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 were 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 (NPPF) replaces the various circulars, policy statements and guidance which previously shaped planning decisions and produces Local Plans.

Paragraph 100 of the NPPF states:

*100. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

NPPF National Guidance Paragraph: 004 Reference ID: 37-004-20140306 states:

*Public rights of way form an important component of sustainable transport links and should be protected or enhanced.*

## 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

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.

Note: Equestrians are generally ignored in transport planning because of the entrenched view that they are engaging only in leisure activity rather than commercial or commuter travel. This completely ignores equestrians undertaking their work on or driving a horse and that a high proportion of journeys on foot, cycle or motor vehicle are for recreational purposes yet are catered for as 'transport'.

## Neighbourhood Plans

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.

*A Neighbourhood Plan forms part of the development plan and sits alongside the local plan. Decisions on planning applications will be made using both the local plan and the neighbourhood plan, and any other material considerations. (00from National Guidance)*

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 or where equestrian access is very important locally.

Neighbourhood Plans are created by a community, not by the local authority and any person or group, such as an Equestrian Access Group, can begin the process.

## Wales

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.

## Scotland

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.

## Northern Ireland

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.

## Planning applications

Decisions on individual planning applications are made based on planning policies, which is equestrian involvement in the policies is vital for inclusion in individual site plans.

Proposals for development are generally the subject of planning applications to the local planning authority, such as the district or borough council. 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.

Pre-application consultation is required 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. Authorities usually delegate some decisions to officers, but 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.

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.

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

## Minerals and Waste Planning

Sites for mineral extraction and waste processing may affect bridleways and byways or other equestrian access. In non-unitary authorities in England, minerals and waste planning is the responsibility of county councils rather than district councils (where the council is not a unitary authority). Applications may be called in by the Secretary of State for review if national interests could be compromised.

## Zoo Licences

A zoo licence is required to display non-domestic animals to the public for more than seven days a year, in any place that is not a circus or pet shop. They do not come under planning but are mentioned here because it is often assumed that they do and that the same controls apply, but they do not!

Farm diversification is leading to a rise in applications for zoo licences for captive wildlife for photographic opportunities or miniature zoos, perhaps part of a farm shop or other on-farm development. A recent case had a bridleway obstructed seven times by exotic animals pens and any alternative route was commonly impassable because of the density of visitors to the zoo or their parked vehicles, as well as horses being affected by the presence of unusual animals.

The process for issuing a zoo licence is by the district council but none of the conditions for a licence being granted consider the effect of the zoo on a public right of way. The applicant must consider:

- the health and safety of local people
- local law and order

Both these conditions could be said to fail if the zoo is close to a public right of way, particularly a bridleway or byway.

A licence is issued to the applicant at their address, with no land parcel or holding number, accompanying map or other way of it being assigned to a particular piece of land. The applicant must publish notice of the application in at least one local and one national newspaper and display the notice at the planned zoo site, but these measures are commonly missed by local people. A licence lasts for four years and can be renewed; it then lasts for six years.

## 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)

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