

## **Local Access Forum 14<sup>th</sup> February 2012**

### **Briefing Document** **LAF Role with regard to Planning Applications**

#### **Purpose of Report**

1. To present the Forum with information regarding their role with respect to commenting on Planning Applications and Gating Orders.

#### **Background**

2. Under section 94 of the Countryside and Rights of Way (CROW) Act 2000, it is consistent with one of the Forum's statutory functions to offer advice to the Local Authority with respect of planning applications which affect access or rights of way.
3. In addition the Forum is a statutory consultee for Gating Orders.
4. However it should be made clear that within Planning Legislation (Town and Country Planning (General Procedure) Order 1995) the LAF is NOT a statutory consultee, with regard to Planning Applications. As such they will not normally be directly contacted by the Council and asked to comment on individual Planning Applications.

#### **Identification of Planning Applications**

5. Notification of planning applications can be found through notices posted directly on the sites concerned, or through local newspapers. A weekly list of all applications registered and determined can be accessed via the web pages and the following link: -

<http://www2.dudley.gov.uk/swiftlg/apas/run/Wchweeklylist.displayPlanningLists>

6. An individual or Member of the Forum could inspect and comment on an Application using the Council's web site Planning Portal:

<http://www2.dudley.gov.uk/swiftlg/apas/run/Wphappcriteria.display>

and in order to determine if an application was going to affect statutory Public Rights of Way (PROW), an individual or member of the Forum would need to consult the Urban and Rural Paths map;

<http://gismo.dudley.gov.uk/public/accessroutes/default.asp>

#### **Identification of Planning Applications by Officers**

7. In his Role as Project Engineer (Development), David Jacobs is consulted directly, or maintains a watching brief, on applications and their impact on PROWs. As such he would be in a position to report back to the Forum on any

significant matters.

- 8 With regard to applications which would affect wider public open spaces or areas on nature conservation value, then the Greenspaces Team Leader and or the Countryside Manager, would be consulted and therefore in a position to report to the Forum on such matters.

### **Statutory Deadlines or Path Orders**

9. There is a statutory 8 week deadline (13 weeks for larger applications) during which the Council must make a decision on an individual application. This means that a significant number of applications could fall outside the cycle of LAF meetings. The forum may wish to consider the establishment of a working group composed of a few members which could be convened in between the main meetings as required, to comment on individual applications.
10. Although a Planning Application directly affecting the line of a public right of way may be approved by the Council, that grant of permission does not entitle a developer to obstruct a public right of way until an appropriate Stopping up or Diversion Order has been confirmed. This involves public advertisements for representations and formal consultation with statutory consultees to an Order. One of the Order consultees is the Ramblers Association who are invariably consulted by officers prior to recommendations to the Council Development Control Committee should an application be thought controversial. If an application fell outside the Forum's remit but gave the Ramblers Association concern, the RA is likely to invite the Forum for comment. Unresolved objections to an Order could ultimately lead to a Public Inquiry. Thus, it might be advisable for the Forum to establish good links with the RA in order to ensure effective communication with regard to such applications.

### **Priorities**

11. There are a considerable number of applications which are of a very local urban nature which the Group may feel fall outside of their remit. The Forum may wish to set some priorities or limits to the scope of the planning applications which it reviews. The Forum can also expect to receive additional requests for comments on National Consultations which take place through the new "Huddle" system being introduced by Natural England. This may from time to time dictate priorities and workload

### **Matters for discussion**

12. The Forum needs to consider:

If it would be adequately informed of significant Planning Applications affecting access and rights of way, by either the Project Engineer, The Countryside Manager or the Greenspaces Team Leader and therefore would not need to task individual members to monitor the planning portal

If it wishes to set up a working group of members to be available to consider and comment on such applications as are identified by the above officers, in between the planned Forum Meetings

If it wishes to establish better links with local representatives of the Ramblers

Association in order to ensure their consultation with the Forum on access issues.

What the appropriate scope would be for the planning applications it considers and comments upon.

### **Finance**

13. The local authority meets reasonable expenses incurred by the forum or its members, in connection with their attendance at meetings and any other relevant activities. This includes covering travel and subsistence costs and any expenses of arranging care for their children/dependents. This expenditure is met from existing resources held within the DUE revenue budgets.

### **Law**

14. Section 94 of the Countryside and Rights of Way Act 2000 places a duty on the Council to establish for the area, or for each part of it, an advisory body to be known as a local access forum.
15. The Local Access Forums (England) Regulations of 2007 contains the statutory requirements for establishing and maintaining a local access forum
16. Defra Guidance on Local Access Forums in England published 2007 provides advice on how the Secretary of State expects forums to contribute better informed public access to land, open air recreation and use of the public rights of way network.
17. Section 111 of the Local Government Act 1972, authorises the Council to do anything which is calculated to facilitate, or is conducive to, or incidental to the discharge of its functions

### **Equality Impact**

18. Membership of the Dudley Borough Local Access Forum is open to all members of the community and the primary objective of the Forum is to improve and promote access to the countryside for all members of the public which includes children and young people.
19. The Directorate of the Urban Environment promotes walking and physical activity through a range of organised programmes, in order to improve health and reduce childhood obesity.

### **Recommendation**

20. That the Forum should consider the contents of the report and discuss the issues listed under paragraph 12 above and make appropriate recommendations.

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