



Active
Travel
England

Development Management Procedural Note for Local Planning Authorities



October
2023



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Aim and scope of this document

1. The aim of this procedural guidance note is to provide Local Planning Authorities (LPAs) with clear guidance on how Active Travel England (ATE) will approach planning casework.
2. It is designed to provide context to our remit and support the formal comments that the ATE team may make as a part of the statutory consultee process.
3. This procedural note can be read in conjunction with the [ATE Planning Application Assessment Toolkit and Toolkit User Guide](#). While the Toolkit is not in itself the determinant of a planning application, its purpose is to allow the user to assemble the evidence and assess the development proposal.
4. This note can also be read in conjunction with the Standing advice note: active travel and sustainable development, and for LPAs within London the Standing advice note: active travel and sustainable development for planning applications in London.
5. ATE published this procedural note in May 2023, in advance of the formal commencement of ATE's role as a statutory consultee within the development management process on 01 June 2023.
6. ATE will keep its statutory consultee role and approach under review to ensure that ATE is able to add value to the planning system.

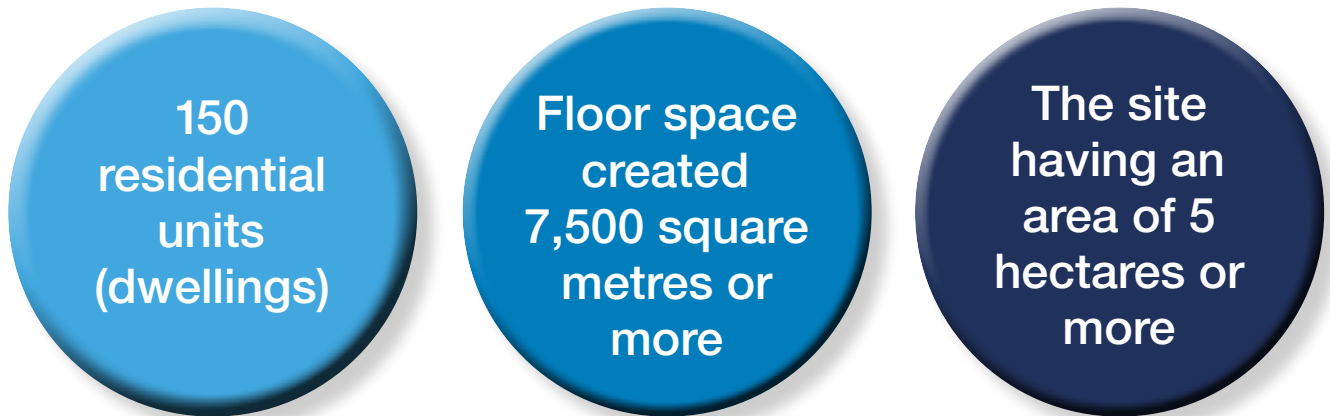
Active Travel England – our role and remit

7. ATE is responsible for making walking, wheeling and cycling, the preferred choice for everyone to get around. Our objective is for 50% of trips in England's towns and cities to be walked, wheeled or cycled by 2030. ATE is an executive agency sponsored by the Department for Transport (DfT).
8. ATE operates on a national basis across England; it does not have responsibility for Wales, Scotland or Northern Ireland.
9. In representing the interests of DfT, ATE will seek to ensure that new development properly considers active travel, and that any new development has high quality, safe and inclusive active travel provision embedded from the outset.
10. The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2023 (DMPO) identifies ATE as a statutory consultee for planning applications with effect from 01 June 2023.

11. This means that an LPA is obliged, from 01 June 2023, to consult and to consider comments made by ATE as set out in articles 18 and 19 of the Town and Country Planning (Development Management Procedure) (England) Order (2015). LPAs should also consult ATE where it is appropriate to do so on applications to vary or remove planning conditions, discharge planning conditions and approve reserved matters.

When should ATE be consulted?

12. As identified in the DMPO, ATE must, without exception be consulted on all planning applications that meet or exceed any of the following thresholds:



13. ATE will ensure all consultations are responded to in a timely manner and within the statutory consultation period. However, to ensure that ATE can adequately manage its resource and add value to the planning system, ATE will adopt a prioritisation and triaging process to identify the planning applications where a bespoke assessment would be most impactful.
14. Our prioritisation and triaging process is a desktop review of key considerations such as: the type of application, the size of the application, the location and the likely impacts on active travel infrastructure – including the delivery of schemes identified in Local Cycling and Walking Investment Plans (LCWIPs) and Rights of Way Improvement Plans (RoWIPs). Please note that this list is not exhaustive, and there are several other factors related to the local context which will be a part of any desktop review.
15. After the desktop review has taken place, a decision will be made on whether to undertake a bespoke assessment, or whether another form of intervention, like referral to existing ATE products like the Toolkit and Toolkit User Guide or a supportive letter, would be more appropriate.

Pre-application consultations

16. Articles 18 and 19 of the Town and Country Planning (Development Management Procedure) (England) Order (2015) sets out the legal requirements on LPAs to consult with us. However, we recognise the value of early engagement through a pre-application assessment process.

17. By consulting with us at the earliest possible stage in scheme development we can better assist LPAs and developers to embed active travel principles from the outset and ensure transport assessments take appropriate account of active travel and modal shift as well as the information we need to make a full appraisal of the merits of the scheme.
18. ATE will be designing a pre-application consultation service to be made available to LPAs and other public and private sector stakeholders. ATE will review this offer on a regular basis to ensure that it continues to add value and is of benefit to public sector stakeholders. ATE anticipates that it will be able to offer this service in early 2024.

ATE and the approach we take to Development Management

19. All Development Management planning application consultation emails should be sent to Planning-Consultations@activertravelengland.gov.uk. The planning consultations inbox will be monitored during normal working hours to ensure any requests are dealt with in a timely manner.
20. You should note that Development Management planning application consultations will only be accepted via the consultations inbox referenced in paragraph 19. ATE will not accept Development Management consultations submitted to any other email address associated with ATE, including those for individuals.
21. All other planning related enquiries that do not relate to a specific planning application consultation should be sent to Planning-Advice@activertravelengland.gov.uk.
22. You are responsible for ensuring that you direct your consultation or query to the appropriate ATE inbox to ensure that it is dealt with suitably.
23. ATE is also only able to accept Development Management planning application consultations via email, and not via post or any other format.
24. ATE will respond to Development Management consultations in accordance with the timescales set out below:

Types of Consultation	Timescales for responding
Planning Application consultations from LPAs	For full, outline and hybrid applications, the statutory period applicable to the development (from date of request) in accordance with articles 18 and 19 of the 2015 DMPO, or 21 days for other applications.
Planning Application resubmission	21 days or as otherwise agreed with the LPA.

25. Please note that while ATE will always seek to deal with Development Management consultation requests as quickly as possible, the LPA is required to allow ATE the full statutory period to respond (as set out in paragraph 24).

26. In exceptional circumstances, where ATE may seek an extension to the above timescales, we will communicate this to the LPA in good time with the reason for the extension made clear.
27. ATE can only commence its statutory consultee role once it is in receipt of the sufficient information to be able to provide a 'substantive response' (as defined in article 22(4) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).
28. If there is an issue with the information provided then ATE will contact the LPA at the earliest opportunity, request the required additional information and then confirm once in receipt of that additional information so the statutory consultation period can commence.
29. ATE has a duty to respond to the LPA. Therefore, for statutory purposes ATE will communicate directly with the LPA Case Officer. Communication with the applicant or their agents on applications will not be instigated by ATE.
30. However, it is recognised that there may on occasion be reason for direct communication between applicants, their agents and ATE. On these occasions when direct communication is necessary, this will always be done by notifying the LPA, and with the knowledge and involvement of the LPA Case Officer. It is important that any additional information which an applicant may wish to submit to address comments ATE has made should always be sent directly to the LPA and not ATE.
31. In the instance that ATE needs to contact a Highway Authority in relation to a development management consultation, it will do so via the LPA Case Officer.
32. Should a Highways Authority need to contact ATE in relation to a development management consultation, it should do so via the relevant LPA Case Officer.
33. Should a Highway Authority need to contact ATE regarding an issue not in relation to a specific development management consultation then they should do so via the ATE Regional Team, either through the ATE Regional Manager, or using the following email address, making sure to include details on their issue and local authority name:
Contact@activetravelengland.gov.uk.

ATE's Planning Application Assessment Toolkit

34. Any Development Management consultation prioritised for a detailed response will be assessed using the [ATE Planning Application Assessment Toolkit](#).
35. The purpose of the toolkit is to ensure that development proposals embed high quality, safe and inclusive active travel infrastructure for all users and in all proposed elements of design. As with the other aspects of ATE's development management approach the toolkit will be kept under review and updated where appropriate.

36. We currently consider that there are six possible outcomes from a development management consultation with ATE:
- a. **No Comment:** ATE has not undertaken an assessment of this application. For example, when a consultation request has been received that does not meet or exceed the application thresholds in paragraph 12.
 - b. **Standing Advice or referral to existing ATE advice:** ATE, after reviewing the application and the impacts of the development, has decided that referral to existing ATE advice products is warranted.
 - c. **No Objection:** ATE has undertaken a bespoke toolkit assessment of the application and is content with the submission.
 - d. **Conditional approval:** ATE has undertaken a bespoke toolkit assessment of the application, and recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in our detailed response.
 - e. **Deferral:** Following an assessment against policy and guidance, when necessary and proportionate, ATE may make a request for further information via the relevant LPA. Any requests for further information will be communicated clearly alongside the reasons for the request and any other relevant information.
 - f. **Refusal:** ATE has undertaken a bespoke toolkit assessment of the application and recommends that the application be refused for the reasons set out in our detailed response.
37. In line with article 22(3)(b) of the Town and Country Planning (Development Management Procedure) (England) Order (2015), it is the responsibility of the LPA, at the earliest possible opportunity, to communicate to ATE any relevant additional information or evidence provided in the course of the statutory consultation. For example, additional information provided by the applicant in response to an information request from another statutory consultee or the Highways Authority. ATE can only accept additional evidence from the LPA directly. ATE will confirm in writing to the LPA as to whether additional time is needed to assess any additional evidence.
38. We ask that all requests for further information from ATE in relation to our assessment of an application are communicated via the relevant LPA. This includes further information requests from Highway Authorities.
39. Should a Highways Authority need to contact ATE on any other issue then they should contact their ATE Regional Manager, in line with paragraph 33 above.
40. With regards to the discharge of planning conditions recommended by ATE in line with the outcome detailed at paragraph 36(d), ATE recognises the need to be involved at the post permission stage. ATE will make clear in its recommendations of planning conditions if it wishes to be consulted on the condition discharge. Additional guidance on the recommendation of conditions and ATE's role in their discharge will be made available in due course.

