

ENTRUST consultation results: Object D (Closed 31st August 2004)

THIS IS A DRAFT DOCUMENT CONTAINING RESPONSES FROM 41 PARTIES. A FURTHER 31 HAVE ALSO RESPONDED TO THIS CONSULTATION, BUT ARE NOT INCLUDED HERE FOR REASONS OF GENERALISED COMMENTS, SPELLING OR GRAMMAR CHANGE SUGGESTIONS ETC.

ENTRUST invited interested parties to comment on the proposed revised wording within the EB Manual that would bring the manual up to date with current ENTRUST interpretations.

The proposed wording also sought to reflect the purpose and reasons for object D projects. It also was to take into account the immediate effects of reform to the landfill tax credit scheme announced in the Chancellor's Budget statement of 1st April 2003 via the reduction in Scheme funding.

The responses

Principle Issues

These were the areas within the EB Manual Object D that ENTRUST were consulting upon. The ***bold italic*** text was the recommended text to be included within the EB Manual. Comments were sought on this text.

Typical Summary Comments

Comments from stakeholders. Some comments will be summarised where they are identical or similar to other parties submissions. Many comments were similar in this consultation and these are observed by making note of this.

ENTRUST's Comments

ENTRUST's formal review of the consultation responses is underway. The following document highlights many comments and reflects the diversity of current thinking within the EB community. This document is for reference only and does not form part of any current guidance.

Some of the Stakeholder comments will be accepted and these will therefore be considered in the final review of the EB Manual object D for later publication. This will be undertaken over the next month with draft guidance for object D being produced in January 2005 for introduction in April 2005.

ENTRUST will notify you when the draft guidance is produced via the ENTRUST newsletter and by email where respondents responded via this medium.

Principle Issues	Typical Summary Comments
<p>B37. Object d allows projects to provide and maintain public parks and amenities, <i>where</i> the work protects the environment. <i>This work and associated costs should take place at a single identifiable site address.</i></p>	<p>Totally acceptable as each site, although similar, should be separately registered. This ensures the correct level of project management/knowledge is in place from the start</p> <p>The additional wording will standardise all projects, tighten control and remove the risk of funding being allocated to unauthorised project locations</p> <p>This is what it always meant this so have absolutely no problem with it</p> <p>Should explain what can be done on a site and not how it is delivered</p> <p>Should read 'shall' or 'must' be site based to avoid ambiguity</p> <p>Unless there are bad examples then this should not be included</p> <p>Agree with the proposed amendments</p> <p>Would path or footpath projects need to be identified?</p> <p>Very concerned that tightening the interpretation may stop good projects that would bring credit to the scheme.</p> <p>Agree. Removes complexity of dealing with multi site applications.</p> <p>Consider adding 'site address or location'</p> <p>Should be able to submit a project with more than one site identified</p> <p>Insert word 'normally' before 'take place' (said many times)</p> <p>Retrograde step (to works taking place at a site)</p> <p>Resources should be allowed to expended away from the project site for book keeping,</p> <p>Off site project management should be fundable within the project context</p> <p>Remote to site costs including architects fee's or design work</p> <p>Agree wholeheartedly with this recommendation as the principle aim of the scheme is to benefit sites not head offices</p> <p>Is required so we can monitor activity at a site rather than several sites 'bundled together'</p> <p>All costs should be identifiable to the project site whether they are on site or off site costs. Support and head office costs should not be allowed</p> <p>Would increase the level of paperwork</p>
<p>B38. ENTRUST interprets "environment" as including the social and built environment, as well as the natural environment <i>where projects are site based.</i></p>	<p>All projects are site based at present and there is no need to change the current interoperation</p> <p>This is what it always meant this so have absolutely no problem with it</p> <p>Agree with proposed amendments though ENTRUST should provide parameters of 'social environment'</p> <p>Wording should be 'where the project is site based'</p> <p>Change seems unnecessary as the correct interpretation is place now</p> <p>Agree with the suggestion as it reinforces the site based activity</p> <p>No need to add as 37 as current interpretation allows, is only site based</p> <p>Introduction would be a retrograde step / serves no purpose</p>
<p>B44. ENTRUST considers that a "public" park or "public" amenity is one that is open at times convenient for the general public, and for appropriate periods. The most generous arrangements for</p>	<p>Unsure of what the word intent offers to the sentence</p> <p>Should take account of Scottish land act</p> <p>Agree and will re-inforce the schemes original philosophy</p>

Principle Issues	Typical Summary Comments
<p>public opening suitable for the amenity are encouraged.</p> <p>The absolute minimum public access requirement is four evenings or two days every week, 104 days a year. The intent of the work to be undertaken must be to provide, maintain or improve an amenity for the general public.</p>	<p>Should be increased to 'winkle' out true amenity projects</p> <p>Produce standard form to asses this to demonstrate that they are meeting requirement (many)</p> <p>Full support for this clarification</p> <p>Accepted time limits though fee level needs testing</p> <p>Should read 'available' rather than 'open'</p> <p>104 days is too high (taking into account seasonal variations)</p> <p>Introduction of this minimum requirement would limit the number are quality of projects being put forward</p> <p>'intent' should not be included so schools can have monies spent upon them</p> <p>Day and evening needs defining</p> <p>Should be linked to the amenity type rather than an arbitrary figure</p> <p>Should be proportional to the facility type</p>
<p>B45. Environmental bodies will be asked to confirm, and in some cases, provide evidence that their project meets this requirement. This may include public access statements, evidences of use by the general public and details on how the amenity will be advertised.</p>	<p>It would be time consuming to collate this information</p> <p>Agree and ENTRUST should produce a statement that the applicant can use that can then be audited against.</p> <p>Lettings policy would suffice?</p> <p>Perfectly reasonable / strongly agree</p> <p>Need to reconsider in the light of 'proposed' amenities where they have not been built yet</p> <p>Agree in principle but not the example</p> <p>Should read 'reasonable evidence may be required'</p> <p>What about removing it altogether / strongly opposed</p> <p>Difficult given that we are moving towards digital submissions. How would we collect and evidence without paper?</p>
<p>B46. A general "public amenity" is any space, facility or building that can be enjoyed by the general public for leisure, recreation or entertainment. Amenities must be specific – "a village", "a town centre", "a view" "offices" "services" or "facilitation" etc. are not amenities.</p>	<p>Do not see the need for the word 'general'</p> <p>Would scout or guide camp sites be classed as amenities?</p> <p>Obligate the DEB to collect it</p> <p>Looks fine though the could be exceptions and this should be highlighted</p> <p>The insertion of the word 'general' does not appear to be an improvement</p> <p>Include reference to partial compliance projects and scout and guide huts should be treated in the same way as sports clubs</p>
<p>General public amenities include: Scout or Guide huts Skate parks Sports clubs (see below)</p>	<p>Scouts, guides and sports clubs should not be included because the are self availing</p> <p>Guide and scout huts should only be allowed where they are useable by the whole community</p> <p>Strongly disagree that sports clubs are public amenities and why differentiate between sports clubs and fishing clubs or gardening clubs</p> <p>Add 'Youth clubs'</p>

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	<p>Add 'public rights of way'</p> <p>Add 'pre school play groups'</p> <p>Add 'public gardens'</p> <p>Add 'public woodlands'</p> <p>Add 'after school club'</p> <p>Add Youth clubs</p> <p>Add 'public woodlands'</p> <p>Add 'Bereavement Counselling service'</p> <p>Add 'Air Ambulance'</p> <p>Add 'office space for charities'</p> <p>Add 'Advice centres for those with disabilities'</p>
<p>B47. Projects involving sports clubs may be allowed if the sports club is operated on a not for- profit basis and <i>allow the general public</i> to join. <i>Golf courses are not considered to general public amenities unless they are municipal or operate on the principle of being municipal i.e. anyone can pay and play at any time.</i></p>	<p>Happy at the inclusion of community space</p> <p>Churches should provide the same level of general public access if they are operating as amenities</p> <p>Need qualification on type and operation of club</p> <p>Agree with the emphasis but see no need to change to B48</p> <p>Same as B45. Should amalgamate</p> <p>Add 'where necessary for a reasonable fee'</p> <p>What is the value in being 'restrictively expensive'</p> <p>Typo 'be'</p> <p>Why have golf courses been singled out?</p> <p>Golf courses should be considered as public amenities and to consider them not to be is unjustified</p> <p>Add 'which allow the general public to join'</p>
<p>B48. Projects involving facilities, buildings and spaces that are not normally regarded as public amenities may be allowed if an intention to treat the facility as a genuine public amenity is clearly demonstrated. <i>An example would be a community space created inside a building of religious worship.</i></p>	<p>Should be available to the non religious groups and not just religious groups to book and use</p> <p>Using a 'school' would be a better example</p> <p>Remove the word 'may'</p> <p>Agree and should be supplied and monitored</p> <p>Would make the proposal open to abuse</p> <p>Add 'or the use of a church hall by other bodies or individuals'</p> <p>Add 'or the use of a church hall by other bodies or individuals'</p> <p>A sliding scale of funding amenity type should be introduced</p>

Principle Issues	Typical Summary Comments
	Remove the word 'community'
	Suggest wording to be 'where the public have no access to an area of a building or area then it would not qualify for financial support'
Examples of projects not covered by this object	Generally the reasons why they are not included should be explained so they can try to become compliant
<i>bus services or minibus services</i>	Should be allowable
<i>Projects that include any works to the grounds of a hospital or hospice or day care centre or residential homes</i>	Should be allowable where the general public have free and unrestricted access
<i>Projects within schools or school grounds</i>	Should be allowable where the general public have access
	Should be allowed in rural communities
	Add 'unless there is general public access'
<i>Charity offices, Citizen Advice Bureau's or other community sites not open to booking by the general public</i>	Delete – repetition
<i>Any works to public highways, roads (either on or off project site, adopted or unadopted) pavements beside highways, roundabouts or any street furniture</i>	Footpaths and bridleways should be allowed
	Needs greater clarification on the term 'roads'
	'strongly' object suggesting roads, verges and railings are places of public amenity
<i>Staff posts where they are not based at the actual project site</i>	Agree that staff posts should be linked to specific sites
	Only 10% of a projects costs should relate to off site activity and staff posts should be included in this 10%
	Staff posts should be able to be off site but the costs associated to the site in terms of actions to be undertaken.
	Where a staff post is in place their costs should be apportioned to each site where they are working
	Should be greater clarification where the person is based ata site but does off site works.
	Should be removed
	Does not matter where they are based but on the impact that they have
	Should read 'staff core cost must directly relate to the percentage time dedicated to a specific project
<i>Projects to visual enhancements i.e. 'a view'.</i>	Should be allowed where a park is being worked upon to increase its pleasantness
	Enhancements to a view can enhance an amenity
<i>Residential areas or buildings where parts of the buildings are not open to the public (such as offices)</i>	Include 'or those areas that are not open to the public'
<i>Village or Town centre enhancements such as walkways,</i>	Landscaping of public places should not be excluded

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<i>street works or signage's</i>	Important to local communities and should be included
<i>CDs or remote interpretation about a site unless it is to be distributed at site</i>	Costs for remote interpretation should be allowed where the project also includes site activity (several) Interpretative material should be allowed
<i>Car parks</i> and public conveniences	Town centre and city car parks should be excluded though car parks linked to general public amenities should be allowed, say a car park at a park or nature reserve. Technically object E does not allow for disabled toilets in a church so need to be included under object D Should prefix car parks with 'public' which will enable car parks for village halls and churches to be allowable (several)
Allotments <i>or fruit growing projects</i> , since <i>the sites</i> are used by individuals, not the general public.	Allotments should not be excluded as anyone can use them Statutory allotment sites should be allowed as long as the life span is assured Community food growing projects should be clarified as being in or out Substitute 'since' for when' Add qualification 'unless there is general public access'
<i>Charity buildings, offices of charities, citizen advice bureau's, advice centres head offices and alike</i>	Clarify to enable museums etc not to get wrong idea
B79. <i>A project should be located at a specific site</i> within the UK – that is, England, Wales, Scotland and Northern Ireland – and, in the case of objects d, <i>da</i> and e, within 10 miles of a UK landfill site (please see paragraphs B50 and B70).	Agree in principle Should read 'should normally be located' Does this include coastal waters? Should read 'within a specific area' not a single site address Agree but is it required as people are unlikely to submit projects for projects abroad Agree with the principle of the project having a focal point Disagree and multiple sites should be allowed (several)

Comments outside the suggested changes

Comments Made	Typical Comments
B37	Should be a sustainability checklist to ensure the project is not having a detrimental effect on the environment
B38	Addition of word 'community' after 'social'
B40 / 41	Allow wildlife surveys Should include landscape and planting
B42	What if the screening of a factory was to screen it from the general public amenity
B43	Please define general public amenity
B44	Please define general public amenity
B46	A view could be considered a public amenity Public available space should be included and regarded as general public amenity Enable the support of 'Urban and Rural renaissance
B47	After 'considered' insert the 'be' Municipal golf courses often have a home club who have priority over the course. This needs taking into account
B49	Definition
B50	Further define limitations
B51	Add 'lorry routing from a landfill site' Great clarity welcomed
B52	Delete 'is' and substitute 'maybe' Most landfill sites are not based on an industrial site
B53	capitalise C and add Ireland
B55	Transfer stations and CA sites should be included as they bring dis-amenity on those in proximity
B56	Omit word 'to' in first line
B81	Should stipulate based upon area Make clear how ENTRUST work out the percentage / How will the percentage compliance be applied
B82	Remove ENTRUST area manager reference
B83	B83-85 are still unclear and needs qualification There should not be any partially compliant projects Elements should be retained as good examples Clarify school grounds inclusions A sliding scale for funding should be introduced
B85	Further clarify with better examples
B87 – Transfer of projects	Allow transfer of projects / Should be allowed/Should be allowed in certain circumstances (EB going into liquidation) Very restrictive if an EB were no longer in operation
General	Better format of consultation document aiding easier reference Existing on-line registration will need to change to add remarks boxes in light of the responses Include guidance on disabilities (DDA) Include guidance on equal opportunities Statement addressing equal opportunities and diversity

Respondent profile

162 interested parties have registered to be notified by e-mail when ENTRUST consults on issues related to its regulation of the LTCS, of whom around 70 per cent are, or represent, environmental bodies.

List of respondents

Formal responses were received from the following by the deadline:

Organisation	Response type
Angus Environmental Trust	Email to correct Address
Ponds Conservation Trust	Email to correct Address
Essex Environmental Trust	Email to correct Address
RSPB, Woodland Trust, The Wildlife Trusts	Email to correct Address
Cleanaway Mardyke Trust	Email to correct Address
Renfrewshire Environmental Trust	Email to correct Address
Shanks First Fund	Email to correct Address
Staffordshire Environment Fund	Email to correct Address
Solway Heritage	Email to correct Address
Perth and Kinross Quality of Life Trust	Email to correct Address
LWS Lancashire Environmental Fund	Email to correct Address
Lancashire Wildlife Trust	Email to correct Address
Groundwork Thames Valley	Email to correct Address
Cheshire County Council	Email to correct Address
Onyx Environmental Trust	Email to correct Address
Cleanaway Canvey Marshes Trust	Email to correct Address
Association for the Improvement of Runnymede	Email to correct Address
Alco Environmental Trust	Email to correct Address
Cleanaway Havering Riverside Trust	Email to correct Address
Cleanaway Pitsea Marshes Trust	Email to correct Address
Suffolk Environmental Trust	Email to correct Address
BTCV	Email to correct Address
The Wildfowl and Wetlands Trust	Email to correct Address
Trust for Oxfordshire's Environment	Email to correct Address
The Woodland Trust	Email to correct Address
The Woodland Trust (2)	Email to correct Address
Viridor Credits Environmental Company	Email to correct Address

St John The Baptist Church Locks Heath	Email to correct Address
Stirling Landfill Tax Trust	Email to correct Address
County Durham Environmental Trust Limited	Email to correct Address
The Fife Environment Trust	Email to correct Address
LandTrust	Email to correct Address
Royal Society for Wildlife Trusts	Email to correct Address
Warwickshire Environmental Trust	Email to correct Address
Cory Environmental Trust in Southend on Sea	Email to correct Address
Waste Recycling Environmental Ltd	Email to correct Address
National Forest Company	Email to correct Address
Derbyshire Environmental Trust	Email to correct Address
Waste Management Research	Email to correct Address

Further enquiries

Further comments and queries related to the consultation process should be sent, preferably by e-mail, to:

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