

Responding to a planning application

As a charity we have limited resources meaning we cannot respond to every planning application we hear about. Especially small developments

You can make a difference

This is where you come in. You have local knowledge that decision makers may not have. The information in this leaflet will help you understand the planning system and how to respond to a planning application. With the right knowledge you might be able to influence a local development at an early stage.

Even if you can't stop a potentially harmful development you might get a better outcome for local wildlife.

The Planning Application Process

The planning system exists to ensure that development is in the public interest with positive outcomes for people, the environment and the economy. Most development in England requires that a planning application is made to the Local Planning Authority (LPA) for a decision. This process gives people a chance to comment on the proposal and ensure their views are considered.

- Planning applications are made to the LPA.
- Applications can be either for Full or Outline planning permission. If Outline permission is granted, the developer will still need to apply for Full planning.
- The LPA publicises the application by advertising it in the local paper, posting notices close to the application site, sending letters to neighbouring properties and informing the relevant Parish or Town Council.
- The public and statutory consultees have 21 days to comment on the application
- Planning decisions can be determined by planning officers through a process known as 'delegated powers' or the application and comments, along with the planning officers report, are submitted to the Planning Committee for a decision.
- The whole process takes approximately 8 weeks from the date of submission. However, it can take considerably longer where there is a large scale application or with applications that go to appeal.
- If an application is refused the applicant has 28 days to decide if they wish to appeal the decision.

Where can I find out if a planning application has been made?

Lists of current planning applications can be found:-

- on the council's web pages,
- in your local newspaper, and;
- at your local authority planning offices

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Remember

Planning Officers are there to help.

Ask them for advice if you need help understanding the **planning process** or have a query about a planning application

Objections can be made on nature conservation grounds when a development:

- *Directly affects an important wildlife site or priority habitat*
- *Indirectly affects an important wildlife site or priority habitat*
- *Affects a protected or priority species*

Before you start

Anyone can comment on a planning application but if you want to make a difference then you will need to equip yourself with as much knowledge and supporting information as you can.

- Make a note of the planning application number. If you don't know the number then make sure you have the address of the property/site
- Always read through the application and supporting documents carefully before making any comments. You can view applications on the LPA website. If this is not possible you can view the application at the council offices. You can take a copy away but may need to pay for photocopying
- Be sure to submit your response in time so find out when the deadline is. If your response is late it might not be taken into consideration.
- Contact the local record centre for any wildlife information they have for the area. Remember just because there are no records held does not mean there is no wildlife there.

Things to consider when reading a planning application

- Is the application accurate? Are the maps up to date? Are all the local features shown? Is the current use correctly described?
- Is there any additional information, in particular local knowledge, that is missing that could affect the decision making process?
- Is the site within or near to any designated sites like SSSI or LWS?
- Has an ecological survey been carried out?
- What are the pros and cons of the proposal?
- Has there been an application refused at the site in the past? The reason for refusal might still be valid.
- Do the proposals retain most of the existing wildlife features like hedgerows, ponds, mature trees etc. or could the footprint be redesigned to reduce the wildlife features lost or affected?
- Are native plants and trees used in landscaping proposals?



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To strengthen your comments include references to relevant legislation & policies. Plenty of information and guidance is available on the protection of wildlife & biodiversity that could be relevant to your submission.

Wildlife Legislation

- Wildlife & Countryside Act 1981
- The Countryside and Rights of Way Act 2000
- Hedgerow Regulations 1997
- The Conservation Regulation 1994
- Badger Protection Act 1992

Local Policy

- Local Plan
- Local Development Framework
- Neighbourhood Plan
- Parish Plan

National Policy

- Section 40 of the Natural Environment and Rural Communities 2006
- The National Planning Policy Framework 2012
- Standing Advice from Natural England
- Water Framework Directive
- Marine Strategy Framework Directive

Putting together the response

After reading the application and all the supporting documents and thought about the effects of the proposal you can now decide what action to take. You might wish to support the application but recommend changes, register an objection but suggest actions to remedy your concerns, request that the application be refused, or you might wish to take no action.

If you want your views to be taken seriously then follow these simple guidelines.

- Gather as much supporting evidence as you can and remember to attach them to your submission
- Stick to the facts and don't include information that is exaggerated, unsubstantiated or that you are unsure of
- List any species or habitats that you feel will be adversely affected
- Suggest modifications that could address your objections or concerns
- Ensure your letter is addressed to the case officer and clearly states the planning application number and site address
- Keep it brief and be clear and courteous
- Strengthen your comments by including evidence and refer to relevant legislation and policy
- Ensure your letter is based on planning issues and not personal opinion
- Photos can be used to illustrate your concerns, and can be clearer and more effective than written descriptions

What can I do after I have submitted my response?

After taking the time to comment on a planning application it is important you check your submission has been received. You can phone the local planning office or request an acknowledgement by email.

Contact the LPA and find out when the application will go to the planning committee

Read the planning officers report as this is the information that will be provided to planning committee members

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In the longer term

Why don't you join online forums that deal with the environment, ecology or open spaces.

Register with your local council to receive new planning applications in your district

Familiarise yourself with the Government's. Two of the most important documents for nature conservation are:-

[Planning Policy Statements.](#)

[Planning Policy Statement 9](#)

(PPS 9)

and

[Circular 06/05](#)

State your case at the Planning committee

You are entitled to attend the planning committee meeting to hear the application being considered. Members of the public can request the opportunity to speak at the meeting for 2 minutes. The time is strictly controlled so make sure you prepare what you are going to say. You will need to notify the committee clerk as least 24 hours before the meeting, which usually takes place in the evening.

Gain Support

Contact your local Councillors and/or MP to see if they will support your comments.

Talk to other residents and ensure they are informed about the development sites

Decision Time & Appeals

If the application is refused permission then the applicant has 28 days to decide whether they wish to appeal against the decision. Following an appeal, the whole process will then be repeated. This doesn't mean your objections will be automatically resubmitted, so you may need to check and submit your comments again.

If you have made an objection to a planning application that goes to appeal you are entitled to make further representations at the appeal. You are also entitled to make your own case if it goes to enquiry. Contact you LPA for details of what happens when an appeal is lodged.

For more information on the appeals process see www.planninginspectorate.gov.uk.

Complaints to your Local Government Ombudsman

In England, third parties, i.e. the general public cannot appeal against a planning decision. However, you can lodge a complaint with your Local Government Ombudsman if you are unhappy about the way a planning application was dealt with. Your complaint must be about the planning process and not about the proposal itself. For example, if the planning department failed to publicise the application properly restricting the opportunities for comments from the general public. For more information see www.lgo.org.uk.

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Useful contacts & references

Natural England

www.gov.uk/planning-development/protected-sites-species

Cheshire Record Centre rECOrd

www.record-lrc.co.uk

Joint Nature Conservation Committee

jncc.defra.gov.uk

UK Government Legislation

www.legislation.gov.uk

Town & Country Planning Association

www.tcpa.org.uk

Planning Aid

Unit 419, The Custard
Factory, Gibb St,
Birmingham. B9 4AA

Cheshire Wildlife Trust

Bickley Hall Farm
SY14 8EF

01948 820728

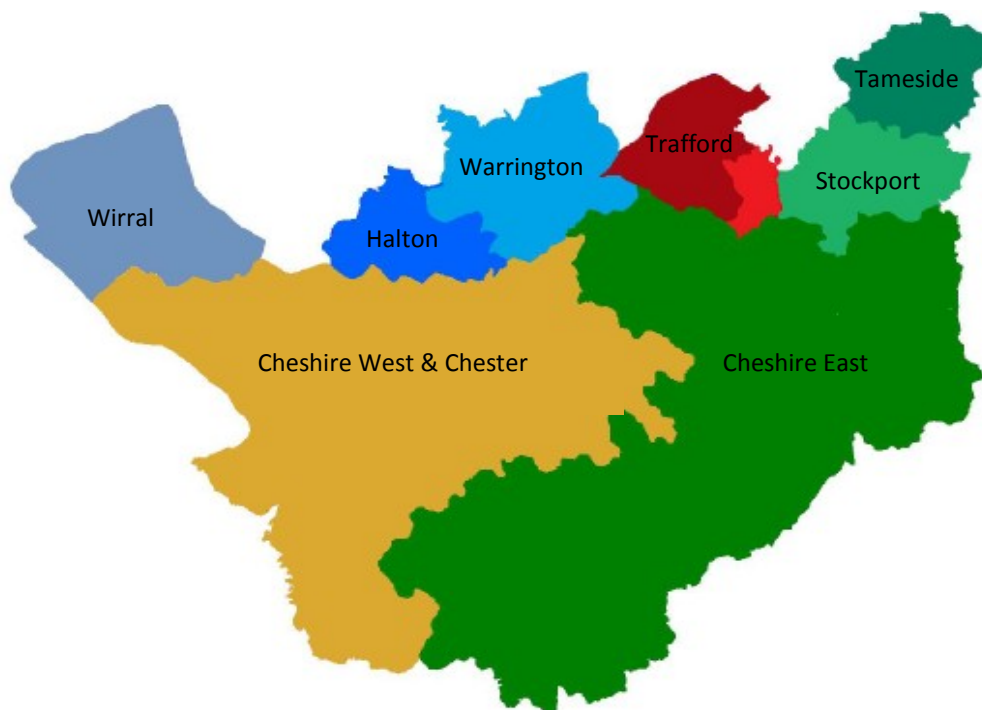
info@cheshirewt.org.uk

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In Cheshire, the Trust Covers the following local council districts:

Cheshire East	☎: 0300 123 5014	or ✉: planning@cheshireeast.gov.uk
Cheshire West & Chester	☎: 0300 123 7027	or ✉: planning@cheshirewestandchester.gov.uk
Halton Borough Council	☎: 0303 333 4300	or ✉: hdl@halton.gov.uk
Warrington Borough Council	☎: 01925 442799	or ✉: ldf@warrington.gov.uk

In Greater Manchester we cover:

Stockport	☎: 0161 474 3541	or ✉: 0161 474 3569
Tameside	☎: 0161 342 4460	
Trafford	☎: 0161 912 3149	or ✉: planning@trafford.gov.uk

Bolton, Bury, Manchester City, Oldham, Rochdale, Salford City and Wigan are covered by Lancashire Wildlife Trust

In Merseyside we cover:

Wirral	☎: 0151 6062020
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Knowsley, Liverpool City, St Helens, and Sefton are covered by Lancashire Wildlife Trust.