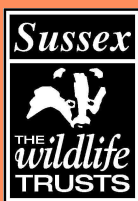


Commenting on a Planning Application

What do you cherish in your local area? a local woodland, a spring flowering meadow? Would you know where to start if you heard it was under threat from development? Do you know you have an opportunity to persuade planners and decision makers to provide for wildlife where you live? The Sussex Wildlife Trust cares about all wildlife sites but as a charity we have limited resources. This means we cannot respond directly to every threat we hear about. Therefore, we are actively encouraging people to take action to protect their local environment.

Wildcall

Tel: 01273 494777
email: wildcall@sussexwt.org.uk



Sussex Wildlife Trust
Woods Mill
Henfield
West Sussex
BN5 9SD

Tel: 01273 492630

email: enquiries@sussexwt.org.uk
Web: www.sussexwt.org.uk

As a member of your community, you have local knowledge that makes your views important. By understanding the planning system and how to respond to planning applications, you may be able to use this local knowledge to influence development at an early stage, perhaps preventing a harmful development or enhancing a proposal's value to wildlife.

When a development is proposed that involves the changed use of a piece of land a planning application must be made to the Local Planning Authority (LPA).

How do you know if a planning application has been submitted?

You may become aware of a planning application in a number of ways.

- ◆ You may have received a letter from your LPA notifying you of a nearby development proposal
- ◆ You may see an application notification posted on the site or in the local paper,
- ◆ You may have been asked to join an action group.
- ◆ Maybe your neighbour has let you know he/she is making a planning application
- ◆ You have seen it listed on your LPA web pages.

What is the process for a planning application?

- ◆ The planning application is submitted to the Local Planning Authority (LPA)
- ◆ The LPA publicises the application by advertising in the local newspaper and posting planning notices close to the site.
- ◆ The public and statutory consultees have 21 days to comment on the application. Statutory consultees with an interest in environmental matters include Natural England, The Environment Agency and the Forestry Commission.
- ◆ The application and comments are submitted to the Planning Committee which is comprised of elected members (Councillors) for determination. This process should take approximately 8 weeks from the date of submission.

Planning applications tend to be either Full or Outline applications. An outline application will have less detail about the proposal than a full application. If outline permission is granted, the developer will need to apply for full permission in due course. It is worth noting that large scale applications may take longer to determine, this is also the cases with applications that go to appeal.

What can you do?

Anyone can comment on a planning application but if you wish to make an impact it is good to be prepared and have as much supporting information as possible.

If you are concerned that a proposed development will impact on wildlife and you want to get involved, you should:

- ◆ Make a note of the planning application number it may look something like this x/x/2007/2468/FUL. If you do not know the number make sure you have the address of the property/site.
- ◆ Be aware of the deadline for responses, if they arrive late they may not be given due consideration.
- ◆ Take a look at the planning application on the LPA website, if this is not possible contact the case officer to view the application and supporting documentation at the council offices.
- ◆ Read through the application to gain more information about the proposed development.

Is the application for full or outline permission?

Is the development on a site which has been allocated for development within the Local Plan or LDF?

Has an ecological survey been carried out? LPAs can request developers to carry out surveys if there are sufficient grounds to do so. If no wildlife information accompanies the application you may wish to contact the planning officer to discuss this.

Have there been any previous planning applications or proposals for the site? If an application has been refused in the past the reasons may still be valid.

- ◆ Contact the Sussex Biodiversity Record Centre [SxBRC](#) and request a report detailing any wildlife information they have for the area. NB if no records are found for an area it does not automatically mean it is of low ecological value it simply means that the SxBRC does not hold records for this area. A desk top study from the SxBRC does not negate the need for an ecological survey by the applicant.
- ◆ Contact your local Councillor/MP to see if they are prepared to support your objection.
- ◆ Talk to other local residents to ensure they are informed about the development.
- ◆ Think about any additional information about the site that may assist the decision making process.

What do I need to think about when I write my response?

Once you have looked at the application, gathered supporting information and decided you want to comment then the following may help you to formulate your response.

- ◆ Ensure your letter is addressed to the case officer and clearly states the planning application reference number and address.
- ◆ Clearly state whether you are objecting or supporting an application and the reasoning for this decision.
- ◆ Keeping the letter brief will help to ensure it is read and digested fully. However remember to attach supporting evidence.
- ◆ You could use sub headings to highlight individual points.
- ◆ Ensure your letter is based on planning issues rather than personal opinion.
- ◆ Photographs may help to illustrate your concerns.
- ◆ Writing a letter or email will always be more effective than a telephone call.
- ◆ If you are writing as part of an action group encourage all members to write individual letters. This will ensure that each one is counted as an individual response. You could offer support to members of the group by providing bullet points of all the issues they need to cover in their letters.
- ◆ To strengthen your objection /support you should include evidence and relevant legislation. You can look for support in Planning Policy Statements: see national policy section below

Legislation, policy and guidance

There is plenty of information on legislation, policy and guidance relating to the protection of wildlife and biodiversity that maybe relevant to your submission.

National Policy

- ◆ Planning Policy Statements (PPS) are produced by Government to guide LPA
- ◆ The PPS relating to Biodiversity is PPS9 Biodiversity and Geological Conservation: PPS9 sets out planning policies on protection of biodiversity and geological conservation through the planning system. Published August 2005.
- ◆ To take a look at PPS9 and other national policies visit www.communities.gov.uk

Local Policy

- ◆ Take a look at local policy documents produced by your LPA by visiting their website. They can be found in the Local Plan or LDF section of the planning pages.

Wildlife Legislation

You may also find the following wildlife legislation relevant to your response.

- ◆ Wildlife & Countryside Act 1981
- ◆ The Countryside and Rights of Way Act 2000
- ◆ Hedgerow regulations 1997
- ◆ The Conservation (Natural Habitats, &c.) Regulations 1994
- ◆ Badger Protection Act 1992

Visit www.jncc.gov.uk for further information relating to the above legislation. **NB:** original legal documents should be consulted for definitive information.

What happens after I have submitted my response?

After you have submitted your comments you should follow the application.

- ◆ Find out when the application will go to Planning Committee.
- ◆ You are entitled to attend Planning Committee meetings to hear the applications being considered.
- ◆ Usually members of the public are given the opportunity to speak at committee meetings for 2 minutes. This time is strictly controlled so it is advisable to have a pre-written speech. The exact procedure will vary between councils, so talk to your LPA for more information about how you can get involved.

Decision Time

A decision on the application may be made at the Planning Committee meeting but this is not necessarily the end of the process. For example if the application is refused permission by Planning Committee the applicant has 28 days to decide whether they wish to appeal. If so the process is repeated at appeal stage. Do not assume your objections will automatically be represented at this stage. It is best to resubmit your comments.

Appeals against a decision

If a planning application is refused, applicants can take their application to appeal. In England, third parties (eg the general public) cannot appeal against a planning decision. However, if you have made an objection to a planning application, which is then refused and the developer appeals, you have the right to make further representations to this appeal, and if an inquiry is held, to appear at the inquiry to make your case. The Planning Inspectorate or local planning authority should get in contact with you with the details of what you have to do when the appeal is lodged. For more information about the appeals process, see <http://www.planninginspectorate.gov.uk>

Copyright Sussex Wildlife Trust December 2008

WildCall Factsheet disclaimer: All information contained within Sussex Wildlife Trust WildCall factsheets is to the best of our knowledge true and accurate at the time of printing. The Sussex Wildlife Trust will not accept any responsibility or liability for any losses or damage resulting from following the advice given.

Registered Charity No. 207005. Registered in England. Company Number 698851