



Kent Wildlife Trust



How to make your comments on a planning application

Anyone can comment on a planning application and the Kent Wildlife Trust can help advise you on how to do this. Your opinion counts and the Local Authority have a duty to listen to your opinion and that of the public. Remember, planning officers at your Local Planning Authority are there to help and you can ask them for advice if you are unsure how to interpret a planning application.

We make every effort to be aware of all planning applications in the county, but if you think that the planning application you wish to comment on will have a significant impact on wildlife, please let us know.

For general advice on the planning process and the Trust's role in that process, please see our information sheet called General Planning Advice.

How you might be made aware of a planning application:

You might:

- Received a letter from your Local Planning Authority (LPA) notifying you of a nearby development proposal;
- See an application notification posted on the site or in the local paper;
- Be asked to join an action group;
- Be told by a neighbour that he/she is making a planning application;
- Have seen it listed on your LPA web pages.

What you need to do:

- Make a note of the planning reference number which will be something like XXX/2014/01234/FUL and if you do not know this, please ensure that 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 at the council offices. You are legally allowed to make copies to take away, but there may be a charge for photocopying;
- Ensure you read through the application and supporting documentation to gain more information about the proposed development;
- Try and gain as much information about the proposed development as possible which can be done by reading the planning application and supporting documentation;
- Ensure that your opinion is presented in an effective, formal and polite way and provide as much supporting information as possible and reference law and policy;

What should you be thinking about when reading through a planning application?

- Is the application for full or outline permission?
- Is the application accurate? For example are all local features shown? Are the maps to-date? Does the description of the site correctly describe how the area is currently used?
- Is the development on site which has been allocated for development, within the Local Plan or Local Development Framework? These are documents published by your LPA which set out agreed planning policies for your area and are the background against which planning decisions are made;
- If you think the site is important for wildlife, 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;
- Contact the [Kent and Medway Biodiversity Record Centre](#) and request a report detailing any wildlife information (there may be a charge for your search) that they have for the area. Please note that limited records for an area does not automatically indicate that it is of low ecological value, it simply means that the KMBRC does not hold the records for this area. A desk top study from the KMBRC does not negate the need for an ecological survey by the applicant;
- Have there been any previous planning applications or proposals for this site? If an application has been refused in the past the reasons may be still be valid. Alternatively, if you want to support the application, you could make suggestions to solve these issues;
- Does the development site fall within or adjacent to any designated areas such as a Site of Special Scientific Interest or a Local Wildlife Site? You can check on a map here: <http://www.magic.gov.uk/MagicMap.aspx>
- Is there any additional information about the site that the LPA could use to assist them in the decision making process? Focus especially on local knowledge that the LPA may not be aware of;
- What are the long term effects of the development? Will it help to achieve sustainable development in the area or will it set a precedent of unsustainable and unsuitable development?; and
- What are the pros and cons of the proposal? Some of the potential negative impact of the development may be able to be addressed by suggesting that the LPC attaches conditions or obligations on any planning permission granted.

After you have all the information on the planning application and thought about the effects of the proposal, you can either:

- Support the application in full;
- Support the application but ask for details of the proposed development to be reconsidered and changed;
- Take no action;
- Register an objection to the application, but suggest action that could be taken to address your objection for example through amendments to the application or planning conditions; or
- Request that the application be refused planning permission.

What do you need to think about when writing a response?

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

- Ensure that your letter is addressed to the case officer and clearly states the planning application reference number and address;
- Be clear and courteous, stating 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; and
- 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;

Strengthen your comments by including evidence and relevant legislation and law. There is plenty of information on legislation, policy and guidance relating to the protection of wildlife and biodiversity that may be relevant to your submission.

National policy:

- [Section 40 of the Natural Environment and Rural Communities \(NERC\) Act 2006](#) introduced a duty for all public bodies to have regard to the conservation of biodiversity, including through the planning system;
- [The National Planning Policy Framework](#) was published in March 2012. This set out the Government's planning policies for England and how these are expected to be applied by Local Planning Authorities. The NPPF covers all aspects of planning policy, but much of the guidance relating to biodiversity can be found in Section 11: Conserving and enhancing the natural environment;
- The Biodiversity and geological conservation: circular 06/2005 explains how the law relates to planning and nature conservation in England; and
- Natural England produced standing advice to help LPAs assess the impact of and make decisions about planning applications that effect priority species and habitats.

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. Sometimes LPAs are in the process of writing a new local plan. If more than one version of the plan appears on the website speak to the case officer to find out which version will carry most weight with decision makers.

Wildlife legislation:

There is a lot of useful legislation. Visit <https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals> and www.jncc.defra.gov.uk for further information relating to wildlife law legislation. Please note that original legal documents should always be consulted for definitive information.

How can you gain support for your stance?

- Contact your local Councillors and/or MP to see if they are prepared to support your comments; and
- Talk to other local residents to ensure they are informed about the development.

What happens after I have submitted my response?

- You should ensure that your comments have been received by phoning the planning office or asking for an acknowledgment to your email;
- If you wish to follow the application, contact the LPA to find out when the application will go to Planning Committee;
- You are entitled to attend Planning Committee meetings to hear the applications being considered. Before attending you may wish to read the planning officers report to the committee as this will tell you what information the committee is being given and what decision the officer recommends they make;
- Usually members of the public are given the opportunity to speak at committee meetings for 2 minutes. This is strictly controlled so it is advisable to have 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:

Applicants take their application to appeal if it is refused. In England, third parties, i.e. 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 LPA 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 www.planninginspectorate.gov.uk

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