

Submitting a written objection

The Planning System



Get involved at a very early stage in the planning process. Once the objection period lapses there is little or no opportunity for influencing planning decisions. It is also important that your concerns have some weight to them, as the planning officers will be influenced only by facts.

Commenting on planning applications

You must send written comments to the relevant Planning Division that will be determining the application. When submitting a written comment on an application, whether to object to or support it, you should remember the following:

- all planning applications have a name and a specific reference number that you should clearly refer to.
- clearly state why you are objecting or supporting the development. Include the wording 'I/We object' or 'I/We support' in the text.
- state your name, address and other contact details.
- you must act within a set timescale, responding before the consultation deadline (if you don't have a letter from the Planning Service with this on, you can find it out by ringing the local Planning Office).
- be concise and polite! Keep your letter short, a maximum of two sides – put any detailed comments in a supporting document if necessary.
- include information about important habitats and wildlife at the site that you have found
- if there has already been a refusal for a similar application at the site, refer to the 'reasons for refusal' in the previous decision notice.
- it may be useful when making a submission with a nature conservation element to send copies of letters of objection to other local groups that may support you.

- planners will also be particularly keen to hear your views on non-wildlife impacts of development such as traffic congestion in the local area, over-burdening of parking spaces and public transport, demands for water from local rivers or resulting pollution in rivers and streams.

If you want your concerns to be taken seriously

- Don't include hearsay or information you are unsure about.
- Don't include unsubstantiated criticism of the Planning Division or the applicant, eg personal circumstances or character.
- Don't exaggerate your claims.
- Don't include information unrelated to the development or its impacts.
- Don't make reference to the effect of the development on property values.

Relevant legislation and case law

Referencing case law and relevant legislation adds weight to your concerns.

If a Local Planning Authority (LPA) has not taken the presence of bats into account when considering a planning application the Natural Environment and Rural Communities (NERC) Act 2006 should be referenced.

Example paragraphs could include the following:

Making planning decisions without due consideration of priority species is contrary to the Natural Environment & Rural Communities (NERC) Act 2006 which applies to all public organisations, including local authorities. s.40 of the Act states " Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Under s.41 of the Act, bats are listed by Defra as a priority species for the conservation of biodiversity.

- In England and Wales this duty falls under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006
- In Scotland the duty is contained within Part 1 Section 1 of The Nature Conservation (Scotland) Act 2004

This can then be further supported using case law such as:

A recent case involving granting of planning consent affecting bats without mitigation in place resulted in Cheshire East Borough Council being taken to Judicial Review. A local resident challenged the planning consent and the High Court judgement quashed the planning consent. Subject to the decision of the House of Lords in Berkeley v SSE [2001] 2 AC 603, dealing with obligations under EC law, if a permission is found to have been unlawful in any way, then it should be quashed provided that the outcome, if there had been no unlawfulness, may or might have been different.

See 'The planning system – supporting legislation' for further information

Additional things to consider

The Planning Service often imposes planning conditions with planning permission agreements. Planners may welcome suggestions of conditions from interested parties, particularly if they help to make a proposal acceptable. It can be helpful to specify what conditions you think are needed in your letter to the planners.

- Do the proposals retain (as far as possible) any existing wildlife features on the site like ponds and hedgerows?
- Do the proposals use native plants and trees in any landscaping designs?
- Could the development be redesigned, phased or laid out differently to reduce its effects on wildlife?

Care needs to be taken in drawing them up and to be useful suggested conditions must be:

- relevant to planning matters and to the permission
- clear and precise
- enforceable
- reasonable.

If your complaint has not been dealt with

If you are not satisfied with the way in which the council have responded then it is best to report the action to the Local Government Ombudsman (LGO).

In most cases, the council must have a chance to sort out the complaint before it can be taken to the LGO. However, once the LGO have received your complaints they will investigate the matter free of charge.

Full details of the complaints procedure are available on the LGO website www.lgo.org.uk

Further information

Association of Local Government Ecologists
www.alge.org.uk for information and advice on planning and biodiversity

Planning Portal

www.planningportal.gov.uk for Area Plans, PPSs, council schedules and complaints information

BCT

www.bats.org.uk/planning for more information on bats and planning

Other relevant BCT leaflets

- The planning system – get your voice heard
- The planning system – supporting legislation
- The planning system – template letter - England