

July 2012



Bedfordshire  
Cambridgeshire  
Northamptonshire



# Planning and Wildlife - what you can do

[www.wildlifebcn.org](http://www.wildlifebcn.org)

# Introduction

A healthy natural environment that is rich in wildlife provides many benefits to local communities. Wildlife and green spaces around our towns and villages adds to our quality of life. New development done properly can have a positive net benefit for wildlife, for example by creating new habitats or providing resources to manage previously neglected wildlife sites. However, done badly, development can harm wildlife sites and important species.



This leaflet will help explain:

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The Wildlife Trust monitors planning applications and comments on them when necessary. We, however, have limited resources and so must prioritise which cases we become involved in. This is done according to where potential wildlife gains or losses are greatest and we will usually focus on applications affecting County Wildlife Sites. We encourage people to take action to protect their local environment. Local Planning Authority (LPA) planning systems welcome people with an interest in a proposed development to comment on applications. You can help protect and enhance your local environment by influencing planning decisions to ensure that they benefit rather than harm wildlife and protect important habitats and species.

# 1 Introduction to the planning system



## Local Plans

Local Plans are documents prepared by councils to present a planning strategy for their area. The LP contains policies against which planning applications will be tested and identifies specific areas for development. Plans should include policies to protect the natural environment. These documents are available in the Local Planning Authority offices or on their websites. The plan must be in keeping with the National Planning Policy Framework. The LP outlines local priorities and policies for development and is used by councils when considering individual planning applications. Applications for development within sites identified in the LP still need planning permission before they can proceed but if they conform with the plan there is a presumption that they will go ahead. Ensuring strong nature conservation policies in Local Plans is the most important planning work we do and you can be involved too. Your local authority should have a Local Development Scheme which will set out how and when your authority will produce planning documents

## Neighbourhood Plans

Neighbourhood Plans were introduced in 2011 to enable local people to make decisions about how development proceeds in their local area. Neighbourhood Plans are expected to operate at a parish or town council level and must be in line with the Local Plan. They can't be used to block development but can be used to protect existing features of conservation value and create new green spaces for people and wildlife.

Before development starts on any site, planning permission will need to be granted. The LPA is responsible for deciding whether a proposed development should be allowed to go ahead.



## Planning applications

Once your LPA has received a formal planning application, it will display public notices and/or write to homes and businesses near the proposed site inviting comments. They will also publish details online and, with larger developments, also advertise in local newspapers. Your LPA will set a time period during which it will consider comments on a planning application.

LPAs often consult a large number of organisations before reaching a decision. This normally includes parish councils and sometimes organisations with special expertise such as the Environment Agency, Natural England or the Wildlife Trust. Individuals are also welcome to comment on planning applications.

Many large planning application sites automatically require ecological assessments but many smaller sites do not. Local authorities have a duty to consider wildlife when making decisions about planning applications. The more that is known about the wildlife on a site the more likely it is that it will be taken into account.

The Government introduced the Natural Environment and Rural Communities Act (NERC) in 2006. This legislation outlines the role Councils have in the conservation of wildlife. Section 40 of the Act states that: "Every public body 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".

## **2 When wildlife concerns may impact a planning application**



### **Legal protection/designations for species and habitats**

Some sites, habitats and species have specific protection under the law which can influence a planning application and the presence of any of these means that an ecological survey can be required before the planning application is considered. The survey should clearly state what methodology was used, what was found and how the planning application will impact the important features. If necessary, it should also suggest compensation or mitigation measures.

### **European protection**

Some UK sites are designated as sites of European significance and are called Special Protection Areas and/or Special Areas of Conservation. Together, these sites are referred to as the Natura 2000 network. There are none in Bedfordshire, eight in Cambridgeshire and one in Northamptonshire. These are the most important sites for wildlife in our three counties and receive very strong protection under the law. Detailed ecological information must be gathered if a proposed development is considered to have a likely

significant affect on the site. Planning permission should only be given if the development will not adversely affect the integrity of the site, or if there are imperative reasons of overriding public interest, including those of a social or economic nature. Impacts must be compensated in order to maintain the overall integrity of the Natura 2000 network.

### **Sites of Special Scientific Interest (SSSI)**

SSSIs are nationally important sites and are protected under the Wildlife and Countryside Act 1981,



the Countryside and Rights of Way (CROW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006.

Everyone must consult Natural England, and request their assent, before carrying out any operations which may damage an SSSI. This applies whether the operations are to take place within an SSSI boundary or outside it. There are 40 SSSIs in Bedfordshire, 102 in Cambridgeshire and 57 in Northamptonshire

You can find out where there are protected sites close to you by visiting the Defra's MAGIC website at <http://magic.defra.gov.uk/>

### **County Wildlife Sites (also known as Local Wildlife Sites)**

A County Wildlife Site (CWS) is a non-statutory designation used to identify areas of high conservation importance at a county level. Recognition as a CWS

does not confer legal protection on the site, or right of access, however for any significant change of land use the planning authorities will expect the wildlife interest to be taken into account alongside other normal planning considerations.

There are over 1600 County or Local Wildlife Sites across our three counties.

### **Undesignated sites**

Most land has no specific designation. Planning applications on undesignated land are unlikely to be turned down on nature conservation grounds unless they are found to contain species protected by law (see over the page). In these circumstances the presence of species such as bats or great-crested newts will usually only affect when and how the development takes place, not whether it takes place.



Pic Andrew Mason

## **Tree Preservation Orders**

These can be issued by the local authority and can only be issued on trees or groups of trees, that have historical, landscape or amenity value.

## **Tree Felling Orders**

A felling licence from the Forestry Commission is required to fell trees. It is an offence to fell trees

without a licence if an exemption does not apply.

## **Hedgerow Regulations (1997)**

These protect certain hedgerows from being removed or destroyed without permission from the local planning authority.

## **Protected species**

Some species of plants and animals are given special legal protection by the following legislation:

- The Conservation of Habitats and Species Regulations (2010)
- The Wildlife & Countryside Act 1981 (as amended)
- The Protection of Badgers Act 1992.

This must be taken into account before planning permission can be granted.

Lists of legally protected species are available on the UK's Joint Nature Conservation Committee (JNCC)'s website [www.jncc.gov.uk/](http://www.jncc.gov.uk/) and include :

**Bats**

**Badgers**

**Barn owls**

**Field cow wheat**

**Firecrests**

**Ground pine**

**Otters**

**Water voles**

**Reptiles**

**Great crested newt**



## Wide ranging species

Many wildlife species range over large distances. For some species the legal protection is on the individual plant or animal and not on its habitat (i.e. only while a bird is nesting does the nest site receive legal protection) and the presence of a protected species may not influence planning permissions while for other species e.g. water voles, their habitat is also protected.

## Biodiversity Action Plan habitats and species

The UK Biodiversity Action Plan (BAP) is the UK Government's response to an international (United Nations) initiative and identifies habitats and species of principle importance for biodiversity. The NERC Act (2006) prescribes

that public bodies have to pay attention to BAP habitats and species when carrying out their functions (this includes assessing planning applications as well as during their own activities). This designation confers no specific legal protection, however granting planning permission for a development that would destroy a significant area of the habitat of a BAP species may go against the Council's duty under the NERC Act. Further information can be found at

[www.bedsbionet.org.uk](http://www.bedsbionet.org.uk),  
[www.northamptonshirebiodiversity.org](http://www.northamptonshirebiodiversity.org)  
and [www.cpbiodiversity.org.uk](http://www.cpbiodiversity.org.uk)



## **3** What you can do if you are worried about a planning application's impact on wildlife

You can play an active role in the planning system. The main ways you can get involved are:

- Having your say during public consultation periods for Local Plans
- Having your say on planning applications affecting your community
- If one is being written, seeking the creation of new wildlife habitat in your Neighbourhood Plan
- Checking that planning conditions are being followed by the developer

If you are concerned about the impact of a particular planning application on local wildlife you may wish to object to it. Sometimes you may want to support an application if you feel that it will be beneficial to wildlife.

Before you write your response, collect as much information as possible both about the wildlife value of the site and about the application itself. Read through the application and any supporting documentation (available at the council offices or on their website) and be aware of the deadline for responses. Also investigate whether there have been any planning permission proposals on the same site and whether the site has been allocated for development within the Local Plan.

### **Things you can do**

- Write a response to a planning application
- Talk to other local residents
- Contact your local Councillor/MP to see if they are prepared to support your objection and copy your letter to the Councillor for the ward in which the site is located and/or the local parish/town council
- Attend the relevant planning committee meeting.
- Contact the local media

### **Things to consider when writing a response**

After looking at the application and gathering supporting evidence you may decide you want to write a response. A written response (letter or email) will be more effective than a telephone call.

- Address your letter to the case officer and state the application number.
- Be clear about whether you are objecting to or supporting the application.
- Keep your letter brief, calm and



Pic: Amy Lewis

polite. Avoid using emotive language.

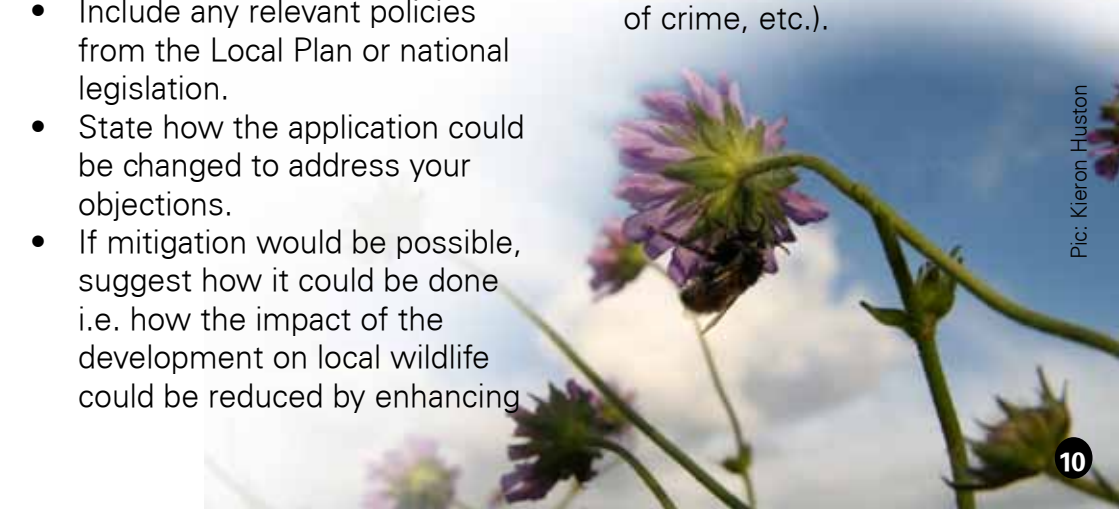
- Include information about important habitats and wildlife which have been found at the site.
- Attach supporting evidence such as photographs if necessary.
- Base your letter on planning issues rather than your personal opinion.
- It may be more appropriate to object on grounds other than wildlife, if these are more likely to affect the decision. Find out from the Planning Officer what the main issues are.
- Include any relevant policies from the Local Plan or national legislation.
- State how the application could be changed to address your objections.
- If mitigation would be possible, suggest how it could be done i.e. how the impact of the development on local wildlife could be reduced by enhancing

opportunities for biodiversity. Could conditions be added to the planning application to reduce or avoid harm to the local environment and wildlife?

## Try to avoid

Including any information you are unsure about

- Making any unsubstantiated criticism of the applicant or the council.
- Exaggerating your claims.
- Unrelated information.
- Mentioning issues which are not considered in planning matters (e.g. property values, incidence of crime, etc.).



Pic: Kieron Huston



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## Useful Contacts

- [www.planningportal.gov.uk](http://www.planningportal.gov.uk)  
(local authority planning information for the public)
- Planning Aid [www.rtpi.org.uk/planningaid/](http://www.rtpi.org.uk/planningaid/) (0330 1239244)
- The Department for communities and local government:  
[www.communities.gov.uk](http://www.communities.gov.uk)
- Local Council Ombudsman - [www.lgo.org.uk](http://www.lgo.org.uk)
- Natural England [www.naturalengland.org.uk](http://www.naturalengland.org.uk) (This is the government's advisor on the natural environment. Natural England must be consulted on planning applications which impact on legally protected species or habitats.)
- Bedfordshire and Luton Biodiversity Recording and Monitoring Centre (BRMC) [www.bedsbionet.org.uk](http://www.bedsbionet.org.uk) (01234 355435)
- Cambridgeshire and Peterborough Environmental Records Centre [www.cperc.org.uk/](http://www.cperc.org.uk/) (01954 713570)
- Northamptonshire Biodiversity records Centre (NBRC)  
[www.northamptonshirebiodiversity.org](http://www.northamptonshirebiodiversity.org) (01604 400448)

## To find out about becoming a member of the Wildlife Trust

**please contact:** The Wildlife Trust, The Manor House, Broad Street, Great Cambourne, Cambridge, CB23 6DH, Tel: 01954 713543

Email: [membership@wildlifebcn.org](mailto:membership@wildlifebcn.org)

**Your local Wildlife Trust protects the special wildlife and habitats of Bedfordshire, Cambridgeshire and Northamptonshire. We are a charity dependent on voluntary contributions.**

For more information on The Wildlife Trust Northamptonshire please contact:  
The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire  
The Manor House, Broad Street, Great Cambourne, Cambridge CB23 6DH  
Tel: 01954 713500 Email us at [cambridgeshire@wildlifebcn.org](mailto:cambridgeshire@wildlifebcn.org)

# [www.wildlifebcn.org](http://www.wildlifebcn.org)

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