

# **PLANNING AND THE WILDLIFE TRUST**

## **A GUIDE TO WORCESTERSHIRE WILDLIFE TRUST'S INVOLVEMENT IN THE PLANNING PROCESS**



## PLANNING AND THE WILDLIFE TRUST

Development and planning decisions can have a significant impact on wildlife. This impact can be very damaging but it doesn't have to be so. Indeed with careful thought and implementation new development can deliver valuable biodiversity enhancement and our role is as much about promoting positive outcomes as it is about fighting harmful proposals. We are therefore committed to working with planning departments across Worcestershire to ensure that the decisions they make are as environmentally sustainable as possible. We campaign for the inclusion of wildlife in the decision-making process and aim to ensure that biodiversity is fully considered in every development-control decision.

We are not anti-development. Indeed we are acutely aware of the need for development, whether it be socially affordable housing, a waste transfer plant or an industrial unit. We do not believe that development is necessarily bad, in fact there are situations where the sensitive re-use of a site can provide significant benefit for wildlife. The Trust aims to ensure that such benefits are realised whilst striving to reduce the damaging results of poor planning decisions.

We base our input on objective evidence and our understanding of the legislation and policy underpinning planning today and we work hard to ensure that our advice to Local Authorities is both independent and as accurate as possible.

***We are not a statutory organisation and we cannot force others to listen to our views*** but we can make sure that planners and developers are aware of wildlife law and the constraints it places on development. This is particularly relevant because Local Authorities have a duty to carry out their functions in a sustainable manner and they are required to take wildlife into account in every decision they make. We work in partnership with councils to help ensure that they can fulfil their responsibilities and carry forward the conservation agenda themselves, rather than simply relying on the Trust to 'firefight' when things go wrong.

### OUR ROLE IN THE DECISION-MAKING PROCESS

The Trust is engaged at all levels of the planning process. We are non-statutory consultees and our comments are independent of Local Authorities, Statutory Government Advisors and applicants or their consultants. However we are keen to work in partnership with all of these parties to ensure the best results for biodiversity within the planning system.

We provide input into national, regional and local planning policy documents, which allows us to campaign for wildlife at a strategic level to help guide decision-makers towards a more sustainable development solution. In addition to this we provide training to Local Authorities (both officers and elected members) designed to help them understand and fulfil their legal and policy responsibilities with regard to nature conservation. In using this approach we try to make sure that even in cases where we cannot engage directly with an application it still has to take into account the local wildlife interest and the natural environment. By helping Local Authorities design environmental policies that both protect and enhance our biodiversity we can help to drive development in Worcestershire away from sensitive sites and promote the use of sustainable techniques whilst helping to deliver conservation gains.

We also provide information and advice to planners, applicants and consultants regarding individual planning applications and we are often the lead NGO working for wildlife on development proposals in Worcestershire.

In all cases we base our comments on ecological, biodiversity or nature conservation issues. We respond using our knowledge of the law, current guidance and best practice and aim to push for biodiversity benefits above and beyond those required by legislation where we feel these can be legitimately sought.

## WHAT WE DO

The Wildlife Trust is not able to deal with every application in the county, there are simply too many at any one time. Furthermore, an audit of our success suggests that input into simpler planning applications does not provide the greatest benefit to wildlife. Instead we spend much of our time working strategically with policy-makers on wildlife issues, providing training on the protection and enhancement of biodiversity and on reduced application casework on priority cases (together with some monitoring to check that Local Authorities are fulfilling their responsibilities).

As a result staff at the Trust:

- Trawl the weekly planning list for applications of interest and use this to help target application casework as effectively as possible.
- Confine application casework to those applications that can offer significant biodiversity gains, or that are a serious threat to features of high ecological interest.
- Use a monitoring caseload to check that Local Authorities are dealing with protected species issues adequately and try to deal with the cases where they don't.
- Concentrate on targeted advice and training for Local Authorities and others, and combine this with our consultee role in Development Plan Documents, strategies and policies
- Aim to get involved in any schemes where substantial biodiversity benefit can be achieved.
- Aim to get small scale but widespread biodiversity benefits through promoting the wise use of planning policy rather than piecemeal through casework.

We usually respond to applications only on ecological grounds because this is our main sphere of expertise. If there are landscape or open space issues these are usually dealt with by County Council landscape teams, Natural England, CPRE or other public access bodies. In some circumstances we may provide comments on wider sustainability issues where these can have an impact on the local environment or climate change.

In order to implement the basic themes laid out above we have agreed to try and deal with specific wildlife issues in the following manner.

### **1. Protected species**

- Recognise and promote the fact that species protected under European legislation and the Wildlife and Countryside Act can be an issue in almost any planning application, from loft conversions affecting roosting bats to river diversions affecting otters.
- Use training to highlight the need for effective surveys and to raise awareness of the legal implications of protected species legislation.
- Deal only with major cases and monitor a percentage of (for example) barn conversions to check that Local Authorities and developers are complying with the law. Otherwise we would not deal with every application but instead be prepared to provide advice in legal action should this be necessary.

### **2. Protected sites**

- Local Wildlife Sites (LWS) – We would not arbitrarily deal with every case or push for a blanket ban on development but will ensure that we are *approached* for a response to all cases. We will use local development policies and national guidance to protect sites from inappropriate development and provide training for Local Authorities to help them implement legislation and guidance properly.
- Use training and legislation / guidance to ensure that developments with an intrinsic risk of damage that is not mitigated for (or appropriate following mitigation) do not go ahead.
- Use training and national guidance to help persuade Local Authorities to determine only applications that are supported by sufficient information to allow assessment of potential damage to sites and species.
- Look for positive biodiversity gain from development adjacent to SWSs.

### **3. Sites of Special Wildlife Site quality but with no protection (for example previously unknown sites)**

- Deal with these sites as for SWSs and ensure that Local Authorities have due regard to guidance in legislation and planning policy. This will be particularly relevant for grassland sites.

### **4. Barn Conversions**

- Use training to explain the need for Local Authorities to meet legislation and guidance in Planning Policy Statements rather than responding to each case. Our training and national legislation already recommend surveys and mitigation and we will continue to echo this.
- Monitor Local Authority activity carefully and be prepared to follow up cases where surveys are not forthcoming or legislation is not followed. (These are the cases most likely to lead to difficulties with protected species for example bats and great crested newts because they tend to offer the most roost / hibernation sites).
- Use training to push for gains through development (for example bat boxes) in line with national guidance.

### **5. Tree works**

- Use training to recommend surveys for bats, nesting birds, invertebrates etc. along with appropriate working practices in line with British Standards and the relevant legislation / guidance.
- Look to the Local Authorities to have due regard to the importance of veteran and orchard trees where these have intrinsic value.

### **6. Hedgerow removals**

- Offer training on the Hedgerows Regulations 1997 and appropriate timing of work.
- Use training and legislation to encourage Local Authorities to ask for wider surveys wherever appropriate (e.g. for dormice in parts of the west of the county)
- Use training to push for substantial replanting in the event of removals under planning permission (in line with national guidance).

### **7. Development adjacent to water bodies**

- Offer training on important issues including the need for surveys for protected species and water quality etc.
- Monitor a small number of applications to ensure that the above is acted upon but do not deal with all cases.
- Use training and application responses to push for the use of SUDS and soft engineering solutions wherever possible, in line with national guidance and legislation.
- Push for substantial mitigation for potentially damaging developments and assess through monitoring if Local Authorities take this on board.

### **8. Major developments and those requiring an Environmental Impact Assessment**

- Commit to involvement on steering groups for large schemes as appropriate. Large schemes offer scope for potential biodiversity gain and the Trust can be best placed to take advantage of this if it engages closely with planners and developers on big schemes.
- Use training and policy / strategic developments to promote the following for all applications
  - Push for Sustainable Drainage Schemes in all appropriate circumstances
  - Require protected species and other surveys in line with guidance and legislation
  - Push for floodplain restoration and safeguards including soft engineering techniques
  - Push for implementation of guidance-led constraints on noise and light pollution
  - Promote the use of sympathetic landscaping and easy to install features such as bat and bird boxes to enhance all developments as far as possible (in line with guidance and national best practice)
  - Use training and legislation / guidance at a strategic stage to promote best practice in Green Infrastructure provision, landscape restoration and habitat creation in all appropriate

applications and be prepared to offer advice directly to developers. This can be done both strategically through training and practically through case involvement.

- Push for ecological mitigation for loss of any habitat (not just that of high quality) and require biodiversity enhancement in line with national guidance.
- Push for Local Authorities to require overall biodiversity gains from all developments.
- Look to gains from large developments to complement large area proposals in target areas. Examples could include new woodland planting in the Wyre Forest area, or grassland creation in Wychavon as open space within housing developments. This would be in line with national guidance, community strategies, and local Biodiversity Action Plan targets.
- Applications for mineral extraction offer huge scope for large area restorations with biodiversity as the main driver. The Trust will be promoting this and will aim to become involved in new schemes to push for these benefits if possible.
- Look for wider sustainability benefits such as lowered carbon emissions and reduced resource use.

#### **9. Permitted Development (i.e. those activities that do not require planning permission but that do require the 'developer' to notify the Local Authority)**

- Use training and Supplementary Planning Documents to ensure that Local Authorities are aware of the issues involved in this area (primarily Protected Species) and offer advice on best practice and advisory notes that can be used to ensure that Permitted Development is still carried out sympathetically.

#### **WHAT WE CAN'T DO**

The Trust cannot comment on all planning applications that might have an impact on wildlife. This is partly because we do not have the resources to deal with everything that comes in but also because the law and guidance that we have to use does not allow us to. Some species such as rabbits, foxes and squirrels are not rare or protected and as such they are not a material consideration in the planning process. Similarly, many of the open spaces that are so valued by local communities are not of great ecological value and are unfortunately unlikely to warrant our involvement.

The following list details those sorts of applications that we would not normally get involved in either because they are better dealt with by others or because they are unlikely to provide the best wildlife gains for our time.

Typically we won't

- Get involved with applications pertaining to SSSIs unless there are overriding reasons to do so. These applications should be handled by Natural England who are the statutory body responsible for them.
- Deal with applications that have limited impact on wildlife or offer very little chance of gain unless there are overriding reasons for doing so.
- Deal with small-scale applications outside target areas of importance unless there are overriding reasons for doing so.
- Deal with applications that have specific guidance in Supplementary Planning Documents, Planning Policy Statements, primary legislation, or policies where those policies should protect features of interest without our additional help (examples include loft conversions, extensions, sewage treatment works, applications for single dwellings in urban locations and small scale infrastructure alterations). These will however be included in our monitoring system and our position amended if necessary.

We recognise that this means that we will not be able to get involved in all applications that concern our members. Instead we have provided details of how to comment effectively on planning applications in this document.

## LETTING US KNOW ABOUT ISSUES IN YOUR AREA

We make every effort to keep up to date with planning applications in the county but it is fair to say that we do not get to hear about everything. If you are aware of an application near you that you believe will have a significant impact on your local wildlife please let us know.

You can do this by writing to Worcestershire Wildlife Trust at Lower Smite Farm, Smite Hill, Hindlip, Worcester WR3 8SZ or emailing us at [enquiries@worcestershirowildlifetrust.org](mailto:enquiries@worcestershirowildlifetrust.org) marking your communication for the attention of the Conservation Officer – Planning.

Because the official name of a proposed development often varies from the local one it is best if you can head your letter with the Planning Application number (which will appear on site notices and in the local paper). We will also need brief details of the proposed development and some information about the wildlife that is under threat.

***We cannot guarantee that we will be able to deal with every application forwarded to us but we will use your information to help decide which proposals are of most concern.***

## HOW TO RESPOND TO APPLICATIONS

In many cases the Trust simply does not have the resources to deal with an application even though it might be damaging to wildlife or the local countryside. This does not mean that conservation matters should not be addressed and in the absence of Trust input it is especially important that local people express their concerns to the Local Authority. Here are a few easy tips to help you ensure that your views carry the most weight.

1. Make sure you check the facts of an application before you comment. Do not be led by hearsay but try to view the details of the application on the council website or at the council offices. If you need more information about the application speak to the case officer dealing with it.
2. If you feel that you need to comment on the application you can respond online via the relevant councils planning portal or write directly to the officer dealing with it. Generally it's not helpful to write to more senior officials at the council unless you're unsatisfied with the officer's response. Typically they will pass application communications directly to the case officer anyway. Head your letter with the application reference number so that the officer knows which case you are referring to.
3. Try to make your letter concise and precise about your concerns. Perhaps use bullet-points to deal with the key issues.
4. Planning officers will only take into account those matters that are 'material considerations' in the planning process. Basically that means that the issues you want to raise must be covered in planning policy or the law. Before you write to the council make sure that you are sure of the facts as you see them and that they can be referred to a policy in the relevant local development documents. Remember that the officer for the Local Authority has to balance the pros and cons of a proposal. They do not have the luxury of deciding which way they 'want' an application to turn out. They can only follow legislation and guidance.
5. Try to be constructive and offer alternatives that would help to allay your concerns.
6. Remember that there are laws protecting many species and some sites and habitats. Remind the Local Authority of this where relevant and ask how the application meets with the requirements not only of the legislation but also the local Biodiversity Action Plan (which all the Councils in Worcestershire have signed up to).

7. If you do not feel that a simple letter to the planning officer will suffice you can also contact your local MP, the relevant councillor for your area or try to generate local support for your position amongst members of the public.
8. Remember that Local Authorities have a duty to listen to the public and that your opinion counts. Make sure it is presented in an effective way, formally and politely.

In many cases the wildlife value of an area is not considered as important as the proposed development and the planned construction will go ahead. In such cases the developer must be required to 'mitigate' any damage and provide biodiversity enhancement through careful planning and execution of the permitted scheme. It can be useful to suggest ways in which the development can add wildlife value to an area and try to get these included as conditions on permission. Good examples include bat boxes, bird boxes, native planting in landscape plans, Sustainable Drainage Systems, water re-cycling and sensitive lighting that does not spill into the wider countryside.