

How to understand the planning system in relation to the natural environment



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What is the issue?

We know we are in a nature emergency with national and local losses of habitats and species. This is not all due to development, but development does play a role and in some cases has had a negative impact on nature.

What is the opportunity?

The planning system does not have a fixed outcome and you *can* influence it..

Good quality development in the right place *can* bring benefits for both nature's recovery and also connecting people with nature.



We can plan
for people
and nature
and make
great places



How does the system work?

N.B. This information is correct at the time of writing (May 2022) but the Government is expected to announce changes to the planning system soon so this may change

Planning decisions should be based on planning policies. These are set at national and Local Planning Authority (LPA) level - and sometimes a geographical level in-between.

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1. National Policy

A) The most important document is the National Planning Policy Framework (NPPF) which is periodically updated www.gov.uk/guidance/national-planning-policy-framework

Paragraphs most relevant to the natural environment are:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing... sites of biodiversity...
- b) recognising the intrinsic character & beauty of the countryside and of the wider benefits from natural capital and ecosystem services
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

179. To protect and enhance biodiversity and geodiversity, plans should

- a) identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of designated sites important for biodiversity, wildlife corridors and stepping stones and areas for habitat management, enhancement, restoration or creation.
- b) Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

180. When determining applications, LPAs should apply the principles:

- a) If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

B) Accompanying these is National Planning Guidance. The guidance on the natural environment www.gov.uk/guidance/natural-environment which covers how to consider the following in planning: Green Infrastructure, biodiversity, ecological networks, Local Wildlife Sites, data, protected species, the mitigation hierarchy (avoid, mitigate, compensate), net gain, trees and woodland (*link to How to Guide on ancient trees and woodlands*).

C) Highlights From the Government's 25 year Environment Plan that are relevant to planning for the natural environment

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A Green Future: Our 25 Year Plan to Improve the Environment



www.gov.uk/government/publications/25-year-environment-plan

Green infrastructure in urban areas

Urban residents prize the parks, playing fields, woods, street trees and footpaths that make their district an attractive place. People in greener surroundings have longer and healthier lives. Green infrastructure brings wider benefits, including sequestering carbon, absorbing noise, cleansing pollutants, absorbing surface water and reducing high temperatures. The number and condition of green spaces has declined and current investment is confined to specific projects. We risk losing more good quality green spaces.

As we build more homes, preserving and creating green spaces in towns is more important than ever. Local authorities and developers need to take account of all the benefits when deciding how much land to allocate as green space.

3. Greening our towns and cities

Green and blue spaces in our built environment are essential to health and happiness. Yet urban greenspace is unequally distributed. The provision of more and better quality green infrastructure,²² including urban trees, will make towns and cities attractive places to live and work, and bring about key long-term improvements in people's health. Better green infrastructure will promote local social interaction and help to develop strong community networks through participation and shared achievements.

i. Creating more green infrastructure

Our aim is to improve existing green infrastructure by encouraging more investment while making sure there is a presumption for sustainable development. Initially, we will focus on areas where we know that there is not enough accessible green infrastructure, or that what is there is of poor quality.

D) Highlights from the Environment Act 2021 that are relevant to planning for the natural environment

- Protect nature by mandating **Biodiversity Net Gain**(see later) in the planning system, ensuring new houses are not built at the expense of nature and delivering thriving natural spaces for communities.
- Improve the planning for nature's recovery through **Local Nature Recovery Strategies** and the creation of **Nature Recovery Networks** to join up nature sites and create wildlife-rich places.
- The Act was passed in Nov 2021, but we are now in a 2 year transition period before some elements become legal – secondary legislation with more detail is currently being consulted on.

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2.Regional and sub-regional plans

At the moment there are no sub-regional planning documents but there is close cooperation through the South Yorkshire Mayoral Combined Authority and the South Yorkshire Local Nature Partnership and there will be shared or aligned strategies such as climate change plans, Local Nature Recovery Strategies and Biodiversity Net Gain policies/guidance.

3.Local Plans and guidance

LPAs have to develop, consult on and then publish a '**Local Plan**' for their area.

These are really important as they set out the following for strategic planning and making planning decisions:

- Core Strategy with top level policies
- Topic and Site Specific Policies
- A spatial Local Plan map showing sites 'allocated' for housing, business use, other designations and other layers of information. It can be hard to argue that a site should not be developed once it has been 'allocated' for development.

Sheffield is currently preparing a new Local Plan. As a result, many of its current policies and site allocations (from their Unitary Development Plan) are quite old - from 1998!
www.sheffield.gov.uk/home/planning-development/sheffield-plan.html

Some of the western area of Sheffield falls under the Peak District National Park Authority (PDNPA) LPA and their Plan and policies are here although they are consulting on a new Local Plan at the moment www.peakdistrict.gov.uk/planning/policies-and-guides . Interactive maps can be found on this page.

The Rotherham Local Plan is here and you can look at overall or site-specific policies - you may want to look at both the Core Strategy and the Sites and Policies document. They can seem long and quite overwhelming but actually if you just search for the topics/policies/sites you are interested in, you do not have to read the whole thing (that is the planners and developers job).

www.rotherham.gov.uk/planning-development/guide-local-plan/5

And you can look up areas of sites on the interactive policy map which is helpful

<https://maps.rotherham.gov.uk/mapping/Map.aspx?MapName=LocalPlan>

- Then there can be Supplementary Planning Documents (SPDs) on specific areas including the natural environment
- Local areas (a Town/Parish Council or a Neighbourhood Forum) can also prepare their own Neighbourhood Plans - there are currently five in Sheffield
www.sheffield.gov.uk/content/sheffield/home/planning-development/neighbourhood-planning.html

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And five in Rotherham www.rotherham.gov.uk/planning-development/neighbourhood-plan/2

- Masterplans can also be created at a more local scale - these can be a good opportunity to advocate for more nature. For example Gleadless Valley Masterplan in Sheffield www.sheffield.gov.uk/home/campaigns/gleadless-valley-masterplan.html

4.Planning applications - how the process works

- Often there is a pre-application process, checklist and advice from the LPA – this can include ecological advice from the in-house ecologist
- An applicant puts in an application for a development. For many applications (not including house extensions etc) the information should include ecology reports by a professional ecologist covering the ecology on site and potential impacts, designated sites, protected and other notable species impacts, mitigation and compensation (including Biodiversity Net Gain). It is worth noting that the presence of species, including species protected by law, does not necessarily mean that no development can go ahead - although any potential impacts on species will need to be avoided or addressed through mitigation, compensation/licensing.
- A Case Officer (Planner) is assigned to ensure all the relevant information is submitted and that views are sought from statutory consultees and internal colleagues in the planning department. The name of the Case Officer is on the planning portal.
- Details are publicly available on planning portals and neighbours are alerted. It may also be in the local press.

Sheffield applications can be seen here, where you can also see weekly lists

<https://planningapps.sheffield.gov.uk/online-applications/>

The PDNPA applications can be found here

www.peakdistrict.gov.uk/planning

Rotherham applications can be seen here

www.rotherham.gov.uk/planning-applications/find-comment-planning-application

And weekly lists are published here

www.rotherham.gov.uk/planning-applications/weekly-list-planning-applications

- The public and other organisations can see the information (except LPA internal advice which is frustrating as the Case Officer will be highly influenced by this) and can submit letters of objections, support or comments via the planning portal or via email or letter. If you flag up gaps or issues with the information available on the portal, it may lead to more info being sought. Ecology surveys cannot be 'conditioned' (please see later for explanation of 'conditions') after a planning decision - as information from the surveys may influence plans and decisions. Although detailed management plans etc can be 'conditioned'.
- **The more you can make your comments/objections specific and linked to planning policies i.e. how this application in its current form does not meet planning policies - with evidence - the better.** This is because LPAs can only take into account planning policies and certain reasons for objecting when considering an application - these are called 'material

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considerations’. This is not easy for people who are not familiar with Local Plans or policies and individuals and groups may need support to maximise the effectiveness of their comments. The PDNPA have helpfully provided some information about what will be considered [here](#).

- If you register when you submit comments on a case you can save the case and *should* be alerted (via email) to updates - although in our experience this is not foolproof and you are best regularly checking the case you are interested on the portal for updates

- The Case Officer will either determine the application themselves (delegated powers) if it is small with a short report - usually granted
- Higher profile (which can be the result of public interest) and more complex cases will then require a report written by the Case Officer which lays out how the application does or does not meet national and local policy considerations (which will have different weights) and a recommendation ready for a Planning Committee decision.
- The report will also include a section on consultation responses and how these have been taken into account in the recommendation
- The report should be read by the Planning Committee members before the planning committee meeting

Planning Committees

- The planning committee is made up of local Cllrs – democracy!
- Provides an opportunity to influence
- Anyone can submit a request to talk at a Planning Committee meeting for up to 5mins
- Developer/consultants
- Parish Councils
- Local Cllrs/MPs
- Public and local groups
- Organisations – SRWT, CPRE etc



Sheffield meetings were on-line for a while but are now back in the Town Hall. The dates are here.

<https://democracy.sheffield.gov.uk/ieListMeetings.aspx?Cid=373&Year=0>

See here for details of the Peak District National Park planning meetings

www.peakdistrict.gov.uk/planning

The Rotherham meetings are still on-line

<https://moderngov.rotherham.gov.uk/mgCommitteeDetails.aspx?ID=290>

The agenda is usually published 7-8 days in advance and if you want to speak you need to email abby.hodgetts@sheffield.gov.uk for Sheffield or

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development.management@rotherham.gov.uk for Rotherham ideally 5 days in advance.

There is therefore a tight window of opportunity so it is useful to stay in contact with the Case Officer about when the case you are interested in may go to Committee etc. When you request to speak include in your email the application reference and address and what you are going to say as the Planning Committee Members will receive this in advance and have a chance to read and consider your points.

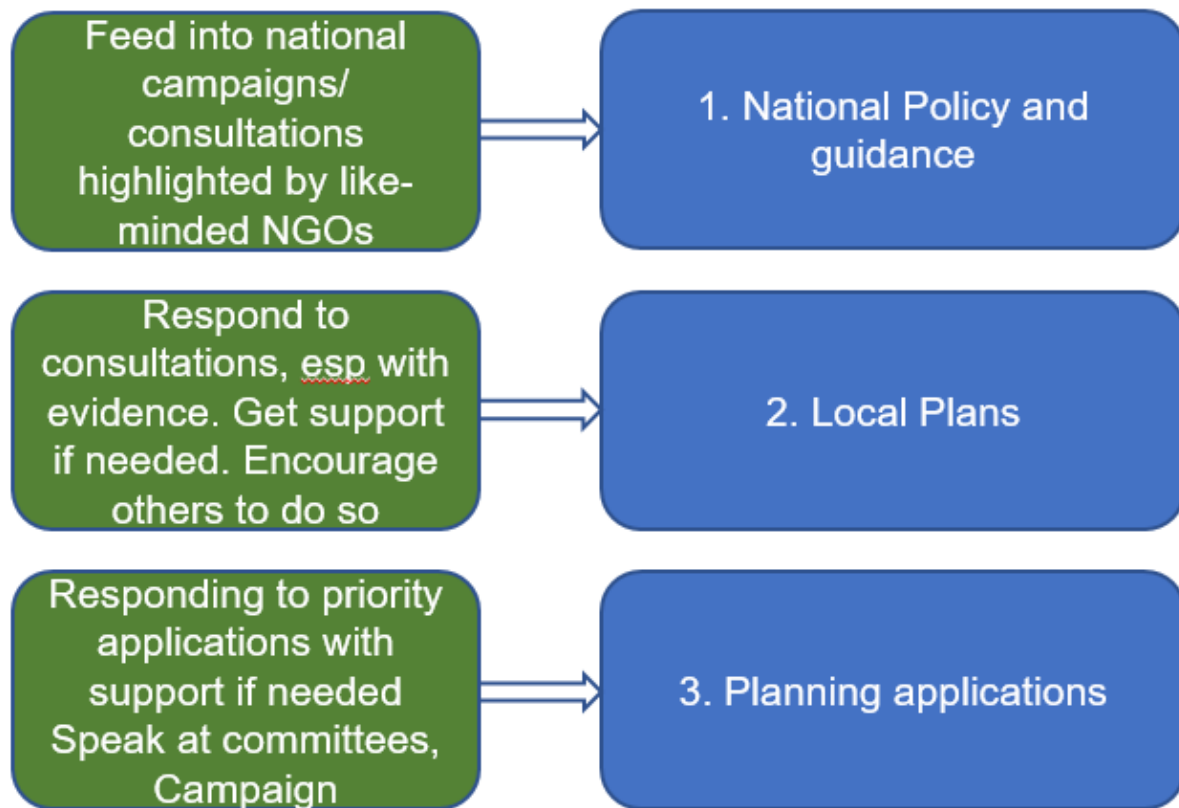
•A Decision is made by a vote with justification (either way) based on planning policy
The Committee usually goes with the Planning Officers recommendation (as the planning professional) in which case the justification is laid out in the report. BUT not always
•If an application is granted - it will almost always be '**subject to conditions**' they lay out what the applicant needs to do - often before they put a spade in the ground. The wording of conditions can be important - it can be really helpful to state clearly what you think the conditions should be - include specific concise wording if you can (or seek advice on this). For example it may be that the applicant has to write a Biodiversity Management Plan for the site that has to be signed off by the LPA before work can commence

- If the LPA refuse planning permission then the applicant can appeal to the [National Planning Inspectorate](#) (see the CPRE advice on fighting an appeal in Further Resources).
- This is a gamble for the LPA as it involves barristers etc, it can be costly.
- This has happened a few times in Sheffield recently, partly because the SCC Local Policies and allocations are old and not robust and Committees did not go with the Officer recommendation.
- Individuals and local groups can submit statements to the Planning Inspector. If they choose to read them out at the Inquiry, the statements are given more weight.
- A group will be given even more weight if they choose to register as a 'Rule 6 Party' to give evidence. If you are considering this, please seek professional legal advice around costs, legal representation and any expert witnesses required.
- Government Planning Reforms could change all this!

5. How you can influence it

There are different levels and types of influence available to people, including members of the public. Your influence depends on when you find out about a potential development, for example, and how much time and effort you want to put in yourself, and to what extent you can galvanise others. Some influencing you can do yourself, but sometimes support from professionals may be needed or be useful, e.g. wildlife conservation charities, planning consultants, commissioning independent ecology surveys or other surveys - although this will require considerable financial input. It is worth noting that Cllrs on Planning Committees are not supposed to be influenced by people writing to them (although you still can) and you can write to your local Cllr, your Parish Council or MP about any planning concern as they can all submit responses.

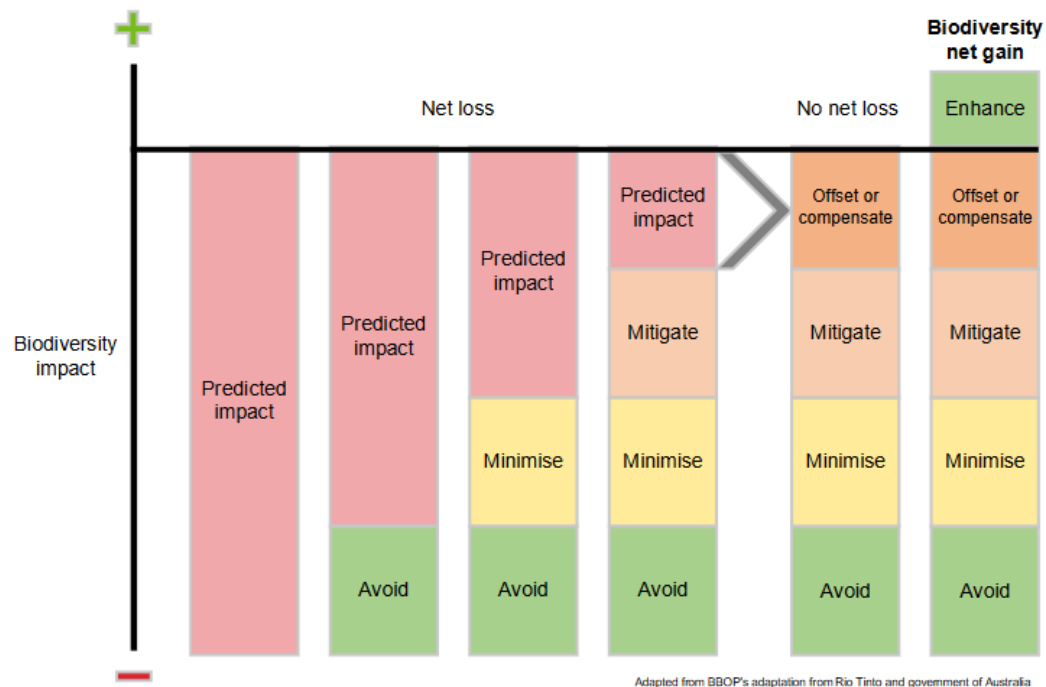
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6. Biodiversity Net Gain

- BNG is being introduced with an aim to leave nature in a **measurably better state** than before the development in order to contribute to nature's recovery. This should be a big improvement to the planning system if it is implemented properly.
- After the mitigation hierarchy has been followed, it aims to deliver improvements through habitat creation or enhancement on the development site, or if this is not possible, on an appropriate compensation site.
- **From Nov 2023 10%+ BNG will be mandatory and a material planning consideration.**
- Small sites are treated in a more simple way and there are exemptions for very small developments.

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Further Resources

www.wildlifetrusts.org/planning

www.wildsheffield.com/getinvolved/planning-issues/

www.ywt.org.uk/planning-and-policy#individual

www.cprepsy.org.uk/what-we-care-about/planning-issues/influencing-an-application/

www.cprepsy.org.uk/what-we-care-about/planning-issues/fighting-an-appeal/

www.cprepsy.org.uk/what-we-care-about/planning-issues/organising-a-campaign/

www.peakdistrict.gov.uk/planning/have-your-say/reasons-for-objecting

www.buildingwithnature.org.uk

<https://cieem.net/>

www.communityplanningalliance.org/

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Example responses to planning applications by Sheffield & Rotherham Wildlife Trust

[Smithy Wood](#) – [submission 1](#), [submission 2](#), [submission 3](#), [submission 4](#), [submission 5](#)

[Owlthorpe Fields](#) – [submission 1](#), [submission 2](#), [submission 3](#), [Proof of Evidence](#)

[Hollin Busk](#) – [submission 1](#), [submission 2](#), [submission 3](#), [submission 4](#)

[Hepworth Properties Ltd](#), East Works (Former Loxley Works), Storrs Lane – [submission 1](#)

[Long Line](#) – [submission 1](#), [submission 2](#), [submission 3](#)

How to find a professional ecologist

CIEEM - [Finding a Consultant](#)