



**Friends of
the Earth**

How to:

use your rights in planning applications

Knowing your rights and how best to use them can be a huge benefit to your campaign. When it comes to planning applications there are key factors that can help you to influence this complicated process in your favour. Here the Rights and Justice Team set out some practical advice on how to make best use of your rights

The planning application process is supposed to ensure that everyone has a fair opportunity to express their views alongside national, regional and local policy considerations. When development is proposed for housing, shops or new industry, the local council must decide whether or not the development should go ahead. To be involved in the future of your community, ensuring that the best possible development happens and not the worst, you have to be involved in the right way and at the right stage of planning applications.

Your voice and the voice of the community needs to be heard just as loudly as the voice of the development industry. The interests of developers are often put ahead of community interests partly because their case is presented better. However, councils are obliged to take your views into account. Local people have a wealth of knowledge and experience and can bring about better decisions on planning applications.

This pull-out is designed to help you make your view heard in a way that planning officers and councillors are more likely to take notice of.

It also contains a review of the *Community rights resource pack* – a practical guide

promoting a whole host of citizen and community rights including freedom of information, public participation and legal challenge.

This pull-out applies to England, Wales and Northern Ireland but variations do occur in specific planning policies and in some other aspects of the planning system. We have pointed out the main policy variations and on page 13 have given you the links and phone numbers which will enable you to refer to more detailed information.

The planning system is one of the key ways that we can implement our vision for sustainable development and help deliver environmental justice by ensuring that any new growth:

- promotes energy efficiency,
- reduces the need to travel,
- reduces climate change emissions through renewable technology,
- is decided in a fair, transparent and democratic way,
- does not have a disproportionate impact on some sections of the community.

The community rights resource pack

How this resource can help you to use your environmental rights

The community rights resource pack has been developed for citizens and communities to understand and exercise their environmental rights. The pack is structured into three parts reflecting the three categories of rights necessary to help to protect the environment:

- right to know
- right to participate
- right to challenge

The **right to know** section (freedom of information) is comprehensive and covers requests for information across the board in all forms of environmental decision-making.

The **right to participate** section (public participation) concentrates largely on the land-use planning system. It also contains information on environmental impact assessment and strategic environmental assessment, both of which apply beyond the planning system.

The **right to challenge** section (access to justice and redress) currently covers one of the main procedures for challenging bad environmental decisions and activities.

The pack is authoritative and yet very accessible to anyone with an interest in taking part in environmental decision-making. And for more seasoned campaigners, this resource tackles more complex areas in detail.

The pack is designed to be updatable, making it responsive to government policy changes as we produce new and revised sections for the pack. It is hoped that this resource will help local people and communities who are trying to make their voices heard in local, regional and national decision-making processes.

The pack will be available on CD, on our planning web pages (<http://YourPlanningRights.co.uk>), and will shortly be available in print.

While some of the pack is applicable to England, Wales and Northern Ireland, most of the right to participate section is currently based on the English planning system. A Welsh resource pack is now being written and a Northern Ireland resource pack will be written soon. Please contact Tom Picken (see box below) for the latest information on the format and availability of these resources, or to join the Citizens' Environmental Rights network.



Tom Picken / Friends of the Earth

Team power: the Rights and Justice PowerUp summer school, 2005

For further information or to join the Citizens' Environmental Rights network, contact Tom Picken from the Rights and Justice Team at tomp@foe.co.uk or on 020 7490 1555.

Or visit our web pages at <http://www.YourPlanningRights.co.uk>

A checklist for a letter of objection

A well-structured letter using key points and making reference to planning policy will be much more effective than an angry letter, no matter how sincere. Remember, there is a lot of weight given to your objection if you can support your case with relevant planning policies.

1. Use the correct Local Authority address, date and planning officer's name (phone and introduce yourself to the planning officer and build a good relationship).
2. Ensure you include the planning application number and a brief summary of the application.
3. Set out your basic statement of objection and your knowledge of the site.
4. Make specific reference to planning policies that the application clashes with (eg "paragraph 12 of PPS9 states that development should maintain biodiversity networks, however, this development would reduce the boundary length between the adjacent woods and the canal habitat".)
5. Mention site-specific local policy and any relevant planning history of the site (eg "this proposal is poorly linked to public transport and is therefore also contrary to paragraph 26 of PPG13").
6. Emphasise all the community interests that are affected and not just personal impacts (don't talk about losing the field to walk your dog but rather about the loss of community leisure space).
7. Tie in the community interests to development control policy where possible.
8. Stress the extent of local and community group support for your objection (any local groups and societies that agree with you will help your case, and don't forget the support of the local expert on birds, archaeology, etc).
9. State your wish to speak at the planning committee meeting.

Policy in Wales

- local councils make decision
- plans are called Local Development Plans (LDP)
- the Welsh Assembly Government makes national policy and is included in the Wales Spatial Plan (WSP)

Planning Policy Wales and Technical Advice Notes are available on the Welsh Assembly Government web pages at <http://www.wales.gov.uk/subiplanning/index.htm> or telephone them on 029 20 825111.

Policy in England

- local councils make decision
- plans are called Local Development Framework (LDF)
- the ODPM makes national policy through Planning Policy Statements (PPSs)
- the regions make plans called Regional Spatial Strategies (RSS)

English planning policies are available on the ODPM web pages at http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/sectionhome_page/odpm_planning_page.hcsp or telephone them on 020 7944 4400.

Policy in Northern Ireland

- the Department of Environment makes the plans and the decisions
- plans are called Development Plans

A full set of Development Plans and Planning Policy Statements (PPSs) for Northern Ireland are available on the Planning Service web pages at <http://www.planningni.gov.uk/> or telephone them on 028 9041 6700.

Planning applications: a step by step guide and how to play it

Step 1 – pre-application discussions

Developers will often have informal discussions with the local council before their planning application is submitted.

TOP TIPS

- If you know a site is up for grabs, make a freedom of information request to find out what if any discussions and correspondence have occurred relating to the development of that site prior to an application being made.
- This is also a good time to use the media and propose other development options more in line with community interests. Start to prepare your case as early on as possible.

Step 2 – an application is made

Once the developer has submitted an application and the local council records this on the planning register, the clock starts ticking. This process allows 21 days for public objections (usually 14 days from the time a local press notice appears).

TOP TIPS

- Closely examine the application and determine your position (you might want to push for changes to the proposed application or to object to the application entirely).
- Contact other people and local groups you think might support your position and quickly coordinate your objections.
- Phone the planning officer and talk over your concerns in a friendly way, it can only help if you build a good relationship. The officer can also help explain local planning policies to you.
- It is vital that you check the relevant planning policy relating to the site as this will have a lot of weight on the final decision.
- It is at this stage that you write your letter of objection. If there are angles you are still exploring, ensure your letter still arrives within the permitted time and state that you reserve the right to submit further information.

Step 3 – the officer's report

The planning officer's report will summarise all the representations by the public and the other issues material to the case. This report sets out all the key impacts and how they relate to local and national policy. The report will finish with a recommendation to refuse or approve the planning application.

TOP TIPS

- To maximise the weight of your objections in this report, you would have presented a few distinct killer arguments. The more relevant these points are to relevant planning policies the better.
- Before the local council planning committee meeting, contact the relevant local councillors to express your views. While councillors on the planning committee are not allowed to express their view until the decision is made, they still have an absolute duty to listen to your views – so this is your chance to influence their opinion early on.

Step 4 – the decision

An application is usually decided by the local council planning committee within eight weeks. For applications considered to have major environmental impacts and which require environmental impact assessment (EIA), the period of determination is 16 weeks. (Please refer to our guide on EIAs for this). Usually, the most important thing in reaching a decision is what the local development policy states. The final decision of the planning committee should be an overview weighing up everything material to the case. This will involve a mixture of factual technical information, on local and national policy imperatives and of local political views. This decision will either approve the planning application (but may put conditions on the development), defer if there is a need for more information, or to refuse the application.

TOP TIPS

- About two-thirds of local councils allow people to speak at the planning committee where the decision is made so find this out early.
- You would usually be allowed about three minutes, be sure to coordinate with the others objecting and tackle the different killer arguments between you. Make sure you prepare well and practice your talk.