

## How can I protect a meadow?

Protecting a wildflower meadow that is not already notified as a statutory site is very difficult. It is a matter of providing evidence that the wildlife habitat would be irreversibly damaged by the activity of the development. Ideally, the best time to do this is when the local planning authority is consulting on its Development Plans for the area, as afterwards the meadow may be in a location targeted for development. When this is the case there may be limited opportunities to reverse the decision but there is a process by which you can file an objection directly related to a planning proposal.

The planning system plays an important role in the conservation of our natural heritage as it provides the framework by which Local Planning Authorities decide whether or not to grant permission to change the way a plot of land is used. Legislation and policy guidance sets out how nature conservation issues must be taken into account by land-use planners and developers but it is important to ensure that wildlife interests are not overlooked. The UK planning processes are outlined below and there is advice on how you as an individual can get involved with local planning issues.

### The legal framework of the planning system

The planning system sits within a legal framework in each of the devolved countries of the UK. National policy and guidance are translated at local level into development plans by Local Planning Authorities (usually your Local Authority or a National Park Authority). These plans provide the long-term vision on land-use priorities for an area and form the context within which all planning decisions must be made.

Most Local Planning Authorities now have development plans in place but these may be revised in light of any recent changes to planning policy. It is worth checking when the development plan covering the meadow you

wish to protect has been formed and take part in any revisions if you are concerned about a site. It is at this stage where your intervention can make the greatest impact but if the development plan has already been finalised then this option is no longer available to you. The rest of this leaflet focuses on what you could do if a planning application will directly affect a grassland site you are concerned about.

### How to find out about a development proposal

Once you become aware of a development proposal that you think may affect your grassland it is important that you act promptly. There is usually a period of 21 days for submission of objections from the date on which the proposal is lodged with your planning authority, but always checks the deadline with the planning authority.

Your first plan of action should be to gather information about the planning application. This can be found on the Local Planning Authority website, where you can usually search for the application by address or through recently submitted applications if you do not know the planning reference number. All the information you need should be available online but if you wish to see the application form in full or hard copy then you may have to visit the Local Planning Authority offices.

Questions to ask about a development proposal:

- What is the application reference number and name?
- When is the deadline for comments to be received?
- When will a decision on the application be expected?

- Have the developers carried out an ecological survey?

Some species groups can be missed out of environmental assessments depending on the time of year they are undertaken or the expertise of the surveyor. For example, flowers, mosses, lichens, invertebrates and fungi often fall into this category.

If you are making an objection to a planning application you will need evidence to support this.

Your next step is to gather information on the wildlife interest of the grassland which the proposal will affect. In some circumstances this could include land adjacent to the proposed development site.

### Key considerations

The key considerations will be:

- Which species occur on the site?
- Has the site has been designated for its nature conservation interest?

Your local record centre may have wildlife information related to the site and it might be worth asking whether it is a 'local wildlife site'. See Appendix 1 for a list of site designations, including statutory protected areas, such as Sites of Special Scientific Interest (SSSIs), and non-statutory designations such as Sites of Importance for Nature Conservation (SINC).

If wildlife surveys have been carried out to accompany the application, it is worth cross checking this against lists of legally protected species. These are listed on [Schedule 8 of the Wildlife and Countryside Act 1981](#) or on [Annex II of the Habitats Directive](#). If the survey identifies a legally protected species then inform both the Local Planning Authority and your local Natural England / Natural Resources Wales / Scottish Natural Heritage / Northern Ireland Environment Agency office (see Appendix 2).

Species of conservation importance that do not have legal protection from development are listed on [Section 41](#) (England) / [Section 42](#) (Wales) of the Natural Environment & Rural Communities Act, the [Scottish Biodiversity List](#) and the Northern Ireland list of priority [habitats](#) and [species](#). Even if no rare or threatened plants are on the grassland, it may be a priority habitat or it might have received a local wildlife site designation, particularly if it is species-rich.

Information such as when the wildlife survey was carried out, how many times was the site visited, are lichens, bryophytes and fungi included in the survey and the qualifications/expertise of the consultant writing the ecological report, should all be checked. The ecological report should contain enough information for an informed decision to be made by the Local Planning Authority.

Therefore, if you know of rare or protected flora or fauna that will be impacted directly or indirectly by the development and the survey does not identify them, or the report does not adequately represent the wildlife value of the site, then you should inform the Local Planning Authority with a submission in writing.

Examples of local conservation experts:

- The Wildlife Trust
- Local Records Centre
- Local Natural England office / local Natural Resources Wales office / local Scottish Natural Heritage office /Northern Ireland Environment Agency
- Local authority ecologist or the Association of Local Government Ecologists
- Local county flora or fauna groups
- Local Nature Partnerships

## Voicing opposition

If, from your investigations, you feel you have grounds to object to the planning proposal on the basis that it will adversely affect local wildlife then it is time to write a letter. If you have large amounts of supporting evidence it may be easier to summarise your reasons for objecting in the letter and to attach your species lists or site accounts as appendices.

## Points to put into a letter of objection

- Write to the named Case Officer (or the Chief Planner) at the relevant Local Planning Authority
- Don't forget to include your own name and address
- Use the planning application reference number and name
- State whether you are an individual or writing on behalf of a group of people
- Explain your interest in the site
- Include the phrase "I/We object to..." and give clear reasons
- Set out the wildlife interest that might be affected by the proposal - list all locally or nationally important species, and state any designations
- Explain how the development will impact on the wildlife interest
- Quote relevant policies from national or regional planning policy guidance and the development plan which set out the need to protect and enhance wildlife
- Suggest alterations to the planning application that would reduce the impact of the development on the wildlife interest. **Appendix III** outlines planning tools - measures for making changes to a planning/development proposal which is likely to go ahead to

ensure damaging elements are avoided or compensated for.

If you would like to boost your campaign against a development then you could consider a press release to the local newspaper or radio station. If there are a number of people or groups in your local community with objections you might want to hold a public meeting - make sure you invite local councillors, representatives from the Local Planning Authority and the developers.

## What happens next?

The Local Planning Authority should acknowledge receipt of your letter and indicate when they expect to make a decision on the planning application. However, you may need to contact them to find out the decision. Depending on the scale of the proposed development and the number of objections received, a Public Inquiry might be necessary to determine the outcome - remember this when making your initial objections because you could be asked to defend them at the Inquiry.

Even after all of this process the objection may not be held and the development may go ahead. Gathering evidence to protect a site, such as historical survey information, is key to being able to sway the planning authority, and often this information is not available as the grassland was possibly not surveyed until it was considered for development. Access onto a grassland may also be restricted by the owners, resulting in a lack of information. If any survey data is gathered, this should be made available to the Local Records Centre at the first opportunity so that any consultation undertaken by the developer can take it into consideration prior to submitting a development proposal.

## Examples of Planning Policy Guidance

### England

The [National Planning Policy Framework](#) (2012) represents the government's view of what sustainable development means in practice for the planning system. Chapter 11 refers to *Conserving and Enhancing the Natural Environment* and one of the core principles is to "contribute to conserving and enhancing the natural environment and reducing pollution".

### Wales

In July 2015 the [Planning \(Wales\) Act](#) was approved and came into force. It states under sustainable development (part 2) that '... for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.' The [Technical Advice Note 5: Nature Conservation and Planning](#) (2009) aims to "provide advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation".

### Scotland

[Scottish Planning Policy](#) (2014) is the "statement of the Scottish Government's policy on nationally important land use planning matters". One of the core outcomes of the Scottish Planning Policy is that it should advocate "a natural, resilient place - helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use". The policy states "The environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use."

### Northern Ireland

Has produced a number of Planning Policy Statements (PPS), containing policies on land-use and other planning matters. There is a PPS on [Planning and Nature Conservation](#) (1997) which "embodies the Government's commitment to sustainable development and to conserving the diversity of our habitats and wildlife". The document initially sets out the aims and objectives and it includes the Government's aims for nature conservation as being "to ensure that its policies contribute to conservation of the abundance and diversity of the United Kingdom's wildlife and its habitats; to minimise the adverse effects on wildlife, where conflict of interest is unavoidable, and to meet its international responsibilities and obligations for nature conservation".

### UK

The [Localism Act](#) (2011) includes a 'general power of competence' for local authorities, which gives them the legal capacity to do anything that an individual can do that is not specifically prohibited. It intends to give greater freedom and flexibility for local government as well as providing new rights and powers for communities and individuals. The Localism Bill also makes it clear that councillors should play an active part in local discussions, including planning applications, so it is advisable to make them aware of your concerns. The Bill also encourages neighbourhood development plans, which can be voted upon in a referendum and, if approved by a majority, the local authority will bring it into force. This provides another important avenue to be involved with if you have concerns over the planning policies in your local area. For large planning applications developers must now consult local communities before submitting. For information can be found in the [A plain English guide to the Localism Bill](#).

(NB - Not all of the Act applies across the UK. See [here](#) for more information).



## Appendix I: Sites of wildlife importance

Local Wildlife Sites (LWSs) are identified and selected for their local nature conservation value. They protect threatened species and habitats acting as buffers, stepping stones and corridors between nationally-designated wildlife sites. They are selected using robust, scientifically developed criteria. Local Wildlife Site is the generic term promoted for these sites in England since 2006. Historically however, there have been more than 20 local variations to the terminology used to name these sites.

They should be highlighted in your local development plan as LWSs or:

- Site of Importance for Nature Conservation (SINC)
- Wildlife Sites (sometimes prefixed with County, Key or Special)
- Site of Nature Conservation Interest (SNCI)
- Site of Local Nature Conservation Interest
- Biological Heritage Sites
- Sites of Biological Importance
- Biodiversity Alert Sites
- Protected Road/Wildflower Verge

Other sites of wildlife significance are:

- [Important Plant Areas](#) are recognised at both a national and international level but they do not have the same legal protection as SSSIs and SACs. They do help in delivering the *Global Strategy for Plant Conservation* (GSPC).
- [Coronation Meadows](#) are historic wildflower-rich grasslands identified as the flagship meadow for each county in the UK and used as seed donor sites to create new meadows under the Coronation Meadows project.

There are also a number of national and international wildlife site designations with legal protection. These include:

- Sites of Special Scientific Interest (SSSIs)
- Areas of Special Scientific Interest (ASSIs)
- National Nature Reserves (NNR)
- National Parks
- Special Areas of Conservation (SAC) (which together with Special Protection

Areas make of the EU network of Natura 2000 sites)

- Marine Conservation Zones
- Areas of Outstanding Natural Beauty (AONB)
- RAMSAR Sites (wetland areas)

## Appendix II: Species protection

Legally protected species need special attention in planning. To check for important species refer to:

- [Schedule 8](#), Wildlife & Countryside Act
- [Annex II](#), Habitats Directive.

Each Government Agency has a list of protected species see:

- [Natural Resources Wales](#)
- [Natural England](#)
- [Scottish Natural Heritage](#)
- [Northern Ireland Environment Agency](#)

National priority species, such as under [Section 41](#) (England) and [Section 42](#) (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006, [Section 2\(4\) of the Nature Conservation \(Scotland\) Act 2004](#), and [Section 3\(1\) of the Wildlife and Natural Environment Act \(Northern Ireland\) 2011](#) have no special protection, but their survival is key for achieving the UK's aims to halt biodiversity loss.

All biodiversity strategies are aimed at delivering international commitments to stop the decline and loss of vulnerable wildlife as outlined in the [convention on biological diversity](#).

## Appendix III: Planning tools

**Planning conditions** - usually restrictions attached to the planning proposal by the Local Planning Authority e.g. certain area excluded from development to protect a species, or an ecological survey is carried out before development commences.

**Planning agreements** - made between the Local Planning Authority and the Developer e.g. Section 106 agreements can set out positive measures the developer must make for wildlife on the site.