



WoodWatch: an overview of the English Planning system

The planning system is important and it is essential to understand how it works. Most threat cases that Woodland Trust deals with originate from a planning application for development that will potentially impact on woods and trees.

Local authorities have legal powers to manage development. This process is overseen by central Government (Dept. For Communities & Local Government (DCLG), formerly Office of the Deputy Prime Minister) who, through the publication Planning Policy Statements (PPS), have set guidelines on how local authorities should assess different issues such as housing, retail, transport and renewable energy. Each PPS is numbered. For example, PPS1 sets out the aims and objectives of the planning system and PPS9 set out policies to protect the environment.

Planning for the future – a plan led system

In 2004 modifications to the planning system were made and these are gradually filtering down to change processes locally. Under this system Local Development Frameworks were introduced to replace the old local plans and unitary development plans. These will provide the basis for planning application decisions. The Government had intended that all areas would adopt their framework by 2007, but due to delays this has now been extended to 2011.

The LDF should include policies, proposals and documents about land use and ties together the different types of planning (e.g. transport, housing etc) in the local area.

Tip: *It is important to check what stage your local authority is at with their LDF as the development of these plans provides opportunities to influence local planning policy and push for improved protection of woods and trees.*

Once a site has been allocated for development it is difficult to prevent it being developed – so get in as early as possible in the development of planning policy. Your views may not be taken into account if they are made late in the process.

There are different layers of policy that influence development plans, which in turn influence planning application decisions:

National: At the national level, Parliament is responsible for making laws and setting out the legal framework for planning. Department of Communities and Local Government is responsible for producing national guidance through Planning Policy Statements (PPS), Mineral Policy Statements (MPS), and Planning Circulars. In England, there is planning legislation, policy and guidance but no national spatial plan.

Regional: The Regional Spatial Strategy (RSS) is prepared and reviewed by the Regional Planning Body (RPB), usually the Regional Assembly. This replaces the current regional Planning Guidance and County Structure Plans. In London the Mayor prepares the Spatial Development Strategy (SDS). All of these strategies, which must be prepared, cover a 10–15 year period and deal with broad or strategic issues such as the number and general location of new houses.

Local: Your local authorities will have a department that deals specifically with planning issues. There will usually be a planning policy section and a development control team. Planning officers within the planning policy section are responsible for preparing the Authority's Local Development Framework (LDF). The LDF replaces the old style of Local Plans or Unitary Development Plans (UDPs).

What protects your woodland?

Planning Policy Statement 9 offers protection for ancient woodland and is a material consideration in a planning decision. It states:

Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection (e.g. as a SSSI). They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.

See factsheet '*What protects your woodland*' for more information

What happens when someone puts in a planning application?

The development control section within your local authority deals with planning applications, appeals and enforcement matters (including development that has taken place without planning permission). Once a planning application has been submitted, your local authority will assess it and there is a compulsory period of consultation to take on views of the public. The decision to grant or refuse permission is made in line with the policies set out in the main documents of the LDF.

The final decision is made one of two ways:

1. Depending on the local authority's processes, applications can be referred to Committee for a decision by Councillors. These go by various names, such as Development Control, or Planning Committee. A Committee of this kind is usually made up of elected members. Places are allocated to parties and must broadly reflect the composition of the Council.
 - In most cases, the Case Officer will be able to provide an indication of dates - these are set out well ahead and tend to follow a monthly pattern (eg the second Tuesday of every month).
 - Sometimes - but not always, depending on Council policy - if you have sent in a written formal objection it may be possible to book a short slot to present your objection before the Committee.
 - This is a great chance to talk through the details of your objection and share your concerns on a one-to-one basis with the Committee.
 - Ask at an early stage whether this might be possible and ensure you know the precise terms and conditions of this opportunity, otherwise it might prove a wasted exercise.

Note: when approval will be of district-wide significance, the decision might be made at a full Council meeting.

2. For smaller applications that are considered by the authority to have only minor implications or thought to be non-contentious the decision may be 'delegated'. This means the Case Officer can consider all the information, make a decision and issue the notice. It is a good idea to clarify with you planning officer which method will be used as it varies between Councils.

What happens with really big developments?

Development that falls under the criteria of the **Major Infrastructure Projects (IPC)** is treated slightly different to other planning issues. IPC was set up by the Labour Government under the Planning Act 2008. Its purpose is to operate as an 'independent' body to fast track planning applications in respect of nationally significant infrastructure projects (NSIP).

These are defined as large scale facilities that might support the economy and public services such as:

- Power stations (nuclear and fossil fuel)
- Power transmission and storage (electricity, oil and gas)
- National transport network (strategic roads and railways)
- Ports
- Airports
- Waste water/sewage disposal
- Water supply (e.g. reservoirs)
- Disposal of hazardous waste (e.g. incinerators)

In each case a minimum scheme size is set for the planning application to qualify for consideration by IPC, with the existing planning system handling all other applications. The powers of the IPC extend in certain instances beyond England where projects are cross border between England and Scotland (e.g. Oil/gas pipelines, transmission lines).

On 1 October 2009, IPC opened for business, dealing with enquiries and advising potential applicants about what they need to do to ensure that their applications are properly prepared – including a robust process of consultation – before they are submitted. All advice provided by the IPC will be recorded and published. Since the 1st March 2010, IPC has been receiving applications from the Energy and Transport sectors. The [IPC website](#)¹ lists those projects currently under consideration under 'Projects' which links through to 'Programme'.

To guide development there will be 12 National Policy Statements. These will establish the national need for a particular type of major infrastructure, together with a series of criteria relating to the benefits and impacts of a development, which the IPC will consider when deciding a NSIP application. The first 7 draft National Policy Statements were published for public consultation in November 2009, these are:

- Overarching National Policy Statement for Energy
- Renewable Energy Generation – including wind farms, energy from waste and biomass plants Fossil
- Fuel Electricity Generating Infrastructure – eg gas, oil and coal fired power stations)
- Gas Supply Infrastructure and Gas and Oil Pipelines
- Electricity Networks Infrastructure – eg power lines and substations

¹ IPC website: www.infrastructure.independent.gov.uk

- Nuclear Power Generation
- Ports

Tip: *it is important that people make their views known on these draft National Policy Statements when they are out for consultation. Once finalised, they will provide the framework for future decisions by the IPC on individual applications. planning policy.*

Want to know more about the IPC?

- [DirectGov](#)
- [Infrastructure Planning Commission](#)

These will be followed in 2010 by:

- National networks – eg strategic roads and railways, including strategic rail freight
- Waste Water – eg sewage treatment infrastructure
- Hazardous Waste – eg high temperature incineration
- Water Supply – eg reservoirs

and in 2011 by:

- Airports

Only the Nuclear Power and Airports NPS will include more specific information on where developments might be built, although locational criteria in the other NPS may guide promoters to appropriate types of areas.

Where there is a conflict between the Development Plan for an area and a National Policy Statement, the National Policy Statement will be followed. National Policy Statements will also become ‘material considerations’ for local planning authorities when considering planning applications for development under the main town and country planning system.

In most circumstances, cases will be decided within a year from application. Where necessary, hearings into applications will be held. Applications should include:

- Consultation report and responses to the pre-application consultation.
- Environmental Statement, which details the impact of the proposals on areas such as ecology, landscape, cultural heritage, land use and noise.
- Proposed draft order and explanatory memorandum.
- Statement of reasons if land needs to be compulsorily purchased

A visual overview of the planning system

Find it a bit difficult to remember all that?! This should help:

