

URBAN VISION ENTERPRISE CIC



How to make effective planning representations

Hannah Barter  
Director/Partner Urban Vision Enterprise

Planning | Communities | Places

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URBAN VISION ENTERPRISE CIC

Introduction

Planning | Communities | Places

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URBAN VISION ENTERPRISE CIC



Introduction

- Planning Legislation, Policy and Designations
- Material Planning Considerations
- Representations on Planning Applications
- Monitor & Review
- Case Studies

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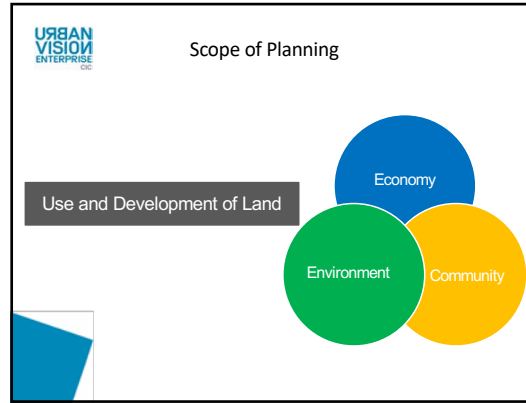
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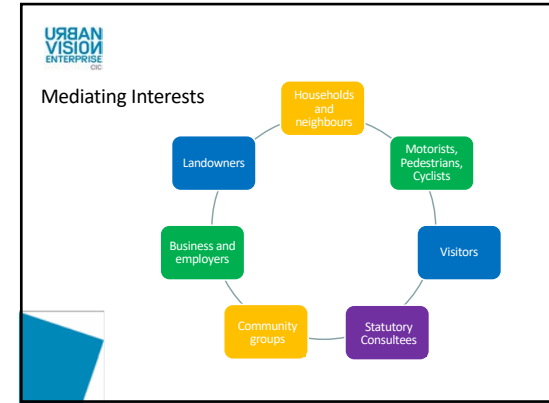
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# Planning Legislation

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## Planning - Key Legislation

The Town and Country Planning Act 1990	Use and development of land – Main Act
The Planning and Compulsory Purchase Act 2004	Use and development of land – plan making
The Planning Act 2008	Nationally significant infrastructure – integrated system. Including heritage consents.
The Planning (Listed Buildings & Conservation Areas) Act 1990	Preserving or enhancing special interest.

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## Other Legislation

- Local Government
- Building Regulations
- Environment
- Fire
- Environmental Health
- Equality/Access
- Highways

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**URBAN VISION ENTERPRISE CIC** Planning Legislation – What's New?

- NPPF December 2024
- Levelling-up and Regeneration Act 2023
- Environment Act 2021; (10% Biodiversity Net Gain, with some exemptions)



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**URBAN VISION ENTERPRISE CIC**

# Planning Designations

Planning | Communities | Places

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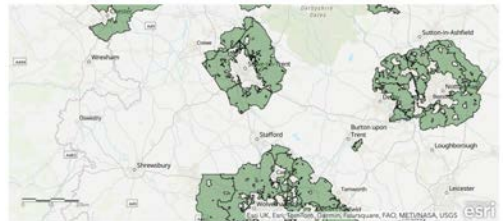
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**URBAN VISION ENTERPRISE CIC** Green Belts – Grey Belts



Source: CPRE Interactive green belt map

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**URBAN VISION ENTERPRISE CIC**

### Green Belts – Grey Belts

**Grey belt:** For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.

Source: Glossary NPPF 2024



Source: B3 Architectural

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**URBAN VISION ENTERPRISE CIC**

### Development in the Green Belt

NPPF Paragraph 143:  
5 Green Belt Purposes

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

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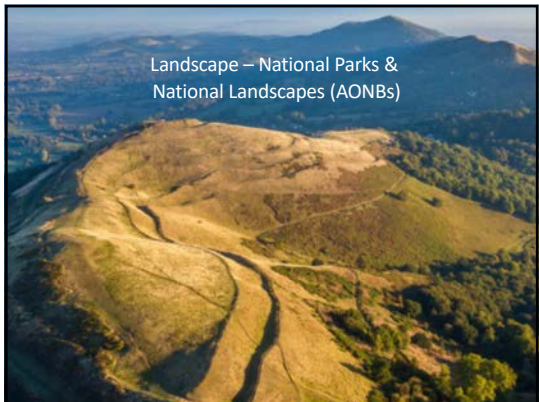
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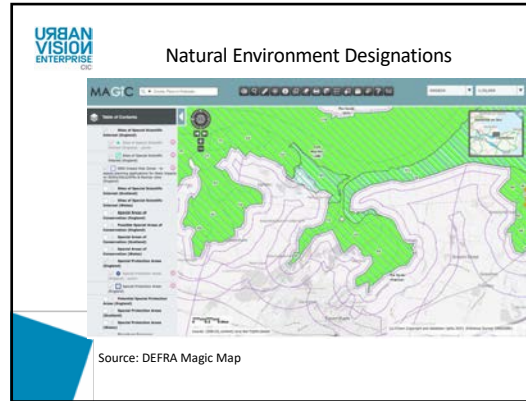
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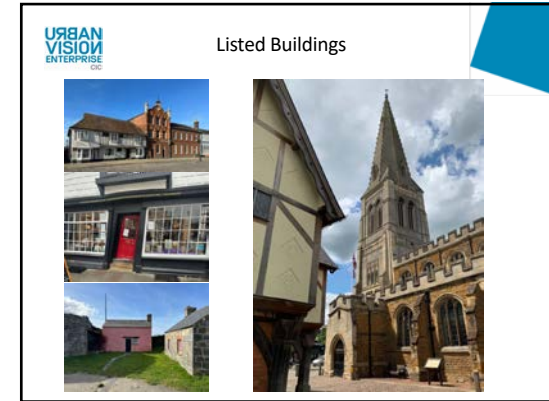
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URBAN VISION ENTERPRISE CIC

Conservation Areas



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Article 4 Directions



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URBAN VISION ENTERPRISE CIC

Scheduled Monuments



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URBAN VISION ENTERPRISE CC

Non-Designated Heritage Assets



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URBAN VISION ENTERPRISE CC

Other Heritage Designations



World Heritage Sites  
Registered Parks and Gardens  
Registered Battlefields

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URBAN VISION ENTERPRISE CC

Tree Preservation Orders



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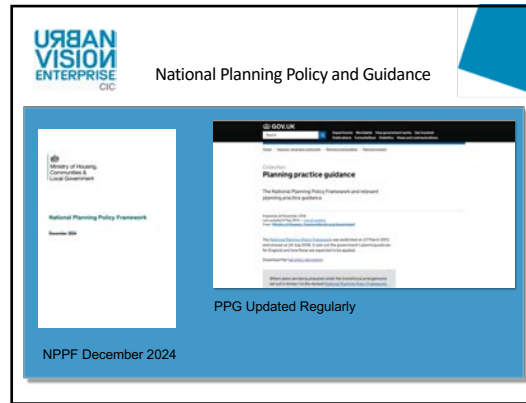
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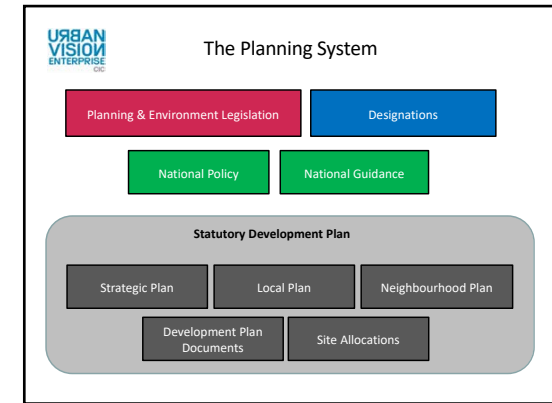
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URBAN VISION ENTERPRISE CIC

Evidence



URBAN VISION ENTERPRISE CIC

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URBAN VISION ENTERPRISE CIC

Material Considerations

Planning | Communities | Places

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URBAN VISION ENTERPRISE CIC

Material Considerations



URBAN VISION ENTERPRISE CIC

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**URBAN VISION ENTERPRISE CIC**

### Material Considerations

Material considerations can include (but are not limited to):

**Design and Place:**

- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Disabled persons' access
- Nature conservation

**Policy Context:**

- Government policy
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)

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**URBAN VISION ENTERPRISE CIC**

### Material Considerations

**Traffic and Movement:**

- Parking
- Active Travel
- Highway safety
- Traffic

**Neighbour Amenities:**

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Noise

<https://www.planningportal.co.uk/services/help/faq/planning/about-the-planning-system/what-are-material-considerations>

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**URBAN VISION ENTERPRISE CIC**

### Permitted Development Rights




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URBAN VISION ENTERPRISE CIC

Nationally Significant Infrastructure



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URBAN VISION ENTERPRISE CIC

# Decision Making

Planning | Communities | Places

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## Who Makes the Decisions?

- Planning Committees
- Officers (delegated powers)
- Planning Inspectorate
- Ministers
- The Local Community



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**URBAN VISION ENTERPRISE CIC**

### Status of the Development Plan

“determination must be made in accordance with the development plan unless material considerations indicate otherwise”

Section 38 of the Planning and Compulsory Purchase Act 2004



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**URBAN VISION ENTERPRISE CIC**

### Special Heritage Duties



Listed buildings: “special regard to be made to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (Section 66).

Conservation areas: “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).

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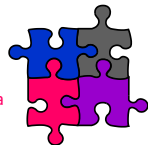
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**URBAN VISION ENTERPRISE CIC**

### How are Decisions Made?



Legislation  
Policy  
Guidance

Application Data

Representations

Professional & Specialist Advice

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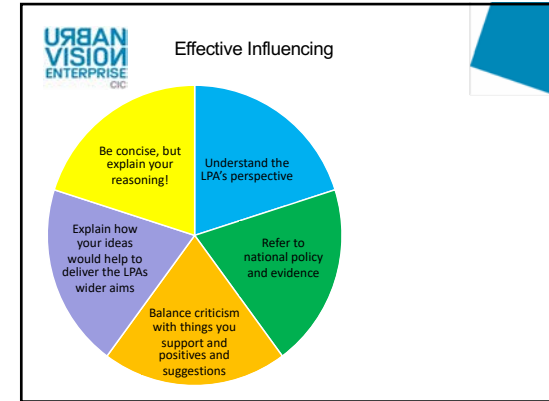
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**URBAN VISION ENTERPRISE CIC**

Don't ...



- Lose the argument in unnecessary detail or waffle
- Refer to non-planning matters
- Make personal criticisms or use intemperate, angry or aggressive language
- Speculate on developer motives – focus on the scheme itself

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**URBAN VISION ENTERPRISE CIC**

So Where Do You Start?




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**URBAN VISION ENTERPRISE CIC**

Be Concise



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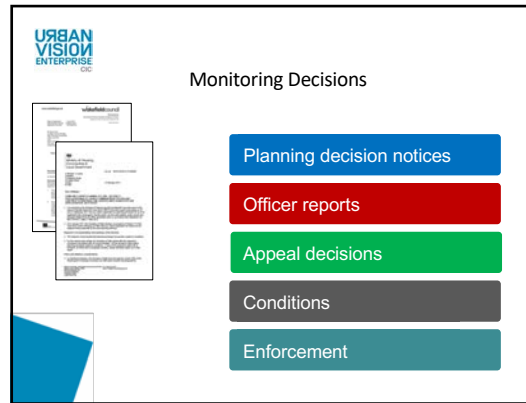
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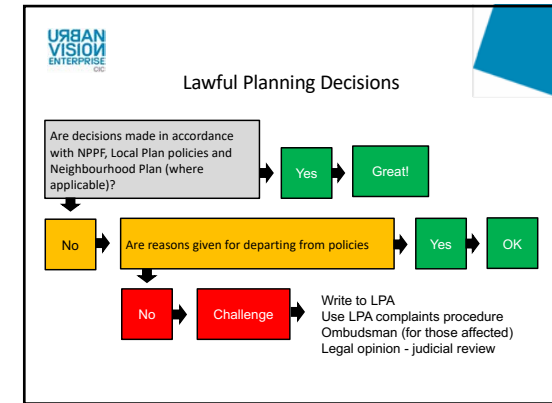
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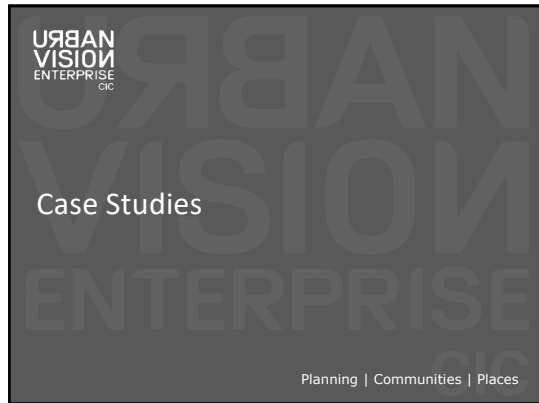
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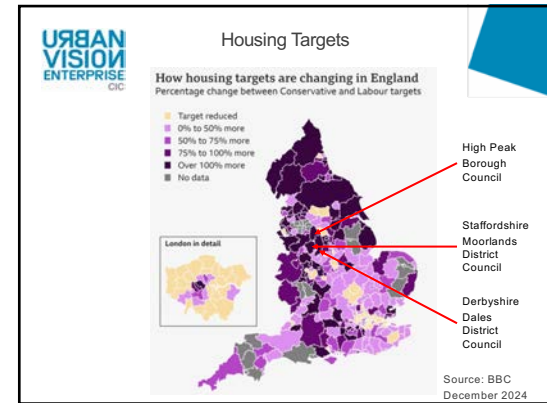
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**URBAN VISION ENTERPRISE CIC**

Development in the Green Belt

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**URBAN VISION ENTERPRISE CIC**

Development in the Green Belt

NPPF Paragraph 143:  
5 Green Belt Purposes

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- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

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**URBAN VISION ENTERPRISE CIC**

Development in the Green Belt

Proposals affecting the Green Belt

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

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### Development in the Green Belt

147. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

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### Development in the Green Belt

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

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### Development in the Green Belt

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (including temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- i. mineral extraction;
- ii. engineering operations;
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

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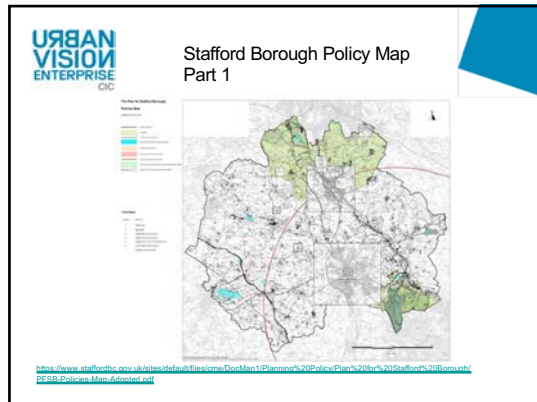
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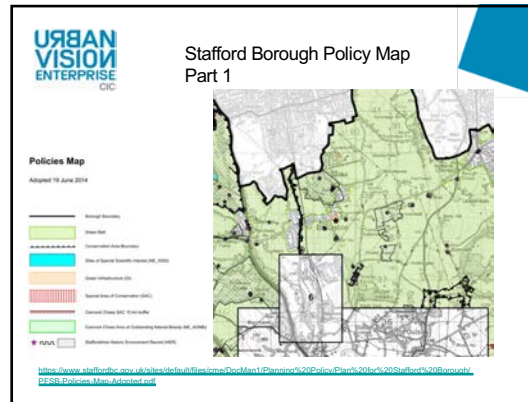
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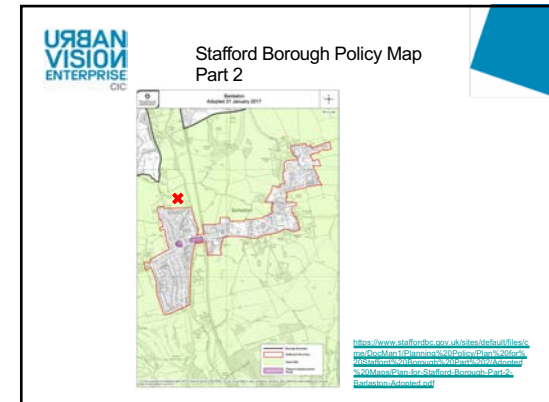
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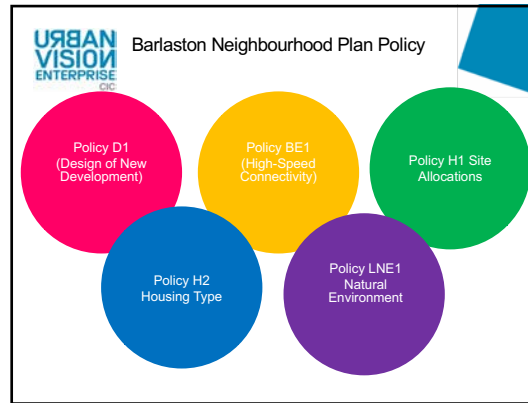
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URBAN VISION ENTERPRISE CIC

# Case Study 2: Solar

Planning | Communities | Places

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URBAN VISION ENTERPRISE

## Solar Development

Domestic		Often permitted development (pd). Or planning application.
Building Mounted		Planning application
Building Integrated		Planning application
Ground Mounted		Planning application, or development consent (NSIPS)

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URBAN VISION ENTERPRISE

## Solar Farms

**Example Material Considerations:**

- Cumulative Impacts;
- Landscape Character;
- Topography;
- Need (including community benefit);
- Temporary structures (planning conditions for removal after use);
- Effectiveness (latitude, aspect, location to infrastructure etc.);
- Impact on heritage assets;
- Energy generating potential;
- Siting and existing land-use.

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**URBAN VISION ENTERPRISE CIC**

### Biodiversity Design Elements

- Installation/retention of boundary features (hedgerows, ditches, stone walls etc..)
- Creating pollen and nectar strips
- Where security fencing is installed, grow climbers such as honeysuckle and ensure there is a 20-30cm gap between the base of the fence and the ground to allow small wildlife to pass through
- Installation of artificial structures (bat/bird boxes)
- Controlled Grazing by sheep between panels

<https://www.bsq-ecology.com/impacts-of-operational-solar-farms-on-biodiversity/>

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**URBAN VISION ENTERPRISE CIC**

### Case Study 3: Flood Risk

Planning | Communities | Places

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**URBAN VISION ENTERPRISE CIC**

### Environment Agency Flood Risk Map

**This location is in flood zone 3**

**What flood zone 3 means**  
Land within flood zone 3 has a high probability of flooding from rivers and the sea.  
You need to carry out a flood risk assessment (FRA) as part of the planning application for this development.  
Find out more about [flood zones and what they mean](#).

To find out about other factors that might affect the flood risk of this location, you should also check:

- [URV's water, environment and resources team](#)
- Wigan Local planning authority's strategic flood risk assessment (SFRMA), which includes future flood risk

**Flood map showing the flood zone your site is in**  
The map shows the flood risk to your site and the surrounding area.

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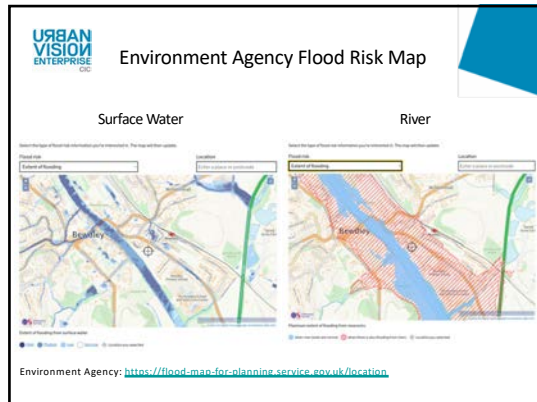
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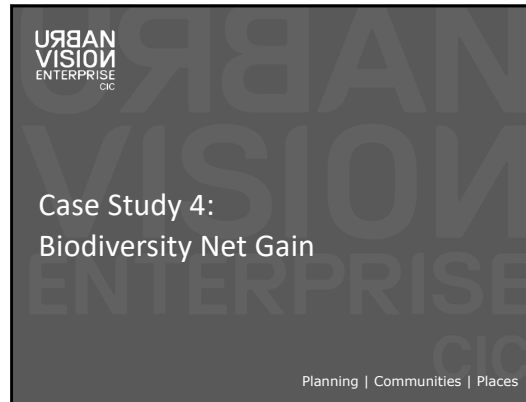
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**URBAN VISION ENTERPRISE CIC**

### Wild Play Area



- Includes features such as a dead hedge
- Enables 'wild play'
- Supports wildlife corridors
- Retains existing plants and trees.

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**URBAN VISION ENTERPRISE CIC**

### Barlston Hedge Planting


🌱 3 VOLUNTEERS NEEDED 🌱

If you have some spare time on Thursday 13th April we'd love to see you at 10:00 for the next phase of the wild hedge planting project - bring a spade! 🛡️

**WILD HEDGE PLANTING ON THE UPPER HOUSE PATH**

The Parish Council in conjunction with Barlston First School and the Upper House are installing a wild life corridor along the designated public footpath.

The project has been made possible by a grant from the Tree Council.



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**URBAN VISION ENTERPRISE CIC**

### Where to start?

#### Understand what assets you have



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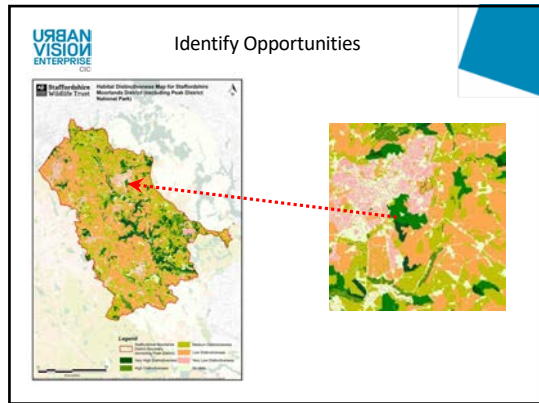
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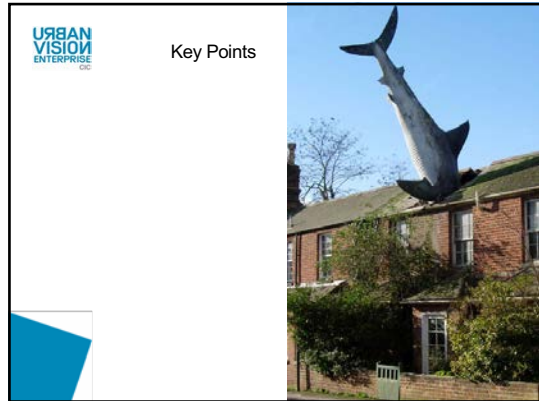
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