



Does your project need planning permission?

Pond Creation Toolkit Supplement 1

Planning your pond project involves a lot of preparation. Having done all the most pressing jobs, (asking landowners' permission, estimating the cost of the job and checking for local records), you may feel that asking about planning permission is an unnecessary administrative burden. However, you can't avoid the issue by simply ignoring it. There's a chance that members of the public may report your new pond to the local authority and query whether planning permission has been obtained. Some local authorities appear to be very inflexible on this issue and one has stated that ponds without planning permission would need to be filled in.

The purpose of this advice note is to:

- Give some basic information on why you may need planning permission for your pond.
- Advise you on how to develop a constructive working relationship with your local planners.
- Explain what a planning enquiry is and why making one could save you time and money.

See also the *Pond Creation Toolkit Sheet 6*. If you have any queries, contact your Million Ponds Project Officer.

Why might my pond need planning permission?

The creation of a pond by machinery is considered an engineering operation under the Town and Country Planning Act 1990 (as amended). Even if your proposed pond will be small and shallow, the excavation of a pond may be defined as an engineering operation which may require planning permission. (Engineering operations that could be considered as "agricultural work" may be exempt, but due to the nature of the ponds funded by the Million Ponds Project, this could be a difficult case to argue.)

There are good reasons why pond creation is limited by the planning process:

1. The creation of numerous and unregulated ponds could have a significant impact on a landscape.
2. New ponds could interfere with drainage patterns
3. Spoil could be dumped irresponsibly, for example around trees or within existing historic or biodiversity features.

In most cases, ponds supported by the Million Ponds Project should not give planners cause for concern, even if planning permission is required. However, this isn't the same as saying that your project is exempt from planning permission and to avoid any problems it's best to consult your local planner as soon as possible.

The good news is, that if you develop a good rapport with your local planners and understand early on whether your site has any particular landscape constraints, they may give the go ahead for your project without the need for planning permission.

What should I do?

Start by giving the planning office or your local authority a call and explain what you're intending to do. They may be very happy that the project is going ahead and confirm that planning permission will not be required. In this case:

- Make a note of who you spoke to and when, what you told them and what they said.
- Confirm the conversation with an e-mail or letter and file it in a safe place for future reference.

Alternatively, the planner may need to see something on paper before he or she is willing to express a view (since people often give vague or inaccurate information over the phone). In this case, the better the quality of information you produce at this stage, the more likely you are to reassure the planner that your project has been well considered and therefore that it will not need planning permission.

The process of asking a planner for written advice on whether a project will need planning permission is known as a planning enquiry. This is simply a request for advice on whether a full planning application is needed. If your planning enquiry includes all the necessary information, it will probably save you the need to make a full planning application.

Some local authorities make a small charge to respond to a planning enquiry, but a full planning application for a pond project is likely to cost £100-£200 and is a more lengthy process.

What should I submit as part of a planning enquiry?

Submit a covering letter, outlining your project and requesting advice on whether it will need a full planning application. Submit the following information and ensure that everything you supply is accurate and that you've finalised your plans before making the enquiry – if you change your plans you'll probably have to repeat your request. Make sure you cover the following points:

1. Explain that the purpose of the pond is to benefit wildlife. State which Biodiversity Action Plan species and habitats your project will benefit and if you wish, mention that you're working with the Million Ponds Project.
2. Submit a location map (at a scale of 1:1250 or 1:2500) to show the general area in which your site can be found and outline your site boundary with a red line. Plans should, wherever possible, show at least two named roads and some buildings.
3. Submit a site plan (at a scale of 1:500 or 1:200), showing the direction of North. On this plan include:
 - All the buildings, roads, footpaths, trees and watercourses on the site.
 - The location of the proposed pond/ponds in relation to the site boundaries and existing features.
 - Written dimensions of the pond and the depth at its deepest point.
 - The location of where the spoil will be deposited. Mark on the maximum height and maximum gradients of any mounds.
4. Photographs are always useful so provide these as well if you can.

Make sure that you mark the scale on any maps you provide. Existing features and the proposed ponds can be drawn by hand, but try and make them as neat and accurate as possible.

If, having made your planning enquiry, you are required to make a full planning application you should be able to re-use the information that you've already supplied. You will have to complete a planning application form and supply the appropriate fee. If you're advised to do this, please do so as quickly as possible. (The Million Ponds Project is unable to fund ponds where planning permission is required but has not been granted.)

Timescales

It's best to allow 2-4 weeks for the planners to respond to your planning enquiry and to advise on whether you need planning permission.

If you need to make a formal planning application, it will take at least 6-8 weeks for a decision to be made. Bear in mind that the planners will only start to consider your application after it's been validated, i.e. they've received **all** the information they need.

Make sure you regularly phone up the planner to check on your application's progress and supply any further details requested as soon as possible to avoid delays.

If at any stage of this process you need further help or assistance, please contact any of the Million Ponds Project staff and we'll be pleased to help.

David Orchard
Amphibian and Reptile
Conservation
March 2009