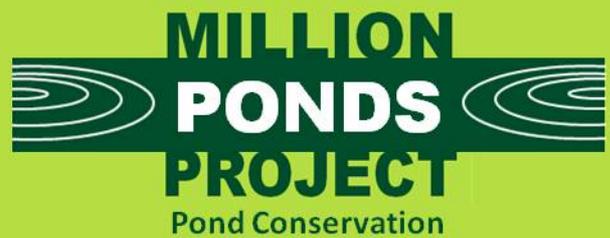


Does your pond creation project need planning permission?



A 50-YEAR PROJECT TO CREATE A NETWORK OF CLEAN WATER PONDS FOR FRESHWATER WILDLIFE

1. Why might pond creation scheme need planning permission?

Planning your pond project can involve a lot of preparation, and you may feel that asking about planning permission is an unnecessary administrative burden. However, there's a chance that members of the public may report your new ponds to the local authority – if planning permission has not been obtained, you run the risk of having to fill them in at your own expense.

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 scheme only includes a small and shallow pond, it may be defined as an engineering operation which could require planning permission – it will depend on your planning authority. Note that engineering operations considered as “agricultural work” are exempt from planning permission.

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, to avoid any problems it's best to consult your local planner as soon as possible and develop a good rapport with your local planning authority.

2. How do I find out if my pond creation scheme needs planning permission?

To work out if you need planning permission, start by giving the planning office or your local authority a call and explain what you're intending to do. If they confirm that planning permission will not be required, make sure to:

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

The planner may need to see something on paper before he or she is willing to express a view.

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. Some local authorities make a small charge to respond to a planning enquiry, but this is usually worth paying because a full planning application for a pond project is likely to cost from about £150 and is a more lengthy process (see www.planningportal.gov.uk for further information and to estimate the cost of obtaining planning permission for your scheme).

What's in this factsheet?

- Why might my scheme need planning permission?
- How do I find out if I need planning permission?
- What to submit with a planning enquiry
- Timescale

3. 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 that it will contribute to regional and national targets for the Pond Habitat Action Plan and, if you are targeting specific Biodiversity Action Plan species, for the relevant Species Action Plans. If you are getting advice from the Million Ponds Project and your scheme will fulfil the project criteria, then state this too. You can consult the list of pond-associated BAP species and the Pond Creation Toolkit on the Million Ponds Project website: www.pondconservation.org.uk/millionponds.
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 using Microsoft Word, a drawing package, or 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.

4. Timescales

It's best to allow 2-4 weeks for planners to respond to your planning enquiry and 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 has been validated, i.e. they've received **all** the information they need.

Once your planning application is submitted, make sure you contact the planner dealing with your scheme regularly to check on your application's progress and supply any further details requested as soon as possible to avoid delays.

For further information about the Million Ponds Project and to consult other factsheets in the Pond Creation Toolkit, please visit www.pondconservation.org.uk/millionponds or email enquiries to info@pondconservation.org.uk

