

Dr James Kirkwood,  
Zoo Licensing Branch,  
Global Wildlife Division  
Temple Quay House  
2, The Square  
Temple Quay  
Bristol BS1 6EB

5<sup>th</sup> June 2006

Dear Dr. Kirkwood,

**Re. Animal welfare and planning application procedure**

I am writing to the Zoo's Forum, as the Government's advisors on zoo matters, for your interpretation and advice on a pressing matter. My enquiry is made as representative of a coalition of concerned organisations signatory to this letter, concerning planning application procedure when this involves infrastructure proposed for housing or managing of wild animals.

With regards to this procedure, I would like to know whether the relevant council planning committee should take into account the 'function' of the infrastructure to ensure the wellbeing of the animals contained, or their management thereof. Furthermore, if further information is required specific to the health and welfare of the animal(s), would the committee be obliged to first consult recognised experts, before permission is given?

These concerns follow a city council's recent planning sub-committee meeting to discuss a planning application to build two animal enclosures at the entrance to an already established zoo. The proposal was originally deferred when it was revealed that there were limited dimensions on the plans. Despite this fact, however, the sub-committee deferred the application on human health and safety reasons, with no reference to the animals that would ultimately be contained. Furthermore, at this stage in proceedings, the zoo management had yet to decide which animals would be housed in the planned enclosures.

I find it difficult to comprehend why a committee that has to consider disabled access and public safety, should not also consider the wellbeing of the animals to be contained in the structure (if applicable), or indeed, ensure the design of the enclosures provide the named species with its natural requirements.

Although I refer to a specific and recent case, it is by no means alone. The Born Free Foundation is involved in many public planning consultations and it is a regular occurrence that the health and welfare of the animal(s) to be contained is not taken into consideration. This is despite planning law stating that the function of the proposed infrastructure needs to be taken into account. I refer to national planning policy advice, "Planning Policy Statement 1: Delivering Sustainable Development", under 'Key Principles': 'iv) Planning policies should promote high quality inclusive design and layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development.'

In this case to which I refer, there do not appear to be policies in the adopted Local Plan (City Council of Brighton & Hove, 21 July 2005) which relate to the function of a development as a place to house animals, but planning law dictates that if there are no policies in the Plan that relate to a proposal, then other 'material considerations' must be taken into account. Planning Policy Statement 1 establishes that the design of the development in terms of its function can reasonably be taken into account as a 'material consideration'.

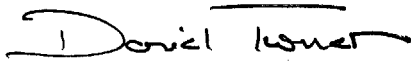
May I therefore ask the Zoo's Forum to provide clarity on this matter and provide the Born Free Foundation and our colleagues with a breakdown of the correct procedure regarding applications concerning the housing/management of animals? In addition: which considerations must be taken into account; and at what stage of proceedings; and if experts must be consulted, who provides this advice? It is surely illogical and costly to pass such a planning application without due consideration to the health and welfare of the animals to be contained?

In your written response, please would you provide detail on the relevant legislation to which you refer and furthermore, if required, which government department (specifically) the Zoo's Forum sought further guidance on this matter.

I recognise that the Forum does not consider specific cases but, should you require further information specific to the case to which I refer, please do not hesitate to contact me.

Thank you for your time and I look forward to hearing from you at the earliest opportunity.

Yours sincerely,

A handwritten signature in black ink that reads "Daniel Turner". The signature is written in a cursive style with a horizontal line above the name.

**Daniel Turner**  
Senior Programme Officer  
Born Free Foundation

For and on behalf of:

Brighton Animal Action  
Born Free Foundation  
Marine Connection  
International Animal Rescue  
Sussex Brighton and East Grinstead Branch RSPCA