

Whixall Parish Council



Planning Policy and Process

Introduction

Whixall Parish Council has adopted the following policy in order to ensure a standard procedure for considering and commenting on all local planning applications.

Background

Although there are a number of exceptions, anyone wishing to build in Whixall must apply to Shropshire Council for planning permission. Parish Councils are statutory consultees in the planning process and must be informed of all planning applications, and any amendments to those applications, within the parish

The Role of Whixall Parish Council

The PC can only comment on planning applications in the same way as any other member of the public, however, any comments made by the Parish Council must be agreed during a properly called public council meeting. The role of the Council is to represent local views and to:

- Provide local knowledge
- Raise areas of concern
- Inform, debate and add value to the process
- Contact and involve Unitary Councillors, if required

Comments agreed in the council meeting are submitted in writing by the Parish Clerk to the Local Planning Authority (Shropshire Council) using the online Planning Portal.

Material Considerations

The Parish Council's comments in response to a planning application can only be based on planning matters. Where possible the Council can quote policies in the Local Plan as these are the starting point for considering the merits of any application.

Any comments or objections made must have a genuine material planning consideration (see Appendix A).

Parish Council Responses to Planning Applications

Objections should be clear, concise, relevant, and accurate if they are to be accepted. The local planning authority does not have to agree with the Parish Council's views. In reaching a decision, the local planning authority is required to weigh up all issues associated with an application and comments made by the Parish Council may have insufficient weight to affect the outcome.

The Parish Council must be satisfied that all material considerations have been considered carefully and applied to the application before responding with 'no objection'.

Planning Conditions

Whatever its stance, the Parish Council may wish to recommend planning conditions to be added to the application if approval is granted e.g. recommendations for physical measures to reduce potential light pollution.

The Planning Authority is not obliged to impose any conditions suggested by the Parish Council. Planning conditions will only be imposed by the local authority where they are: -

- Necessary
- Relevant to planning and to the development to be permitted
- Enforceable
- Precise
- Reasonable

Whixall Parish Council Policy for Planning Applications

1. The Parish Council will actively seek to preserve the rural character of Whixall and will promote the Parish's Countryside Status.
2. The Parish Council will represent the majority of local interest. Its comments will reflect local knowledge and interest in the local environment.
3. The Parish Council will seek to ensure that any development, whether new or amending an existing property, will be in keeping with the surrounding area.
4. The Parish Council will consider all planning applications based on their individual circumstances and merits.
5. All responses will be based on material planning reasons. Non-material considerations will not form any part of the Council's formal response.
6. Site visits may be undertaken and must comply with the Council's Code of Practice for Site Visits (Appendix B). They will be taken into consideration when formulating the Council's response.
7. Any proposal for future development will be judged against relevant planning policies and, in particular, be related to creating a sustainable residential and agricultural environment.
8. The Parish Council supports the installation of renewable energy sources and/or those which minimise carbon emissions or the use of fossil fuels, providing that such systems comply with Planning Policy.
9. The Parish Council will support appropriate development of affordable housing within the Parish.
10. The Parish Council will respond to all planning applications within the time frame stipulated by Shropshire Council unless prior agreement has been given.
11. In certain circumstances, when there is a situation of wider public concern, the Chair can call a Public Meeting prior to any decision being taken by the Parish Council.
12. Councillors are required to study planning applications on the Shropshire Council's website prior to discussing the application and will be encouraged to keep up to date with Shropshire Council's Planning Guidance and Policies

Whixall Parish Council's Planning Application Procedure

1. Notification of a planning application will, in the first instance be sent to the Parish Clerk who will then alert all Parish Councillors via email
2. Councillors will research each application prior to the Parish Council meeting at which it will be discussed.
3. On receiving an application, the Councillors should identify the location of the application to confirm it is within the parish boundary and also the date of the Parish Council meeting it is to be discussed in order to ensure that any site visit is carried out in advance of the meeting.
4. If a site visit is required a Councillor should notify the Parish Clerk so that arrangements can be made.
5. The Parish Clerk will contact the applicant / agent to arrange the site visit. Where entry to the actual site is preferred the Parish Clerk will seek permission and formally write to the applicant enclosing a copy of the Parish Council Planning Application Policy and Procedures.
6. A minimum of two Parish Councillors must be in attendance at any site visit. (No Councillor should be in attendance if they have a direct interest or conflict with the application).
7. After the site visit, a nominated Councillor should prepare a summary of the application in order to brief the Parish Council at the meeting when the application is discussed.
8. At the Parish Council meeting full discussion on the application will take place and an agreed decision will be made to support or not to support the application.
9. Following that meeting the Parish Clerk will make the formal submission to Shropshire Council.

Members of the Public

Attendance of the General Public at Parish Council Meetings.

Members of the public are allowed to address the Council in accordance with agreed procedures during the Public Session of the meeting. This is the only public participation during the meeting and members of the public are not allowed to participate in the Parish Council's discussions about an application.

If a member of the public is intending to make a public statement, they are advised to let the Parish Clerk know. If a number of statements are to be made an agreed time limit per person may be enforced by the Chair.

Members of the Public Contacting Parish Councillors

Members of the public are entitled to contact any local Parish Councillor about a matter which concerns them. When contact is made relating to a planning application, the following should be considered:

- The Code of Conduct advises Parish Councillors not to make up their mind about a planning matter until all the facts have been properly presented to them at the meeting.
- A Parish Councillor who becomes closely involved in a particular case may feel obliged to declare a personal and prejudicial interest in it and not take part in the decision- making process.
- Anything said to a Parish Councillor may be quoted to the Parish Council which, generally, conducts its business in public. It is normal practice for a Parish Councillor to report to the Parish Council anything said or written to them relating to a planning application, but they are not required to do so.
- If a member of the public makes representations on a planning matter to a Parish Councillor it is the responsibility of the Councillor to ensure they are factually correct before repeating them.
- Any letter/email should be forwarded to the Parish Clerk to ensure it is officially received by the Parish Council.

Appendix A – Material Planning Considerations

Material Planning Considerations include (but are not limited to):	
• Layout density • Risk of flooding or pollution • Overlooking and loss of privacy • Local economy • Overshadowing and loss of light • Appearance, effects on street, area or building • Past planning history or appeal decision relating to the site • Central Government policy and guidance	
• Design, appearance & materials • Adequacy of parking • Noise & Smell • Landscape, contamination, loss of trees • Access / traffic generation	
The following are NOT considered to be material considerations:	
• History of the applicant • Loss of view • Commercial competition • Change from previous scheme • Impact on property value • Restrictive covenants • Ownership of land, right of access • Noise/disturbance during construction	
• Land & boundary disputes • Land ownership • Damage to property • Private rights of way • Deeds & covenants • Private issues between neighbours • Lots of objectors	

Appendix B Code of Practice for Planning Application Site Visits

Introduction

Purpose of Site Visits

The main purposes of a site visit are to enable Parish Councillors:

- To view a site and its surroundings to better appreciate facts that are important in the consideration of an application
- To assist in the appraisal of any constraints and opportunities afforded by the proposed development and its impact upon surrounding land
- To have a better understanding of any issues raised by interested parties
- Site visits are not formally constituted meetings of the Parish Council. It is important, therefore, that no decisions on the application are taken or seen to be taken at the visit.

Procedure at Site Visit

- Site visits should be conducted with an open common sense approach and without prejudice to the applicant. If the applicant / agent are present then Parish Councillors will advise them that they cannot discuss the application with them.
- All the facts of the application should be in the applicants prepared design statement, a copy of which is forwarded to the Parish Council along with other supporting documents and site plans by Shropshire Council. Any questions resulting from the site visit should be directed to the Parish Clerk who will contact Shropshire Council's Development Control.
- Parish Councillors must not give the applicant their views concerning the application. Comments may be misconstrued and provide the applicant with reasons to believe Parish Councillors support the application when in reality they could be raising objections or vice versa.
- When conducting site visits Parish Councillors must have due regard to health and safety and follow any given safety instructions on site. Appropriate clothing and footwear should be worn.
- Parish Councillors need to comply with the Code of Conduct during site visits. The fact that a site visit had been held prior to the discussion of an application at a Parish Council Meeting will be recorded in the Meeting's Minutes.

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