



"Not for self"

## Oswestry Rural Parish Council

### PLANNING APPLICATION PROCEDURES

The following procedures have been adopted in order that members of the public can be assured that any planning application referred to Oswestry Rural Parish Council by Shropshire Council will be properly and fully considered. It is hoped that by following this transparent process, the interests of all parties involved in the process are dealt with equitably and the reputation of the Council is maintained.

#### Planning Policy

National Planning Policy is decided by the Department for Communities and Local Government, which is then actioned through HM Planning Inspectorate, based in Bristol. The Government's current national policy is the National Planning Policy Framework (NPPF).

Local Plans are decided at County or District Council level. Councils which produce Local Plans are designated as Planning Authorities. Local Plans set out the planning policy and proposals for that area. Planning Authorities sometimes brand their Local Plan as the Local Development Framework (LDF). Local Plans/LDFs identify where development can and cannot take place, the natural and built environment (including employment and retail) and transport. The Local Plan/LDF covers a reasonable period of time, in Shropshire from 2006 – 2026, but is kept under fairly constant review.

Planning Authorities also prepare Design Briefs. These are aimed at developers and give details of the type and density of building that is acceptable, the material to be used, green spaces etc.

#### Shropshire Council as a Planning Authority

Shropshire Council's LDF contains the following main documents:

The Core Strategy sets out the strategic planning policy for Shropshire, including a 'spatial' vision and objectives. It also sets out a development strategy identifying the level of development expected to take place in Shropshire (excluding the Borough of Telford and Wrekin) up until 2026.

The Site Allocations and Development Management (SAMDev) Plan will set out proposals for the use of land (including preferred residential and employment sites) and policies to guide future development in order to help to deliver the vision and objectives of the Core Strategy.

Supplementary Planning Documents (e.g. Type and Affordability of Housing) are intended to expand upon policy or provide further detail to policies in adopted in the Core Strategy and SAMDev Plan Documents.

All documents which are part of Shropshire Council's LDF can be found at:

[www.shropshire.gov.uk/planning-policy](http://www.shropshire.gov.uk/planning-policy)

Although there are a number of exceptions, anyone wishing to develop must apply to Shropshire Council for planning permission. Shropshire Council will notify the Parish Council of the application and other consultative bodies like the Highways Department and Drainage Engineers. It is current practice for Shropshire Council to consult neighbours with a common boundary with the site directly and to use a site notice or further letters to inform others in the area of the proposal as appropriate. Anyone is entitled to comment direct to Shropshire Council on a planning application whether or not they receive a letter. Members of the public can inspect the plans through Shropshire Council or on-line at its website. Each application has a Planning Officer assigned to it and that Officer will make a personal visit to the development to review all details. The Planning Officer will consider all comments received and reflect them in their report. Over 90% of all applications are decided on by the Development Management Department under the powers delegated to it by Shropshire Council. However, if the application is complex or the Parish Council objects to the application it can be put forward to be considered by Shropshire Council's Planning Committee.

## The Parish Council as Consultee

The Parish Council is a statutory consultee on planning applications and is normally given 31 days to comment. When reviewing applications, the Parish Council's comments must relate to a relevant planning issue in order to be considered by Shropshire Council in reaching a decision. These issues are known as 'material considerations' and include, but are not restricted to, the following:

- LDF Policies as explained under the Planning Process;
- Local strategies, such as relevant Parish and Town plans or Village Design Statements
- Visual appearance (including building materials and design issues);
- Environmental impacts (including loss of important open space or physical features, drainage, noise, disturbance or smells);
- Conservation issues;
- Impacts on safety (including traffic and highway safety);
- Privacy issues (including overlooking and loss of light);
- Infrastructure provision and other community benefit

Issues that are not relevant include:

- effect on the value of property
- loss of view over other people's land
- possible future development not included in the application
- private property rights such as boundary or access disputes
- matters covered by other laws
- the morals or motives of the developer

The Parish Council will also consult the relevant local Design Statement if appropriate.

## Further details

Further details including copies of Shropshire's Council's Planning Policies can be found at:

<http://shropshire.gov.uk/planning-policy>

Information about commenting on planning applications can be found at:

<https://shropshire.gov.uk/planning/news/how-to-comment-on-a-planning-application/>

## Oswestry Rural Parish Council's Planning Application Procedure

- Notification of a planning application will, in the first instance be sent to the Clerk who will in turn send it onto all members of the Council.
- The Parish Council will respond to all planning applications within the time frame stipulated by Shropshire Council unless prior agreement has been given.
- When a decision on a planning application is required prior to the normal monthly meeting an Extraordinary Meeting will be called. Extraordinary Meetings will be advertised in accordance with the standard procedures for Ordinary Meetings. Copies of the agenda will be placed on notice boards around the Parish and on the Parish Council's website.
- In certain circumstances, when local consultation is required, a Parish Meeting will be called prior to any decision being taken by the Parish Council.
- Councillors are encouraged to study planning applications on the Shropshire Council's website: <http://planning2.shropshire.gov.uk/publicaccess/default.aspx> prior to discussing the application.
- Councillors are encouraged to keep up to date with Shropshire Council's Planning Guidance and Policies.
- Councillors representing the Ward where the application is sited are encouraged to review the planning application in depth in order to brief the Parish Council.
- If a site visit is required prior to discussion at a meeting a Councillor should notify the Clerk so that arrangements can be made. (Site meetings can be agreed following discussion at a meeting and the following process should also be followed.)
- The Clerk will contact the applicant / agent to seek permission for a site visit.
- It is advisable that a minimum of two Parish Councillors be in attendance at the site visit. (No Councillor should be in attendance if they have a direct interest or conflict with the application.) Please refer to Appendix 1 Code of Practice for Planning Application Site Visits for more details.
- After the site visit the Councillors should prepare a summary of the application in order to brief the Parish Council at the meeting when the application is discussed.
- At the meeting full discussion on the application will take place and an agreed decision will be made regarding the application.

- Once a decision is made the Clerk will take the appropriate actions including, when appropriate, the formal submission to Shropshire Council.

### Attendance of the General Public at Parish Council Meetings.

Parish Council Meetings are open to the public. Members of the public are allowed to address the Council in accordance with agreed procedures during the Public Statement time of the meeting. This is the only public participation time of 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 Clerk know. If a number of statements are to be made an agreed time limit per person may be enforced by the Chair.

### Contacting Parish Councillors

Members of the public are entitled to contact their local ward Parish Councillor, or any other member of the Council, about a planning matter which concerns them. When contacting a Parish Councillor on a planning matter, members of the public should remember the following:

- Parish Councillors are advised by their Code of Conduct not to make up their mind about a planning matter until all the facts have been properly presented to them at the meeting. To do so would be to pre-judge the case.
- A Parish Councillor who is personally or becomes closely involved in a particular case may feel obliged to declare a pecuniary prejudicial interest, bias or pre-determination in it and not take part in the decision-making process.
- A Parish Councillor is not obliged to report to the Parish Council anything said or written to him/her, although this is not normal practice, and may disagree with their viewpoint.
- As with all representations, anything said to a Parish Councillor may be quoted to the Parish Council which, generally, conducts its business in the presence of the public and press.
- If a member of the public makes representations on a planning matter to a Parish Councillor they should:
  - ensure anything said is factually correct; and
  - send a copy of any letter to the Clerk to ensure it is officially received by the Parish Council.

### Consulting on Planning Applications outside the Parish.

If issues are raised regarding a planning application outside the Parish by Oswestry Rural Parishioners due to the close proximity to the Parish and/or adverse impact to Oswestry Rural Parish's infrastructure and/or resident's wellbeing, the Parish Council will consider submitting a response to Shropshire Council. The Parish Council will advise the neighbouring Council through the Clerks.

*Procedures adopted 25 August 2015*

*Reviewed and adopted 26 September 2017*

*Reviewed September 2023*

## Appendix 1: Code of Practice for Planning Application Site Visits

### Introduction

This Practice Note gives advice on the Parish Council's procedure for undertaking site visits prior to considering its response as consultee to Shropshire Council on planning applications. Its purpose is to ensure that an open and consistent approach is followed in the interests of transparency and in respect of procedures and administrative arrangements. In this way the interests of all parties involved in the process are dealt with equitably.

### Purpose of Site Visits

The main purpose of a site visit is 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 are taken or seen to be taken on the application at the visit.

### Requests for Site Visits and Arrangements where Entry to the Site is Preferable.

Where entry to the actual site is preferable the Parish Clerk will seek permission and will forward a copy of the Parish Council Planning Application Procedures if requested.

### 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 is present then Parish Councillors will politely advise them that they cannot discuss the merits of the application with them. Any questions should be restricted to the facts of the application in the prepared supporting documents and site plans. Normally, 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 of themselves and others and follow any given safety instructions on site. Appropriate clothing and footwear should be worn.

Parish Councillor should be aware of the 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.