## WATLINGTON PARISH COUNCIL

## Planning Committee Protocol

**Purpose**

The purpose of this document is to provide guidance to Councillors on the role of Watlington Parish Council (WPC) in the planning process. This document sets out the process that should be followed by the WPC Planning Committee and its members. It also gives guidance on what information can and cannot be taken into consideration by the Local Planning Authority when determining a planning application. This document may also be useful to the public in understanding the Parish Council’s approach to commenting on planning applications.

**Introduction**

There are two Local Planning Authorities (LPAs) relevant to WPC; South Oxfordshire District Council (SODC) and Oxfordshire County Council (OCC). All planning applications for the building or extension of residential or commercial buildings, listed buildings, advertising or mobile masts, satellite dishes and independent schools are submitted to SODC. OCC deals with applications relating to the management of waste and the extraction of minerals, as well as applications for their own operational use, such as schools and libraries. WPC is not a planning authority and has no powers to approve or reject planning applications.

WPC, however, is a statutory consultee for applications made within the parish. This means that for any applications received by the LPA for an area within the parish of Watlington the LPA must notify WPC. There is no statutory requirement for WPC to return comments on every application of which they are notified, however, it is the policy of WPC to do so.

WPC may also make comment on any application received by the LPA that does not fall within the parish, in the same way that any individual may comment on any planning application. However, in this instance the LPA does not have a statutory duty to notify WPC of the application.

All notifications for WPC are received by the Clerk and tabled for discussion at the WPC Planning Committee.

**WPC Planning Committee**

The terms of reference for the WPC Planning Committee are on the following link<http://v4admin.visionict.com/Core/Watlington_Parish_Council/UserFiles/Files/Committee%20Structures%202014.pdf>.

WPC must notify the LPA that they propose to make representations about an application within 21 days of the notification of the application or within 14 days in respect of any alteration to that application. Extensions can be sought by the Clerk in exceptional circumstances.

Councillors must ensure that they familiarise themselves sufficiently with the applications and sites on the agenda prior to the meeting.

Planning applications on the agenda at committee will be discussed by the members prior to a vote being taken. The vote will determine whether the WPC Planning Committee will submit comments in favour or objection to the application. Once the vote has been completed, the members will agree the wording of the comments to be submitted. The Clerk is responsible for submission of the comments to the LPA as agreed by the committee.

General guidelines on the format of an appropriate response are given below:

* Indicate any observations the committee wish to make upon the application;
* Recommend that the application should be approved and, if so, why;
* Recommend that, if approved, conditions should be imposed and state what the conditions are;
* Recommend that the application should be refused giving reasons why;
* Should the committee feel strongly about the application they must request that, if the planning officer is recommending a different decision, it should be referred to the appropriate committee.

If the committee determines that a strong objection is to be notified to the LPA, it may be appropriate for the committee to contact the relevant Case Officer to reiterate the reasons for our refusal prior to the publication of Planning Officer's report. In these instances the committee will issue additional correspondence to the Case Officer via the Clerk. This should be considered at the WPC Planning Committee meeting when the application is discussed and voted on.

In exceptional circumstances it may be appropriate for the committee to lobby members of the LPA Planning Committee. Again, the committee will issue additional correspondence as appropriate via the Clerk. This should be considered at the WPC Planning Committee meeting when the application is discussed and voted on.

Site visits may be arranged in advance to assist WPC Planning Committee members in the discussion of the application. Site visits are strictly by appointment, confirmed in writing by the Clerk, with the applicant or representative and at least two committee members in attendance. Individual committee members may visit a location to familiarise themselves with the locality if it is publically accessible.

WPC Planning Committee agendas are published 3 working days prior to the meeting, in accordance with Standing Orders. Anyone may attend the committee meetings as an observer, but those wishing to speak on a planning application must notify the Clerk by midday the day before the meeting. If an individual is unable to give prior notice, they should speak to the Chairman before the meeting so he can take an informed decision on whether to invite you to speak during the meeting.

A time slot of 5 minutes will be allocated to any individual wishing to speak on a particular application. If more than one person wishes to speak on any one application the time slots may be combined at the discretion of the committee.

**LPA Planning Decision**

The LPA must not determine any application in respect of which WPC is required to be given information before the first to occur of:

* notification that no representations are to be made;
* receipt of representations; or
* the 21/14 day period expires.

The LPA must take into account the representations of WPC planning committee however that does not mean that the LPA will necessarily decide an application as the WPC have indicated they feel it should be decided. This is for several reasons:

* The LPA is only entitled to take into account planning matters. The comments of Parish Councils are sometimes not on planning issues. It is important to remember that WPC Planning Committee are lay people endeavouring to represent local views however they should also try to limit their to *material planning considerations*.
* The LPA will receive advice from their professional officers on how the application should be dealt with which may differ from the views of the parish council. The LPA must take into account the representations of others apart from the parish council, especially the observations of the consultees, both the statutory consultees and other officers of the district council as well as neighbours of the developments, the applicant, etc.

Whilst the representations of WPC are important and our views are appreciated, our comments must be considered in the context of the receipt of other observations and against the provisions of development plan policies and material planning considerations. For example, a consultation response from the Highways Department of OCC on an application may not have any objection to the access proposed for a particular development. WPC may take the view that the access is dangerous. The SODC Case Officer dealing with the application may question their Officers about such a divergence of view, but the Highway Authority’s view will normally prevail, because the LPA must be able to support the reasons for its decision in the event of an appeal.

If WPC has commented on an application (any type), it will be notified of LPA’s decision once it has been made. The Case Officer’s report will be available on the relevant planning portal once a decision notice has been formally issued. The report will give details on how a particular decision has been arrived at.

**Material Planning Considerations**

Representations on a planning application can only be taken into account if they relate to material planning considerations. A list of material and non-material planning considerations is given in Appendix A.

**LPA Planning Committee**

It is SODC’s policy to refer to the SODC Planning Committee any application that the Case Officer recommends for approval, but that WPC, as a statutory consultee, has objected to.

The WPC Planning Committee may then delegate one or two members to speak on the council’s behalf at the SODC Planning Committee. It is important to note that it is not permissible for additional material, which has not been discussed at the WPC meetings, to be introduced by the delegated member(s). To do so is to add material not having passed the scrutiny of the WPC, and not part of the material which is the subject of the representation. If members wish a subject to be part of an objection, they should make this known at the time of the WPC meeting, not afterwards.

If WPC believe a site visit is necessary to adequately inform SODC’s Planning Committee decision then this must be requested by the Clerk as soon as possible. If WPC Planning Committee feel strongly that a site visit would be necessary at the time of discussing the application then this comment should be included in the representation made to the LPA. SODC have produced a protocol for formal planning committee site visits <http://www.southoxon.gov.uk/ccm/support/dynamic_serve.jsp?ID=539894748&CODE=628E287BDAEEBA91BECF6B9BA0936375>

Representations can also be made by anyone that has commented through official channels to the LPA, at the LPA Planning Committee. In order to do so you must notify the LPA by midday the day before the committee. For further information about speaking at SODC’s Planning Committee please [click here](http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-committees/committee-faqs) or contact the Parish Office.

Upon publication of the Officer’s delegated report, there may be additional issues on which WPC wish to comment. Due to time constraints the delegated WPC committee member may make additional representation on relevant issues, but must inform the Clerk of their comments as soon as possible.

## Appendix A: Material Planning Considerations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as ‘material planning considerations’. The list below is derived from the SODC advice on their website. It may have been superseded since this document was prepared and you are advised to check the download available at: <http://www.southoxon.gov.uk/services-and-advice/planning-and-building/find-application/planning-application-register>

**MATERIAL PLANNING CONSIDERATIONS:**

**Normally taken into account in the determination of applications**

(There may exist further material planning considerations not included here)

* The Statutory Development Plan which includes:
* Oxfordshire Structure Plan
* Waste & Minerals Local Plan
* South Oxfordshire Local Plan

Section 54a of the Town & Country Planning Act 1990 requires that applications or appeals be determined in accordance with the Development Plan unless material considerations indicate otherwise.

* Planning/Development Briefs produced by South Oxfordshire District Council
* Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance and advice
* Previous Planning decisions (including existing uses)
* Amenity considerations
* Overlooking
* Over-development
* Character of area
* Effect on listed buildings and conservation areas
* Scale and bulk resulting in loss of light
* Trees
* Noise
* Smell
* Traffic generation, parking and safety
* Design
* Materials
* Crime and community safety
* Need (eg. Agricultural Workers Dwelling)

**NON-MATERIAL PLANNING CONSIDERATIONS**

**Not normally considered in the determination of applications**

(There exist further non-material planning considerations not included in this list)

* Loss of property value
* Land ownership and boundary disputes
* Competition
* takeaways
* name of business (eg.different supermarket chains)
* A loss of a private view
* Legal rights/consents deeds, covenants, private rights of way, licences (eg. entertainment)
* Internal layout
* Provision of services
* Matters controlled under other legislation

A more detailed list is available on the Planning Aid England website at <http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf>

Planning Aid England provides free, confidential and independent planning advice.

Call: 0330 123 9244 or Email: advice@planningaid.rtpi.org.uk