



Committee and Date Shropshire Hills AONB Partnership 14 February 2011
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Item 7

PLANNING PROTOCOL AND UPDATE

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Summary

This paper provides members with a copy of the AONB Planning Protocol and gives the opportunity for discussion of planning matters.

Recommendation

The Partnership is recommended to note the information provided, and contribute to discussions at the meeting.

Background

1. The AONB Partnership's Planning Protocol was established with the local authorities in 2007. It is in the process of being renewed with the two authorities. The current version of the Protocol is included as Appendix 1. Though this is available on our website, it has not been circulated to members since its previous approval. It is felt that it will be useful to remind members of the Partnership of the agreed approaches and procedures of the AONB Partnership in relation to planning.

List of Background Papers

Shropshire Hills AONB Management Plan

Human Rights Act Appraisal

The information in this report is compatible with the Human Rights Act 1998.
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Environmental Appraisal

The recommendation in this paper will contribute to the conservation of protected landscapes.

Risk Management Appraisal

Risk management has been appraised as part of the considerations of this report.
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Community / Consultations Appraisal
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The topics raised in this paper have been the subject of earlier consultations with Partnership members.
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Appendices

Appendix 1 Revised draft of Shropshire Hills AONB Planning Protocol, awaiting approval
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Appendix 1 Planning Protocol for the Shropshire Hills Area of Outstanding Natural Beauty

This protocol aims to clarify the processes and roles relating to planning affecting the Shropshire Hills AONB, for the benefit of members and officers of planning authorities, members of the AONB Partnership, and other stakeholders including members of the public.

Background

"The primary purpose of AONB designation is to conserve and enhance natural beauty. In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, and other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment." (Countryside Agency, 2001).

The planning system has an important role in preventing inappropriate development from harming the special qualities of the AONB. It also has an important role in facilitating appropriate and sustainable forms of development, which are necessary to ensure the active management of the landscape.

Planning in the Shropshire Hills is carried out by two unitary authorities: Shropshire Council and Telford & Wrekin Council. Their decisions are influenced by national, regional and local planning policy and guidance. The new planning system aims explicitly to achieve sustainable development, through balancing protecting the environment with allowing economic and social progress. Government policy is that AONBs have equivalent status and protection to National Parks.

The AONB Management Plan (see

<http://www.shropshirehillsaonb.co.uk/partnership/Mgtplan09-14.htm>) is a statutory document under the Countryside and Rights of Way (CROW) Act 2000, and a material consideration in planning decisions (though not formally adopted as Supplementary Planning Guidance). However, the recent Planning Policy Statement (PPS) 12 82 indicates that an AONB Management Plan "might, subject to the circumstances of a particular case, be afforded a weight commensurate with that of SPDs in decision making". The relationship between AONB Management Plan Policies and planning policies is explained in the Plan as follows:

"The Management Plan does not define Policies which duplicate existing planning policies at national, regional or local level, but only where additional guidance is needed. A summary of current planning policy relevant to the AONB has been prepared as part of the Management Plan review process, and will be kept up to date at www.shropshirehillsaonb.co.uk. Management Plan Policies related to planning are intended to align with existing and proposed planning policies (and are cross referenced to these), whilst adding detail or clarification in relation to the AONB. Many planning policies will apply to the whole of a local authority's area, and can therefore be complemented by the Management Plan more specifically 'formulating their policy for the management of the AONB', as required by the CROW Act. In the unlikely event that there is a conflict between the Management Plan and relevant planning policies, the actual planning policy will carry greater weight."

The Shropshire Hills AONB Partnership has formal status of a 'joint advisory committee' of the two local authorities, formed to enable them jointly to fulfil their duties under the CROW Act to prepare and review an AONB Management Plan. The Partnership includes a member representative from each authority (and an officer in advisory role), plus a wide variety of other organisations and individuals, totalling currently 36 members. The Partnership is supported by a staff team currently of 9 staff, including a part-time Landscape & Planning Officer (post created in 2004). Involvement in planning by the Team is one of the defined 'core functions' which must be fulfilled to receive Natural England core funding. A Planning Protocol for the AONB was first agreed in 2007 with the five local authorities then involved.

Planning issues in the Shropshire Hills AONB

About 500 planning applications are made per year in the AONB, the majority within the Southern Area of Shropshire. Many are small scale household developments and alterations. In terms of new build, affordable housing is probably the biggest issue. Other types of development include agricultural buildings, conversions and farm diversification, telecommunications structures, road and utilities improvements and wind turbines. The latter in particular may include consideration of proposals outside the AONB which could have an effect on it, including across the Welsh border in Powys and Herefordshire.

General approach to the AONB Partnership's involvement in planning

The Partnership will seek to make a positive contribution to the planning process in support of the AONB's aims, and will foster close working relationships with each planning authority in order to achieve this. Natural England guidance is that the limited resources of an AONB Partnership are best spent on influencing policy and guidance, and that involvement in development control should be very selective.

There are too many planning applications for the AONB Partnership to comment on all of them, and criteria are necessary to restrict input to the most significant proposals. For the majority of applications it is entirely appropriate for the planning authorities to make a decision, including consideration of the AONB, without the AONB Partnership's specific involvement. Other organisations or members of the public may choose to make reference to the AONB designation or the Management Plan in making their own responses, but it is acknowledged that they may make a different interpretation of these to that which may be made by the AONB Partnership.

The planning authorities will play the following roles in relation to the AONB:

- Fulfil their legal duty under Section 85 of the CROW Act 2000 to '*have regard to the purposes of AONB designation in carrying out their functions*'.
- Prepare Local Development Frameworks including policies to give the highest levels of protection to the AONB's special qualities. Planning authorities will consult the AONB Partnership at every stage of the development of these Frameworks (the Partnership's procedures for dealing with the various stages of consultations are outlined below).
- Consult the AONB Partnership on planning applications in the categories outlined below where the Partnership may or is likely to make a response, and on pre-application casework as appropriate.

- Determine planning applications affecting the AONB, either through officer delegation or committees, taking into account policies, guidance, consultation and other material considerations including the AONB Management Plan.
- Ensure that planning consents are obtained and complied with where required for activities which may affect the AONB, using enforcement where appropriate.
- Lead the development of planning guidance through Supplementary Planning Documents, working collaboratively where appropriate.
- Support the development of other planning guidance where appropriate (e.g. design guidance), and pursue recognition of such guidance through the planning system.
- Support community involvement in planning, through consultative procedures and by making connections with Parish Plans and Community strategies.
- Input to the review of the AONB Management Plan including development of policies, and formally approve revisions of the Plan.
- Work with the AONB Partnership and other authorities where appropriate to develop tools to inform the planning process, in particular Landscape Character Assessment.
- Exchange data held relating to the AONB in support of the AONB's purposes.

The AONB Partnership will aim to add value to the planning process, in support of the AONB's purposes, by playing the following roles:

- Provide advice and comments on policies and the content of Local Development Frameworks, seeking to ensure consistently high standards of protection of the AONB and support for sustainable forms of development.
- Develop policies for the AONB through review of the AONB Management Plan.
- Provide input to development of authority-wide planning guidance where this has relevance to the AONB, e.g. landscape, biodiversity.
- Lead the production of planning guidance specific to the AONB, e.g. buildings design.
- Work with planning authorities to develop tools to inform the planning process, e.g. capacity and sensitivity mapping based on Landscape Character Assessment.
- Support community involvement in the development of planning guidance, e.g. through town and village design statements, and other strategic work which may inform planning e.g. Parish Plans and Community Strategies.
- Maintain personal contact with appropriate officers and members in each planning authority to help build common understanding and working relationships.
- Provide information about the AONB's special qualities to inform planning authorities' decisions, and views on the interpretation and application of relevant policies. This may include training or briefing sessions for planning officers and committee members.
- Provide comment on significant development proposals including at a pre-application and application stage.
- The Partnership does not have the capacity to engage in detail with members of the public over significant amounts of individual casework (including applications and enforcement). It will however have regard to the general principle of seeking to add value to the planning process, mainly through advising on implications for AONB purposes.

Process for AONB Partnership input into planning matters

The AONB Partnership is not a statutory consultee on planning matters. In some cases, The Partnership's distance from the planning authority and its ability to take a different position will be a good thing. However, good practice in planning shows that early informal contact can avoid conflict. Since the planning authorities fund the AONB Partnership and staff team, there is value in the AONB Partnership's staff team also having something of an 'insider' role with the planning authorities.

The AONB Partnership's procedures aim to balance officer input with involvement of Partnership members in a practical and efficient way. The AONB's structure provides a good means of enabling community involvement in planning, which is a national priority.

Guidance and Local Development Documents on which AONB Partnership members will normally be consulted:

- Core Strategy documents
- Development Plan Documents issues and options stage
- Supplementary Planning Guidance/Documents
- Regional Spatial Strategy
- National Planning Policy Statements with a significant influence on the AONB.

Local Development Documents for which the AONB Partnership's response will normally be delegated to officers from the AONB Team:

- Local Development Schemes
- Statements of Community Involvement
- Development Plan Documents preferred options and submission stages (where earlier Partnership involvement remains relevant. Further consultation with the Partnership or the Chair may be necessary where changes arise or detailed wording of policies is important).
- Sustainability Appraisals
- Annual Monitoring reports

Categories of planning applications on which the AONB Partnership is unlikely to provide input, and need not be consulted unless specific input is sought:

- Q21 Householder Developments
- Q22 Advertisements
- Q23 Listed Buildings Consents to alter/ extend
- Q24 Listed Buildings Consents to Demolish
- Q25 Conservation Area Consents

The AONB Partnership should be consulted on all other categories of development application.

In many cases the preparation and submission of the AONB Partnership response will be delegated to officers from the AONB Partnership's staff team. For planning applications of the following types, the AONB Partnership response will normally involve consultation by the team with Partnership members:

- Developments of more than 10 houses
- Exception sites for housing of more than 5 houses

- Multiple tower structures, e.g. telecommunications masts, wind turbines.
- Single tower structures over 25m height or when existing and/or proposed structures would be sited closer than 3km from each other.
- Minerals or waste applications (other than for local stone, see above)
- Residential, commercial or holiday units greater than 5 in number (including conversions)
- Poultry units greater than 12,000 birds
- Temporary or holiday accommodation greater than 5 units
- Agricultural or industrial structures over 1,000m² in total area
- Renewable energy schemes serving more than 3 houses or office units
- New leisure or sports facilities over 1,000m² in total area
- New road proposals and significant alterations to existing roads

For matters on which Partnership members are consulted, relevant information will be circulated to members by mail/email. The full documents will usually be available for viewing on the planning authority website, at their offices and at the AONB Partnership office. If a meeting of the Partnership or Management Board falls within the timescale of the consultation, the meeting may consider the issue and endorse a response. If this is not the case, comments received from members will inform an officer response, in consultation with the Chair if necessary (e.g. where divergent views are expressed in members' comments). The option of holding an extra meeting to consider a particular issue will remain open but is likely to be rarely used. Local authority members on the Partnership who are members of the Committee which will determine an application should not play a part in deciding the Partnership's input to the consultation. Responses made by officers under delegation will be reported to the AONB Partnership. All responses will be made publicly available.