

# Shropshire Council Response

## Planning Reform Working Paper: Planning Committees



## **Respondent Details:**

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*Type of Organisation: Local Authority*

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## **Response to Consultation Questions:**

**Question A.** Do you think this package of reforms would help to improve decision making by planning committees?

### **Shropshire Council Response:**

- A.1. Shropshire Council is concerned about the potential erosion of democratic decision making that would result from this package of reforms. It is essential to ensure appropriate democratic scrutiny of planning decisions remain.
- A.2. The Council is also concerned about the proposed use of conformity with certain aspects of the Development Plan within these reforms, as this is a subjective judgement – what happens in circumstances where Elected Members and/or communities disagree with officer judgement on conformity?
- A.3. Achieving high-quality design that is responsive to and complements the character of a developments setting is essential. The ability for Elected Members (as representatives of communities) to through planning committees consider relevant planning applications remains important - this applies to any site, irrespective of whether it is an allocation or windfall site.
- A.4. Similarly, decisions that are open to interpretation, i.e. 'on balance decisions' contrary to local views as represented by Town/Parish Councils and/or the Local Elected Member should be decided by committee.
- A.5. Shropshire Council also have serious concerns that the proposals would diminish the influence that Town and Parish Councils (as representatives of the community) play in the decision making process.
- A.6. The majority of Local Planning Authorities operate local schemes of delegation which are proportionate to the characteristics of the area and volume and type of planning applications received. Furthermore, planning committees generally make well-reasoned decisions supported by Planning Officers.
- A.7. As such, on balance the Council is not supportive of these proposed reforms.

**Question B.** Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?

**Shropshire Council Response:**

- B.1. The Council is surprised that each of the three options presented in the Working Paper, in effect, result in the same outcome. This provides little 'choice' for the Council in identifying which would be the most effective.
- B.2. Shropshire Council recognises that the objective of any reform is to streamline decision making, particularly for allocated sites within the Local Plan, which have already been subject to public consultation at the plan making stage.
- B.3. However, the Council frequently see a significant 'gap' between the requirements of Local Plan development guidelines and development proposals submitted at planning application stage, particularly in relation to infrastructure provision, with developers frequently citing viability and other issues as justification for this.
- B.4. If decisions on such planning applications are delegated solely to officers, it risks removing local democratic oversight and leaving communities powerless to help guide what they want from development. This potentially increases resistance to development proposals in general.
- B.5. The Council therefore consider that any introduction of a national scheme of delegation should be accompanied by a strengthening of requirements to meet the needs of communities, as set out in the development guidelines within Local Plan policies.
- B.6. Shropshire Council is also very concerned about the restrictiveness of Option 3. There has to be some sort of mechanism by which committee's/planning managers can 'call in' a poor applications outside those prescribed.
- B.7. If a threshold for referral based on the level of objections is established guidance would be required, particularly in relation to petitions and template objection letters, as to whether it applies to all objections or only those which raise material issues.

**Question C.** We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?

**Shropshire Council Response:**

- C.1. Shropshire Council considers such thresholds risk either greater sub-division of larger development proposals to avoid the need for committee oversight or increased deferral of key issues to reserved matters applications for the same reason (this is a particular concern in the context of infrastructure provision).
- C.2. Furthermore, the majority of larger development schemes are submitted in outline to establish the principle of development.
- C.3. If such applications are delegated to officers, without a means of referral to committee, communities lose their ability to influence decisions. This would therefore erode local democratic oversight of decision making and could further increase resistance to new development as a result.

**Question D.** Are there advantages in giving further consideration to a model based on objections?

**Shropshire Council Response:**

- D.1. Shropshire Council recognises that the level of objection to development proposals often provide a good 'bellwether' as to strength of local feeling. Even when material matters are not raised by such objectors, and do not therefore result in committee referrals under our current local scheme of delegation, they can still provide planning officers with an indication of how development proposals affect communities but would always be excluded from getting to committees and local issues.
- D.2. An objection threshold for committee referral should not be based on an arbitrary number, as this will simply become a target for local residents to achieve, encouraging objector campaigns based on template letters and petitions.
- D.3. Likewise, in rural areas such as Shropshire, development proposals in villages and smaller settlements with smaller populations mean achieving thresholds may be unachievable but such schemes can still have a significant effect upon communities.
- D.4. Setting a threshold figure for objections therefore risks obscuring local context; encouraging objections; and excluding relevant applications from democratic oversight for instance in circumstances where there is only a small number of objectors but they raise material matters that might otherwise warrant a committee referral, but conversely requiring unnecessary

applications to receive democratic oversight simply due to level of objection.

- D.5. As such, the Council considers the more selective approach within our existing scheme of delegation is more appropriate. This is an acknowledgement that a one size approach does not fit all circumstances.

**Question E.** Do you agree that targeted planning committees for strategic development could facilitate better decision making?

**Shropshire Council Response:**

- E.1. Shropshire Council does not support proposals to establish mandatory planning committees for strategic development.
- E.2. The Council is concerned that strategic committees would erode democratic decision taking by placing decisions in too few hands. Likewise, there is a danger that extended service on such a committee, and the resulting increased specialisation this would bring, may result in members becoming less attuned to the views of the community. Rather than acting as a democratic check on professional planning officers there is therefore a danger of 'group thinking' emerging.
- E.3. There is also a risk in larger unitary authority areas such as Shropshire that the committee members would be seen as unrepresentative of the areas in which strategic development is proposed, and therefore not democratically accountable to the communities affected. The Council also expresses concern about the additional resource demands such extra committees would represent for many authorities. This includes more demand on elected members to serve on planning committee and the administrative costs of operating the committees. Conversely, there is also a risk where there are limited numbers of such applications that the members of such committees would only see infrequent service.

**Question F.** Do you have a view on the size of these targeted committees?

**Shropshire Council Response:**

- F.1. Shropshire Council does not support the proposal to create specialist planning committees. However, if they are introduced they should comprise 7-9 elected members and not the smaller numbers proposed in the Working Paper

**Question G.** How should we define strategic developments?

**Shropshire Council Response:**

- G.1. Shropshire Council considers that strategic development should be defined as major developments that are significant on a regional scale and/or are key to the success of the Local Plan. This could be based on percentages of total development proposed within the adopted Local Plan.
- G.2. However, it is important to note that in rural authority areas, such as Shropshire, smaller developments in many locations can have a disproportionately high effect, both positive and negative. For example, this is often the case for affordable housing and essential rural workers dwellings which, whilst delivering low numbers of houses in overall terms, can have very significant benefits in terms of the sustainability and resilience of rural communities. In this respect, there should be sufficient flexibility built into the definition to ensure that what constitutes strategic development can vary dependent upon local context
- G.3. Irrespective of this, the Council's concerns on a separate planning committee for planning applications for such development remains.

**Question H.** Do you think the approach to mandatory training is the right one?

**Shropshire Council Response:**

- H.1. Yes, Shropshire Council welcomes proposals to introduce a national programme of mandatory training for planning committee members.
- H.2. Elected members perform an important advisory role on planning matters to Town and Parish Council's and other groups within communities. As such, there may be value in all elected members undertaking a form of planning training.

**Question I.** Other comments:

**Shropshire Council Response:**

- I.1. Yes, whilst there is often a perception that it is the planning process and planning committees that cause 'delays' to decision making, in reality it is often the legal process which results in significant delays. As such, there would be real value in considering how best to manage the legal professions involvement in the planning process.
- I.2. Planning committees can also provide a vital source of local knowledge that enables local character and distinctiveness to be

conserved, particularly in heavily constrained and highly valued rural landscapes such as Shropshire