Purpose

To summarise the approach for commenting by the Parish Council on planning applications.

Background

Planning approvals are the responsibility of the planning division of WODC, by delegation from the Council. They make their decisions by reference to the National Planning Policy Framework, and decisions must be in accordance with the approved WODC Local Plan, the current version of which runs until 2031. The Local Plan references a range of other influencing documents, for example the Cotswolds AONB management plan. There is a presumption for decisions to be made in favour of “sustainable development”, which means achieving a balance between economic, social and environmental concerns, and the Local Plan seeks to lay out how that balance is to be achieved in West Oxfordshire. It specifically acknowledges that for decisions within the AONB, environmental concerns will carry special weight. The Local Plan comprises contains a large number of policies that apply to all decisions, as well ones that apply in specific cases. For the Leafield parish, these specific policies are (as shown on the map at [Interactive Map](https://westoxfordshire.maps.arcgis.com/apps/MapJournal/index.html?appid=e1c98b708d3f45feaec1cca13833cdac)):

* For the conservation area of the village itself, policies EH9 (Historic Environment) and EH10 (Conservation Areas)
* For the surrounding rural area, policy EH2 (Landscape Character)
* For some of the surrounding woodlands, policy EH3 (Biodiversity and Geodiversity)
* For some of our ancient monuments and historic relics, EH15 (Scheduled monuments and other nationally important archaeological remains).

Parish Council Input

The planning department must by law consult the relevant Parish Council (PC) before making a decision. A PC is not obliged to respond. No response is taken as no comment. The planners are not obliged to say how comments have been taken into account, although a PC’s comments carry special weight and as such the record of decision may record how a PC’s comments have been addressed. The PC may frame its response as either an objection, or a comment. It is likely that if a PC objects to anything bigger than an application related to a single house, the WODC planning department would need to refer back to the Council planning committee before making a decision. To be most effective, the decision-makers request PC input to be framed as follows:

* State clearly whether commenting or objecting.
* Seek to represent local community views, and convey local issues or knowledge which the planners may not be aware of (e.g. drainage, or road safety concerns).
* Focus on the development plan, ideally by reference to specific policies in the plan.
* Focus on material considerations.
* Make submissions using MS Word, for ease of processing.

In addition, with respect to developers, the planners recommend that PCs “engage for benefit” with developers. For example, if several new houses are being built, a PC could seek contributions to the playground or other village infrastructure. Comments can be framed to incorporate such conditions.

Material Considerations

Planning decisions are made by reference to Material considerations, which “must be related to the purpose of planning legislation (i.e. to regulate the use and development of land in the public interest), and must also fairly and reasonably relate to the application concerned”. Examples of material considerations are:

1. Overlooking and loss of privacy
2. Overshadowing and loss of light
3. Local circumstances
4. The history of a site
5. Noise, disturbance and smells
6. Local knowledge of drainage or other possible problems with services
7. Existing planning policies
8. Traffic and highway safety issues
9. Scale of development
10. Overdominance
11. Public view across the land
12. Design, appearance, layout and materials
13. Loss of important open spaces
14. Landscaping
15. Retention of important physical features
16. Conservation of buildings, etc.
17. Impact on surroundings

How council handles incoming comments

The statutory period for commenting is 21 days, meaning that not all planning applications can be discussed before the deadline in our regular monthly meetings.

Planning applications received before the monthly meeting are discussed at the council meeting. Council decide whether and how to comment, or if needed, delegate responsibility to responding to the Clerk.

Planning applications requiring a comment to be sent in between meetings, are handled as noted in the council’s Standing Orders:

*31) Planning*

*a) Planning matters may be contentious and it is important to ensure that comments submitted remain fair and balanced. Members must declare an interest and not become involved in planning applications that relate to them, their family, associates or neighbours.*

*b) On receipt of the notification of a planning application from the District Council, the clerk forwards the details to councillors via email. If the response deadline falls prior to the next meeting, the clerk will request an extension from the Local Planning Authority.*

*c) A list of current applications will be included for discussion on the agenda for each meeting. The clerk will send the council’s comments to the Local Planning Authority.*

*d) If it is not possible for the council to make a decision at a meeting, the council may decide to use the clerk’s delegated power to send a response on its behalf.*

*i) The decision to use the clerk’s delegated power shall be agreed by a majority of the council*

*ii) Councillors shall forward their comments to the clerk.*

*iii) The clerk will formulate a response based on the councillors’ comments, and send to council for approval.*

*iv) Upon receipt of approval of the comments, the clerk will send these comments to the Local Planning Authority.*

*v) All documentation in this process shall be retained until the decision has been ratified.*

*vi) The decision shall be ratified at the next council meeting.*

The council may decide that an extra meeting is required to comment on a planning application if a decision cannot be made at the monthly council meeting. If that is the case, then the Chairman will request that the Clerk summons the council to an extra-ordinary meeting to discuss and respond to the application. This will follow the same format as the monthly council meetings, and will be open to the public to attend.

Action requested

Council to support the current system of handling planning applications or agree a different method.