

MUCH WENLOCK TOWN COUNCIL PLANNING PRE-APPLICATION DISCUSSIONS PROTOCOL

Introduction

The principles of localism engender openness and accountability with the local community, and to give them a greater say in what happens in their neighbourhood. This is especially true where major or significant development is planned, and developers are encouraged to engage with communities so that an amicable outcome is achieved. It is therefore beneficial for the Town Council to ensure that it is actively engaged in pre-planning application discussions with Shropshire Council, the developer, and relevant stakeholders, prior to the formal planning application being submitted, especially with major and significant applications which are likely to be of wider public interest.








This protocol has been developed to guide the Town Council when considering pre-planning application discussions so that the Council's views are adequately communicated to Shropshire Council, developers, stakeholders and the local community.

The National Planning Policy Framework was introduced in 2012. It was developed to support sustainable growth. Sustainable development should meet the needs of the present without compromising the ability of future generations to meet their own needs. (Resolution 42/187 of the United Nations General Assembly.)

It is beneficial to work with both developers and local planning authorities so as to ensure a better mutual understanding of objectives and the constraints that exist.

Benefits of pre-planning application discussions








The benefits of entering into pre-planning application discussions are as follows:

-  Pre-application discussions will enhance the speed and quality of the planning system by identifying relevant issues which can be addressed from the outset.
-  Major or potentially contentious applications considered prior to being formally submitted will help to identify and address key issues at an early stage.
-  Information required in connection with a proposed application, including any gaps in policy or data, can be addressed prior to determination of the application.
-  Key consultees can be involved in the consultation process.
-  The Town Council will be able to facilitate public meetings and exhibitions so that community interests are considered and acknowledged.
-  Applicants will be able to attend meetings with council officers and councillors.
-  Enable certain planning issues to be resolved prior to major applications being formally submitted.
-  Identify required legal agreements, including infrastructure requirements.
-  Allow the developer, or agent, to amend the submission in response to the consultee comments, prior to formally submitting the application.
-  Allow design quality and access issues to be addressed.
-  Identify at an early stage any corporate requirements for community infrastructure, such as transportation measures, education contributions, affordable housing and public open space.
-  The characteristics of the proposal i.e. design, materials etc. can be amended if necessary so that they comply with the Much Wenlock Design Statement.
-  Gives an opportunity for stakeholders to raise concerns before the application is submitted and reduce the potential of public objections to the scheme.
-  Ensure that applications have regard to the Neighbourhood Plan for Much Wenlock.

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The Town Council's involvement in pre-planning applications

The Town Council is a statutory consultee in the planning process. It is therefore desirable that the Council should take an active interest in the pre-planning application process because the Council:

-  Has a good understanding of its area.
-  Should have active involvement in expressing the needs of the community.
-  Needs to ensure that all development is in keeping with the Design Statement for Much Wenlock.
-  Wants to ensure that future development is in conformity with the Neighbourhood Plan for Much Wenlock.
-  Wants to represent the views of its local residents.
-  Needs to have input into development that might devolve public open space or other community facilities to the Town Council.
-  Wants to ensure that any CIL and s106 awards are appropriately allocated to the local community.

Representing the local community

It is usual for Shropshire Council to notify the Town Council of all planning applications within the parish of Much Wenlock. However, there may be occasions when an applicant may contact the Town Council directly to discuss an application to seek an informal opinion with a view to gain support.











Role of the Town Council's Planning & Environment Committee

The Town Council's Planning & Environment Committee has delegated powers to consider planning applications, including pre-planning applications.








The Committee considers all planning applications in public session, unless a matter is considered to be confidential and, although there is no public session, the Committee can, if it wishes, resolve to suspend Standing Orders and listen to the views of members of the public, or invite guests to speak.

Confidentiality

There may be times when the Town Council is asked to enter into confidential discussions concerning a proposal for future development. The Town Council has a duty to conform to the Freedom of Information Act and will only enter into private discussions where the Council feels that to disclose information relative to the proposed development falls within the following categories:

-  s.22 - Information intended for future publication;
-  s.24 - National security (other than information supplied by or relating to named security organisations, where the duty to disclose in the public interest does not arise);
-  s.26 - Defence;
-  s.27 - International relations;
-  s.28 - Relations within the United Kingdom;
-  s.29 - The economy;
-  s.30 - Investigations and proceedings conducted by public authorities;
-  s.31 - Law enforcement;
-  s.33 - Audit Functions;
-  s.35 - Formulation of government policy, etc;

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-  s.36 - Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords);
-  s.37 - Communications with Her Majesty, etc and honours;
-  s.38 - Health and Safety;
-  s.39 - Environmental information;
-  s.40 - Personal information of a third party (i.e. not data relating to the requester).
An exemption will stand or fall on whether disclosure of the information to a member of the public would be 'unfair', taking into account all the circumstances involved, in particular how the information was obtained; the likely expectations of the data subject regarding the disclosure of the information; the effect which disclosure would have on the data subject; and the public interest in disclosure of the information. If disclosure of personal data to a member of the public would be 'unfair' then the request is likely to need to be refused under the Freedom of Information Act insofar as it relates to that personal data.
-  s.42 - Legal Professional Privilege; and
-  s.43 - Commercial interests.

In reaching a decision as to whether the public and press should be excluded from discussions concerning future development proposals the Planning & Environment Committee will ask, "Does the public interest in withholding the information outweigh the public interest in disclosing the information?"

Only in circumstances where the applicant has provided a compelling argument that the application is commercially sensitive, and disclosure of information would either prejudice or adversely affect future contract negotiations/transactions, will the Committee consider applications in private session.