

**WYRE FOREST DISTRICT COUNCIL**

**CABINET MEETING**  
**28<sup>th</sup> JUNE 2007**

**Update of 'The Planning Process for Parish Councils' (2007)**

<b>OPEN</b>	
<b>COMMUNITY STRATEGY THEME:</b>	A Better Environment
<b>CORPORATE PLAN THEME:</b>	Managing the Local Environment
<b>KEY PRIORITY:</b>	Development Assessment and Building Control
<b>CABINET MEMBER:</b>	Councillor Stephen Clee
<b>RESPONSIBLE OFFICER:</b>	Head of Planning, Health and Environment
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<b>APPENDICES</b>	Copy of The Planning Process for Parish Councils (2007) <i>The appendix to this report has been circulated electronically and a public inspection copy is available on request. (See front cover for details).</i>

**1. PURPOSE OF REPORT**

- 1.1 This report seeks Members' approval for changes to 'The Planning Process for Parish Councils', more commonly known as the Parish Guide. The document seeks to guide local Parish and Town Council Members through the planning system, it explains district council procedures and provides advice regarding how to comment on planning applications. The amended Parish Guide incorporates changes to the planning system which have occurred since the previous version issued in 2003.

**2. RECOMMENDATION**

**2.1 The Cabinet is asked to DECIDE:**

**to adopt the updated Parish Guide 2007, together with the minor amendment to the text as explained in paragraph 4.6 of the report.**

**3. BACKGROUND**

- 3.1 The Parish Guide seeks to provide an easy to understand summary of development control and enforcement procedures. It also contains guidance as to when and how Councils should respond during the consultation procedure. It is aimed at all Members of the existing Parish and Town Councils of which there is a total of twelve (including Wribbenhall). The existing Guide was adopted in October 2003 and the amended 2007 version reinstates and, where necessary, updates national and local changes to these procedures.
- 3.2 The amended Guide was sent to all clerks of the Parish and Town Councils together with the Worcestershire County Association of Local Councils for their comment. Those comments received are reported below.

**4. KEY ISSUES**

- 4.1 Whilst there has been recent legislation resulting in changes to the planning system the Guide reiterates previous advice which remains unchanged with respect to:
- Permitted development
  - The different types of application and notifications
  - The consultation procedure
  - The outcome or types of decision a local planning authority can make
  - Planning conditions
  - Amendments to plans
  - Appeals
  - Monitoring and Enforcement
  - The Ombudsman
  - Material planning matters which can be raised with respect to planning application consultation responses
- 4.1 However since the previous 2003 edition there have been a number of changes at a national level to the planning system, most notably the Planning and Compulsory Purchase Act 2004, and the amended Guide summarises these changes regarding:
- The local development framework
  - Nationally set targets for determining major / minor / other planning applications within certain time periods
- 4.2 Furthermore the Guide also explains changes to the development control process at a district level with respect to:
- The current scheme of delegation – adopted 2006
  - The revised consultation sheet for Councils to respond to planning application consultations – updated 2006
  - Public speaking at Planning (Development Control) Committee – introduced in 2003

- Locally set targets for determining major/minor/other planning applications within certain time periods
  - The current Supplementary Planning Document on Planning Obligations or Section 106 Agreements – adopted February 2007
  - Practice Note 10: Protocol on Parish Representations at Planning (Development Control) Committee – updated May 2006
- 4.3 Each Parish or Town Council has been given consulted on the draft 2007 Guide, but only two comments have been received.
- 4.4 First Stourport Town Council have commented that:
- “Part 19, page 18, in the second paragraph, mentions some Councils delegating the duty of reply to planning application consultations to a small number of Council Members who can act between Meetings on relatively minor matters. Although my own text books have not been particularly helpful, it is my belief and understanding that Local Councils can delegate powers to Officers, to Committee, which in turn can delegate to Sub-Committees, but not delegate to Members per se. If the Council members mentioned in the Guide are not acting as Members of a constituted committee, Sub-Committee, or are not being consulted by the Parish / Town Clerk to whom powers may have been delegated by the Council, then the Members themselves do not have the power to act.*
- For the above reasons it is probably not desirable for the Guide to convey the impression that Members can be vested with a power which is not actually vested in them and which could lead to them acting ultra vires.”*
- 4.5 Stourport Town Council are referring to the part of the Guide which advises that consultation responses by Town or Parish Councils to planning applications should be received by the District within 21 days. The Guide goes on to indicate that some Councils resolve the difficulty arising from monthly meetings by delegating the duty of reply to a small number of Council Members who can respond to minor planning applications.
- 4.6 In response to the comments made, clearly responses to planning applications should only be made by Members of a constituted Sub Committee set up under the main Town or Parish Council. Therefore for the purposes of clarification it is recommended that an additional sentence is inserted in the second paragraph of Part 19. The sentence to read, *“Some Councils overcome the difficulty arising from monthly meetings by delegating the duty of reply to a small number of Council Members [of a constituted Sub Committee] who can act between these monthly meetings to respond to minor planning applications such as domestic extensions.”*
- 4.7 The other response from Chaddesley Corbett Parish Council states that they raise no objections.
- 4.8 A report was taken to the Planning (Development Control) Committee meeting of June 12<sup>th</sup> and any comments will be reported verbally.

**5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 It is not considered that there are any legal obstacles to changing the Parish Guide.

**7. RISK MANAGEMENT**

- 7.1 The Guide highlights changes to the adopted Scheme of Delegation and nationally and locally set targets with respect to time periods for determining major, minor and other applications. The publication of these targets highlights the importance of responding to planning consultations promptly and therefore should reduce the risk of failing to meet these targets.

**8. CONCLUSION**

- 8.1 It is considered that the 2007 Guide provides a succinct and easy to understand guide to the development control and enforcement processes. Furthermore it highlights at which points Town and Parish Council Members have an active part to play and seeks to ensure that their responses to planning matters are timely and relevant.

**9. CONSULTEES**

- 9.1 Parish and Town Council Clerks  
9.2 Worcestershire County Association of Local Councils

**10. BACKGROUND PAPERS**

A Working Guide to the Planning Process for Parish Councils October 2003

Recovery Plan to meet BV109 targets for determining planning applications – April 2006 Cabinet.

Scheme of Delegation - Implications of Supplementary Planning Document – Planning Obligations for Determining Planning Applications & Development Control Practice Notes – April 2007 Cabinet

Supplementary Planning Document – Planning Obligations (adopted Feb 2007)

Planning and Compulsory Purchase Act 2004

Practice Note No.10: Protocol on Parish Representations at Planning (Development Control) Committee