

## 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 five local authorities: Shropshire County Council, South Shropshire District Council, Shrewsbury & Atcham Borough Council, Bridgnorth District Council and the Borough of Telford & Wrekin. 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 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).

The Shropshire Hills AONB Partnership has formal status of a 'joint advisory committee' of the five local authorities, formed to enable them jointly to fulfil their duties under the CROW Act to prepare and review an AONB Management Plan. Includes a member representative from each authority (and an officer in advisory role), plus a wide variety of other organisations and individuals, totalling 38 members. The Partnership is supported by a staff team currently of 10 staff, including a part-time Planning & Policy Officer (post created in 2004). Involvement in planning by the Team is one of the defined 'core functions' which must be fulfilled to received Countryside Agency core funding. Local government reorganisation in Shropshire will result in a need to review both this protocol and the governance structure of the AONB.

### Planning issues in the Shropshire Hills AONB

About 500 planning applications are made per year in the AONB, the majority within South Shropshire District. 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 renewable energy. 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 potentially 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.

Countryside Agency guidance is that the limited resources of an AONB 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 or the Management Plan in making their own responses, but it is acknowledged that they may make a different interpretation of this to that which would be made by the AONB Partnership.

### **The planning authorities will play the following roles:**

- 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. (Note – in South Shropshire District the Partnership will request applications for consultation based on the weekly planning list).
- Determine planning applications affecting the AONB, either through officer delegation or planning 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 district or county-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 to inform planning authorities' decisions, including refining description and evaluation of the AONB's special qualities, and data on environmental features. This may include training or briefing sessions for development control officers and planning committees.
- Provide comment on significant development proposals including at a pre-application and application stage.

### **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 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 be consulted:**

- 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 at issues and options stage 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

### **Planning applications on which the AONB Partnership is unlikely to provide input:**

- Less than 5 houses or flats within a settlement
- Single houses in the countryside
- Householder applications e.g. extensions, conversions, garages, porches
- Listed building applications
- Change of use applications e.g. from barn to residential where the number of new houses is less than three

- Certificates of lawfulness e.g. for use as a dwelling without agricultural restriction
- Replacement buildings e.g. two storey house replacing a bungalow
- Variations of conditions e.g. to allow unrestricted occupancy
- Temporary accommodation of single units

**Planning applications on which the AONB Partnership may make a response (normally delegated to officers from the AONB Team) :**

- Exception sites for housing of less than 5 houses
- Small scale renewable energy proposals e.g. domestic wind turbines less than 15m in height or which serve less than 3 houses or office units
- Developments of up to 10 houses or flats
- Extensions or alterations to existing minerals or waste sites including new infrastructure
- New utility services e.g. overhead electricity supply line
- Tower structures less than 15m height e.g. wireless mast, wind monitoring masts where these are single masts/towers and sited more than 3km from an existing and/or proposed tower structure.
- Horse related development e.g. ménages
- Proposals involving floodlighting e.g. for horse riding arena
- Poultry units up to 12,000 birds in total
- New build for holiday lets up to 5 units
- Conversion to holiday lets, commercial or office use, or residential up to 5 units
- Minerals proposals for extraction of local stone for use in local building projects
- Temporary or holiday accommodation e.g. mobile homes or log cabins, up to 5 units
- Agricultural or industrial structures up to 1,000m<sup>2</sup> in total area
- New leisure or sports facilities up to 1,000m<sup>2</sup> in total area
- Works to individual protected trees and in conservation areas
- Hedgerow removal notices

**Planning applications on which the AONB Partnership is likely to make a response, and on which AONB Partnership members will be consulted:**

- 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 15m 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 1,000m<sup>2</sup> in total area
- Large scale renewable energy schemes serving more than 3 houses or office units
- New road proposals and significant alterations to existing roads e.g. dual carriageway construction
- New leisure or sports facilities over 1,000m<sup>2</sup> in total area

For matters on which Partnership members will be consulted, a summary report will be prepared and circulated by mail/email. The full documents will usually be available for viewing on the planning authority website, at their offices and at the AONB 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 Planning Committee which will determine the application should not play a part in deciding the Partnership's position.

Responses made by officers under delegation will be reported to the AONB Partnership. All responses will be made publicly available.

**Agreement**

This protocol has been agreed by:

Name PETER NORMAN Position CHAIR

Signed Peter Norman Date 05/12/06  
Representing the Shropshire Hills AONB Partnership

Name NICK TAYLOR Position Assistant Director Planning + Strategy

Signed N Taylor Date 17<sup>th</sup> June 2007  
Representing Shropshire County Council

Name Jack Bernman Position Head of planning + building control

Signed J Bernman Date 13 sept 07  
Representing South Shropshire District Council

Name IAN KILBY Position Planning Services Manager

Signed I Kilby Date 21/9/07  
Representing Shrewsbury & Atcham Borough Council

Name TREVOR TARRAN Position Director of Development Services

Signed T Tarran Date 1/10/07  
Representing Bridgnorth District Council

Name DAVID FLETCHER Position Interim Head of Planning & Environment

Signed D W Fletcher Date 17/10/07  
Representing the Borough of Telford & Wrekin