

CANNOCK CHASE AONB PARTNERSHIP

PLANNING PROTOCOL BETWEEN CONSTITUENT LOCAL PLANNING AUTHORITIES AND THE CANNOCK CHASE AONB JOINT COMMITTEE

2005



PLANNING PROTOCOL BETWEEN CONSTITUENT LOCAL PLANNING AUTHORITIES AND THE CANNOCK CHASE AREA OF OUTSTANDING NATURAL BEAUTY JOINT COMMITTEE

Aim

To provide the opportunity for the Cannock Chase AONB Joint Committee to comment on planning applications and the preparation of development plans and related land use and spatial planning documents on behalf of the Cannock Chase AONB Partnership.

To provide a formal procedure/communication between the Local Planning Authority partners within the AONB and the AONB Joint Committee on planning matters within the AONB.

The protocol sets out how the AONB Joint Committee and Local Planning Authority Partners in the AONB Partnership will consider planning matters affecting the AONB.

Scope

It covers the following issues:-

- The development plan and other spatial/land use policy work of local authorities which the Joint Committee wishes to be involved in.
- The planning applications it wishes to have the opportunity to make comment on.
- The broad priorities and criteria that the Joint Committee will apply in coming to its view.
- How the view of the Joint Committee will be arrived at and how it will be conveyed to the relevant planning authority.
- The practical responsibilities of the relevant planning authority.

The Need to Consult the AONB Joint Committee

The AONB is a national designation which seeks to protect the landscape and natural beauty of an area of finest countryside. The size and location of the Cannock Chase AONB means that it is vulnerable to development pressures. Section 85 of the Countryside and Rights of Way Act 2000 places a general duty on public bodies in the following terms:-

“In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty”.

Consequently, there is a need for consistency in the Local Planning Authorities' approach to dealing with planning issues, both in terms of policy formulation and dealing with planning applications. There is also a need for an AONB 'voice' to be able to make a positive contribution towards planning decisions which affect the AONB.

Within the broad context of helping to protect the AONB, the Partnership Agreement (December 2003) defines one of the functions of the Joint Committee as follows:-

“to consider and make representations on Development Plan Policies and Proposals and proposals for development affecting Cannock Chase AONB.”

(para. 3.3.7)

The Cannock Chase AONB Management Plan 2004 contains the following Vision Statement:-

“By 2024 Cannock Chase Area of Outstanding Natural Beauty will be an enhanced area of national and international importance in terms of landscape beauty, wildlife and cultural heritage, centred on its heaths and woods. Improved management of both habitat and public access will bring an increase in biodiversity and contribute towards a better quality of life both for local communities and visitors.”

In order to achieve that Vision, it will be necessary for Development Plan Policies, related Supplementary Planning Documents and subsequent planning decisions to complement the role of the AONB Management Plan in setting out policies to protect and enhance this important landscape.

Revision and Review

This protocol is a working document and may be subject to further discussion and review as considered necessary.

The Role of the AONB in Planning Matters

The Cannock Chase AONB Joint Committee is a consultee on planning matters, not a decision maker. Decisions on planning matters will remain with the relevant planning authorities which are:-

- Cannock Chase Council
- Lichfield District Council
- South Staffordshire Council
- Stafford Borough Council
- Staffordshire County Council

Consultations on Development Plans and Other Planning Policy

The AONB Joint Committee will be a consultee in the preparation of Development Plan documents and other related land use and spatial planning policy documents, including Supplementary Planning Documents and Supplementary Planning Guidance, affecting all or part of the AONB.

‘Affecting’ means directly affecting, in that the policy relates to land or areas within the AONB itself, or indirectly, in that it relates to land or areas which are contiguous with, or can be seen from the AONB or where the policy or application is of such a nature that it might undermine the quality or purposes of the AONB.

Consultations will be carried out in accordance with the relevant legislation and the Statements of Community Involvement prepared by the Local Planning Authorities.

Consultation on Planning Applications

There is the need to consult the Joint Committee on planning applications:-

- Which give rise to concerns or raise issues contrary to AONB Management Plan policy for the AONB.
- Are likely to have an adverse impact on either the character of the local landscape and/or nature conservation interests within the AONB or on its setting.

This includes applications relating to land within the AONB itself and land which is contiguous with, or can be seen from the AONB or where the application is of such a nature that it might undermine the quality or purposes of the AONB.

The AONB Joint Committee will be consulted on the following categories of planning applications:-

- Any application proposing the development of 5 dwellings or more, including changes of use, within existing settlements, defined within the relevant development plans.
- Any applications for a single dwelling or more or changes of use to form dwellings in the open countryside (i.e. outside of a settlement).
- Non-residential developments including those related to health, education or tourism or recreation involving at least 500 sq. metres or where the site is 0.25 hectares or more.
- Applications proposing new or extended operational areas for mineral workings or waste disposal, the restoration of old or existing workings, applications to vary or rescind conditions relating thereto.
- Applications for utilities and other infrastructure, including renewable energy development, telecommunications towers, aerials and extension to existing aerials.

- Other proposals for development including changes of use which by virtue of their particular characteristics are likely to have an adverse affect on the landscape character of the AONB and its setting.
- Proposals for development adjacent to or likely to affect designated wildlife sites or protected species.
- Proposals for any structures that would be visible over a wide area of AONB and/or the surrounding area.
- Development on stud farms or other riding establishments.
- Conversion of redundant farm buildings, change of use of land or buildings.
- Agricultural and horticultural developments on individual land holdings, i.e. construction of new storage facilities.

AONB Criteria

In considering both policy development and individual planning applications, the Joint Committee's main concern will be the purpose of statutory designation of the AONB – the conservation and enhancement of the natural beauty of the landscape and interest of nature conservation. However, in forming a view it will also bear in mind the economic and social needs of local communities, recognising the role of existing agriculture, forestry and other rural industries. It will also consider transport and recreational issues as they impact on the AONB.

The Joint Committee will not concern itself with applications or aspects of applications which it regards as relating solely to the private interests of an individual or group of individuals. Even on matters of public interest, it may decide to leave extensive comment to bodies or organisations better placed to provide it. These bodies or organisations may be members of the AONB partnership who are consulted in their own right.

Consultation Procedure

- The AONB Officer will check weekly planning applications lists (on the relevant websites).
- The AONB Officer will be able to ask to be consulted on applications which are considered to fall into any of the above categories.
- The AONB Officer will submit any comments on behalf of the Joint Committee within 21 days of being consulted.
- LPAs will enter into early discussions with the AONB Officer if any issues arise.

- If necessary, the AONB Officer will check on progress made in dealing with the applications.
- LPAs will inform the AONB Officer of the decision made, where representations have been made on behalf of the Joint Committee.
- The views of the Joint Committee will be determined and made known according to the procedures and scheme of delegations set out in Appendix I.
- In the case of major applications, the local planning authority will be aware of its responsibilities to protect the AONB and will include the AONB Officer in pre-application discussions, where appropriate.

Monitoring and Feedback

The Joint Committee will be given an annual report on planning issues which will include:

- (a) An overall summary of applications made and policy issues raised and of the AONB responses.
- (b) A judgement as to whether the AONB and its designation are being taken proper account of by the relevant local planning authorities.
- (c) A review of how well this protocol is working and suggestions for any improvements considered to be appropriate.

The report will be jointly prepared by the AONB Unit and local planning authorities.

AONB Staff and Staffordshire County Council

Although working on behalf of the AONB partnership, the staff of the AONB Unit are employed by Staffordshire County Council in respect of the terms and conditions of employment and provision of line management. In dealing with planning issues within the AONB, and within the terms of this protocol, the AONB Officer will be expected to take a view determined by the purposes of designation of the AONB and the policies of the AONB Management Plan, rather than by the planning or other policies of the Council, if different.

The Partnership Agreement, signed by the local planning authority gives the AONB Officer delegated powers as follows:-

“When authorised by the Joint Committee, to represent the Joint Committee on applications on which the Joint Committee has decided to make representations.”

**PROTOCOL AND SCHEME OF DELEGATION FOR THE
CONSIDERATION OF PLANNING CONSULTATIONS BY THE AONB
JOINT COMMITTEE**

Executive Committee Decision Making

The time constraints on making consultation responses, particularly with regard to planning applications, dictate expeditious procedures.

The AONB Joint Committee recognises that it cannot expect to consider most consultations at its full meetings. To help discharge its consultation functions it will constitute a standing committee termed the “Planning Sub-Group”. The Joint Committee will delegate to this Sub-Group the responsibility for considering and deciding upon the following:

- All formal consultations on planning policy matters.
- Planning applications falling within the terms of the protocol.

The AONB Joint Committee will decide on the composition of this Sub-Group and its chair annually.

The Sub-Group shall be convened at the request of the AONB Officer with a minimum of 3 days notice. The Sub-Group may work via e-mail rather than meeting in person if that is appropriate. The Sub-Group shall be quorate if two members attend. The AONB Officer will attend.

Where a consultation gives rise to an issue(s) of very major significance for the AONB the Sub-Group may refer this issue with a recommendation to the full Joint Committee for its consideration and final decision.

All other consultations on planning applications will be dealt with by the AONB Officer under the scheme of delegation set out below.

Scheme of delegation to the AONB Manager (planning applications)

The Joint Committee delegates to the AONB Officer the responsibility for deciding whether a consultation warrants a response on behalf of the Joint Committee.

The Joint Committee delegates to the AONB Officer the day-to-day responsibility for deciding which consultations are referred to the Sub-Group, unless the Chairman of the Sub-Group gives a specific instruction that a particular consultation be so referred. In general, the Sub-Group will expect to be consulted on planning applications giving rise either to a significant issues(s) of principle or policy for the AONB or likely to have a significant adverse impact on either the character of the local landscape or the AONB as a whole.

The Joint Committee delegates to the AONB Officer the responsibility for making a consultation response on behalf of the Executive Committee for those consultations not referred to the Sub-Group.

In discharging any of these duties the AONB Officer should take advice from the Chairman of the Sub-Group as appropriate.

AONB Unit Office Procedures

All formal consultations (on planning policy and planning applications) shall be received and logged by the AONB Unit.

The AONB Officer will endeavour to ensure that all responses are made within the period set for consultations (eg. For planning applications, usually 21 days).

All formal consultation responses on behalf of the Joint Committee will be written by the AONB Officer and signed by the AONB Officer on behalf of the Joint Committee.

The AONB Unit will keep a public record of all consultation responses on planning matters made by the Joint Committee.