

Agenda Item 7

Executive Member	Councillor John Northcott
Strategic Management Team Lead Officer	Andrew Bircher
Author	Ross Brereton
Telephone	01306 879249
Email	Ross.Brereton@molevalley.gov.uk
Date	17 th December 2013

Ward (s) affected	All	Key Decision	Yes
--------------------------	-----	---------------------	-----

Subject	Mole Valley District Council – Consultation Draft Statement of Community Involvement 2014
----------------	---

RECOMMENDATIONS

1. That the Council recommends to the Executive that they agree to publish the Statement of Community Involvement draft consultation document for an 8 week period from Friday 10th January 2014.
2. That authority is delegated to the Corporate Head with responsibility to Planning in consultation with the Planning Portfolio Holder and Chairman of the Local Plan Working Group to make any changes necessary to the document prior to its publication.

EXECUTIVE SUMMARY

The purpose of this report is to present an updated version of the Statement of Community Involvement (SCI). The new SCI will supersede the previous document published in 2009. There are two main reasons for updating this document:

1. To meet the requirements of the consultation process, amended in the 2012 Local Plan Regulations;
2. To reduce the content of the previous SCI in order to encourage greater readership.

It is a key document update that will significantly improve the way in which the Council can continue to meet Corporate Priority 1 – *improving the way we engage with our Customers and listen to our communities*. It is hoped that the new SCI will help people to better understand how Mole Valley District Council will involve people in the decision-making process of planning.

The updated SCI is split into three parts - An outline of the recent changes to the planning system (since 2010), the Planning Policy (Local Plan) process and the Development Management process. The two core chapters are the latter two, explaining who, when and how people will be involved. It will also explain the process of preparing and adopting a plan document and how a planning application decision is determined.

There are no legal implications with this document as it is being prepared in accordance with the updates to the Planning and Compulsory Purchase Act 2004.

There are no financial implications either.

With the Government's agenda to devolve powers to local Councils' and local people, publishing an update to this document is vital to ensuring our communities are well informed as to how they can get involved in the planning process.

CORPORATE PRIORITIES

It is intended that by updating the SCI, levels of community engagement should be improved. This document lays out who, when and how we will involve people, demonstrating our commitment to community involvement.

The Executive has the authority to determine the Recommendations

1.0 BACKGROUND

Established as part of the Planning and Compulsory Purchase Act 2004, the Statement of Community Involvement is required to be produced by Local Authorities to explain to members of the public (residents, businesses, and their employees, and other local organisations) how they will be involved in the preparation of Local Development Documents; and Planning Applications.

Due to a number of radical changes implemented by the Coalition Government, the planning system has since significantly changed. One of the overarching aims of government is to "*promote decentralisation and democratic engagement, ending the era of top-down government by giving new powers to local councils, communities neighbourhoods and individuals.*"

Changes to the English planning system, since the Coalition Government came to power, have included: the abolition of the Regional Development Agencies and their corresponding Spatial Strategies (e.g. South East Plan); the introduction of the Duty to Cooperate and Neighbourhood Planning process through the Localism Act 2011 and; the publishing of the National Planning Policy Framework (2012) intended to make national planning a simpler process.

These changes, as well as amendments to the Local Plan Regulations made in 2012, have continued to weaken the current SCI. With the emphasis on a bottom-up approach to planning, it has never been a more important time to demonstrate our willingness and commitment to ensuring local people are involved in the planning decision-making process.

Similar to the current SCI, the draft consultation document is split into the two divisions of local authority planning – Planning Policy (Local Plans) and Development Management.

The process of producing the new SCI began by looking at those recently published by other local authorities. It was noted that many followed a very similar pattern. They were predominantly generic and brief, but simple to follow and interpret, often written in 'plain English'.

The draft consultation SCI has been produced by utilising the generic similarities identified amongst the different local authorities that have recently published an SCI (recent referring to 2011 onwards). MVDC specific content was then incorporated into the document where appropriate. The outcome has reduced the 38 page document, with a number of appendices, to just 13 pages, with no appendices.

The Planning Policy (Local Plan) section has been split into three parts: who

we will consult, how we will consult and when we will consult. It has removed all reference to Local Development Frameworks, replacing the phrase with 'Local Plan' and, outlines the differences between the two types of local plan documents, Development Plan Documents (DPDS) and Supplementary Planning Documents (SPDs). A flow diagram is also included at the end of the chapter summarising the information, making it much simpler for people to understand. Additionally, it outlines the Neighbourhood Development Plan process, explaining that different community groups in settlements across the District are preparing their own planning policy in order to determine planning decisions.

The Development Management section is similar to the Local Plan section in which it start by explaining the purpose of the department, but rather than explain under headings titled 'how, who and when we will consult', it explains the application phase through a step-by-step process from pre-application consultation and validation, right through to decisions and appeals.

The new SCI not only reduces the length of the document, but also reduces its complexity. This certainly reflects the Government's approach to planning as the new SCI should be simple to understand, particularly to those who are lay in terms of planning, encouraging a greater number of local people to get involved.

Financial Implications – There are no financial implications with the document.

Legal Implications – There are no legal implications with this document.

2.0 OPTIONS

Option 1: Publish the Statement of Community Involvement Draft Consultation document for an 8 week period beginning the 10th January 2014.

Option 2: Not to publish the Statement of Community Involvement draft consultation document. However, with the potential for the Housing and Traveller Sites Plan DPD to be published for consultation at the same, not publishing this document may cause confusion as the plan making process, and the way in which the Council engages with the community, has slightly changed. Additionally, it lays out in an easy format as to how people can partake in the consultation for the HTSP DPD.

3.0 CORPORATE IMPLICATIONS

Monitoring Officer commentary – Not required.

S151 Officer commentary – Not required.

Risk Implications – Not required.

Equalities Implications – Not required.

Employment Issues – Not required.

Sustainability Issues – Not required.

Consultation – The purpose of this draft document is to decide whether it should be consulted on. It also demonstrates the way in which the Council will consult people on the plan making and planning decision process.

Communications – Not required.

BACKGROUND PAPERS

The Statement of Community Involvement draft consultation document (2014).

1.0 Introduction and Background to the SCI

1.1 Planning involves making decisions about the future of our towns, villages and countryside. It is a vital process that must balance the development of land and buildings to support economic development and infrastructure; whilst taking into consideration the environment, conservation of public spaces, preservation of heritage and improvement of amenities.

1.2 This Statement of Community Involvement (SCI) sets out how Mole Valley District Council will involve people in the local planning processes that are likely to affect them.

1.3 The preparation of an SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004. It is a flexible framework, which allows different approaches to consultation so as to respond to the individual circumstances at the time – including the nature of the plan being prepared, the potential issues involved, and the needs and preferences of the communities, groups and organisations likely to be affected.

1.4 This SCI has been written to reflect the recent changes to the English planning system. It has been designed to ensure that as many people as possible will read it and understand the approach Mole Valley District Council takes to involve interested parties in the planning decisions it makes.

2.0 The Planning System

2.1 Since the previous SCI was prepared by the Council in 2009, the following major changes to the planning system have occurred:

- 2010 – The abolition of the Regional Spatial Strategies (RSS), specifically the South East Plan.
- 2011 – The Localism Act 2011 - introducing the Duty to Cooperate making it a requirement for adjacent local authorities and other organisations to work together on planning issues and Neighbourhood Planning, which empowers local communities to create their own planning policies for a particular area.
- 2012 – The introduction of The National Planning Policy Framework (NPPF) to make the planning system less complex and more accessible.

2.2 The planning system in England now follows a two tier plan-led system.

- NPPF – prepared by the Department of Communities and Local Government. Its main priority is to ensure development is sustainable.
- Local Plan –The Local Plan for an area, in this case Mole Valley, sets out how the area will develop over time. The Local Plan, along with any neighbourhood plans, forms the overall development plan for the local area. Planning decisions must normally be taken in accordance with the development plan.

3.0 Principles for Consultation – Developing Planning Policy

3.1 Mole Valley District Council aims to give the whole community the opportunity to influence the content of the plans for future development in the District, and to give people affected by specific development proposals the chance to comment on individual planning applications. We will:

1. Seek views of interested and affected parties as early as possible.
2. Make sure that consultation publications are clear and concise, avoiding the use of unnecessary technical jargon.
3. Inform those who respond to a consultation with details about later stages in the process.
4. Choose consultation processes, which balance appropriately cost and time constraints, community impact and available resources.
5. Provide services in a fair and accessible way to all members of the community and ensure that everyone has the same opportunities to work with the Council, irrespective of age, disability, gender, ethnicity, religion or belief, or sexual orientation.
6. Work with neighbouring boroughs/districts through the Duty to Cooperate to ensure that strategic matters are appropriately addressed.

4.0 Planning Policy – Local Plan

4.1 Planning Policy is responsible for preparing local development documents. These are created to shape future development throughout the District. They lay out policies for development and related issues that will occur over a set period of time. They must be supported by evidence, generally in conformity with national policies and be subject to an on-going process of Sustainability Appraisals. This is to ensure that all policies are based on sound economic, social and environmental grounds.

Development Plan Documents (DPDs)

These plans are the core documents that lay out policy as to which land uses are acceptable in a particular location. They also set out the key requirements that new development must comply with. The plans generally look forward 15-20 years.

Who we will consult

4.2 The Council understands the importance of involving as many members of the community as possible in the preparation of planning policies and guidance for the District.

4.3 There are a number of specific organisations with whom the Council is required to consult when it is preparing DPDs. These are mostly strategic national and local bodies, neighbouring Councils, and gas, telephone, water & sewerage service suppliers (see Regulations for further info).

4.4 The Council has a further extensive list of all the organisations, bodies, businesses, consultancies, landowners and individuals whom we will consult. This is referred to as the Local Plan database. It is made up of the specific consultation bodies outlined in 4.3 and the following:

- Residents' associations
- Parish Councils
- Housing associations / registered providers of social housing
- Disability groups
- Voluntary groups
- Religious groups
- Youth groups
- Neighbourhood development plan committees
- Countryside and conservation groups
- Local businesses
- Local business groups
- Town centre retail groups and organisations
- People who have registered their interest on the Local Plan database
- County and District Councillors
- Members of Parliament
- Developers, housebuilders and representative organisations

The above list is not exhaustive and will be amended or added to as required.

4.5 The Council is keen to involve under-represented groups of people, often referred to as 'hard to reach' groups, in relevant planning matters. The following groups are identified by the Council as falling under this category:

- Residents of relatively deprived areas
- Young people
- People with disabilities
- Black and minority ethnic groups
- Gypsies, Travellers and Travelling Showpeople
- Residents in rural areas
- Working people who are unavailable during core working hours

4.6 The Council's approach to engaging these groups involves trying to identify barriers to community involvement and addressing them. Barriers can include language, culture, literacy levels, access and transport.

4.7 It is expected that the Council will have to go out to groups to listen to their representations. The Council will use venues convenient to individuals and groups, using methods and formats best suited to their needs.

4.8 The above list is not exhaustive and any single person, group or organisation that has an interest in the development of the District can register to be consulted. To do this they can register their interest by adding themselves to the Local Plan database by emailing planning.policy@molevalley.gov.uk or telephoning 01306 879281. This will apply to the development of planning policy **only** and not the determination of planning applications.

How we will consult

4.9 Planning law and national guidance lays down requirements as to how and when consultation will be undertaken and also who must be consulted. Outside of this legal requirement, we will choose consultation methods appropriate to the document in preparation by balancing cost and time constraints with the likely relevance of the plan to specific communities and/or organisations.

THE COUNCIL'S PLANNING POLICY WEB PAGES ARE THE PRIMARY SOURCE OF INFORMATION ON PLANNING POLICY DOCUMENTS. ALL CONSULTATION DOCUMENTS WILL BE PUBLISHED ON OUR WEBSITE, AND THIS WILL INCLUDE ALL OUR SUPPORTING DOCUMENTATION.

- We will contact appropriate organisations and individuals directly by post or electronic means.
- We will leave consultation documents on display at locations open to the public such as council offices and libraries.
- We may publicise consultations by methods such as leaflets, newsletters (Mole Valley News), press release, public notice, social media, existing forums, community events, public exhibitions, roadshows, workshops, and joining with other consultations where feasible and appropriate.
- In addition to our web pages, we will provide a hard copy of a document as soon as reasonably practicable after it has been requested. (N.B. documents may be sold at a price reflecting publication costs).
- Consultees are encouraged to respond to all consultations online via our consultation portal at **www.molevalley.gov.uk/localplans** as this is the quickest and most effective method of responding.

- Standard response forms will be available on our website. Responses made via other formats / methods are also accepted. However, at the Proposed
- Submission stage, where comments must relate to the legality and soundness of the plan, we would ask for all responses to be made using our Proposed Submission template.
- We will publish comments received in a summary document as soon as it is feasible after the close of the consultation.
- We will later explain how consultation comments have been taken into account when decisions are taken.
- DPDs and related documents will be made available in a variety of formats for example, Braille, large print, and languages other than English on request.

When we will consult

4.10 The Government intends that people and organisations will be informed, consulted and involved most at the earliest stages in the preparation of DPDs.

- We will begin by setting out the proposed scope of the document and gathering evidence. This will be followed by collecting a range of ideas and views from appropriate organisations, individuals and communities.
- We will publish and consult for a minimum of 6 weeks on the document(s), explaining issues to be considered, and where possible the potential options available.
- We will carefully consider the representations made, later deciding whether additional consultation stages are needed.
- Once we believe there has been an appropriate level of community involvement, and sufficient evidence has been collected, we will formally publish the Proposed Submission document inviting representations for a period of no less than 6 weeks.
- The Documents are then submitted to the Secretary of State who appoints an Independent Inspector to scrutinise them. An Independent Examination will later be held where those who made representations will be able to voice their concerns.

Supplementary Planning Documents (SPDs)

Supplementary guidance is used to support development plan documents and provide further information. They are usually created when the level of detail is too much for a development plan. SPDs will generally cover matters such as development briefs, design guides or masterplans.

4.11 We prepare Supplementary Planning Documents (SPDs) to provide additional guidance and more in-depth advice concerning a particular planning related matter. They too must be supported by appropriate evidence and generally accord with national policies.

4.12 The Council will carry out at least one stage of consultation before it adopts an SPD. Unlike the adoption of a DPD, the involvement of a Public Examination is not required as part of the process.

When we will consult on SPDs

4.13 The same general methods of consultation apply to the adoption process of an SPD as for a DPD. However, the criteria for 'when we will consult' is slightly different. It is as follows:

- We will begin by highlighting needs and issues, collecting a range of ideas and views from appropriate organisations, individuals and communities. After considering initial comments and assessing the relevance of previous consultation results, we may carry out further consultation before we prepare a formal draft SPD.
- We will then consult on a draft version of the SPD for a minimum of 4 weeks. After considering the responses to the draft, we will consider the need for further consultation.
- Following appropriate community involvement, as laid out in the 'how we will consult', the Council will adopt the SPD.

What happens to the comments?

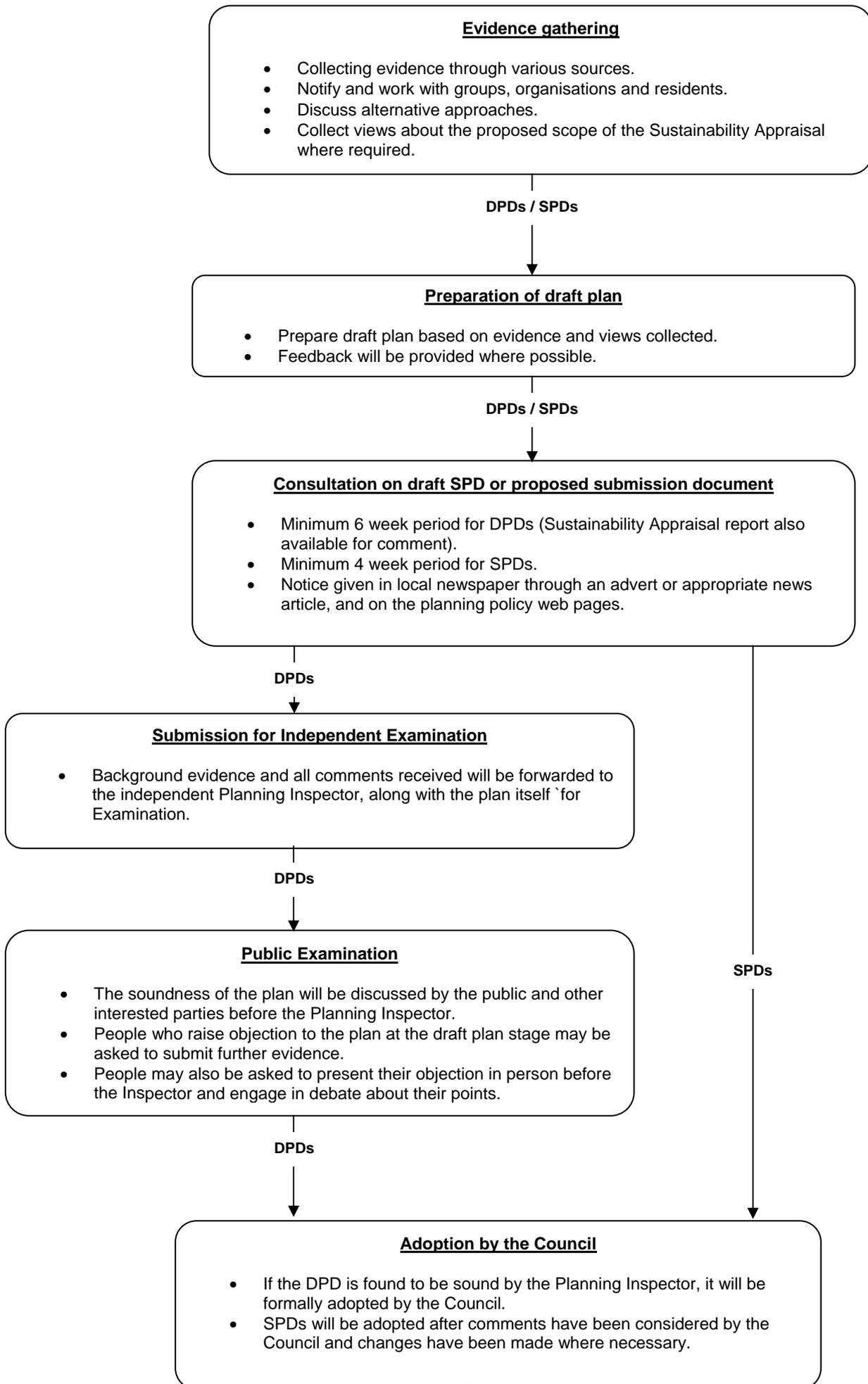
4.14 All comments received in response to a consultation concerning an SPD will be fully considered. Changes to the plan will be made where appropriate. We may contact the person or organisation who made comments in order to discuss their views and suggestions.

4.15 All written comments on plans received within the consultation period will be made available to view. Representations cannot be treated in confidence. In order to comply with the Data Protection Act, personal information will not be made publically available.

4.16 The Council will not acknowledge non-electronic submitted comments.

4.17 We will provide a written response on the comments received. A report outlining comments will be made available on the Council's Local Plan web pages. (This could take several months to be published).

4.18 All responses will be summarised and submitted to the Planning Inspector for consideration (DPDs only). For SPDs, a summary of the main points will be considered by the Council before a decision is taken as to whether or not to adopt the document



Neighbourhood Plans

4.19 Neighbourhood Development Plans (NDPs) were introduced by the Localism Act 2011. They allow community bodies to form their own plans, allowing them to influence decisions about new and modified buildings and facilities in their area.

4.20 As they are not prepared by the Council, the SCI does not prescribe what methods of community engagement they must follow. The appropriate level of community engagement and the size and complexity of the plan will be decided on by the qualifying Parish Council or Neighbourhood Forum. Nevertheless, NDPs should follow wherever possible the general principles and techniques set out in the SCI.

4.21 The Council does have a statutory obligation to be involved in certain stages of NDP preparation as detailed in the appropriate regulations.

5.0 Development Management - Planning Applications

5.1 Development Management is responsible for processing and determining planning and other applications within the District. It is at the planning application stage where specific, detailed decisions are made about what happens to, or the use that is made of land or a building. Applications are considered against national and local planning documents as well as expert advice, provided internally and externally to guide decisions as to whether individual planning applications are approved or refused.

Development management is also responsible for investigating breaches of planning control.

5.2 Local residents may become involved in the planning system when an application for development is submitted that may have an affect on their property or area. Often, people want to express their views on the application and be assured that their views will be considered in the decision-making process. **All stages of the application from validation onwards can be followed on the Council's planning website.**

5.3 The Council's Development Management Team is responsible for processing planning applications. There are two stages in which people can get involved:

Pre-application consultation: This is a form of consultation undertaken by the applicant before submitting a formal of application. This should be carried out for any major or significant application to mitigate matters arising once an application has been formally submitted (See 5.4 and 5.5). The Council does not control this process.

Application consultation: Once a planning application has been formally submitted, the Council will carry out appropriate consultation.

5.4 To ensure early public involvement on major development proposals or locally sensitive schemes, the developer will be encouraged to carry out public consultations before making a planning application.

5.5 Before making a major application (10+ dwellings or 0.5+ ha of residential development; 1000 + square metres of building space or 1.0ha² of development land), prospective applicants should:

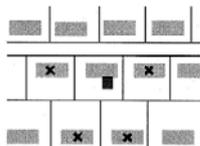
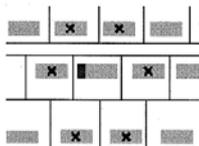
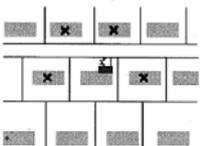
- Agree the consultation approach with the Council, including considering what is required to involve community groups that will be particularly affected by change.
- Inform local people about the details of the scheme and be clear what elements can be influenced by making comments.
- Submit a statement with the planning application outlining the community involvement that has been carried out, the comments received and any changes made as a result.

5.6 We are also keen to encourage developers/applicants to discuss their proposals with Planning Officers prior to submission as this can confirm the suitability of a development and the level of detail required for the Council to make an appropriate decision. This is a chargeable service and prices can be found on our web pages.

5.7 On receipt, a planning application will be considered against a validation checklist to ensure the correct documents have been submitted. This checklist is available on our website. When validation is successful, a planning application will be allocated to a Planning Officer.

5.8 The requirements for advertising and consulting on planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended). This specifies that **people have 21 days to submit written comments** which can be by letter, email or via our website. The Council will consult with the following:

- Statutory bodies including the Environment Agency, Highways and Natural England to establish any specialist concerns arising from the application;
- Other experts including the Conservation Officer and Highways Officer;
- Residential and business neighbours using the method below;

<p>A – If the proposed development is NOT significantly visible from the highway</p>  <p>Neighbours notified at:</p> <ol style="list-style-type: none"> Property adjoining to side Property adjoining to rear less than 90m away 	<p>B – If the proposed development is significantly visible from the highway or involves a material change of use</p>  <p>Neighbours notified at:</p> <ol style="list-style-type: none"> Property adjoining to side Property adjoining rear less than 90m away Property adjoining across highway 	<p>C – If the development is significantly visible from the highway but NOT significantly visible from properties to the rear (e.g. porch or access)</p>  <p>Neighbours notified at:</p> <ol style="list-style-type: none"> Property adjoining to side Property adjoining across highway
<p>Where the application is for larger scale development, letters of notification may be sent to many more people living in the area that might be affected.</p> <p>In addition to the requirements for statutory notices, the Council will put up site notices for development proposals which, in the view of officers would:</p> <ul style="list-style-type: none"> • Affect nearby property by causing noise, smell, vibration, dust or other nuisance to amenity (excluding the temporary impacts of the construction period); • Attract large crowds, traffic and noise into otherwise generally quiet areas; • Cause activity and noise during unsocial hours; • Introduce significant change, for example, tall buildings; • Result in serious reduction or loss of light and/or privacy beyond adjacent properties; • Affect the setting of an Ancient Monument or archaeological site; • Affect a significant number of trees protected by Tree Preservation Order (but not a proposal solely for felling or other works to trees themselves where development is not needed). 		

- The wider community by making all planning applications and relevant documentation available through our online planning database search system, displaying site notices where appropriate, and publishing a weekly list of all newly registered planning applications.

5.9 Planning applications concerning conservation areas, listed buildings, those that conflict with the Core Strategy, major applications and those that affect a Right of Way will be advertised in a local newspaper.

5.10 You can comment on a planning application even if you have not received a letter notifying you of the application. Comments must be made in writing and submitted through one of the following options:

1. Email comments should be sent to: planning@molevalley.gov.uk
2. Letters should be sent to: Corporate Head of Service, Mole Valley District Council, Pippbrook, Dorking, Surrey, RH4 1SJ
3. Online comments must be submitted as an attachment to each individual application searched and found on the online planning database system.
4. Anonymous submissions will not be considered.

Considering your views

5.11 Letters of representation are taken into account in the consideration of planning applications.

5.12 The majority of applications are determined under delegated powers. These usually include minor developments such as house extensions and alterations. A Councillor can request that any application be considered by the Committee. This request must be made in writing within 28 days of the publishing of the weekly planning application list, stating the reasons for referral to Committee.

5.13 Major applications are usually determined by the Development Control Committee, which meets each month, and is open to the public. A copy of the agenda is available for inspection at the Council Offices and on the website at least 5 working days before the meeting.

5.14 Where planning applications attract 20 or more objection letters or a petition of 50 signatures from different households against a proposal, the Council allows a representative of this group to speak at the Committee meeting. An equal opportunity to speak is also permitted to the applicant/developer. This process applies where the officers' recommendation is either for approval or refusal. Letters of representation received by 9am on the day of the Committee will be summarised on the addendum sheet and presented to Committee.

5.15 Where the opportunity to speak arises, the Council will consider how best engage with interested parties. Details of the arrangements for speaking at a Committee meeting are set out on the Council's website.

5.16 Once the Council has made a decision about an application, it will inform the applicant and publish the decision on the website.

5.17 If the applicant is aggrieved with the decision or conditions attached to it, they can lodge an appeal. The appeal will be determined by an independent Planning Inspector from the Planning Inspectorate. Members of the public who commented on the application will be notified in writing by the council that an appeal has been lodged.

5.18 Once planning permission has been granted there is no statutory third party right of appeal to challenge the approval. The only mechanism for interested parties to challenge the granting of planning permission is through a judicial review upon a point of law.

5.19 There will be a need for some permitted schemes to be followed up with the submission of details to conditions. The Council will not consult on these details however, progress can be followed on the Council's website.

Further information and advice

Independent Planning Advice

Independent advice on planning is available from Planning Aid England, operated by the Royal Town Planning Institute. This service provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees.

Planning Aid England can assist people with their own planning applications and can help them to comment on planning application planning policy consultation documents.

More information can be found at: www.planningaid.rtpi.org.uk or alternatively, they can be contacted by phone, 0330 123 9244 or email, advice@planningaid.rtpi.org.uk.

Planning Portal

The Planning Portal is the Government's website that offers clear guidance on the planning system.

More information can be found at www.planningportal.gov.uk.