

Statement of Community Involvement

How we will involve the community in planning in North Somerset



September 2019

North Somerset Council Local development scheme



Statement of Community Involvement

Introduction

This Statement of Community Involvement explains the council's policy on consultation and involvement in the preparation of planning policy documents and planning applications.

It meets legal requirements for consultation set out in the Planning Acts¹ and Regulations².

There are four sections:

- 1. General principles** **p.3**
(These relate to all consultation on planning matters, and also provide guidelines which can be used by others when involving the community in planning issues).
- 2. Local Plans and other planning policy documents** **p.4**
(These are prepared by North Somerset Council to guide development within the District).
- 3. Planning applications** **p.8**
- 4. Reviewing the SCI** **p.11**



¹ Section 18 Planning and Compulsory Purchase Act 2004

² Town and Country Planning (Development Management Procedure) (England) Order 2010



1. General principles for planning consultations

The planning system affects everybody who lives in, works in or visits a place. By getting involved in the planning process, local communities, stakeholders and other organisations can contribute more to the shaping of their local environment.

We will apply some general principles to our planning consultations. Where consultations are being undertaken by others, (Town/Parish Councils for Neighbourhood Plans or developers for community involvement prior to a planning application being made), these can also provide a useful guide to good practice.

- We will target consultation to include people whom we consider would be most affected by any proposals or plans and where possible any known interest groups.
- We will seek views as early as possible.
- Involvement will be open to all. We will take into account our duties under the Equality Act 2010 including the Public Sector Equality Duty and ensure information is accessible in the most appropriate format for everyone's needs.
- We will choose consultation processes by balancing cost and time constraints, with community impact (but having regard to our duties under the Equality Act 2010).
- We will always aim to provide sufficient information to enable people to comment effectively.
- We will clearly state how to respond and by when.
- Consultation publications will be clear and concise and avoid unnecessary jargon, without understating the complexities of any issues or decisions.
- Where requested, documents can be offered in other languages or formats, as appropriate.
- We will tell people who respond to consultations how to see what the outcomes are.
- We will aim to make all representations publicly available.
- We will ensure that information gathered under consultation processes will comply with the General Data Protection Regulations 2018 and the Freedom of Information Act 2005.

2. Local Plans and other planning policy documents

Details of local plans and supplementary planning documents currently being prepared can be found in the Local Development Scheme on the council's **website** or by contacting the planning policy team on **01934 426 775**.

Local plans

We prepare local plans containing policies for development and related issues. They must be supported by evidence and generally accord with national policies. Consultation is required during their preparation, after which they are submitted to the government. An independent planning inspector then carries out an examination of the document, considering the views of interested people. The Inspector submits a report to the council who then adopt the plan with or without the inspectors recommended changes.

The minimum requirements for consultation are set out in the Town and Country Planning (Local Planning) England Regulations 2012 Part 6. Sections 18-22 relate to consultation on local plans.

Who we will consult

- a. Statutory organisations including town or parish councils, infrastructure providers and government bodies as legally required or otherwise appropriate. This includes consultation under the council's "duty to co-operate" with neighbouring local planning authorities;
- b. Organisations representing local geographical, economic, social and other communities or other relevant interests;
- c. Local businesses and employers;
- d. Voluntary and other organisations;
- e. Others who have expressed an interest in the subject matter;
- f. The general public.

The council uses an on-line consultation system called econsult. Individuals or organisations can add themselves to the council's planning policy consultation database on-line at www.n-somerset.gov.uk/consultplanningpolicy or by contacting the planning policy team. The privacy policy (available on the registration page) explains how the information held on eConsult is used.

How we will consult

- a. Before commencing the local plan we will prepare a document setting out the scope of the plan and how we intend to involve people in its preparation (pre-production brief).
- b. We will contact appropriate organisations and individuals directly. This will generally be by email or if preferred, by letter.
- c. We will publicise consultations through a range of means, as appropriate to the subject matter. This can include press



- adverts, leaflets, website, posters, displays, community and social media, existing community groups, community events and joining with other consultations.
- d. Electronic consultation through our website will be our preferred method of consultation but alternative formats will always be available on request.
 - e. We will make consultation documents available to view at locations open to the public. As a minimum this means council offices at Castlewood in Clevedon and Town Hall Weston-super-Mare and relevant North Somerset libraries.
 - f. Consultation documents will be made available for download on the council's website. Hard copies where requested will out of necessity incur a reasonable charge (except for requests made under the Equality Act 2010). Alternative formats can be provided on request.
 - g. We will consider organising or supporting other consultation events, such as community based planning meetings.
 - h. We will publish comments received, or a summary, as soon as feasible. Individual comments are normally available to view on our consultation website. We will explain how these comments have been taken into account when decisions are taken. This will normally be via the consultation statement submitted to Secretary of State when the local plan is submitted for examination.
 - i. We will give a single email point of contact **planning.policy@n-somerset.gov.uk** and usually the name and telephone contact details of the person in charge of the consultation.
- b. For planning policy documents which are likely to have impacts on adjoining local authority areas, the council will engage with the relevant local authorities at the earliest possible stage in the preparation of the document under the council's "duty to co-operate". This will help to ensure communities and organisations in the adjoining area are notified and have opportunities to be involved in the preparation of the document. It will also enable the council and adjoining local authorities to identify any cross-boundary impacts and necessary mitigation measures, as well as co-ordinate consultation activities.
 - c. After considering the initial comments and the relevance of previous consultation results we will consider the need to prepare documents for additional consultation stages setting out options, information, greater detail or a preferred option or other useful content. These consultation stages will be a minimum of four weeks but as a norm will be six weeks. If the consultation unavoidably includes a major national public holiday or other religious holiday then a longer period for responding will be given. Once we are satisfied that a fair opportunity has been offered for organisations and individuals to express their views we will prepare the formal "submission document".
 - d. We will formally publish the submission document (or equivalent under any revision to the relevant regulations) for formal representations to be made. The formal consultation period will be a minimum of six weeks.
 - e. An additional consultation period may be necessary following submission if additional modifications are proposed.

When we will consult

- a. At the start of the process we will first ask for ideas, views and information from appropriate organisations, individuals and communities (usually by means of the pre-production brief).

Sustainability appraisal of Local Plans

Sustainability appraisals (SA's) are technical documents which identify the likely significant effects of the plan and the extent to which the plan will achieve its economic, social and environmental objectives. Consultation and engagement during their preparation is covered by a different set of regulations. Statutory bodies such as the Environment Agency, Natural England and Historic England will be involved early in the process. There is an opportunity for any interested parties to be involved as the SA has to be published for comment alongside the local plan it relates to at the various stages of plan-making.

Supplementary planning documents

We prepare supplementary planning documents (SPDs) on specific topics or sites to give more detailed advice than contained in a local plan. Again, they must be supported by appropriate evidence and generally accord with national policies.

The way they are prepared is different to local plans. We will carry out at least one stage of consultation before we adopt. A planning inspector is not involved. You can find more detailed guidance on the minimum legal consultation requirements for SPDs in the Town and Country Planning (Local Planning) (England) Regulations 2012 Part 5 11-14.

Our approach is very similar to local plans but is likely to include more targeted consultation i.e. particular groups for a topic based SPD or residents in a particular area for a site based SPD.

Who we will consult

As a) to e) for Local Plans above

How we will consult

As b) to h) for Local Plans above

When we will consult

- First, if appropriate, we may ask for ideas, views and information from appropriate organisations, individuals and communities.
- After looking at any initial comments and assessing the relevance of previous consultation results we may carry out informal consultation before we prepare a formal draft supplementary planning document.
- We will then consult on a draft version of the supplementary planning document for a minimum of four weeks. The council understands the difficulty experienced by some individuals or groups in responding within this time therefore a period of six weeks will be the norm for supplementary planning documents.
- After considering the responses to the draft, we will consider the need for further consultation.
- Once we consider that there has been maximum benefit obtained from community involvement we will publish a consultation statement and adopt the supplementary planning document.

Neighbourhood development plans and orders

Unlike the other local plan documents, neighbourhood plans (and neighbourhood development orders) are taken forward by communities themselves through parish and town councils with some support from North Somerset Council. Neighbourhood plans can set out planning policies and proposals to shape development within their neighbourhood area, if a referendum of residents living within the neighbourhood area results in a majority vote in favour of the Plan. These plans must be in conformity with the national planning policy set out by the government as well as with strategic policies in the local plan documents produced by the council.

Town and parish councils must consult on the draft Plan themselves, as set out in the

regulations³ (see Neighbourhood Planning (General) Regulations 2012 Part 5). The general principles set out in Section 1 may also be used as guidance.

The plan must then be submitted to North Somerset Council who carry out a period of consultation for a minimum of six weeks in accordance with the regulations⁴.

Consultation will conform to the principles in Section 1 of this SCI. Any comments received are then forwarded to an examiner who will carry out an independent examination of the plan. If the plan passes the examination, then it is put to a referendum within the local neighbourhood.

North Somerset Council will give technical and other advice to parish and town councils who are undertaking neighbourhood planning, as well as being a consultee.

Community Infrastructure levy

The Community Infrastructure Levy (CIL) is a charge applied to eligible developments to help fund supporting infrastructure. It was introduced in North Somerset in January 2018.

The CIL charging schedule will be reviewed alongside the production of a new Local Plan, but this does not necessarily mean that the rates will change. The rates may also be reviewed if there is a change in the legislation or national guidance governing CIL. The process below is in line with the CIL Regulations 2010 as amended (including 2019 amendments):

1. Initially the council will prepare evidence base studies to inform the review process and to determine whether any rates should be adjusted, deleted, or new rates introduced. This will be informed by engagement with key stakeholders and interested parties.

2. If a change is needed the Council will then publish a Draft Charging Schedule and will consult on this for a minimum of four weeks. The consultation will be published on our website. Direct contact will be made with statutory consultees and with interested parties on the planning policy database to advertise the consultation.
3. Where any modifications are made as a result of the consultation, the council will produce a 'statement of modifications' and publish these for a further minimum period of four weeks consultation.

The charging schedule will then be submitted to the Planning Inspectorate for examination. The appointed examiner receives and considers all of the supporting evidence base in addition to the representations made on the draft schedule and, if relevant, the statement of modifications. The Examiner will write a report concluding whether the proposals are "sound" or if changes are recommended. This report will be considered by the Council at one of their public meetings and they will decide whether or not to adopt the new rates.

If the examiner suggests changes that are not acceptable to the Council, then it may be necessary to re-review the evidence base and to repeat some or all of the above steps.

How to contact us about planning policy consultations

Specific consultations may specify alternative contact details, but for general queries about planning policy consultations use the contact details below.

Email: planning.policy@n-somerset.gov.uk
Tel: Planning Policy Team
01934 426 775

Write to: Planning Policy and Research
Development and Environment
North Somerset Council Town Hall
Weston-super-Mare BS23 1UJ

³ Neighbourhood Planning (General) Regulations 2012 Part 5

⁴ Schedule 4B Town and Country Planning Act 1990 (as amended)

3. Planning Applications

This section of the Statement of Community Involvement explains the council's policy for notifying residents and consulting statutory consultees in the consideration of planning applications. At each stage we will, if requested, provide alternative formats and methods of contacting the council as appropriate.

The planning pages of the council's website set out detailed information about how to submit and comment on planning applications and appeals. You can obtain help accessing the council's planning web pages at your local council library or by calling **01275 888 811**.

The Government has produced a plain English guide to the planning system and we have prepared guidance on our website about the process of an application within North Somerset.

Pre-application

We strongly encourage applicants to discuss their proposals with local people adjoining the development site, the relevant town or parish council and their North Somerset councillor, at an early stage before they submit their planning application.

Pre-application requests are normally confidential and are not routinely publicised on the council website.

Neighbours

Once a valid application is received we will consider if notification is required in accordance with government regulations. If notification is required, we will do so by either erecting a site notice on or near the application site, or by posting notification letters. In some cases, we will do both.

When posting notification letters, we will send them to those neighbours whose properties directly adjoin the application site. We may also notify other residents, by letter or site notice, depending on the scale and nature of the proposed development. We also provide an automated email notification system, which residents can sign up for if they want to receive email notifications about new applications in their local area. When we first notify neighbours we allow the time set by the government for comments to be submitted to us. This is normally 21 days but can be shorter for certain types of proposal.

We will not reply individually to comments received about current applications. All comments about planning applications that are received within the consultation period are read and considered. Whilst we may consider comments that are received after the consultation period has ended, we cannot guarantee to do so. The best way to ensure comments are fully considered is to submit them before the deadline for comments expire.

Comments can be submitted electronically via our website or by post. Comments sent by any other method without prior agreement, including by email, will not be considered.

We do not accept responsibility for and cannot consider comments that fail to reach us in time because they have been delayed or lost in the postal system. For this reason, we strongly recommend that comments are submitted online via our website.

Only comments that are made on valid planning grounds (also known as 'material considerations') can be given weight when making our decision. A list of common material considerations can be found on the government's Planning Portal website.

Anyone can make comments on current applications regardless of whether they have been formally consulted or not.

All comments form part of the planning file and are normally placed on the council's website for viewing via the internet. It is important to remember this when submitting comments as you will be legally responsible for their content. You must not submit any comments which are offensive, or which might give rise to legal proceedings against you, for example, if they are racist, sexist, homophobic or defamatory, or discriminatory in any way.

Once the decision is made we remove comments from our website to protect people's personal data as required by the General Data Protection Regulations.

We explain our approach to data protection and equality on our **website**.

Statutory consultees

When determining planning applications, we consult all statutory consultees, such as the Environment Agency, Historic England, and relevant town and parish councils, in accordance with regulations prescribed by government. Statutory consultees should send their comments to us as prescribed in the consultation documents.

Internal advice

Internal professional advice may also be sought from our own officers within the council who have expertise in construction, conservation/heritage, design, trees, landscape design, noise, pollution, licensing, drainage, transport, and legal matters. This advice is part of our deliberations and is not normally made public until after the decision is made.

Amendments

It is common for submitted applications to be changed during the process of determination. These changes may be a result of negotiation with the case officer, or following comments from consultees, or objections from local residents. We provide advice about how to submit amendments on our website.

If amended details are received, we will re-consult on proposals where, because of the amendment, we consider that there is likely to be a significantly greater detrimental impact, for example, on the occupants of adjoining properties. Where the application is likely to be refused permission, regardless of the amendment, we will not normally re-consult.

Depending on the scale and nature of the amendments, any re-consultation undertaken will normally be for 14 days and will normally only be carried out with those neighbours and/or consultees who we consider are immediately affected by the proposed amendments. On occasions, a shorter period of consultation may be used for amended plans.

Public speaking

Where an application is to be determined by the Planning and Regulatory Committee an opportunity is provided for members of the public to address the committee. The opportunity to speak is limited to one person to speak for the application (e.g. the applicant or supporters of the application) and one person to speak against the application (e.g. objectors to the application)

Both speakers are allowed to speak for a limited time (currently three minutes). Details of how to request to speak at a planning committee meeting and the associated rules can be found on our **website**.

After the decision is reached

Besides writing to the applicant, we also notify people of our decisions by placing a copy of the decision notice on our website along with a copy of the officer's report.

Appeals

Only applicants have the right of appeal. There are no third-party rights of appeal. The appeal process is managed by the independent Planning Inspectorate. Full details of all appeal rules and procedures can be found by visiting the Planning Portal website at www.planningportal.gov.uk.

How to contact us about planning applications or appeals

We operate a web-based contact system.

You can submit comments on planning applications at:

www.n-somerset.gov.uk/lookatplanningapplications

For further queries or help visit:

www.n-somerset.gov.uk/contactplanning or call the planning service on **01275 888 811**





4. Reviewing the SCI

The SCI has been prepared based on current rules and legislation. If new rules are introduced by government which mean that the consultation practices set out in this SCI become out of date, then the Council may not be able to comply with the SCI, until it can be updated.

North Somerset Council intends to build upon our existing and successful consultation practices and will learn from the experience of using the Statement of Community Involvement. We want our consultation processes to be simple to follow and use and we aim to carry them out in a fair, open and efficient way.

To ensure this we will monitor the success of the methods we use for involvement and feedback in the planning application process and at the various stages of preparation of planning documents. For planning policy

documents, we will do this when we prepare the consultation statement we submit to the Secretary of State for local plans and when we publish the consultation statement alongside SPD's which we propose to adopt. This will set out in detail exactly how the council has met its community involvement requirements for a particular Local Plan or SPD document as set out in the SCI. If this shows that improvements could be made, then we will change our practices accordingly.

A complete update of the SCI will be undertaken where it is shown to be materially out of step in practice or because of a change in Planning Regulations.

Council documents can be made available in large print, audio, easy read and other formats. Documents on our website can also be emailed to you as plain text files.

Help is also available for people who require council information in languages other than English.

For more information contact: 01275 888 545

