

Statement of Community Involvement



December 2020 – VERSION FOR CONSIDERATION BY MEMBERS

East Devon – an outstanding place

East Devon District Council Statement of Community Involvement

This Statement of Community Involvement (SCI) sets out the policy for consulting the community, and anyone else interested in planning, on planning policy documents and planning applications in East Devon.



The SCI covers the following documents and proposals:

- Planning Policy documents (including the Local Plan and other Development Plan Documents (DPD's), Supplementary Planning Documents (SPD's) and other guidance)
- Neighbourhood Plans
- Planning Applications

The majority of the SCI deals with the plan making process (covering policy documents such as the Local Plan and guidance associated with it). It also sets out the minimum consultation we will undertake on planning applications, pre-submission requirements for 'major' developments and the support we will offer to local communities undertaking Neighbourhood Plans.

To request this information in an alternative format or language please phone 01395 516551

or email csc@eastdevon.gov.uk or planningpolicy@eastdevon.gov.uk

Consultation we will undertake when producing a Planning Policy document

Stage in Plan making	Consultation	Consultation that we will undertake for each stage of Planning Policy document production
	Duration-	
	(excluding	
	Bank Holidays)	
Local Development Scheme		The Local Development Scheme (LDS) is the project plan for production of future planning policy documents. It
	No set	sets out plans that will be prepared and the timetable for their production, consultation and adoption.
	duration	
		The LDS will be available in electronic form on the Council webpage.

EVIDENCE GATHERING AND PREPARING DRAFT DOCUMENTS

For the Local Plan and other **DPD's** this is the stage where we gather evidence and undertake engagement to determine what the plan should cover. Consultation is ongoing throughout this stage. The number and type of consultation documents we produce will depend on the issues involved and the revisions required. (Regulations 18 and 19 of **Town and Country Planning** (Local Planning) (England) Regulations 2012)

For <u>SPD</u>'s, this is the stage where a draft SPD is produced for consultation which sets out the approach that the Council intends to take (Regulation 12 and 13 of Town and Country Planning (Local Planning) (England) Regulations 2012)

Plan and other DPD's, a minimum of 6 weeks for the consultation document

stage

EVIDENCE GATHERING

We will gather evidence through some or all of the following:

- Review of existing data
- Use of specialist consultants
- Exhibitions and Roadshows (where we provide material and/or officer attendance)
- Workshops (where we work with interested parties to explore issues)
- Focus groups (where issues or policies are discussed and interested parties give us feedback)
- Surgeries (where advice is given by professionals on their particular area of expertise)
- Attending Meetings of Other Groups
- One-to-One Meetings
- Questionnaires
- Consultation with Parish Councils and elected Members

Any technical or background document that forms a (substantive) part of our evidence base will be available in electronic form on the Council webpage. We will endeavour to make these available as they are completed (although this may require authority from District Councillors).

Details of the findings of consultation events will be available on our website and in paper format.

CONSULTATION

We will notify those bodies, groups and individuals that we consider likely to have an interest in the subject of a Planning Policy document that we propose to prepare it, and invite representations about what it should contain and any proposals we have put forward. Any representations will be taken into account when preparing the document for consultation.

Consultation will normally include:

- publicising it on our website and in any EDDC newsletter;
- notifying any party whose details we hold and who has expressed an interest in the subject.
- issuing a press release;
- notifying those 'consultation bodies' referred to in the Statement of Community Involvement;
- presenting to the Agents Forum, if appropriate;
- notifying any specific interest groups/organisations;
- advising adjoining authorities, which could include County Councils, other District and Parish Councils;

Stage in Plan making	Consultation Duration- (excluding Bank Holidays)	Consultation that we will undertake for each stage of Planning Policy document production
Other guidance will also be produced in draft form for consultation As a minimum we must notify certain parties (as set out in the statutory regulations) that we are proposing a plan and invite them to comment on what it should contain. When we prepare the plan we must take these comments into account.		 notifying District Councillors and Parish Councils; and making the document available at EDDC reception. Note- Whilst the Exmouth and Honiton District Council offices are closed to the public as a result of Covid-19 restrictions, documents will not be available to inspect at the reception desks. Alternative arrangements to view paper copies will be arranged upon request It may also include measures such as posters on local noticeboards, letters to residents, local events but this will depend on the resources available and the nature of the Policy document. The notification will give: details about the Policy document; details of where and when it may be inspected; details of how to make representations; details setting out that those making representations may request notification of our decision; and the date by which representations should be received (being no less than 4/6 weeks). Our usual practice is to provide a representation form for responses but to also accept written responses in other formats and emails. Where someone is unable to respond in writing an Officer can act as a scribe provided the respondent gives their permission and confirms the content is accurate. It will be made clear that all responses will usually be made public, subject to redaction of some personal information and any racist or inappropriate content. Representations will then be recorded electronically and made available on our website. It should be noted that: Anyone may make representations about a document All representations must be received by the date specified in the notification.

Supporting Documents

Depending on the type of Policy document being produced, a variety of supporting documents may be required to inform it. Some documents are a legal requirement and these are described opposite.

Consultation on SA report takes place alongside the Local Plan/DPD

SA/SEA- a minimum 5 weeks consultation with the 'consultation bodies' on a scoping report

HRA- A
minimum of 4
weeks for
statutory
consultees at
stage a).
A further 4
weeks for the
public on the
screening or
full
assessment

EIA- A minimum of 4 weeks

Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) - At key stages of Local Plan and other DPD production, a sustainability appraisal (SA) will be undertaken. This report will detail the likely significant environmental, social and economic effects of each proposal or option and will be undertaken and made available for public comment, usually alongside the Local Plan. If consultation leads to the approach changing significantly this will be reviewed and re-consulted on. The SA report will be considered by the Inspector as part of the Local Plan or DPD examination. Strategic Environmental Assessment is also a requirement for the Local Plan and other DPDs, but this is incorporated within the SA report.

Habitat Regulations Assessment (HRA) - This assessment process requires the Council to screen the emerging policy document for potential impacts on the environment or internationally important habitats or species. The screening assessment may conclude that either:

- a) there will be no likely significant negative effects and a full assessment is not required, in which case the HR screening report should be referred to Natural England, Historic England and the Environment Agency for a period of at least 4 weeks (6 weeks is good practice). They may agree with the conclusion of the screening report or may recommend that a full assessment is required); Or
- b) there may or will be significant negative effects and a full assessment is required as part of the SPD work (in which case a full assessment must be carried out and the effects noted/addressed and/or mitigated). The screening and any subsequent full assessments will then be consulted upon in the same way as, and usually alongside, the Policy document.

Equalities Impact Assessment (EqIA) - The Council is required to screen the emerging policy document for potential impacts on those with protected characteristics and to ensure they are not disadvantaged as a result of proposals. An EqIA will be made available for public comment, usually alongside the policy document. This will identify any potential impact on those with protected characteristics and outline how these will be mitigated. If an initial screening identifies a significant potential impact, a full Equalities Impact Assessment will be undertaken. If consultation leads to the approach changing significantly this will be reviewed and re-consulted on.

Consultation statement - All Policy documents require a Consultation Statement that sets out who was consulted, how they were consulted and where documents and other material were available to access, including any measures taken to ensure inclusivity. It will summarise the main issues raised and explain how these were addressed. For the Local Plan and other DPD's this is called a representation statement

Publication of the Document

For Local Plans and other DPD's this will be the document that we intend to submit to the Secretary of State) for consideration and subsequent adoption (Regulations 19 and 20 of Town and Country Planning (Local Planning) (England) Regulations 2012)

Anyone may make representations on the 'proposed submission document' at this stage, but they must be received by the planning authority by the date specified in the 'Statement of Representation Procedure'

For <u>SPD's</u> this will be the document that we intend to adopt (Regulation 12 and 13 of Town and Country Planning (Local Planning) (England) Regulations 2012)

For the Local Plan and other DPD's, a minimum of 6 weeks

For other

Documents, a

minimum of 4

requirements, it is usual

Policy

weeks.

Although

exceeding

practice to

consult on

SPD's for 6

weeks

For Local Plans and other DPD's

A minimum of six weeks formal public consultation will be undertaken in readiness for plan Examination. The following documents will be made available on the Council's web site and at the main Council Offices in East Devon

- The relevant local plan or DPD
- A submission policies map (if applicable)
- The relevant sustainability report
- A representation statement giving details of which bodies and persons were invited to make representations (under regulation 18) and how this was done, a summary of the main issues raised and how they have been addressed in the local plan.
- Any relevant supporting documents.

Details will also be provided of where and when the above documents are available for inspection and this will be sent to the bodies and persons invited to make representations. This is called a 'statement of representation procedure'.

It will be made clear that all responses will usually be made public, subject to redaction of some personal information and any racist or inappropriate content. Representations will then be recorded electronically and made available on our website. Redacted information will be shown on copies that will be sent to the Planning Inspector and may be viewed at the council office.

For SPD's and other policy documents

A minimum of four weeks formal public consultation will be undertaken on the revised SPD/other Policy document and the consultation statement. The consultation will follow the same format set out for the previous stage.

The following documents will be made available on the Council's web site and at the main Council Offices in East Devon

- The relevant SPD or policy document
- The consultation statement
- Any relevant supporting documents.

It will be made clear that all responses will usually be made public, subject to redaction of some personal information and any racist or inappropriate content. Representations will then be recorded electronically and made available on our website.

	Stage in Plan making	Consultation	Consultation that we will undertake for each stage of Planning Policy document production
		Duration-	
		(excluding	
		Bank Holidays)	
	Submission of the Document		We will send the following documents to the Inspector in electronic or paper form:
	Lead Diagrand ather DDD/s		• The sustainability appraisal report;
	Local Plans and other DPD's		A submission policies map, if the adoption of the local plan would result in changes to the adopted
	This is the stage that I seel Disc.		policies map;
	This is the stage the Local Plan		A statement setting out: Which hadias and paragraphysis in the day representation on the content of the plan.
	or other DPD is sent to an		Which bodies and persons were invited to make representation on the content of the plan (Preparation stage):
	Appointed Person (an		(Preparation stage);
	Independent Planning		How those bodies were invited to make representations; A summary of the main issues raised in these representations:
_	Inspector appointed by the Secretary of State)		 A summary of the main issues raised in those representations; How any of those representations have been taken into account;
6	Secretary of State)		 If representations were made at the publication stage, the number of representations made and
SUBMISSION	Before making		a summary of the main issues raised; and
₹	recommendations on the		 If no representations were received a statement that none were received;
SU	plan, the Inspector must		 Copies of any representations made at the publication stage; and
	consider any representations		 Any supporting documents the local planning authority consider relevant including the Equalities
	made on the published plan		Statement and any assessment under the Habitats Regulations.
	made on the pasished plan		We will make these documents available as soon as practicable, and notify anyone with an interest that the Local
	There is no equivalent stage		Plan/DPD has been submitted.
	for SPDs and other policy		
	documents as the decision is		
	made by the Council rather		
	than an independent		
	Inspector		

	Stage in Plan making	Consultation	Consultation that we will undertake for each stage of Planning Policy document production
		Duration-	
		(excluding	
		Bank Holidays)	
	Examination Stage		We will publish (on our web site and at our main Council Offices) details of the date, time and place of the
	Local Plans and other DPD's		hearing and the name of the Inspector at least 6 weeks before the opening of the hearing. We will also send these details to anyone who maintains a representation on the plan.
EXAMINATION	An inspector will be appointed by the Secretary of State to conduct the examination. The Inspector will determine whether the plan has complied with various legal requirements (including the 'duty to co-operate') and whether it is 'sound'.		
	There is no equivalent stage for SPDs and other policy documents		

	Stage in Plan making	Consultation	Consultation that we will undertake for each stage of Planning Policy document production
		Duration-	
		(excluding	
		Bank Holidays)	
	Publication of the		We will publish the Inspector's recommendations and reasons on our web site and at our principal offices. We
	recommendations of the		will also advise those people who requested it that the recommendations are available.
	appointed person		
(0	Local Plans and other DPD's		
RECOMMENDATIONS	We must publish the		
Ĕ	recommendations and		
<u> </u>	reasons of the Inspector as		
le le	soon as reasonably practical		
Σ	after receipt of their report.		
8	There is no equivalent stage		
RE	for SPDs and other policy		
	documents although a report		
	will be considered by the		
	Council setting out the reasons for recommending it		
	for adoption		
	Adoption		As soon as possible after the policy document is adopted (by resolution of the local planning authority) we will
			publish on our web site and make available at our main office:
	This is the stage where the		• The local plan, DPD, SPD or other policy document;
7	document is formally adopted		An adoption statement including the date on which it was adopted (this will also be sent to anyone who
ᅙ	and given full weight in		asked to be notified and, in the case of a Local Plan or DPD, we will also send a copy to the Secretary of State). In
ADOPTION	decision making		the case of an SPD, the adoption statement will also include, if applicable, any modifications made (pursuant to
AD(section 23(1) of the Act).
			Any other supporting documents and, in the case of a Local Plan or other DPD, a copy of the
			sustainability appraisal document and adoption statement.
			Details of when and where the plan can be inspected.
	<u> </u>		We will usually issue a press release advising that the policy document has been adopted.

Stage in Plan making	Consultation	Consultation that we will undertake for each stage of Planning Policy document production	
	Duration-		
	(excluding		
	Bank Holidays)		
Monitoring and Review		Monitoring and Review • We will notify interested parties of monitoring processes/the Monitoring Report and of document Review (if proposed)	
 In addition for each stage we will: Examine the potential for holding stakeholder events. We welcome your suggestions as to events which would be of particular worth or value. Issue relevant and informative press releases and press articles. 			
 Make information available in a variety of formats so that those with special requirements are able to participate in the consultation. This may include: *Large Print *Different font types/colours *Audio version (via our website) *Translation into other languages (via our website) 			

Consultation we will undertake in Development Management

The Council, as local planning authority, is required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in <u>article 15 of the Development Management Procedure Order</u>. There are separate arrangements for listed buildings which are set out in <u>regulation 5</u> and <u>regulation 5A of the Listed Buildings and Conservation Area Regulations 1990</u> (as amended).

*Face to face meetings with Officers

Planning Applications

In line with legislation, as a minimum planning applications will be advertised in one of the following ways:

- through an advertisement in the local newspaper;
- by posting a notice on the application site; or
- by a letter to immediate neighbours.

Additional consultation, using two or more of these methods and by writing to less immediate neighbours or other interested parties, will be carried out depending on the circumstances. This reflects current practice in development management. The time period for making comments will be set out in the publicity accompanying the planning application. This will be not less than 21 days, or 14 days where a notice is published in a newspaper.

Parish Council's will be notified of planning applications and should respond within the 21 day consultation period.

Planning law prescribes circumstances where consultation must take place between a local planning authority and certain organisations (known as statutory consultees), prior to a decision being made on an application. The organisations in question are under a duty to respond to the local planning authority within a set deadline and must provide a substantive response to the application in question. Where appropriate, the statutory consultees can request additional information to be supplied by the applicant if it is necessary to help then reach a recommendation.

Pre-submission consultation

In addition, the SCI now sets minimum requirements for pre-submission consultation on major applications, for which the applicant is responsible. Major sites are defined in the Local Plan as 10 or more dwellings or, for other uses, 1000 square metres or 1 ha or more. Where major development is proposed the applicant must consult the local community prior to submitting the planning application and demonstrate how the issues raised through the consultation have been addressed. As a minimum, proposals should be sent to the relevant Parish Council (usually the Council covering the Parish but this may include adjoining Parish Councils), available to view online, a staffed public exhibition should be held and the local community should be notified in writing and by public notice. Responses should be recorded in writing and material should be available in a variety of formats to meet equalities legislation. Where other applications are likely to result in a significant local impact, pre-application consultation may be required.

Neighbourhood Plans and Neighbourhood Development Orders

A Neighbourhood Development Plan is a planning document, produced by the local community, which sets out policies for the type and location of development in the local area (usually a Parish, in East Devon). It can also allocate sites for development, and, once made, becomes part of the 'Development Plan' for the area. Local communities will be able to say, for example, where new homes and offices should be built, and what they should look like. The neighbourhood plan will set a vision for the future and can be very detailed, or generalised, depending on what local people want.

A Neighbourhood Development Order enables the community to grant planning permission for new buildings they want to see go ahead on a particular site or within a particular area. Neighbourhood development orders allow new development without the developers having to apply for separate planning permission so all supporting technical evidence must be provided early in the process in order to ensure the order is based on the same information usually required to determine a planning application.

The neighbourhood plan or order must meet a set of Basic Conditions to ensure it complies with local and national planning policy, to ensure it meets the principles of sustainable development and to ensure that the local community have had a genuine opportunity to be engaged with the process.

Neighbourhood plans and orders are subject to an independent examination to check that it meets the Basic Conditions. If the standards aren't met, the examiner will recommend changes. The District Council, as planning authority will then need to consider the examiner's views and decide whether to make those changes. If the examiner recommends significant changes, then the parish, town council or neighbourhood forum may decide to consult the local community again before proceeding.

Once the plan or order has met the basic conditions, the District Council will arrange a referendum to ensure that the local community has the final say on whether a neighbourhood plan or order comes into force. People living in the neighbourhood who are registered to vote in local elections will be entitled to vote in the referendum. If more than 50% of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.

Once a neighbourhood plan is in force following a successful referendum, it carries real legal weight. Decision makers are obliged to consider proposals for development in the neighbourhood against the neighbourhood plan. A neighbourhood order grants planning permission for development that complies with the order. Where people have made clear that they want development of a particular type, it will be easier for that development to go ahead.

Neighbourhood Plans and Neighbourhood Development Orders

In line with legislation, East Devon District Council will offer advice and assistance in the making of Neighbourhood Plans and Neighbourhood Development Orders.

The details of this commitment are set out in the Neighbourhood Planning Protocol http://eastdevon.gov.uk/media/1904166/planning-protocol.pdf

To assist those involved in Neighbourhood Planning or the production of a Neighbourhood Development Order the Policy Team of the Council will:

- a) Maintain an up to date Neighbourhood Planning webpage on the Council's website that summarises the powers available under the Neighbourhood Planning regime and the key stages to developing a Neighbourhood Plan;
- b) Provide contact details of key officers in the Council that will be dealing with Neighbourhood Planning (including making of Neighbourhood Development Orders);
- c) Make available information on local and wider case studies as they emerge;
- d) Provide information relating to funding and resources;
- e) Offer explanation and advice to help a Community understand Neighbourhood Planning (including Neighbourhood Development Orders) and whether it is the right approach for them;
- f) Be available to attend inaugural meetings of groups wishing to apply for designation as a Neighbourhood Forum and / or Neighbourhood Areas and who wish to produce Neighbourhood Plans or produce Neighbourhood Development Orders;
- g) Hold an annual meeting open to all Parish Councils and other bodies and organisations to discuss and invite presentations on general Neighbourhood Plan matters;
- h) Provide general advice about the need for the Neighbourhood Plan or Neighbourhood Development Order to be in conformity with the Development Plan

The Planning Policy Team (details on page 2 of this document) will be the primary point of contact for Neighbourhood Planning work. The inputs of the Policy Team will include preparing formal reports and undertaking formal assessment process in respect to Neighbourhood Plans and Neighbourhood Development Orders as well as providing informal advice. It is stressed that any advice, comment or assistance provided by the Policy Team (or any other officers of the Council) will be the opinion of any particular officer at that point in time. Opinion expressed is in no way binding on the Council (be that any subsequent consideration by that officer or any other officer or formal recommendations to or decisions taken by the Council). Generally officers will not offer advice or comment on what the policies or proposals in a Neighbourhood Plan should say, or for example what areas of land should be allocated for development. But officers will offer comment,

guidance and advice on the types of issues that could be appropriate to take into account in terms of a group thinking about Neighbourhood Plan or Neighbourhood Development Order format, structure or more detailed content.

_	Stage in Plan making that the District Council Con		Consultation that we will undertake	
will u	undertake consultation	Duration		
	Neighbourhood Area Designation Consultation	Minimum of 6 weeks	Most of the consultation on a Neighbourhood Plan or Neighbourhood Development Order is carried out by the community themselves. Through a 'Statement of Community Involvement' (known as a consultation statement for NDO's) they will need to demonstrate that anyone who lives or works in a Neighbourhood Area has had the opportunity to express their views and that these have been taken into account. An independent Examiner will determine this.	
undertaken	Neighbourhood Forum Designation	Minimum of 6 weeks		
nder			 We will consult at the stages on the left, through: Written/email consultations with statutory consultees, general consultees and other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments and 	
Stages when consultation will be ur	Submission Consultation and Publicity of a Plan proposal	Minimum of 6 weeks		
			 By making the Consultation document available on the Council's website and hard copies available at the Council offices, from the Parish Council and the local library, if there is one within the Parish- Note- this is subject to any access restrictions, for example public buildings being closed due to Covid; 	
tages			Through press notices, notices on noticeboards and a notice on the Council's website	
S	Referendum	1 day	Everyone who lives in the neighbourhood area and is entitled to vote will be invited to vote on the neighbourhood plan or neighbourhood development order. Ballot papers will be sent to the voters registered address and the ballot will be advertised on the Council's webpage, at the polling station and on noticeboards in the Parish. A press release will usually be issued.	

Consultation Bodies

The Town and Country Planning (Local Development) (England) Regulations 2012 require the Council to consult the following 'specific' and 'general' consultation bodies if proposals in planning policy documents affect them. A number of these bodies are also considered to be Duty to Co-operate bodies. It is important to note that the Neighbourhood Planning (General) Regulations 2012 (schedule 1) also requires qualifying bodies to consult the same consultation bodies in the preparation of Neighbourhood Development Plans. In instances where any of the organisations (bodies) detailed below cease to exist, successor bodies will be consulted.

Specific Consultation Bodies

Specific Constitution Doubles	_
Local Planning Authorities	The Coal Authority
Devon County Council	Homes and Communities Agency
West Dorset District Council	Natural England
South Somerset District Council	The Environment Agency
Mid Devon District Council	Historic England
Taunton Deane Council	Network Rail Infrastructure Ltd
Exeter City Council	Highways England
Teignbridge District Council	Marine Management Organisation
Town / Parish Councils	Relevant telecommunications companies
All Town and Parish Councils within and adjoining East Devon	Devon and Cornwall Constabulary/ Police and Crime
District	Commissioner
Local Enterprise Partnerships	Relevant health bodies e.g. CCG, NHS PCT
Heart of the South West Local Enterprise Partnership	Relevant electricity and gas companies
	Relevant sewerage and water undertakers

In addition to the specific consultation bodies listed above, the council/qualifying body will involve as many people and groups as possible in the categories below:

General Consultation Bodies

- voluntary bodies some or all of whose activities benefit any part of the local planning authority's area
- bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area
- bodies which represent the interests of different religious groups in the local planning authority's area
- bodies which represent the interests of different gender and sexual orientation groups in the local planning authority's area

- bodies which represent the interests of disabled persons in the local planning authority's area
- bodies which represent the interests of persons carrying on business in the local planning authority's area

Examples of organisations which are General Consultation Bodies

Environment and conservation groups (e.g. the Royal Society for the Protection of Birds and Devon Wildlife Trust)

Area of Outstanding Natural Beauty (AONB) Partnerships

Minority ethnic groups

Gypsy and Traveller groups

Sport England

Youth groups, schools, colleges

Health care groups

Transport providers/operators

Housing interest groups

Landowners and developers

Local businesses/ bodies which represent local businesses

Local resident associations

Older persons groups

Religious groups