

Statement of Community Involvement (SCI)

Shaping Now Shaping the Future

What is the SCI?

The Statement of Community Involvement (SCI) sets out East Herts Council's approach to public engagement in the planning system, both in terms of the preparation of district planning policy documents and the consideration of planning applications. It provides guidance on how East Herts Council intends to engage with the local community, including involvement in Neighbourhood Planning.

The SCI is in conformity with the Council's current Public Engagement Strategy¹. The Council wishes to involve all sectors of the community in the planning process and is committed to maximising publicity of its planning documents. It will therefore aim to exceed the minimum legal requirements laid down in Planning Regulations² in respect of its planning role in public consultation.

Community engagement is a key component in the planning system as it adds value to the process by ensuring that the Council is able to listen to the views of stakeholders and the community to inform the outcome of planning decisions. This helps local people to become directly involved in place shaping in the district. However, to get the most out of any consultation, it is important that stakeholders and the community understand the scope of the consultation and the process itself. More information on the planning system can be found at www.eastherts.gov.uk/planning.

Public bodies are required³ to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people in carrying out their activities. However, it is recognised that some parts of the community are less likely to get involved in some activities and as a result are under represented in the consultation process. In East Herts our 'hard to reach' groups may include young people, students, the elderly, ethnic minorities, gypsies and travellers, homeless people, single parent families, and people with disabilities. They may also include whole sections of the community living in the rural areas or more deprived areas of the district. We must also consider those who have difficulties accessing information and those with limited time to become further involved. Therefore, the way in which we consult is very important to ensure that we try to encourage hard-to-reach groups to become fully involved in all consultations from an early stage.

Guiding Principles

Several guiding principles will be applied to our planning consultations, based around three values of informing, consulting and involving people. Where the Council is involved with planning related consultations undertaken by others, we will also expect them to apply these principles. We will seek to ensure that:

¹ <http://www.eastherts.gov.uk/index.jsp?articleid=10867>

N.B. The East Herts Public Engagement Strategy is currently under review.

² Information on the Planning Regulations can be found at <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

³ Under the terms of Public Sector Equality Duty, Section 149, Equality Act, 2010.

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- Consultation publications are clear and concise, making it obvious in the information provided what is being proposed; how and when people can get involved; and with planning jargon used only where absolutely necessary;
- It is easy for groups and individuals with little or no knowledge of the planning process to get involved;
- Appropriate consultation methods are used in order to maximise opportunity for community involvement, while making sure that these processes are commensurate, i.e. cost and time effective;
- Consultation is effective by listening to the views of interested and affected parties at an early stage in the process;
- People who respond to consultations are informed of how their responses will be taken into account; how they can view the Council's response to issues they have raised; and also of opportunities to become further involved at any later stages;
- Involvement will be open to all regardless of background and personal circumstance. It is the Council's practice not to treat any one group of people less favourably than others because of their age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.
- Written information (publications, leaflets etc) will be made available on request in accessible formats such as large print, Braille, audio, electronic format or translated into another language;
- Response to consultations is fully encouraged; and
- All responses to consultations are handled in accordance with the Council's Data Protection Policy and Guidelines which are designed to ensure that the activities of the Council comply with the Data Protection Act (1998).

It is often the case that consultation leads to comments and representations which conflict with each other and mean that it will not be possible for the aspirations of all parties to be satisfied. There may also be other reasons why we are unable to deliver the outcome which the respondent seeks. However, while it will not always be possible for the Council to accommodate everyone's expressed views, we will carefully balance and consider all relevant comments and representations and will respond to those issues, as appropriate.

It is important to note that the Council reserves the right not to consider or include in its documentation any inappropriate comments submitted as a result of its consultations. These may include, but not be limited to:

- Discriminatory comments relating to age, gender, disability, ethnicity, religious beliefs and sexual orientation;
- Offensive or inflammatory remarks, including foul language or abusive content.

These types of comments will not be included for consideration by the Council. However, where the author of such comments is traceable, the opportunity may be made available (at the Council's discretion) for comments to be redrafted to an acceptable form so that they can be considered as part of the consultation process.

The SCI aims to ensure that all consultation is carried out in a professional, cost effective and coordinated way. The central role of elected Council Members as representatives of their community⁴ is unaffected by the SCI; councillors are important as representatives of the Council and the local community. Their knowledge of, and role within, the community can be used to great advantage and should be regarded as central to the determination and implementation of both consultations and policy decisions.

Planning Policy Documents

Three types of document may constitute the development plan for the district consisting of:

- Development Plan Documents;
- Supplementary Planning Documents; and
- Neighbourhood Development Plans and Orders.

East Herts Council will itself produce two of these main types of planning policy document:

- Development Plan Documents (DPDs) – these form part of the legal Development Plan that contains the planning policies used to determine planning applications and make decisions about development, e.g. the East Herts District Plan. They have to go through certain stages of community involvement before being submitted to a government appointed Inspector for Examination prior to adoption by the Council (if the Examination finds it sound); and,
- Supplementary Planning Documents (SPDs) – these additional policy documents provide further detailed planning information on specific matters (e.g. vehicle parking) or individual development sites (e.g. Development Briefs or Master Plans⁵). They are also subject to public consultation, but do not require examination by an Inspector before adoption by the Council.

Both DPDs and SPDs must accord with national planning policies, be supported by technical evidence, and be informed by the views of residents, businesses and stakeholders, as appropriate.

⁴ as outlined in the Local Government Act 2000

⁵ Development Briefs or Master Plans can be produced for specific sites or areas either by the Council or the prospective developer. Council approval of Development Briefs/Master Plans would be appropriate if they are to be relied upon by the Council in determining any planning application. However, it should be noted that briefs can be produced independently in support of applications. The public can become involved in the production of Development Briefs/Master Plans through consultation undertaken by those producing them. The Council can also work with other parties, such as prospective developers, to produce Development Briefs/Master Plans; in all such cases the production stages and consultations methods associated with Supplementary Planning Documents will apply to those Development Briefs/Master Plans.

Who will we consult?

Specific and General consultation bodies who must be consulted by the Council are detailed in the relevant Regulations⁶ and these are listed at Appendix A. We are keen to ensure that as many interested people as possible are kept informed of our consultations. Therefore, our consultation database extends beyond the Regulations' requirements and includes:

- Statutory organisations, including parish councils, neighbouring councils, infrastructure providers and government bodies as legally required or otherwise appropriate;
- Community and voluntary groups, business and other social, economic and environmental organisations, as appropriate;
- Others who have expressed an interest in the subject matter;
- Members of the general public who have asked to be consulted.

The Council is keen to enable more people with an interest in the plan-making process to become involved. Individuals, groups and organisations are therefore encouraged to visit the Council's consultation portal (<http://consult.eastherts.gov.uk>) or contact the Planning Policy Team (see below for details) to be added to the Planning Policy consultation database at any time in the process. This will ensure that they are kept informed of the progress of emerging planning policy documents and are given notice of the opportunity to respond to public consultations, as appropriate.

Consultees who wish to receive ongoing updates about the District Plan and other planning policy documents may also inform the Planning Policy Team if they would like to be emailed copies of the District Planning Bulletin as new editions are published.

How will we consult?

- We will contact appropriate organisations and individuals directly. This will be by email where possible, and by post only for those contacts:
 - who must be consulted by this method statutorily;
 - are without email addresses; or,
 - where hard copy documents are more appropriate e.g. at places for public viewing.
- For all of its planning policy consultations, the Council's documents will be available at the appropriate stages for viewing and comment via its website www.eastherts.gov.uk (this is a statutory requirement). The website can be used to make comments via its online consultation portal (which can also be directly accessed at: <http://consult.eastherts.gov.uk>).
- Beyond the website, we will publicise consultations using media appropriate to each individual consultation, including methods such as the Council's 'Link' magazine (where publication dates enable its circulation to coincide with or pre-date the

⁶ Currently, the Town and Country Planning (Local Planning) (England) Regulations 2012.

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consultation period), posters, leaflets, displays, community and social media, and local newspapers.

- We will leave hard copies of consultation documents on display at specific locations where there is public access, including district and town council offices and libraries.
- Consultation documents will be sold at a price reflecting publication costs (plus postage and packaging, where appropriate) for hard copies, and made available for download at no charge from the Council's website.
- On occasion we may make available hard copies of consultation documents to community groups, councils and other statutory organisations.
- We will consult on planning policy documents for at least the minimum required period.
- We may consider organising or supporting other consultation events, such as but not limited to, community based planning meetings, as appropriate. If such meetings are considered appropriate we will:
 - Try to hold community involvement events in different parts of the district, and at different times and days of the week, to make them available to as many people as possible;
 - Use venues with good access and transport links.

When will we consult on DPDs?

- We will first ask for ideas, views and information from appropriate organisations, individuals and communities – **Issues and Options stage**.
- After considering any initial comments and previous consultation results, we will consult on the revised document(s) which will explain the main issues to be considered and may include potential options for at least six weeks – **Preferred Options stage**.
- We will consider whether there is a need to prepare documents for additional consultation stages, as appropriate.
- When all relevant representations have been taken into account and any necessary changes to the document have been made, we will formally publish the **Submission document** (or equivalent under any revision to the relevant regulations).
- The DPD will then be submitted to the Secretary of State for **Public Examination** by a Planning Inspector appointed by the Planning Inspectorate.
- The Council will subsequently formally **adopt** the DPD incorporating the Inspector's recommendations.

When will we consult on SPDs?

- If appropriate, we will first ask for ideas, views and information from relevant organisations, individuals and communities.
- We may carry out informal consultation before we prepare a formal draft SPD, which would take into account any initial comments and any previous consultation results. If the proposed SPD is related to a specific site, this initial informal consultation may be limited to specific bodies and people in the local area. We will fully **consult** on a draft version of the SPD for at least six weeks.
- After considering the responses to the draft, we will consider whether there is a need for any further consultation.
- Once we consider that the planning policy issues raised through community involvement have been fully considered and any necessary changes to the document have been made, we will **adopt** the SPD.

How should people respond to DPD and SPD consultations?

The processing of hand written consultation responses is a very time-consuming procedure, which has the potential to cause considerable delay to the policy-making process, particularly for consultations where a large volume of comments are received. Consequently, the Council's preferred method of response is via its online consultation portal where people enter their own personal details and comments. However, it is recognised that not everybody will be able to use this method of response and there is no requirement to use it. Therefore, respondents will be encouraged to submit their comments in the following order:

- Via the Council's online consultation portal (<http://consult.eastherts.gov.uk>);

The advantages of this method are that people can:

- enter their own contact details and update them as circumstances change;
 - download all consultation documents or document sections in PDF format for easy viewing or printing;
 - make comments on consultations and upload any supporting documents;
 - receive an automated response confirming submission of their comments;
 - view comments made by other users regarding specific points;
 - search current and previous consultations for views expressed by specific users; and
 - choose to be informed of subsequent consultations and/or the adoption of documents they have responded to.
- Electronic copies of word documents or text submitted by email;
 - Hard copy submissions.

Where groups are intending to coordinate a large campaign in response to a consultation, the Council's preference is for responses to be made using the consultation portal and, where necessary, the Planning Policy Team will support such groups by providing explanation of how to use it.

How will we respond to comments made on DPD and SPD consultations?

For consultations on all planning policy documents (DPDs and SPDs) the Council will take account of all responses received by any of the above means where the issues raised are material planning considerations. Responses concerning other issues beyond the scope of planning policy (e.g. matters such as highways maintenance or refuse collection) will not be taken into account.

- We will publish all comments received (either in full or in summary form) as soon as feasible;
- All submissions will be made publicly available;
- Comments received in hard copy format will be made available online in an appropriate format where practicable (either scanned or typed up), or if not practicable, the original documents will be available for viewing at the Council offices;
- Pro-forma responses will be considered collectively;
- All responses will be made available for public viewing, either online or in hard copy format for at least three months after the document is adopted;
- We will respond to comments (or a summary of the issues raised in the comments) explaining how any planning policy matters have been taken into account by reporting initially to the District Planning Executive Panel, with recommendations subsequently supported by Executive and agreed by Full Council (which comprises all elected ward members). All meetings of the District Planning Executive Panel are open for the public to attend (although not to participate in proceedings) and all agendas, supporting evidence and minutes are available for viewing or free download via the Council's website;
- We will send all those people who have requested to be notified of the Plan's adoption a copy of the adoption statement, including details of where and when the Plan can be inspected.

Neighbourhood Planning

Neighbourhood Planning involves Town and Parish Councils or designated Neighbourhood Forums in preparing planning documents for their communities which, following examination and a successful referendum, will then be adopted by the Council as part of the Development Plan for the area.

There are two main aspects of Neighbourhood Planning: Neighbourhood Development Plans and Neighbourhood Development Orders (including the Community Right to Build):

- Neighbourhood Development Plans are community-led and provide a framework for guiding the future development, regeneration and conservation of an area;
- Neighbourhood Development Orders are a way for Town and Parish Councils or designated Neighbourhood Forums to grant planning permission for certain kinds of development within a specified area;

- Community Right to Build Orders are a special kind of Neighbourhood Development Order, which grant planning permission for certain development schemes.

The process for preparing Neighbourhood Plans and Orders is set out in the Regulations⁷. We have published our own guidance on Neighbourhood Planning which is available on the Council's website⁸. The Locality Neighbourhood Plans Roadmap Guide provides additional helpful advice on Neighbourhood Planning and is available on its website⁹. Once brought into legal force, a Neighbourhood Plan will form part of the statutory Development Plan and decisions on whether or not to grant planning permission in the Neighbourhood Area will need to be made in accordance with it, unless material considerations indicate otherwise.

As part of the process towards gaining legal force, planning legislation requires consultation and engagement to take place on Neighbourhood Plans and Orders. While much of the consultation required for Neighbourhood Planning is the responsibility of the local communities involved (and information on this is available in the guidance mentioned above), there are certain stages where the District Council has statutory involvement in the process, which also results in consultation.

Where the Council is required to carry out consultation as part of the Neighbourhood Planning process, we will apply the same broad principles associated with consultation on Planning Policy documents, subject to any conditions of the relevant Regulations.

Planning Applications

For many people the first experience of the planning process is through planning applications, either as an applicant or in relation to applications submitted by other people. While some minor schemes can be carried out as 'Permitted Development', a significant amount of new development in East Herts will require planning permission. A planning application is required for most new buildings, many changes of use and operational development or significant alterations to existing buildings. There are a number of different types of planning application, with the type of application determined by the size and scale of the proposed development. Whilst the process for consulting on all types of planning application is similar, there are additional requirements for larger proposals involving residential development (including change of use) for 10 or more homes or where the site area is more than 0.5 hectares or, for all other uses, where the floorspace created is 1000m² or more, or where the site area is 1 hectare or more. These are known as major applications, where there are additional publicity requirements¹⁰.

⁷ Currently, the Town and Country Planning, England, The Neighbourhood Planning (General) Regulations 2012

⁸ http://www.eastherts.gov.uk/media/pdf/4/m/Interim_Neighbourhood_Planning_Guidance_Note_-_Dec_11_Smaller_File_Size.pdf

⁹ <http://locality.org.uk/resources/neighbourhood-planning-roadmap-guide/> also available via PAS website: <http://planning.communityknowledgehub.org.uk/resource/neighbourhood-plans-roadmap-guide>

¹⁰ Where there is a departure from the Development Plan; where an Environmental Impact Assessment is required; and, where a proposal would affect a Right of Way to which Part 3 of the Wildlife and Countryside Act 1981 applies.

Major Planning Applications

Before making a major planning application, prospective applicants should preferably:

- Talk to the Council's planning officers about their application, and consider these discussions when preparing their proposals, through the chargeable pre-application service¹¹ – the aim of this is to see if the principle of development is acceptable before any formal application is made and so that any necessary adjustments can be made if required;
- Talk directly with relevant statutory consultees to minimise technical objections to their application;
- Consult the local community on overall and specific aspects of their proposals; and
- Consider the consultation responses received, and take them into account before making their planning application.

Other Applications

Before making other types of planning application, prospective applicants should preferably:

- Consult both the Council's planning officers (through the Council's chargeable pre-application service as set out above) and any people likely to be affected by the proposed development; and
- Consider their views before finalising proposals. Consulting those affected may be as simple as talking over plans with a neighbour. Planning applications should where possible be accompanied by a document explaining what consultation has been carried out by the applicant, including technical and public involvement and how it has influenced the planning application proposals.

Once an application has been submitted, East Herts Council will always meet its statutory consultation requirements as a minimum¹², and may exceed these where appropriate. We will therefore:

- Display a site notice where statutorily required, and provide all other applicants with site notices for voluntary display;
- Notify neighbours immediately abutting the property concerned and (depending on the nature of the development proposed), to properties in the wider locality, if considered appropriate;
- Consult with statutory bodies and with other departments, bodies and interested parties as commensurate with the development proposed;

¹¹ It should be noted that, in respect of the pre-application service, any advice given at this stage is not binding and there are no statutory requirements for pre-application discussions.

¹² Currently contained in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

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- Publicise as statutorily required applications for major, departure, Listed Building, Conservation Area or Right of Way proposals, and for other applications, as appropriate;
- Make all planning applications available for viewing at the Council's offices in Hertford and on our website;
- Publicise a weekly list of planning applications on our website and in other public places;
- Send this weekly list to town and parish councils and to other subscribers.

How will the Council deal with consultation responses?

- Comments received will be placed on the application file and be made publicly available.
- The Council will take account of all responses received as a result of its consultations on planning applications where the issues raised are material planning considerations. What the Council can take into account when it considers comments on planning applications can be confusing. We can only consider objections or comments which raise relevant planning issues, e.g. problems with increased traffic if the development went ahead, the effect a development might have on the environment in terms of noise, loss of trees etc, or the effect a proposal might have on the appearance of the surrounding area. The issue for the planning system is whether or not the proposed use, or development of the site, would be acceptable in land use and environmental terms.
- Responses concerning other issues cannot be taken into account when determining a planning application. These matters include, but are not restricted to:
 - Property values;
 - Boundary disputes;
 - Personal circumstances of the applicant or the objector;
 - Loss of a private view;
 - "Moral issues"; and
 - Issues controlled by other legislation (e.g. building regulations, legal covenants etc).
- All relevant planning issues raised within the consultation period will be taken into account in the Planning Officer's report to help inform the recommendation. It is important to know that we cannot refuse an application simply because many people are against it. We have to consider whether the application satisfies our adopted planning policies, as well as national planning policy guidance.

How will the decision be made?

The authority to determine planning applications lies with the Development Control Committee; however, as the Council typically deals with more than 2,200 applications per year, the majority of applications (around 90%) are determined by planning officers under delegated powers granted to them by the Committee.

The remaining applications are determined by the Development Control Committee. This Committee generally meets every four weeks and handles the larger and more complex applications, in accordance with the criteria set out in the Council's Constitution.

What else will the Council do in the decision making process?

- The Council will consider any submitted consultation statement in addition to any comments received on the planning application. If the application is to be considered by the Development Control Committee, we will inform anyone who responded to the consultation before the meeting takes place.
- The Council may allow applicants and objectors to make a short verbal statement on those planning applications which are considered by the Development Control Committee¹³.
- We will make Development Control Committee meetings available for live viewing via webcast.
- The Council will publish the decisions on all planning applications on its website which will, where required, include the reasons for the decision.
- We will write back to respondents (by email if possible and by post where no email address is available) to inform them of the Council's decision.
- If an appeal is subsequently lodged, we will inform all those people who responded to the consultation on the original planning application (although the rest of the appeal procedure will be handled by the Planning Inspectorate¹⁴).

Contact the Planning Policy Team

Phone: 01279 655261
Email: planningpolicy@eastherts.gov.uk
Post: East Herts Council, Wallfields, Pegs Lane,
Hertford, Herts, SG13 8EQ

Contact the Development Control Service

Phone: 01279 655261
Email: planning@eastherts.gov.uk
Post: East Herts Council, Wallfields, Pegs Lane,
Hertford, Herts, SG13 8EQ

¹³ Up to one person may be allowed to speak in support of an application, and one person to speak in objection to each application at the meeting. Each person or group of people opposing or supporting the proposal will be allowed up to three minutes to speak to the Committee. How to register to speak and the rules for these meetings are explained in greater detail on the Council's website www.eastherts.gov.uk and in a leaflet available from Council offices.

¹⁴ Further information on the appeals process is available on the Planning Inspectorate website: www.planning-inspectorate.gov.uk

Specific and General Consultation Bodies

As set out in the Town and Country Planning (Local Planning)(England) Regulations 2012,

“general consultation bodies” means the following:

- a) voluntary bodies some or all of whose activities benefit any part of the local planning authority’s area,
- b) bodies which represent the interests of different racial, ethnic or national groups in the local planning authority’s area,
- c) bodies which represent the interests of different religious groups in the local planning authority’s area,
- d) bodies which represent the interests of disabled persons in the local planning authority’s area,
- e) bodies which represent the interests of persons carrying on business in the local planning authority’s area;

“specific consultation bodies” means the following:

- a) the Coal Authority,
- b) the Environment Agency,
- c) the Historic Buildings and Monuments Commission for England (known as English Heritage),
- d) the Marine Management Organisation,
- e) Natural England,
- f) Network Rail Infrastructure Limited (company number 2904587),
- g) the Highways Agency,
- h) a relevant authority any part of whose area is in or adjoins the local planning authority’s area,
- i) any person:
 - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
 - (ii) who owns or controls electronic communications apparatus situated in any part of the local planning authority’s area,
- (j) if it exercises functions in any part of the local planning authority’s area:
 - (i) a Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section;
 - (ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989;
 - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986;
 - (iv) a sewerage undertaker; and
 - (v) a water undertaker;
- (k) the Homes and Communities Agency; and
- (l) where the local planning authority are a London borough council, the Mayor of London.