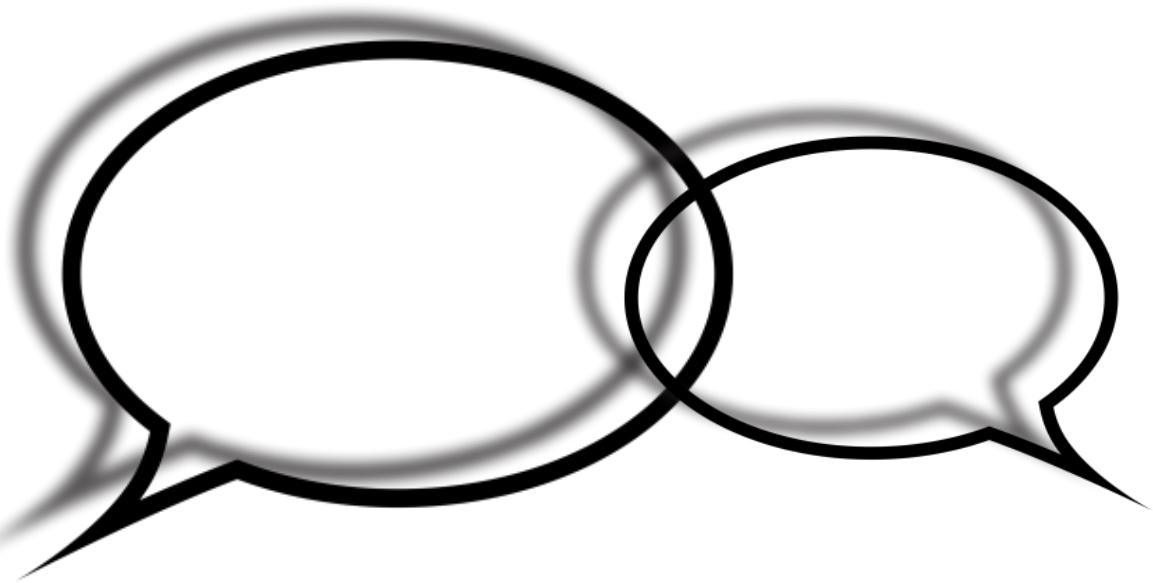




# Statement of Community Involvement

October 2019



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## 1 Introduction

### What is the Statement of Community Involvement?

- 1.1** This Statement of Community Involvement (SCI) explains how East Herts District Council will involve the community in plan-making and in the consideration of planning applications. The planning system can be complex and the SCI aims to address uncertainty by setting out how the Council will engage with people at the various stages of the planning process.

#### The SCI sets out:

**WHEN** the community will be consulted on planning policy documents

**HOW** the Council will involve the community in the planning process, take into account views and provide feedback to those who engage

**WHAT** the Council involve the community on

**WHO** will be involved

### Why prepare an SCI?

- 1.2** Planning shapes the places where people live and work. Community engagement is fundamental to ensuring that stakeholders and the local community are involved with the planning system and have the opportunity to influence a wide range of planning decisions. The NPPF (2019) requires that local planning authorities engage early, proportionately and effectively.
- 1.3** The Council wants to involve all sectors of the community in the planning process and is committed to always either meeting or exceeding the minimum legal requirements for consultation set out in the Planning Regulations<sup>(1)</sup> This approach is in accordance with East Herts District Council's Corporate Plan (2016-2020),<sup>(2)</sup> which has a priority to improve the wellbeing of communities by ensuring communities are engaged in local issues. As the Local Planning Authority (LPA), the Council has a legal duty to prepare an SCI in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (section 18).<sup>(3)</sup>

1 Currently the Town and Country Planning (Local Planning) (England) Regulations 2012; the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017; The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended); Neighbourhood Planning (General) Regulations 2012; Neighbourhood Planning (General) (Amendment) Regulations 2015; The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017; The Town and Country Planning (General Permitted Development) (England) Order 1995.

2 <https://www.eastherts.gov.uk/article/34767/Vision--Corporate-Priorities>

3 As amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017.



## Why revise the current SCI?

- 1.4 The Council's first SCI was published in 2008 and revised in 2013. Since then there have been changes to legislation and the District Plan has been adopted. There is now a statutory requirement to review the SCI every five years and also to include policies for giving advice or assistance on making and modifying neighbourhood development plans. Also, the Council's use of social media has increased over recent years and it is important that the SCI is updated to reflect this.

## Contacting us

### Planning policy

- 1.5 If you have any questions on the SCI or any other policy issues, please contact the planning policy team on 01279 655261 or via email to [planningpolicy@eastherts.gov.uk](mailto:planningpolicy@eastherts.gov.uk). You can also contact us by post at East Herts District Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.

### Development Management Service

- 1.6 If you have any questions about the planning application process, please contact the development management team on 01279 655261 or via email to [planning@eastherts.gov.uk](mailto:planning@eastherts.gov.uk). You can also contact us by post at East Herts District Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.



## 2 Guiding Principles

### What are the guiding principles?

- 2.1** There are a number of principles that underpin the Council's approach to planning consultation, which reflect the aim to inform, consult and involve the community.
- 2.2** We will seek to ensure that:
- Consultation publications are clear and concise, making it obvious 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;
  - Effective consultation is used as early as possible in the process;
  - Appropriate consultation methods are used in order to maximise opportunity for community involvement, including those who are hard to reach or seldom heard, while making sure that these processes are proportionate, i.e. cost and time effective;
  - We promote electronic methods of consultation, including email, website and social media, to make involvement easier, quicker and more cost effective;
  - We inform people how their consultation 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;
  - Planning decisions are carried out in a transparent way;
  - Involvement will be open to all regardless of background and personal circumstance;
  - We involve representatives of a cross-section of stakeholders, ensuring that different needs and a view of different sections or groups of the community are considered;

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- Written information (such as publications and leaflets) will be made available on request in accessible formats such as large print, Braille, audio, electronic format or translated into another language;
- All responses to consultations will be 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 General Data Protection Regulation (2018) which came in to force on 25th May 2018.

**2.3** It is recognised that some parts of the community are less likely to get involved in some activities and may, as a result, be underrepresented in the consultation process. In East Herts our 'hard to reach' or 'seldom heard' 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.

**2.4** Therefore, the way in which we consult is important to ensure that we try to encourage hard-to-reach groups to become fully involved in consultations from an early stage. These guiding principles set out the inclusive engagement methods that the Council will use (making use of current guidance and good practice) to encourage participation by people of all backgrounds. Examples of specific engagement we have used before include presentations at local schools to engage younger people and the use of summaries to make information more accessible.

**2.5** 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;
- Offensive or inflammatory remarks;
- Personal information - this will be redacted where needed.

**2.6** 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 community 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.



## 3 Planning Policy Documents

### Introduction

**3.1** This section outlines when, how and who the Council will consult when plan making. The planning policy framework for East Herts is set out in two types of document:

- **Development Plan Documents (DPDs)** - The Local Plan, together with the Minerals and Waste Local Plans for Hertfordshire and any adopted Neighbourhood Plans form the Development Plan for East Herts. These documents (as set out in Figure 1) are the basis upon which planning applications will be decided, unless there are material planning considerations that indicate otherwise. They are subject to various stages of community involvement and examination by an independent Inspector.
- **Supplementary Planning Documents (SPDs)** – These provide guidance to supplement the policies and proposals in the District Plan. They are not part of the development plan, but are a material consideration in planning decisions. SPDs cover a range of issues including topic based advice and site development briefs. They are subject to consultation but not to examination.



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Figure 1: Overview of planning policy documents



**3.2** Both development plan documents and SPDs must accord with national planning policy, be supported by technical evidence and informed by the views of residents, businesses and stakeholders, as appropriate.

**3.3** East Herts Council is responsible for producing the Local Plan, which sets out how the District will develop over the next 15 years. The most recent Local Plan, the East Herts District Plan was adopted in October 2018. It contains strategic policies and site allocations alongside detailed policies for determining planning applications. Minerals and Waste Local Plans are



produced by Hertfordshire County Council so East Herts Council is a statutory consultee but not directly involved in their production. The County Council has produced its own SCI for matters which it is responsible for.

**3.4** Neighbourhood Plans are led by Parish and Town Councils or Neighbourhood Forums. However, East Herts Council has a legal responsibility to advise or assist in the preparation of Neighbourhood Plans. Consideration of this role and the consultation involved is set out in section 4 of this SCI.

**3.5** Alongside the Development Plan and SPDs the Council also produces a number of other supporting documents:

- Statement of Community Involvement
- Local Development Scheme - A timetable setting out when documents will be produced
- Authority Monitoring Report - An annual report setting out the Council's progress against targets and policies

## Who will we consult?

**3.6** The Council wants to know the opinions of the people who live, work and visit East Herts. We are required to consult a wide range of statutory organisations and stakeholders during the process of preparing our planning policies. However the Council is also committed to involving as many local people, groups and organisations as possible in the preparation of the Local Plan and SPDs.

## Specific and General bodies

**3.7** We are legally required to consult a range of specific and general consultees when preparing planning policy documents. These are groups with particular knowledge in certain areas or those that represent specific interest groups. The regulations allow councils to select 'such of' the Specific and General Consultation Bodies that may have an interest and/or the 'local planning authority consider appropriate' to the consultation document being prepared.

**3.8** These consultation bodies are defined in appendix A but include:

- Hertfordshire County Council
- Adjoining local authorities
- Parish or town councils within or adjoining East Herts
- Organisations that represent business interests in East Herts
- Organisations that represent the interests of specific parts of the community
- Infrastructure providers
- National agencies or bodies



## Other consultees

**3.9** Legally the Council must also notify and consult such residents or other persons carrying out business as they consider appropriate. This includes those that have asked to be consulted. The Council recognises that the views of the wider community are important and consults a range of groups and individuals as relevant to the scope and subject of the planning document. These may include the following:

- Residents' Associations
- Social, economic and environmental organisations
- Developers, agents and landowners

**3.10** The Council maintains a database of people and organisations and will consult them where relevant. Individuals, groups and organisations who want to be involved in future planning policy consultations can be added to the database. They can register on the Council's consultation portal <http://consult.eastherts.gov.uk/portal> or contact the Planning Policy Team. Consultees on the database will also be emailed copies of the District Planning Bulletin as new editions are published.

**3.11** The purpose of holding your personal information is to assist in preparing Development Plan Documents and other supporting documents such as SPDs.

## Duty to Cooperate

**3.12** In accordance with the Localism Act 2011, East Herts Council has a 'duty to cooperate' with neighbouring authorities and various public bodies on strategic matters that cross administrative boundaries. These bodies are engaged throughout the plan preparation process and play a key role in delivering local aspirations. Cooperation is vital to ensure planning policies are effective. Duty to Co-operate bodies are listed in appendix A and include:

- Hertfordshire County Council
- Adjoining District/Borough Councils
- The Environment Agency
- Historic England
- Civil Aviation Authority
- Homes England
- Clinical Commissioning Group
- National Health Service
- Office of Rail Regulation
- Highways England



- Hertfordshire Local Nature Partnership
- Hertfordshire Local Enterprise Partnership

## When will we consult?

**3.13** The Council will undertake consultation at various stages in the plan preparation process. The main opportunities for community involvement are set out in tables 1 and 2. These are in accordance with the Town and Country Planning (Local Planning) England) Regulations 2012 as amended<sup>(4)</sup>. As a minimum, we will ensure we comply with the planning regulations but consult more widely where it is relevant and appropriate to do so.

**Table 1: Stages in the preparation of the Local Plan**

Stage	Consultation opportunities
Preparation and evidence gathering	Early consultation with relevant stakeholders may be used to inform research and evidence gathering.
<b>Regulation 18</b> - Public participation in preparation of the plan	Key opportunity to engage the community in the emerging Local Plan  Minimum 6 week consultation
<b>Regulation 19 &amp; 20</b> - Publication and consultation on Submission Local Plan	After taking into account representations (comments) and considering the previous draft, the Council will publish the 'submission' version of the Local Plan. This is essentially the final draft of the Local Plan.  Minimum 6 week consultation.  At this stage representations must relate to the soundness of the plan prior to submission to the government.
<b>Regulation 22</b> - Submission to the Government	The Local Plan will then be submitted to the government for examination.

<sup>4</sup> The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017



Stage	Consultation opportunities
	A summary of all the consultation, the main issues raised and how these were taken into account will be submitted alongside the Plan.
<b>Regulations 23 to 25 - Examination</b>	<p>An independent Inspector will be appointed to examine the Local Plan.</p> <p>Relevant consultees and those who made a representation at the submission consultation stage (Reg 20) will be notified of the Examination.</p>
<b>Regulation 26 - Adopt</b>	<p>Following the Examination the Inspector will publish a report which assesses the 'soundness' of the planning document. If considered to be significant 'material changes' the Inspector can advise a further round of public consultation.</p> <p>East Herts Council will incorporate the Inspector's recommendations and then formally adopt the Local Plan.</p>

**3.14** Supplementary Planning Documents do not have to go through the formal examination process, but consultation with stakeholders and the wider community is still a vital part of the preparation process. The scope of consultation and decision on who will be consulted will reflect the nature of the SPD.

**Table 2: Stages in the preparation of the Supplementary Planning Documents**

Stage	Consultation opportunities
Preparation and evidence gathering	Depending on the content and scope of the SPD early consultation with relevant stakeholders may be used to inform research and evidence gathering.
<b>Regulations 12 &amp; 13 - Public participation in preparation of the plan</b>	<p>Key opportunity to engage the community in the emerging SPD.</p> <p>Minimum 4 weeks of consultation.</p>



<p><b>Regulation 14 - Adoption</b></p>	<p>After taking into account representations, the Council will formally adopt the SPD.</p>
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## How will we consult?

**3.15** The Council can use a variety of methods to engage and consult with the community as and where appropriate. The scope of the planning document and the availability of resources will influence how the Council consult. The list below is not definitive, but it includes the statutory requirements and sets out some of the effective and practical methods we will consider throughout the plan making process:

- Notify relevant consultees in writing (including email) when a document is published for consultation. Encourage the use of email where possible to reduce costs.
- Email updates from the Planning Policy database about consultation and other relevant planning matters. This could include the planning newsletter 'Planning Bulletin'.
- Ensure planning policy consultations are publicised and available to view on the council's website [www.eastherts.gov.uk](http://www.eastherts.gov.uk). People can comment on documents online using the consultation portal during consultation periods.
- Make sure paper copies of consultation documents are available on display at specific locations across the District.
- As appropriate, use different media types to inform residents, local groups and organisations about planning consultations as well as publicising the methods of responding to a consultation. Methods could include social media, local newspapers, Link magazine, the planning bulletin, posters, leaflets, exhibitions.
- Increase use of social media (such as Twitter, Facebook and Instagram), in accordance with corporate guidelines, as an important tool for publicising consultation and involving the wider community in planning discussions.
- Where appropriate, hold stakeholder meetings and workshops to inform evidence gathering and the plan development.
- Where appropriate, organise or support other consultation events, such as community based planning meetings. These events will be at accessible times and locations.
- Appropriate feedback from councillors will be sought by taking the documents to relevant committee meetings.

## How should people respond to consultations?

**3.16** Comments can be made as follows:



- using the Council's online consultation portal <http://consult.eastherts.gov.uk>
- by email [planningpolicy@eastherts.gov.uk](mailto:planningpolicy@eastherts.gov.uk)
- by post to East Herts District Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

**3.17** It is easy to register and respond via the online consultation portal and all the consultation documents and sections can be easily viewed and downloaded in pdf format. You can then submit comments against the relevant part of the document. The portal is particularly useful for managing a high volume of consultation responses efficiently. The Council can provide help on how to use it if required.

## How will we respond to comments?

**3.18** The Council will take account of all comments received within the consultation period. Once comments are received we will:

- Send confirmation that comments have been received;
- Publish all comments received as soon as feasible;
- 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 upon request;
- Petitions will be addressed in accordance with council policy. Details about the process are set out on the website: [www.eastherts.gov.uk/petitions](http://www.eastherts.gov.uk/petitions);
- Standard responses will be considered collectively;
- We will respond to comments or a summary of the main issues raised by the comments, explaining how these have been considered. This process will be reported to either the District Planning Executive Panel or Executive and subsequently recommendations will be agreed by Full Council.

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- At the required stages we will produce a consultation statement setting out who was consulted, the main issues raised and how those issues have been addressed.
- We will inform all those people who have requested to be notified of the adoption of future development plan documents and SPD's, when they have been adopted, including details of where and when they can be inspected.





## 4 Neighbourhood Planning

### Introduction

**4.1** Neighbourhood planning in East Herts is led by parish and town councils or designated Neighbourhood Forums. However, East Herts District Council has a legal responsibility to advise or assist in the preparation of Neighbourhood Plans. The main aspects of Neighbourhood Planning are:

- Neighbourhood Development Plans - a local framework for guiding the future development, regeneration and conservation of an area;
- Neighbourhood Development Orders - 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 - a special kind of Neighbourhood Development Order, which grant planning permission for certain development schemes.

**4.2** A Neighbourhood Development Plan has to follow a similar process to that carried out by the Council for a Local Plan, including public consultation and an examination process. However, there is an additional step of a local referendum whereby if more than half the vote is in favour, the plan must then be adopted by the Council. 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.

**4.3** There are currently five adopted Neighbourhood Plans in East Herts and one non-adopted Plan that has reached statutory stage. Details about the production of all Neighbourhood Plans is set out on the Council's Neighbourhood Planning webpage, which is updated regularly: <https://www.eastherts.gov.uk/neighbourhoodplanning>

### When and how are we involved in plan consultation?

**4.4** The process for preparing Neighbourhood Plans and Orders is set out in the Regulations.<sup>(5)</sup> We have published our own guidance on Neighbourhood Planning which is available on the Council's website and outlines the key stages of the preparation process and how the Council will work with groups to prepare Neighbourhood Plans. The Locality Neighbourhood Plans Roadmap Guide also provides additional advice and is available on its

5 Neighbourhood Planning (General) Regulations 2012 ; The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017.



website. A summary of the plan preparation process and how we guide and assist the neighbourhood planning process is set out in table 3. Where the Council consults on the NP, the guiding principles outlined in section 2 will be applied.

**Table 3: Stages in advising and assisting Neighbourhood Plan groups**

Stage	Consultation opportunities and who leads on the consultation
<p><b>Regulation 6 &amp; 9</b> - Receipt of a Neighbourhood Area Designation</p>	<p>The Council will consult for a minimum of 6 weeks.</p> <p>We will publish the application on the website and inform local people in the relevant locality.</p>
<p><b>Regulations 7 &amp; 10</b> - Publishing designation of Neighbourhood Area/ Forum</p>	<p>If the Council approves the application, we will publicise the decision on the website.</p> <p>If refusing, the Council will publish the reasons for the decision and details about where it can be viewed.</p>
<p><b>Regulation 14</b> - Publicity of a Neighbourhood Development Plan prior to submitting to the Council (Reg 14)</p>	<p><b>Led by the Parish/ Town Council or Neighbourhood Forum.</b> The NF can determine how to consult at this stage but they must draw up a consultation statement, setting out who and how they have consulted for the next stage of the process.</p> <p>They will consult for a minimum of 6 weeks.</p> <p>Ensure that they consult the relevant consultation bodies and bring the plan to the attention of people who live, work or carry on business in the area to which the plan relates.</p> <p>Send to East Herts District Council. The Council will advise on the content of the Neighbourhood Plan and provide advice</p>

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	on key assessments such as the Strategic Environmental Assessment (SEA) or other evidence.
<b>Regulation 16</b> - After Neighbourhood Plan is submitted to the Council.	If the Council agrees that the Neighbourhood Plan meets the legal requirements we will publicise the final version of the Plan for a minimum of 6 weeks.
Examination, referendum and adoption	<p>The Plan will be examined by an Inspector and a report issued.</p> <p>The results of the examination will be published. The Council will decide if the Plan should move forward to a referendum, publicise that decision and the reasons for it and then coordinate a referendum.</p> <p>Following a successful referendum the Council will adopt the NP and notify any person that has asked to be notified.</p>

## How does the Council make decisions at each stage?

**4.5** The District Council, as noted in Table 3, needs to make a number of decisions to support a Neighbourhood Development Plan through the process. Table 4 below clearly sets out the different decision-making process behind each of the steps. The Non-key decision process is explained in the glossary.

**Table 4: Decision-making stages for Neighbourhood Plan process**

Stage	Decision-making Process/Body
Regulation 7 & 10	Executive Committee
Regulation 14 Comments	Non-key Decision
SEA	Non-key Decision
Consideration of Examiners report and decision to proceed to referendum	Non-key Decision
Making the Neighbourhood Plan	Full Council



## How do I respond to a Neighbourhood Plan consultation?

- 4.6** Whilst the first statutory (Regulation 14) consultation is run by the Parish Council or Neighbourhood Forum, the second (Regulation 16) is run by East Herts District Council and so is the initial consultation for the application for designation of a neighbourhood area. During these consultations, comments must be made in writing either in hard-copy form or digitally via email.
- 4.7** All comments submitted by email should be sent to: [planningpolicy@eastherts.gov.uk](mailto:planningpolicy@eastherts.gov.uk)
- 4.8** All comments sent by the post should be sent to: Planning Policy, East Herts District Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ
- 4.9** At the Regulation 16 stage all representations made will be submitted to the examiner for their consideration.



## 5 Harlow and Gilston Garden Town

### Introduction

**5.1** Harlow and Gilston was designated as a Garden Town in 2017 by the Ministry for Homes, Communities and Local Government. A significant amount of development is proposed in this area within East Herts, Epping Forest and Harlow Districts. The three local authorities, together with Hertfordshire and Essex County Councils are working together to deliver growth at the Garden Town which reflects local priorities. The individual Councils remain the decision-makers for both policy documents and planning applications within their local authority area, but the current governance and management arrangements have been set up to help ensure collaborative working:

- **Garden Town Board** – comprising members and officers from each of the five authorities, for discussion of joint matters. Board members can consider and endorse technical studies, policy guidance and other emerging work relating to the Garden Town and can make recommendations back to their separate authorities. The Garden Town Board is not a decision-making body and will typically not engage separately with stakeholders or the community. It is represented in that respect by those individual authorities who remain the decision-makers in terms of their respective functions and duties.
- **Garden Town officer groups** – comprising officers from each of the five authorities and other stakeholders where appropriate as a forum for joint-working, including preparing and sharing technical studies, policy guidance and other emerging work relating to the Garden Town. Documents may subsequently be considered by the Member Board and then for adoption or approval by the individual authorities.
- **Garden Town Quality Review Panel** – a design panel which can review any emerging work relating to the Garden Town, including development proposals from landowners / developers. The Panel provides an independent critique in relation to matters presented to it. Its recommendations and observations may then be considered by applicants or the local authorities.



- **Garden Town Developer Forum** – comprising landowners, developers and promoters active in the Garden Town, for discussion and engagement in relation to planning policies, guidance, evidence and the sharing of information in respect of masterplans and planning applications.
- **Gilston Area Steering Group** – comprising representatives of the local authorities, parish councils, neighbourhood plan groups and developers in the Gilston Area in accordance with the terms of engagement set up for the Steering Group. The group is a forum for discussion and for co-ordination of community engagement.

**5.2** However, given the cross-boundary implications of development at Gilston, the Council has agreed the following consultation principles with Harlow and Epping Forest Councils.

## Agreed consultation principles

**5.3** The following consultation principles should be taken into account when consulting on policy and other documents and planning applications relating to land and sites which form part of the Garden Town:

- We will consult statutory consultees, and as appropriate, engage as proactively as possible with relevant local stakeholders and the community in and around the Garden Town, including across district boundaries. The extent of consultation will reflect the scope of a proposal or document.
- We will consult on planning applications for at least the statutory period, but for a longer timescale when appropriate.
- Developer, business or community forums and engagement may be set up/undertaken to assist the joint working and delivery of the Garden Town.
- Masterplans, design coding and application proposals will be taken to the Garden Town Quality Review Panel for independent design advice and critique.
- Documents relating to the Garden Town may be endorsed by the Garden Town Board to indicate that they should be taken into account when shaping and informing planning proposals. However, they will need to be approved by the individual local authorities if they are to be considered material planning considerations in planning decision-making



## 6 Planning Applications

### Introduction

- 6.1** For many people, the submission of a planning application is the first experience of the planning system, either as an applicant submitting an application, or in relation to applications on a neighbouring or nearby site. While some development can be carried out as Permitted Development,<sup>(6)</sup> a significant amount of new development in East Herts will require planning permission.
- 6.2** There are a number of different types of planning application, with the type of application determined by the size, scale and nature of the proposed development. Whilst the process for consulting on all types of planning application is similar, there are some differences. As a minimum the relevant statutory requirements will always be met.
- 6.3** There are four key stages to the planning application process:
- **Pre-application-** before an application is submitted, a developer is encouraged to engage with the Council, stakeholders and the community about its proposals.
  - **Application-** a planning application is submitted to the Council.
  - **Decision-making-** a decision is made either by a planning committee or delegated officer.
  - **Appeals-** the application has a right to appeal if they disagree with the decision to refuse permission.
- 6.4** This section of the SCI therefore sets out the Council's approach to consulting and notifying statutory bodies and the wider community before and after planning applications are submitted.

### Who will we consult?

- 6.5** The Government sets out minimum requirements for consultation in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended).
- 6.6** The legislation identifies statutory consultees that the council must engage with. These include environmental organisations (such as Natural England, the Environment Agency and Historic England) and local services and infrastructure providers (including Highways Agency, Hertfordshire County

<sup>6</sup> Permission to carry out certain limited forms of development without the need to make an application to a local planning authority, as granted under the terms of the Town and Country Planning (General Permitted Development) Order. The Planning Portal website is a useful resource for explaining when planning permission is required.



Council and utilities companies). The local community is also engaged as appropriate. The scale of consultation reflects the type and stage of the planning application.

## How and when will we consult?

### Masterplan process

- 6.7** All significant development proposals in the district are required to prepare a masterplan because the Council is committed to delivering well designed growth. They should deal with a range of issues including landuse, infrastructure and design and once endorsed by the Council they are used as the basis by which planning applications on site will be determined.
- 6.8** Policy DES1 of The East Herts District Plan (2018) outlines the approach that will be taken to masterplanning. The significance of a development will be measured not only on its scale, but on the potential impact on the community and the local character of a place. Generally a threshold of fifty homes or more will apply, however in some cases a smaller scale of development may be considered to have a significant effect.
- 6.9** Masterplans must involve collaboration with East Herts District Council, other stakeholders and the local community, including town/ parish councils. Engagement from an early stage should inform the development of the master plan. Steering groups have been established for each town in the district to help inform the development of strategic sites allocated in the adopted District Plan. These often comprise of East Herts councillors, town and parish councillors, representatives of the local community and other interested groups, where appropriate. Membership of the steering groups will be determined on a site by site basis, depending on the local issues and circumstances. Wider public participation should also be undertaken as appropriate. An approach to masterplanning was agreed by Full Council in October 2017 and details are explained online: [www.eastherts.gov.uk/masterplans](http://www.eastherts.gov.uk/masterplans)

### Pre-application advice

- 6.10** Before submitting a planning application, we advise and encourage potential applicants to seek pre-application advice from the Council.<sup>(7)</sup> It is not a statutory requirement, but it allows for the identification of any issues, concerns and constraints at an early stage. This may help avoid delays or a refusal once a planning application has been submitted.<sup>(8)</sup>

7 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. Because of the resources involved in providing pre-application advice, in many cases it is necessary to charge a fee for this service

8 It could also be helpful to have pre-app discussions with other relevant agencies including Hertfordshire County Council, Thames Water and the Environment Agency.





- 6.11** This service allows the Council to provide advice and guidance to potential applicants on development proposals prior to the submission of any application. Subsequently, in accordance with the advice provided, amendments can be made to proposals prior to the submission of a planning application. Free advice may be available depending on the application type. However, for other application types there is a charge due to resource implications. Details of the pre-application process is set out on website: <https://www.eastherts.gov.uk/preapplicationservice> A duty planner is also available at certain times to provide general planning advice.
- 6.12** The advice provided by case officers during the pre-application process is based on the professional judgement of the officer and is therefore informal and not binding on any subsequent formal decision made by the Council. If a scheme progresses to a formal submission it will be subject to consultation and any formal decision will take the results of that consultation into account.
- 6.13** The submission of a request for pre-application advice and the advice provided is generally treated as private and confidential. Therefore, the submitted information is not made available to the public via our online portal of applications, nor are any surrounding neighbours notified<sup>(9)</sup>. Therefore, the public are generally not provided with the opportunity to comment upon such enquiries.

## Pre-application consultation

- 6.14** We do not tend to consult statutory consultees on requests for pre-application advice. However, there may be instances where consultation with other teams within the Council is required to aid the advice provided, for example on proposals which relate to Listed Buildings or major development proposals.
- 6.15** Pre-app consultation is not legally required for most types of development. It is however strongly encouraged that applicants involve the community in formulating their proposals as early as possible, particularly if the site is particularly sensitive or would have a significant impact on local communities. This is advised to assist in addressing any issues that may arise from the community and may help to avoid unnecessary objections during the consideration of a planning application.
- 6.16** For large scale major developments, it is expected that the applicant carries out pre-application consultation which may involve:
- public meetings and exhibitions
  - Individual letters or leaflets
  - Engagement with parish/ town councils

<sup>9</sup> It should however be noted that in accordance with the requirements of the Freedom of Information Act, any pre-application advice given by the Council cannot always be considered to be confidential.



- Engagement with Design Review Panels
- Social media

## Application stage

- 6.17** Once an application has been submitted, East Herts District Council will always meet its statutory consultation requirements as a minimum. The formal consultation period will normally last for 21 days.
- 6.18** Formal consultation on planning applications will be undertaken in accordance with article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and regulations 5 and 5A of The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) or any amending orders, and any relevant consultation directions<sup>(10)</sup>. Table 5 sets out the consultation methods used by the Council.

**Table 5: Consultation methods used to publicise planning applications**

Type of application	Site notice	Site notice or neighbour notification letter/ email	Press notice in local paper	Parish Council notification	Website	Ward member notification
Major development		✓	✓	✓	✓	✓
Minor Development		✓		✓	✓	✓
Householder Applications		✓		✓	✓	✓
Applications subject to EIA which are accompanied by an Environmental Statement		✓	✓	✓	✓	✓
Applications that do not accord with the development plan	✓	✓	✓	✓	✓	✓

<sup>10</sup> The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) includes powers for the Secretary of State to direct local planning authorities that additional consultation must take place in specific circumstances. These are referred to as 'consultation directions'.

# Statement of Community Involvement 2019



Listed Building applications and applications affecting the setting of a Listed Building		✓	✓	✓	✓	✓
Applications relating to an advertisement				✓	✓	✓

**6.19** All new applications can be viewed on the Council's website. People can also use pre-set searches to see weekly lists of planning applications received or determined.

**6.20** Where an application falls within a Conservation Area, a site notice may be required, the council will advise. Prior Notification applications will be publicised as set out in the relevant regulations, the council will advise. There is no statutory requirement to consult on the following types of applications:

- Certificates of Lawfulness of proposed use or development;
- Certificates of Lawfulness of existing use or development;
- Approval of details/ discharge of conditions;
- Non-material amendments.

**6.21** People can respond to applications online. Alternatively comments can be made by email or post.

## How will the Council deal with consultation responses?

**6.22** All comments received will be made publicly available online alongside the planning application documents. 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.

**6.23** 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. These comments will be considered in the officer's report.

**6.24** 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.



## Amendments to applications during the consideration of the application

- 6.25** Following the initial period of consultation, it may be that further additional consultation on changes submitted by an applicant prior to any decision being made, is considered necessary. In these cases it is up to the Council to decide whether further publicity and consultation is necessary, and the requirement to consult will be determined based on whether the proposed changes are significant and whether there were objections or concerns raised in the original consultation stage. Where it is decided that re-consultation is necessary, it is open to the Council to set the timeframe for responses which is likely to be for a period of 14 days or less.

## Decision stage

- 6.26** Once the consultation period has concluded, the Council will determine the planning application. It is therefore important to make comments before the statutory deadline for the end of the consultation period.
- 6.27** The Council typically deals with around 2,600 applications per year; most of these (over 90%) are determined by planning officers under delegated powers granted to them by the Committee.
- 6.28** The remaining applications are determined by the Development Management 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. If the application is to be considered by the Development Management Committee, we will inform anyone who responded to the consultation before the meeting takes place.
- 6.29** The Council allows supporters, objectors and town/parish council representatives to make a short oral statement to the Development Management Committee on any of the planning applications which are being considered by the Committee<sup>(11)</sup>
- 6.30** Development Management Committee meetings are webcast.

## After a decision is made

- 6.31** The Council will:
- Publish the decisions on all planning applications on its website.
  - 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

<sup>11</sup> 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 (or 6 minutes for strategic sites allocated in the District Plan) 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 <http://www.eastherts.gov.uk>



## Appeals

- 6.32** An applicant may appeal to the Planning Inspectorate against a refusal or contest any of the conditions imposed to the granting of permissions or the non-determination of an application. The council 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 Inspectorate)<sup>(12)</sup>

## Enforcement

- 6.33** Planning Enforcement is concerned with works which have taken place in breach of normal planning controls. Where a breach of planning control is reported, an officer will investigate and assess the complaint, gather evidence and establish what, if any, the most appropriate course of action should be. Many investigations result in the submission of a planning application to try and regularise a breach. This means the community will be involved in the same way as any other planning application. If a breach cannot be regularised the council will consider formal enforcement action. Officers are delegated to make these decisions on behalf of councillors. The council will ensure that the complainant is informed of decisions made in relation to the case. Further details about the process are set out in the Planning Enforcement Plan.

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12 Further information on the appeals process is available on the Planning Inspectorate website:  
<http://www.planning-inspectorate.gov.uk>

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## 7 Appendix A - Specific and General Consultation Bodies

### Specific and General Consultation Bodies

In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

Specific consultation bodies means:

- The Coal Authority;
- Environment Agency;
- Historic England
- Natural England;
- Network Rail Infrastructure Limited
- the Highways Agency
- Hertfordshire County Council
- Adjoining local authorities
- Parish and town councils within and adjoining East Herts
- Local policing body
- any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3)(a) of the Communications Act 2003;
- any person who owns or controls electronic communications apparatus situated in any part of the area of the local authority;
- any of the bodies from the following list who are exercising functions in any part of the area of the local authority:
  - Primary Care Trust (now known as Clinical Commissioning Group - CCG);
  - person to whom a licence has been granted under Section 7(2) of the Gas Act 1986;
  - person to whom a licence has been granted under section 6 (1) (b) or (c) of the Electricity Act 1989
  - sewage undertaker;
  - water undertaker;
  - Homes and Communities agency.

General consultation bodies means:

- voluntary bodies some or all of whose activities benefit any part of the local planning authority's area,
- bodies which represents 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 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,

### **Duty to Cooperate Bodies for East Herts**

In accordance with the Localism Act 2011 and Town and Country Planning (Local Planning) (England) Regulations 2012

- Neighbouring Authorities
- The Environment Agency
- Historic England
- Natural England
- The Civil Aviation Authority
- Homes and Communities Agency
- Each Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section;
- Office of Rail Regulation
- Each Integrated Transport Authority
- Highway Authority
- Local Enterprise Partnerships
- Local Nature Partnerships



## 8 Appendix B - Glossary

- 8.1 Deposit or Inspection Point:** Locations across the district where consultation documents can be viewed.
- 8.2 Development Plan:** This includes adopted Local Plans, Mineral and Waste Plans and Neighbourhood Plans and is defined in section 38 of the Planning and Compulsory Purchase Act 2004.
- 8.3 Development Plan Documents:** A generic term for the different plans that constitute the Development Plan.
- 8.4 Environmental Impact Assessment (EIA):** A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.
- 8.5 Local Development Scheme (LDS):** The Local Authority's timetable for the preparation of Development Documents.
- 8.6 Local Plan:** The District Plan which sets out the Council's planning framework for the district. It consists of a Written Statement and Policies Map.
- 8.7 Masterplan:** A plan that shows an overall development concept that includes urban design, landscaping, infrastructure, service provision, movement, present and future land-use and built form.
- 8.8 National Planning Policy Framework (NPPF):** Sets out the Government's planning policies for England and how these are expected to be applied.
- 8.9 Neighbourhood Plan:** A plan prepared by a Parish/ Town Council or Neighbourhood Forum for a particular neighbourhood area.
- 8.10 Non-key Decision:** Executive decisions taken by Executive Members and Officers on less significant matters, rather than using the relevant committee process.
- 8.11 Strategic Environment Assessment (SEA):** A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.
- 8.12 Supplementary Planning Documents (SPDs):** Documents which add further details to the policies of the Local Plan. These documents are not part of the development plan, but are material considerations in planning decisions.





- 8.13** Disclaimer- This glossary is neither a statement of law nor an interpretation of law, and its status is only as an introductory guide to planning issues and it should not therefore be used as a source for statutory definitions.