

## BABERGH DISTRICT COUNCIL and MIDSUFFOLK DISTRICT COUNCIL

<b>From: Head of Economy</b>	<b>Report Number: N79</b>
<b>To: Strategy Committee</b>	<b>Date of meeting: 21 November 2013</b>

### COMMUNITY INVOLVEMENT IN PLANNING: NEW JOINT DOCUMENT

#### 1. Purpose of Report

- 1.1 To update Members on one of the initiatives to harmonise planning practise across the 2 districts, with this element taking the form of a new *Statement of Community Involvement* (SCI) document.
- 1.2 To report a draft SCI document for Members' consideration and seek approval to carry out a public consultation exercise on the same.

#### 2. Recommendations

- 2.1 That a public consultation exercise be carried out on the draft SCI document attached as Appendix (a) to this report.
- 2.2 That the Corporate Manager – Spatial Planning Policy be authorised to make such changes to the proposed document in the light of Member feedback and the public consultation exercise as may prove appropriate and beneficial.
- 2.3 That subject to such changes as detailed in recommendation 2.2 above not being of a fundamental or highly substantive nature, approval be given to the adoption of the resultant document in line with the relevant legislation / regulations.

The Committee is able to resolve this matter.

#### 3. Financial Implications

- 3.1 These have been considered as an important and integral element of this exercise to harmonise arrangements and procedures for the involvement of the community and others within planning practise. Prevailing and future resource circumstances have been taken into account, with an aim to streamline the 2 existing sets of procedures outlined by the 2 extant SCIs adopted by Babergh and Mid Suffolk.
- 3.2 In particular, opportunities have been identified to make notable cost savings within this area through such means as increased use of electronic communications and dispensing with previous requirements for / commitments to, provide formal newspaper advertisements in respect of such things as new Development Plans. The benefit of operating one approach and set of engagement / consultation procedures for Planning across the 2 districts (as far as possible) will in itself deliver cost savings and efficiencies and be easier to operate, including helping Members to be more familiar with new updated processes for external involvement in planning matters.

#### 4. Risk Management

- 4.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No. SIT2 (Failure to integrate services and staff, leading to full benefits of joint service delivery not being achieved). Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Councils do not agree a common approach to involvement in the planning process, leading to inefficiencies, impacts on service and outcomes delivery and not realizing the Planning 'One Service' vision	2 (unlikely)	2 (noticeable)	Agree joint, harmonised SCI and continue work to ensure full harmonization as far as possible

## 5. Consultations

- 5.1 Internal consultations have been undertaken with key service delivery colleagues within Development Management teams across both Councils and with those of the Communities teams. These aim to ensure that arrangements for engagement of external partners and the community in Development Management related areas of planning activity are reflected appropriately within the SCI. These also aim to ensure that new ways of working were suitably covered, including where our Communities colleagues carry out a range of community engagement work, which will often tend to dovetail with engagement activities for planning purposes. Work has also been done with relevant staff to ensure that the proposed SCI aligns with the emerging corporate communications and PR strategy.
- 5.2 Although no specific requirements are now prescribed by official regulation for public consultation when local authorities produce an SCI, it was deemed appropriate and beneficial in line with prevailing arrangements and good practise established within Babergh and Mid Suffolk, to offer opportunities for external parties (including parish / town councils) and others to feed into the preparation of the new SCI at the earliest stage before its preparation and drafting. This early exercise is explained within the current draft SCI document (see appendix a), together with its outcomes. All Members of both Councils were informed of this early engagement exercise before it was carried out, with the relevant consultation material shared in advance.
- 5.3 It is considered that having invested in a discretionary early (pre preparation) engagement exercise, that it would now be appropriate to carry out public consultation on the resultant draft document and to utilise a straightforward and efficient route to allow completion of this work and its adoption by the 2 councils. It should be noted that there is now no requirement for SCIs to be examined externally by the Planning Inspectorate.

- 5.4 Finally, although the Transformation Enquiries process is still underway, it is not considered necessary to delay progress on the combined SCI for this reason. Any inputs or modifications arising from that process will in principle be incorporated and it is considered, could be accommodated specifically by the delegated authority as sought above (as well as the general authority of the Head of Service). The approvals process and relevant authority for auctioning changes will provide the same approval / authority for the resultant changes to the SCI. Similarly, any further changes as a result of harmonisation of consultation / engagement procedures and practises within Development Management (the 2 are currently not fully aligned) will also be authorised in the same way.

## **6. Equality Analysis**

- 6.1 Equality issues have been taken into account in preparing the draft SCI to ensure that none of the identified groups within society with protected characteristics would be disadvantaged. An appropriate screening exercise has been carried out and it was concluded that no full Equality Analysis assessment needs be carried out.

## **7. Shared Service / Partnership Implications**

- 7.1 This initiative to harmonise processes for involvement in planning stems from the integration of service activities across the 2 districts, the agreed 'One service' vision and necessities involved in using shared staff arrangements. With a view towards both prevailing resource constraints and local authority best practise, the question arises as to how far Babergh and Mid Suffolk should work collaboratively or jointly with Suffolk (and other) local authorities in future. Accordingly, it would appear appropriate to align community and partner engagement processes in future, to facilitate delivery of shared outcomes in planning related activities. The Suffolk Growth Strategy exemplifies the need for such a common approach, as does the 'Duty to Co-operate' (introduced by the National Planning Policy Framework).

## **8. Key Information**

- 8.1 Members will be aware of paper N72, agreed by Executive Committee and Strategy Committee on 14 and 17 October (2013) respectively. This presented the planning (service) review business case, much of which can be summarised through its new 'One Service' vision. This has been designed to operate seamlessly. In respect of future local planning policy, the key development within this area is the agreed move towards a single, harmonised policy framework for the 2 districts in future. This new combined SCI represents the first tangible step in that direction. Whilst the SCI, of course, contains no actual planning content as such, nor deals with any planning issues, it is also necessary to pave the way for the production of future local planning policy by first ensuring that the Councils' SCI is fit for purpose. As part of this, the SCI must help to expedite new policy production, in the face of Local Plan preparation timescales and processes that are notoriously lengthy, laborious and unresponsive.
- 8.2 Other key drivers for reviewing the previous SCIs and their engagement arrangements include:
- Reflecting up-to date circumstances (such as regulatory changes in Planning), together with the need for appropriate flexibility to accommodate future changes
  - Modern channels of communication, particularly the increased use of electronic communications and the internet, plus the potential of social media

- New approaches towards customer service practise, particularly the need to facilitate much greater self-service, reflecting the changing relationship between local government and the communities it serves
- The drive for efficiencies and cost savings, ensuring that costly practises such as newspapers advertisements are avoided where possible and similarly that all methods of engagement deliver value for money
- Ensuring that Local Plan preparation and the determination of planning (and similar) applications may be achieved in a timely way, also ensuring up-to-date Plans are in place, this being of vital importance to delivery of the growth agenda and the Councils' agreed corporate priorities
- The use of new practises, such as Place Shaping groups, has been incorporated as an indication of new types of methods that are being employed in appropriate cases

8.3 All of the above considerations and principles have been instrumental in helping to shape the proposed draft SCI. Other such principles include the need for greater brevity in all planning related documents as a general working principle. Equally, the need for proportionality in approach is necessary, which means tailoring consultation / engagement arrangements to the task / activity or planning matter at hand. Finally, it is necessary to ensure that the approach and methods of the SCI are not regarded as prescriptive or as a straightjacket, serving to restrict or prevent the development and use of best practise.

8.4 Any need for future review of the SCI could be handled through a simple report to these 2 Committees (or any successor arrangements) or through the grant of delegated authority to portfolio holder(s) and lead member(s) in conjunction with the Head of Economy, together with authority for these to determine such public consultation arrangements on any such changes as may be deemed appropriate and proportionate.

## 9. Appendices

Title	Location
(a) Proposed combined new SCI document for public consultation (and subsequent refinement as necessary)	Attached

## 10. Background Documents

10.1 None

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# **Babergh and Mid-Suffolk Statement of Community Involvement: Planning Issues**

## **Consultation Draft**

November 2013



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## **Foreword**

At both Babergh and Mid Suffolk, the District Councils want to involve residents and businesses effectively in planning. The Councils want to make it easier for local people to be involved in shaping plans and influencing planning decisions in the local area and importantly to encourage more residents and businesses to get involved. To do this, the Councils have made strong commitments in this joint Statement of Community Involvement that will make sure planning processes in Babergh and Mid Suffolk are as fair, transparent and inclusive as possible.

Local people are often the best source of information about their local area and better decisions can be made by tapping into this wealth of knowledge.

The Councils also want residents and businesses to know that their ideas and concerns have been properly listened to and considered. Although getting involved does not guarantee that the Councils will make changes or decisions that reflect everyone's views, the Councils aim to ensure that they appropriately explain why they have made those decisions. The Councils look forward to working with all parties to help shape planning decisions in Babergh and Mid Suffolk in the future.



## **1. INTRODUCTION**

### **1.1 What is the Statement of Community Involvement?**

The 2004 Planning and Compulsory Purchase Act require local planning authorities to prepare a Statement of Community Involvement (SCI). This Draft SCI demonstrates how these requirements will be met to ensure the community has the opportunity to be fully involved in the planning process. This document sets out how and when Babergh and Mid Suffolk District Councils will involve the community in preparing the Local Plan and in assessing planning applications. The Councils are required to follow these procedures when preparing the Local Plan and when consulting on planning applications.

Both Babergh and Mid Suffolk District Councils are committed to involving as many people as possible in preparing plans and assessing planning applications.

### **1.2 Why are we reviewing it together?**

In recent years, changes to the planning system means both Councils need to update their Statements of Community Involvement. The Councils have taken this opportunity to work jointly on revising this document to ensure more consistent and efficient ways of involving communities in planning across both Babergh and Mid Suffolk.

### **1.3 How is it being prepared?**

We started the review of the Statement of Community Involvement by gathering the views of the community about how they want to be involved in planning in the future. This was done through a questionnaire available to complete between July 2013 and August 2013.

The questionnaire was designed to get views on the approach of the SCI review and what consultation methods should be used. A summary of the responses for each question is given in Appendix 1. The majority of respondents agreed with the principles, commitments and scope suggested in the Pre-Draft Questionnaire. Parish Councils were concerned over loss of opportunities for proactive consultation in favour of doing the legal minimum. For methods of engaging on plans there was broad agreement on remaining proactive, using email / web-based consultation / the media as appropriate, but keeping hard copies available. There were mixed views over the benefits of social media. For methods of engaging on planning applications the existing system was considered to generally work well with the issue being on the larger more contentious planning applications.

The Councils response is reflected in this Draft SCI including continuing to take opportunities to be proactive such as producing / engaging with the local community on detailed master plans for key development sites. This Draft SCI also takes account of the Councils' Communications Strategy. Following engagement on this Draft SCI the Councils will adopt a joint SCI document.

### **1.4 What geographical area is covered by this Statement of Community Involvement?**

This Draft Statement of Community Involvement covers all of the Babergh and the Mid Suffolk Districts.

## 2. Key Principles of Community Involvement

### 2.1 Aims

The Councils both wish to pursue the most efficient ways of involving communities in planning across both local authorities. It is therefore necessary to update the SCI to provide a framework for community engagement which is flexible, deliverable, and provides best value. To do this the Councils have developed the following aims for community engagement;

- Fully inclusive and accessible to all
- Transparent and accountable
- Encourage principle of self-service through the Councils' web sites / computers available for public use at its Headquarters
- Work collaboratively with internal and external parties such as the Councils' Communities Team and a range of partners
- Dovetail the Councils communications strategies and community engagement to optimise existing communication / making best use of partners engagement resources
- Be flexible and adaptable and non-prescriptive on detail
- Be proportionate to the community benefit including value for money
- Be clear about what, why and when
- Be legally compliant while remaining proactive on involvement
- Be affordable and deliverable in terms of cost and resource implications

### 2.2 Our commitments to Community Involvement

When the Councils involve the community in preparing the Local Plan or consult the community on planning application we will;

- Meet the legislative requirements for community engagement as a minimum while considering proactive opportunities to involve the community as set out in the rest of this document
- Use the Councils' web sites as the primary hub for publicising consultation, hosting supporting information and providing an up to date position whenever possible
- Encourage consultation responses to be made electronically, either through the online consultation system or by e-mail while continuing to receive responses by post if preferred
- Notify Specific Consultees named in the legislation together with others as appropriate either by e-mail or letter.
- Explore opportunities for innovative methods of engagement including use of social media to reach groups of the community who prefer to engage in this way.
- Monitor consultation / engagement methods used including innovative methods to ensure they are effective and if necessary modify them accordingly.
- Make available to view hard copies of all relevant Information at the Council Offices Headquarters. If suitable to the area/consultation put hard copies in community venues
- Provide a clear indication of what the Councils are committed to do and also be clear on what the Councils cannot do such as accept racist views or guarantee to accept / uphold all views it receives. Likewise the Councils cannot normally enter into correspondence with respondents on planning applications.
- Ensure all consultation stages and the methods used are fully inclusive and provide all groups with the opportunity to become involved should they wish to
- Work with town / parish councils, community groups and other local representatives to help your community take a more active role in planning

### 2.3 Who will the Councils Involve?

The Councils want to give everyone the chance to have their say on emerging Local Plan documents and on the planning applications which affect them. Local people can offer knowledge and understanding of an area, including historic knowledge of towns and villages, and can be aware of important local issues.

A database of individuals, groups and stakeholders has been developed and we will continue to use this to contact you in the preparation of new planning documents. This database is continually updated and reviewed. If you want your contact details to be added please contact the Planning Policy team (contact details at the end of the document).

We will make use of existing partnerships that already operate and engage effectively with important groups in the local area. This includes the valuable work of the community and voluntary sector. Prominent local organisations include the Suffolk Association for Local Councils, Community Action Suffolk and a number of local amenity societies.

**Town and Parish Councils** are considered to be key partners in the planning process and cooperation with these bodies represents a fundamental element to our community involvement approach. Babergh and Mid Suffolk covers a large rural area with 199 Town and Parish Councils who will play an important role in the future development of the district. The role of Town and Parish Councils is becoming increasingly important in the planning process through Neighbourhood Planning. If a community elects to produce a Neighbourhood Development Plan then this work will be led by the Town or Parish Council, supported by the Council at certain statutory stages. For further details on Neighbourhood Planning please see below.

[Government Regulations](#) require that certain groups are consulted at key stages in the preparation of Local Plan documents; these include statutory consultees such as the Environment Agency, English Heritage and Natural England. A fuller list of those we will consult during the process is available in Appendix 2.

The Councils **Equality and Diversity Policy** explains the approach taken in the districts to inclusion and sets out the way in which relevant groups are involved in Council processes and consultations. We are committed to offering the opportunity for all sections of the community to become involved in the planning process and, consequently, the methods used in reaching out to various groups will vary.

There are often barriers that prevent people from taking part in public consultation and there are some sections of the community that may be difficult to reach using standard consultation techniques.

'Hard to reach' groups can include young people, minority groups, those with disabilities and the business community. However given the nature of the district this also includes people in remote rural areas with limited access to services and facilities.

Sometimes barriers relate to issues of language and understanding. Documents may be made available in alternative formats on request including large print, Braille and alternative languages. For further assistance please contact the Councils using the details provided at the end of this document.

As a consequence of these policies, and our continued commitment to inclusivity through our processes, involvement will be open to all those who want to be involved regardless of gender, race, disability, sexuality, age, rural isolation and social deprivation.

## **2.4 Duty to Co-operate**

The Localism Act (2011) sets out a new 'duty to co-operate' for local planning authorities, county councils, and a number of other public organisations to engage with one another and deal with cross-boundary planning issues. Babergh and Mid Suffolk District Councils have met and will continue to adhere to the duty to co-operate and work closely with partner organisations, using long developed / evolving methods to deliver sustainable growth in our areas.

### **3. Plan-making**

#### **3.1 The role of Babergh and Mid Suffolk in preparing plans**

As local planning authorities, Babergh and Mid Suffolk are required to produce local plans about what new development is needed, where it should go, and how it fits in with its surroundings. This includes deciding what facilities are needed (such as schools, public transport and hospitals), how much new housing is required and ensuring land is available for provide local jobs to minimise commuting. Involving our communities in making these plans is very important in ensuring locally identified needs and priorities shape the plan. The Councils are keen to remain pro-active in involving the community and make the best use of their resources producing master plans with the local community for key development areas such as Chilton Leys and Land at Mill Lane Stowmarket. Such exercises help the local community to become involved in shaping the development that will have a significant impact on their local areas. However these pro-active exercises are very resource intensive and have relied on resources from the developer of the site.

#### **3.2 The different types of plans that can be prepared**

There are a number of different types of plans that can be prepared. These can be grouped into three broad categories:

##### **Local Plans**

These documents set out policies about what types of development will be allowed and make proposals about future development. These documents have to be prepared with involvement from the community. They must be examined by an Independent Inspector and found sound before they can be adopted by the Council. Local Plans must be taken through distinct stages of production and engagement (see section 3.4).

##### **Supplementary Planning Documents (SPDs)**

These documents can take the form of issue-based documents which add detail to policies or proposals in a Local Plan such as affordable housing. These documents will also be prepared with the involvement of the community. They are not subject to examination by an Independent Inspector but are adopted following agreement by the Councils.

##### **Neighbourhood, Community and Parish Planning**

The Localism Act makes provision for communities to prepare their own Neighbourhood Development Plans. These plans can set planning policies to guide future development in the parish. They must be in conformity with national policy as well as any Development Plans that have been adopted by the local authority.

Both Babergh and Mid Suffolk District Councils are working with local communities to enable them to prepare Neighbourhood Development Plans or other forms of community and parish plans.

Neighbourhood Development Plans must be subject to a local referendum and examined by an Independent Inspector.

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In addition the Councils will also prepare informal planning documents to support the above plans such as development briefs for particular sites and work with partners to bring forward master plans for sites.

### 3.3 Consultation and engagement for plan preparation

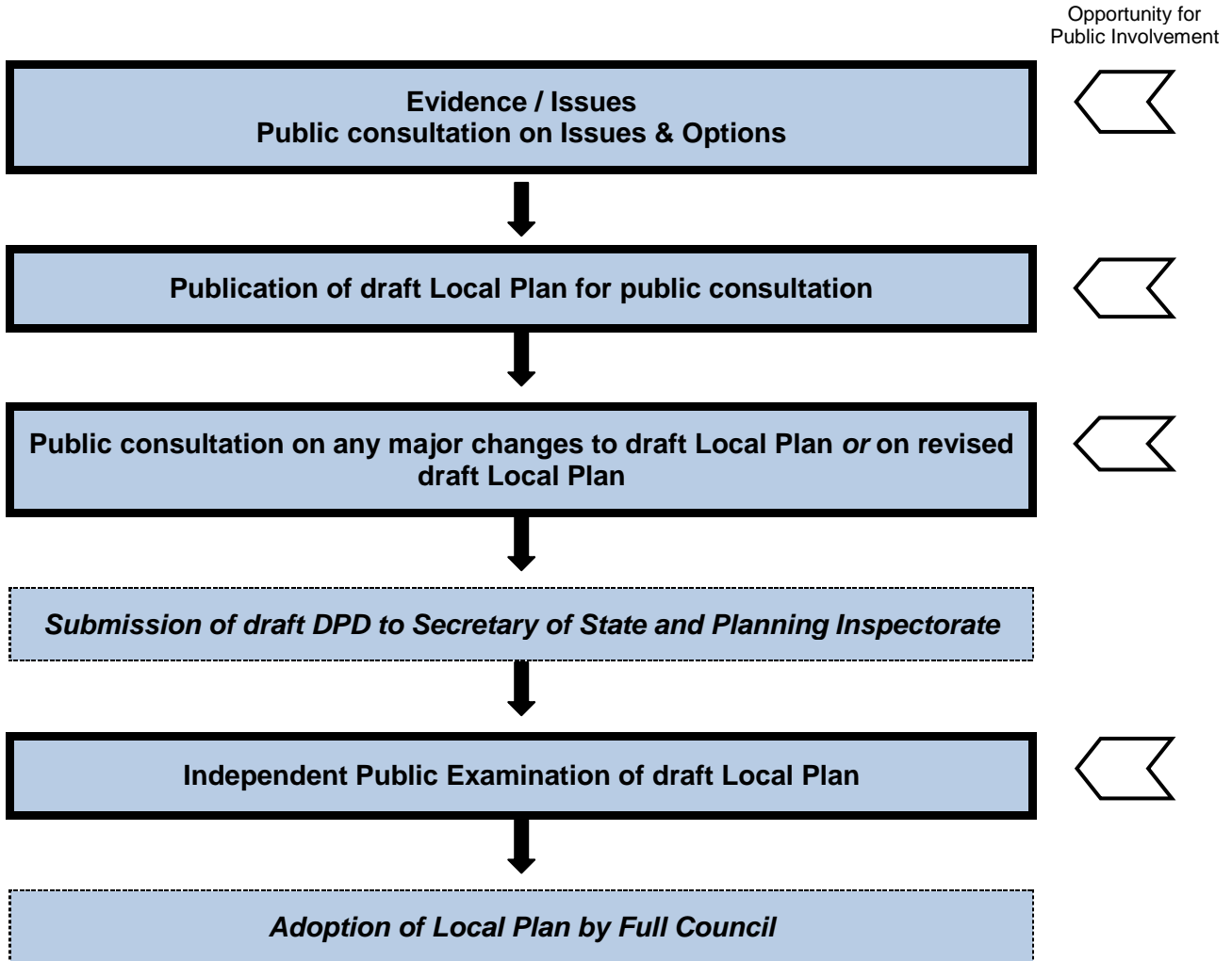
For plan preparation the following methods of consultation and engagement will be used;

- Ensure all consultation stages and the methods used are fully inclusive and provide all groups with the opportunity to become involved should they wish to
- If views of a specific group are particularly important to a plan proposal, then targeted engagement with the relevant groups / individuals / bodies may be appropriate.
- Be clear of results producing a summary of feedback on consultation / engagement for example in both the Council's Committee reports
- Maintain and kept up to date a consultation data-base so anyone wishing to register on the data base can do this at any time
- The Councils' web sites will be used as the primary hub for publicising consultation, hosting supporting information and providing an up-to-date position whenever possible.
- Specific Consultees named in legislation (as appropriate at a given time) together with others as appropriate, will be notified at the relevant stages, either by e-mail or letter
- Make available hard copies of all Local Plan Information at the Council Offices Headquarters. If suitable to the area / the consultation other locations may also host hard copies including libraries, community centres, shops, and schools
- Explore opportunities for innovative methods of engagement including use of social media to reach groups of the community where preferences have been expressed to engage in this way.
- The media may be used to publicise community engagement opportunities where appropriate. This may include press releases, radio, electronic communications or other media promotional opportunities as appropriate where there is sufficient interest.
- Be clear on how engagement can be taken into account to ensure plans are informed by locally identified needs and priorities rather than prevent sustainable development
- Consider using proactive opportunities to involve the community to progress key sites required for the delivery of the Local Plan such as master plan exercises
- Be clear in consideration of sites for possible allocation from landowners / developers that these need to meet sustainable development principles and be the best option in the circumstances
- Use Plain English and produce a Glossary for any technical terms used
- Produce a Newsletter to update on the progress of Local Plan production

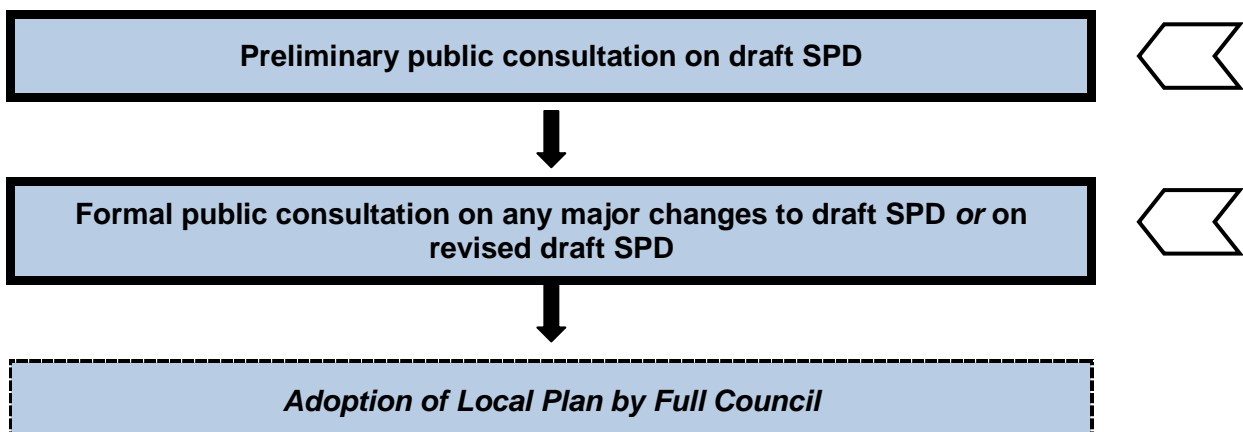
### 3.4 Key Stages of plan production

Local Plans and Supplementary Planning Documents are prepared in distinct stages to enable the public to engage and inform the documents as they develop.

**Figure 1 - Key stages in the production of Local Plans**



**Figure 2 - Key stages in production of Supplementary Planning Documents (SPDs)**



### 3.5 Sustainability Appraisal

The Council's must check the Local Plan Documents they prepare to make sure they consider the social, economic and environmental needs of the area. To do this, a Sustainability Appraisal is carried out on these plans. The Sustainability Appraisal assesses the different options for development to make sure only the most sustainable proposals are taken forward. The process can also be used to suggest ways for new development to address or limit any negative impacts they might have on sustainability. A Habitats Regulation Assessment may also be required to establish whether the Local Plan Document has significant effects on internationally important nature conservation sites and any possible mitigation to reduce those effects.

The Sustainability Appraisal and Habitats Regulation Assessment will be made available for public comment alongside plans that are published.

### 3.6 Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that local authorities can choose to collect on new development in their area. The money collected is used to fund infrastructure that has been identified as necessary, both by the Council and local community, to support new development.

Work is currently underway to look at background viability issues in conjunction with other district authorities in Suffolk. This is a crucial first step in the process for implementing a CIL. Further general information on CIL is available on the Councils' web sites and updates on progress will be published on our websites as the work evolves.

### 3.7 Parish and Community Plans

Many of the communities in the district have now completed a Parish or Town Plan. They can take a variety of different formats depending on the resource available to the community, the scope of objectives and the desired outcomes to be achieved.

The production of these plans will continue to be encouraged as part of the range of options for community-led planning. Parish or Town Plans can be very useful in obtaining the views of the wider community and will be used as part of the evidence base in the preparation of more local, site specific, Local Plan documents. The Councils can also use these plans as a consideration in planning decisions.

### 3.8 The Role of Elected Councillors

Councillors have a key role to play in plan making. In particular, they are:

**Community representatives:** The local community may share views about draft plans directly with their Ward Member.

**Information providers:** Councillors can act as a link between planning officers and people in the community.

**Decision-makers:** Before any plans are published, Councillors will discuss the plan and decide whether it is ready for consultation. In order for a plan to be submitted to the Secretary of State or adopted, it must be agreed by the appropriate Council Committee.



## **4. Planning Applications**

### **4.1 Development Management**

The submission of a planning application can often be the first time that many people come into contact with the planning system, either as applicants or as affected parties. The Councils' development management function exists to assess applications that are made under the relevant Town and Country Planning and associated Acts. It deals with applications for planning permission, listed building and conservation area consents, advertisement consents and other similar forms of permission. The Councils can provide general advice on the development management system and its procedures, and can also advise on the general acceptability of proposals before they are submitted. The departments encourage pre-application discussion. For Mid Suffolk a duty service is available on working days to offer professional advice on the above to the public. At Babergh a duty service is available via pre-bookable appointments for 3 days a week including a ring-back service. Details are provided on both the Councils' web-sites via the Pre-application advice page.

### **4.2 Involving the community**

The Councils have a number of well-established procedures in place aimed at involving the community in the planning application decision-making process. All planning applications are normally publicised as soon as possible after receipt by:

- Display of a site notice (discretionary but normal practice).
- Consultation letters to the occupiers of appropriate neighbouring properties (discretionary but normal practice).
- Details of planning applications being placed on the Councils' websites.
- Those requiring advertisement (for example Development Plan departures) are publicised in a regular panel in a local paper circulating in the locality which covers the relevant part of the Districts.
- Details of the application, which may be provided as a link to the Councils website is sent to the relevant Town and Parish councils. In some localities an informal arrangement is in place where Town / Parish Councils make the application available for inspection locally. This practice is referred to in the Councils publicity material.
- Consultation with relevant statutory consultees e.g. County Highways, Environment Agency and any relevant non-statutory consultees.
- The Councils take a proportionate approach to consultation and publicity arrangements to suit the application.
- An individual or organisation that does not need to be individually consulted on an application may submit their views for consideration if they so wish. Comments may be made using the Councils website in appropriate cases.

The public can view planning applications relevant to the particular local planning authority at the Babergh District Council offices in Corks Lane, Hadleigh or at the Mid Suffolk District Council Offices in 131 High Street, Needham Market, respectively, during normal working hours.

Where a proposal is the subject of pre-application dialogue before a planning application is made and is considered to be controversial, or of public interest, the Councils may ask the

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developer to consider holding a public meeting or engaging in appropriate publicity to gather community views which may include staging an exhibition to enable pre-application community involvement to take place.

The Councils strongly encourage applicants to openly discuss their proposals through the pre-application process with planning officers before submission, and members of staff are available for this purpose. The Councils are harmonising their working practices for the delivery of pre-application advice and may consider charging for that service in appropriate cases in the future. The Councils seek to provide meaningful / detailed pre-application advice proportionate to the pre-application enquiry and level of information provided. Applicants are strongly encouraged to discuss their proposals with the community at an early stage. Formal publicity by the Council is not normally undertaken at the pre-application stage and the manner and method of engagement are the responsibility of the applicant with advice from the planning team.

The minimum requirements for dealing with planning applications are set out in the Town and Country Planning (Development Management Procedure) Order 2010 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 4.3 Comments

Comments on planning applications either direct via the Councils websites, in writing or by e-mail, should be submitted during the publicity / consultation period. They can be considered up to the time of the decision being made. Comments will be filed with the application and made available for public inspection as they cannot be treated as confidential. Respondents will usually be expected to include their name and address details when commenting. Due to the large numbers of applications and comments received, individual acknowledgement is not possible. Similarly, the Councils cannot normally enter into correspondence with respondents on planning applications or respond to questions or enquiries. The majority of planning applications (approximately 90%) are determined by the Head of Economy or his Corporate Managers under delegated authority and after full consideration of all relevant comments. While the normal period for response comment is 21 days, stakeholders may exceptionally be allowed a longer period of time to comment on applications where that is proportionate to the case.

### 4.4 Decisions

In addition to details of planning applications, Planning Committee reports and minutes, and decision notices can normally be viewed on the Council's websites at: [www.babergh.gov.uk](http://www.babergh.gov.uk) and [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) (see "Search the Planning application database"). Information on the dates of Planning Committee meetings, together with the agenda, can also be found on the website under Council and Democracy.

Applications that are referred to Planning/Development Committee will be debated in public where applicants and objectors have the opportunity to speak under an ordered procedure. The Councils publish a leaflet entitled "Have Your Say" in respect of public speaking at Planning Committee. It contains other information about the Committee, is posted on the Councils website and is referred to in other relevant publicity material.

Planning Committee reports are made available at least 5 clear working days before the date of the meeting, and in addition are posted on the Council's websites.

At Babergh where amendments are submitted to the Council before and after a formal decision has been made, they will be publicised by neighbour letter and parish council consultation. The decision on whether this takes place will depend on the likely impact of the amendment and be at the discretion of the case officer. At Mid Suffolk the consideration

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of amendments to any application, after submission of an application, is at the discretion of the Council and material amendments which are more than trivial will not normally be accepted. Where, exceptionally, amendments are accepted they will be the subject of proportionate publicity and consultation.

### 4.5 The Development Management Service - process for different types of applications

The table below provides advice to applicants on how different types of applications can be progressed and advises how the Councils will publicise them. These arrangements are currently under review. The Councils are developing and implementing a joint Business Case for the delivery of its planning services. This is likely to lead to the evolution of the complete application process to a fully engaged development management service. This will include the establishment of fast track and Major case procedures tailored to deliver a proportionate and effective process which upholds “open for business” principles. At the present time the following arrangements normally apply.

#### Major Planning Applications – Pre-application stage

Type of application	Suggested action by applicants	Action by Council
<p><b>These can include:</b></p> <ul style="list-style-type: none"> <li>Residential dwellings of 10 or more dwellings or sites of 0.5 hectares or more</li> <li>All other uses where floor-space is 1000m<sup>2</sup> or more or the site is 1.0 hectare or more including changes of use</li> </ul>	<ul style="list-style-type: none"> <li>Engage in pre-application discussions as early as possible with the Councils, and check if master plan or development brief is likely to be needed</li> <li>Discuss with development management service and stakeholders to identify likely levels of planning obligations or contributions for infrastructure provision</li> <li>Consider pre-application publicity and consultation involving local communities</li> <li>Enter appropriate Planning Performance agreement to promote collaborative working</li> <li>Agree appropriate validation requirements</li> </ul>	<ul style="list-style-type: none"> <li>Proportionate advice from appropriate duty service by telephone or e-mail</li> <li>Enter appropriate Planning Performance agreement to promote collaborative working</li> <li>Establish project team including relevant internal stakeholders</li> <li>Agree appropriate validation requirements</li> </ul>

#### Major Planning Applications – Application stage

Type of application	Suggested action by applicants	Action by Council
	<ul style="list-style-type: none"> <li>Comply with validation requirements in submitting the application and related paperwork</li> <li>Include a statement summarising the results of the pre-application publicity / consultation undertaken</li> </ul>	<ul style="list-style-type: none"> <li>Consultation letter to adjoining neighbours</li> <li>Consultation letter to statutory consultees</li> <li>Site notice</li> <li>Statutory notice in newspaper</li> <li>Advice by telephone or e-mail or in person at Council</li> </ul>

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		<p>offices</p> <ul style="list-style-type: none"> <li>• Weekly list available on website</li> <li>• Applications available for inspection at Council offices</li> <li>• Applications available for inspection through Town / Parish Councils (by agreement)</li> <li>• Consider press release if appropriate</li> </ul>
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### Minor and other planning applications

Type of application	Suggested action by applicants	Action by Council
<b>These can include:</b>	<b>Pre-application stage:</b>	<b>Pre-application stage:</b>
<ul style="list-style-type: none"> <li>• Development not meeting criteria for major development</li> <li>• Other applications including: Householder, Changes of Use, Telecommunications, Works to Trees covered by Tree Preservation Orders or within Conservation Areas, Advertisement Consent applications</li> <li>• Prior Notification applications</li> </ul>	<ul style="list-style-type: none"> <li>• Engage in proportionate pre-application discussions with development management service as early as possible.</li> <li>• Householders recommended to discuss proposal with neighbours before submitting application</li> </ul>	<ul style="list-style-type: none"> <li>• Proportionate advice from appropriate duty service by telephone or e-mail</li> <li>• Agree appropriate validation requirements</li> </ul>

#### 4.6 Neighbour consultation scheme

The neighbour consultation scheme applies to larger single-storey rear extensions which are permitted for three years between 30 May 2013 and 30 May 2016. This means that extensions of between four and eight metres for detached houses and between three and six metres for all other houses are permitted development subject to a notification process. The Local Planning Authority is responsible for notifying adjoining neighbours who share a boundary (including the rear) and subject to receiving no objections, the development will be permitted. If any adjoining neighbour raises an objection within the 21-day period, the local authority will take this into account and make a decision about whether the impact on the amenity of all adjoining properties is acceptable. No other issues will be considered.

#### 4.7 Post-decision

Once a decision has been made on a planning application the Town / Parish Council is notified of the decision. Neighbours and interested parties are also informed of the decision where comments / objections have been received, but consultees are not advised of the outcome unless they ask the Councils to do so. All the decisions are posted on both the Councils' web sites.

**STATEMENT OF COMMUNITY INVOLVEMENT – PRE- DRAFT CONSULTATION 2013****SUMMARY OF RESPONSES**

The Councils undertook consultation on a Pre-Draft SCI Questionnaire in July / August 2013 asking questions on the approach of the SCI review and what consultation methods should be used. The Pre-Draft consultation focused on Parish Councils and Statutory Organisations to get initial views before a wider consultation is carried out on the Draft SCI. The Councils received responses from 27 organisations and individuals to its Pre-Draft questionnaire with around half of these from Parish Councils.

The majority of respondents agreed with the commitments (Q1), principles (Q2), and scope (Q3) suggested in the Pre-Draft Questionnaire. Parish Councils were concerned over loss of proactive consultation in favour of doing the legal minimum and the impact on inclusiveness. This was most noticeable on responses to specific consultation principles (Q2). A number of ways of improving the commitments were suggested including;

- Clarify what will be done e.g. receptive as possible to comments / proactive approach
- Need for collaboration with the community
- Understand and recognise role of Parish Councils in the localism agenda
- Role of feedback and review
- Need to explain role of Duty to Co-operate

The rest of the Pre-Draft Questionnaire asked about preferred methods of consultation.

For suggested methods of engaging on plans (Q4) there was broad agreement on the need for the Council to remain pro-active. There was agreement on using email, web-based consultation, and media as appropriate, while keeping hard copies available. There was however mixed views over the use of social media with carefully monitoring suggested.

For suggested methods of engaging on planning applications (Q5) the existing system was considered to generally work well. The main issue was considered to arise on larger more contentious proposals especially for Parish Councils who need to engage with the local community. A related issue was the involvement of the community with the pre-application process.

The above feedback has helped to inform the production of this Draft SCI especially in terms of the need to remain pro-active in involving the community in planning issues.

**MAIN ISSUES RAISED FOR EACH QUESTION IN THE PRE DRAFT QUESTIONNAIRE**

The main issues raised by respondents for each question in the Pre-Draft Consultation were as follows;

**Q1. Do you agree with the suggested commitments, or would you like to suggest alternatives?**

Most respondents (15) agreed with the suggested commitments. Some also wished to add additional commitments including;

- Timely feedback in telling communities about planning issues
- Be as jargon free as possible / use Plain English

Of those that did not agree (4) all but one was from Parish Councils raising issues including;

- Commitments to value / affordability may compromise inclusiveness
- Include minimum response rates for consultations to be deemed acceptable e.g.15% of Councils population
- Include more collaboration with the community in decision making
- Exceed the basic legal requirements
- Address role of Parish Councils/localism
- Survey of Town and Parish Councils required
- Some training for community representatives necessary

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### **Q2. Do you agree with the suggested principles? Please suggest others, or amendments if you wish?**

Most respondents (11) who answered this question agreed with the suggested commitments. Some also wished to see additional commitments / amendment including;

- Continue to take proactive approach as well as complying with minimum legal requirements for consultation
- Engagement with local communities before policy is drafted
- Not “one size fits all” to be inclusive
- Feedback must be a principle e.g. general feedback
- Will need appropriate cross-administrative boundary working
- Support flexibility but asks variations, when deemed useful, are clearly explained and communicated in a timely manner
- While supporting electronic consultation hard copies must continue to be available

Of those that did not agree (6) most were from Parish Councils raising issues including;

- SCI needs to better ‘define’ what it is committed to do
- Engagement / notification required if any changes in consultation methods
- If consultation is found to be ineffective, then it needs improving to make it effective with the Parishes to be consulted before discarding
- Suggest the council acts with clarity of purpose, due diligence, and commits to giving value for money in all it does
- Little point in having a database if not going to consult everyone on it
- Flexibility could be excuse for failure

### **Q3. Do you agree with the suggested scope of the SCI?**

Most respondents (13) who answered this question agreed with the suggested scope of the SCI. Some also wished to see additional factors / amendment including;

- Address the pre-planning application process
- Community involvement in any waiving of planning obligations / pre-application discussions

Of those that did not agree (5) most were from Parish Councils raising issues including;

- Establish how purpose / performance is to be measured
- Need wider explanation of the support offered for Neighbourhood Plans.
- Scope should be expanded to include consultations on major infrastructure projects
- Identifying the purpose, setting out how that purpose is to be fulfilled / performed, and establishing how performance is to be measured.
- Community involvement must take place before the council acts on matters which impact upon the community’s quality of life

### **Q4. How would you like to be involved in plan making - Local Plans and Policies for future planning of your area, and what methods of engagement do you think work best?**

There was broad agreement on the Council remaining proactive, using email, web-based consultation, the media as appropriate and keeping hard copies available for those that need them. There was mixed views over the use of social media. While some were in favour of using all electronic methods others raised concerns over the principle and the practicalities of social media.

General comments were as follows;

- E-mail / web-based consultation appropriate for organisations/most individuals
- Use media to publicise community engagement opportunities as appropriate – e.g. press releases, radio, and electoral communications.
- Councils must remain proactive in notifying interested parties on their websites but must continue to cater for those without internet access / computer skills
- Social media not suitable forums for serious issues, because these are casual in nature and unlikely to elicit a properly considered response and too manpower intensive

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- Suggest the councils be as receptive as possible to comments
- Need to consult everyone on database

The Parish Councils made suggestions as follows;

- Identify specific groups and individuals for a targeted engagement
- Be alerted to extended media usage / avoid a “scattergun” approach
- Be used more for communication / access to particular groups in the community.
- Discuss with policy makers where policy not working or is 'out of date'.
- More guidelines given to councillors to enable them to comment on policies and use them effectively
- Primary site needed instead of hub

### **Q5. How would you like to be engaged in the consideration of planning applications?**

There was generally agreement on the use of the planning application database / viewing of planning applications / notifications with suggestion for how these could be improved. The main concern focused on treatment of major applications and how the community can be involved in the pre-application process.

General comments were as follows;

- Early notifications of planning applications required
- Process for dealing with planning applications will be regularly reviewed
- Useful to provide web links to key documents to application details / notification form
- Performance Agreements should be relevant to ALL applications
- Regularly updated protocols on if / when / how the LPA is to notify community of a planning application, and offer opportunity to comment.
- Need a notification service to inform people when key documents are updated or added.
- State rules that will support the opportunity for laypeople to speak at committee
- Only support pre-application process if all interested parties are involved

The Parish Councils made suggestions as follows;

- Make clear Parish Clerks have no knowledge of Planning Law
- Current process of sending details of all applications via e-mail is one that works well - large maps and diagrams on line problematic
- Difficulties arise for Parish Councils when dealing with larger applications needing to discuss these proposals in depth / consult with local community
- Delay between the key planning documents being received / available on the planning portal
- Clerks to get an alert when planning application registered with the planning department.
- Only support pre-application process if all interested parties are involved
- Parish Councils to be informed of a site visit especially on controversial applications
- Help clerk to check that nothing has been missed e.g. Parish borders with a map on website showing pin drops of all applications / dates of entry

**Local Plan Consultees**

The list below sets out the organisations and bodies that the Council is legally obligated to consult in the preparation of planning documents as a requirement of [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#).

The following are statutory consultees:

- Coal Authority
- English Heritage (The Historic Buildings and Monuments Commission for England)
- Environment Agency
- Highways Agency
- Homes and Communities Agency
- Marine Management Organisation
- Natural England
- Network Rail
- Ipswich and East Suffolk Clinical Commissioning Group (formerly Primary Care Trust)
- Suffolk Police
- Relevant authorities within, or adjacent to, the district:
- Town and Parish Councils
- Telecommunications companies
- Electricity and gas companies
- Sewerage and water companies

The Regulations also require that the Council consult 'general consultation bodies'. Five types representing certain groups within the community, and relating to voluntary organisations, are identified:

- Voluntary bodies whose activities benefit any part of the authority's area
- Bodies that represent the interests of different racial, ethnic or national groups
- Bodies that represent the interests of different religious groups
- Bodies that represent the interests of disabled persons
- Bodies that represent the interests of businesses in the area

Where appropriate the Council will consult with a range of other organisations when the scope of the issue relates to their role or area of interest. Examples of such agencies and organisations may include:

- National controllers of waterways and navigation authorities
- Airport operators
- Government departments
- Royal Society for the Protection of Birds (RSPB)
- Sport England
- Fire authorities
- HM Prison Service
- Land owners
- House builders and developers

This list is not exhaustive and consultees will be updated whenever necessary including taking account of successor bodies as reorganisation and restructuring of organisations occur.

As part of the '[duty to cooperate](#)' the Council will identify relevant partners, who are felt to be important for the planning process to be as effective as possible, and will explore further opportunities for joint working at a variety of levels.



**GLOSSARY OF TERMS**

<b>Appeal</b>	Process by which a planning applicant can challenge an adverse decision made by the Local Planning Authority.
<b>Habitats Regulation Assessment (HRA)</b>	A requirement under the Habitats Regulation 2007 (as amended) to assess the possible effects of a plan on European-protected areas.
<b>Informal Hearing</b>	A planning appeal hearing undertaken in a structured way but without the full formality of a local inquiry.
<b>Legislation</b>	The laws made by the government such as Acts of Parliament. Planning law comprises primary legislation such as the Planning and Localism Acts and more detailed secondary legislation such as Planning Regulations.
<b>Local Planning Authority</b>	The Council responsible under legislation for dealing with local planning issues within an area.
<b>Public Inquiry</b>	An independent inquiry carried out by the Planning Inspectorate assessing planning decisions made by the local planning authority allowing applicants the right to appeal against the refusal of permission / consent / enforcement proceedings. The inspector produces a decision after hearing evidence in person. This can be overturned by the Secretary of State or challenged on legal grounds through judicial review.
<b>Public Register</b>	Contains information that the Council has a legal duty to make publicly available.
<b>Planning Inspectorate</b>	The Planning Inspectorate is responsible for processing planning and enforcement appeals and conducts examinations into local plans.
<b>Statement of Community Involvement (SCI)</b>	A document that sets out how and when communities will be involved in preparing development plans and processing planning applications.
<b>Sustainability</b>	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
<b>Sustainability Appraisal (SA)</b>	Sustainability Appraisal is mandatory under the Planning and Compulsory Purchase Act 2004 and helps to fulfil the objective of achieving sustainable development in preparing projects, policies and plans. The purpose of the SA/SEA is to appraise the social, environmental and economic effects of policies and proposals in Local Development Documents.

Babergh District Council and Mid Suffolk District Council are committed to acknowledging the full diversity of our communities and to promoting equality of opportunity for everyone.

This document can be made available in large print, Braille, tape format or in any other language on request.

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