

North Somerset Council

REPORT TO THE COUNCIL

DATE OF MEETING: 24 SEPTEMBER 2019

SUBJECT OF REPORT: STATEMENT OF COMMUNITY INVOLVEMENT REVISIONS

TOWN OR PARISH:

OFFICER/MEMBER PRESENTING: CLLR JAMES TONKIN

KEY DECISION: YES

REASON:

The Council's Statement of Community Involvement (SCI) applies to the production of the Council's planning policy documents and the decision making on planning applications across the whole of the North Somerset Council administrative area.

RECOMMENDATIONS

The proposed revisions to the Statement of Community Involvement (SCI) as set out in this report are approved and the revised SCI adopted for use in undertaking consultation and engagement during the production of the Council's Planning Policy documents and decision making on planning applications.

1. SUMMARY OF REPORT

The North Somerset Council Statement of Community Involvement (SCI) sets out how the Council will consult in the preparation of planning policy documents and planning applications. North Somerset Council's SCI was first adopted in 2007 and revised in 2015. Recent changes in procedure and legislation mean that the SCI has become out of date in a number of respects. A small number of changes are therefore proposed to aid clarity, update references and in the case of section 3 on planning applications make a number of revisions in relation to consultation procedures.

2. POLICY

The duties to engage the community in planning matters and to prepare the SCI arise from the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. This legislation requires the Local Planning Authority (in this case the Council) to prepare a statement for how it will involve those with an interest in development in the area in the preparation and review of the Local Plan and Supplementary Planning Documents, Neighbourhood Plans/Orders, Community Infrastructure Levy and the consideration of planning applications. North Somerset Council first adopted its SCI in 2007 and this was revised in 2015.

3. DETAILS

- 3.1 There is a requirement to complete a review of the SCI within 5 years of adoption in order to keep it up to date. The review has been brought forward to incorporate recent changes in practice in the Councils consultation on planning applications. There have also been technical changes to the systems that support the process of notification in relation to planning applications that require the SCI to be updated
- 3.2 The SCI is also now required to set out how the Council will consult on CIL (Community Infrastructure Levy) which is a charge applied to eligible developments to help fund supporting infrastructure. It was introduced in North Somerset in January 2018. The SCI needs to be updated to include a reference to the circumstances in which and how, the Council will involve groups and individuals in the setting of the CIL charging schedule.
- 3.3 The opportunity is being taken to also clarify some areas of the SCI which relate to consultation on planning policy documents and make some corrections to text in relation to the GDPR regulations which came into effect in May 2018.
- 3.4 It is also proposed to add a statement stating that the Council may need to amend its' procedures to keep pace with legislative changes in relation to consultation requirements. This may mean that the SCI becomes superseded in some respects until such time as it can be updated, however in such circumstances the Council will always ensure that it adheres to the minimum requirements set out in legislation.
- 3.5 There are no regulations governing procedures for producing or reviewing a council's SCI, however a six-week period of consultation was held between 4 June and 16 July 2019 to allow the opportunity for comments to be made and considered. A table of proposed changes with reasons was made available, as well as a track change version of the existing SCI to show the proposed changes. All individuals and organisations on the Council's planning policy data base (includes statutory consultees such as town and parish councils and adjacent Councils and parish councils, Natural England, Highways England, Environment Agency, as well as residents, members, developers and agents) were notified and reminder notifications sent two weeks before the closing date. A list of comments received was collated and made available on the Councils online consultation portal eConsult from 5 August.
- 3.6 The SCI is divided into three main sections. Section 1 (general principles for planning consultations) sets out the general principles which we will apply to all planning related consultations; Section 2 (local plans and other planning policy documents) relates specifically to consultation and engagement on planning policy documents such as the local plan and associated sustainability appraisal, as well as supplementary planning documents which set out more detail on how we will apply the policies in the local plan. This section also includes reference to assisting local communities with their preparation of neighbourhood plans and also how we will involve others in the production of the Community Infrastructure Levy (CIL). Section 3 (sets out the Council's approach to involving the community and others in planning applications).

Summary of comments made.

- 3.7 Table 1 sets out the comments made and officers response including whether a change is proposed to the SCI as a result. There were 13 respondents; four parish/town councils (Backwell, Banwell, Portishead and Wrington), four individuals, four agencies who had no specific comments (CLH Pipeline Systems, Environment

Agency, Natural England and Sport England) and one local interest group (Weston Civic Society). Comments were made on all three sections of the SCI as follows:

- Section 1 General principles – 2 comments
- Section 2 Local Plans and other planning policy documents – 12 comments
- Section 3 Planning applications – 14 comments

- 3.8 In relation to Section 2, a number of comments related to the inclusiveness of the consultation processes, the process for the approval of neighbourhood plans and the correction of formatting and grammatical errors.
- 3.9 In relation Section 3, there was some concern over the proposed change to the way the SCI sets out the planning application notification process, the proposal to remove the reference to sending decisions and officer reports directly to parish councils and the length of consultation period. Comments from one respondent concentrated on the Parish Councils role in gathering comments from parishioners.
- 3.10 The table at Appendix 1 sets out all the comments in full and the officers' response to these. It also includes reference to whether a further change to the SCI should be made as a result of comments received. Any other grammatical, reference updates or formatting changes will be made, as necessary before the final document is produced. This includes a small number of additional editorial amendments or corrections to add precision and clarity or provide additional factual updates.

Additional changes required

- 3.11 Since the preparation of and consultation on the proposed changes to the SCI were published there has been a change to the CIL regulations which took effect on 1 September 2019. The revised regulations remove the requirement to consult on a preliminary draft charging schedule and so remove one consultation stage from the process by which an SCI should be prepared. This has necessitated the removal of two paragraphs from the revised SCI document which refer to the removed consultation stage and to the fact that changes to CIL regulations are pending. These are simply factual changes which will ensure that the Adopted SCI will accord with the most up to date CIL regulations.
- 3.12 A number of formatting and page numbering irregularities still exist in the document attached at appendix 2 however these will be rectified prior to publication.

4. CONSULTATION

There are no regulations governing procedures for producing or reviewing a council's SCI, however a six-week period of consultation was held between 4 June and 16 July 2019 to allow the opportunity for comments to be made and considered before taking a revised SCI to Council for re-adoption, in September.

5. FINANCIAL IMPLICATIONS

There are no financial implications directly associated with adopting the Statement of Community Involvement as drafted.

Costs

There are no costs directly associated with adopting the Statement of Community Involvement as drafted.

Funding

No funding is required.

6. LEGAL POWERS AND IMPLICATIONS

The Statement of Community Involvement as drafted complies with all relevant legislation and statutory requirements.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no material implications associated with the SCI that relate directly to climate change.

8. RISK MANAGEMENT

The Statement of Community Involvement as drafted complies with all relevant legislation and statutory requirements.

9. EQUALITY IMPLICATIONS

An Equality Impact Assessment was undertaken agreed. The SCI complies with all relevant legislation and requirements.

10. CORPORATE IMPLICATIONS

There are no corporate implications

11. OPTIONS CONSIDERED

Regulations require the SCI to be reviewed within five years. Failing to update the SCI to be the Councils consultation procedures open the Council to challenge through Ombudsman.

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APPENDICES

Appendix 1 Comments received on SCI Update consultation 4 June to 16 July 2019

Appendix 2 Statement of Community Involvement September 2019

BACKGROUND PAPERS

[SCI proposed changes and consultation documents](#)

Appendix 1 Comments received on SCI update consultation 4 June-16 July 2019

Respondent	Comment	Officer response	Amendment required?
Backwell Parish Council	<p>Page 9 - NEIGHBOURS 2nd paragraph, 4th Line</p> <p>"and to the other neighbours that we consider will be directly affected by the application....."</p> <p>Backwell Parish Council would like to express its concern over this, and state that it should be left in as the application may have wider influences and affect more than just the houses directly next door, restricting this to such a narrow view means that wider implications could will be overlooked by local residents until it's too late.</p>	<p>The new option for residents to sign up for email notification allows residents to receive notification about new planning applications when they want to. We accept however that there could be circumstances where we as the Local Planning Authority may decide to notify residents who properties don't adjoin the application site.</p>	<p>Add 'We may also notify other residents, by letter or site notice, depending on the scale and nature of the proposed development.'</p>
	<p>Page 11 - After the decision is reached first paragraph. Last 3 lines</p> <p>Copies of decisions and officer reports are also sent to the relevant parish or town council.....</p> <p>Backwell Parish Council believe this should be left in and copies sent to the relevant parish or town councils, there should be a duty and interest to let those that have spent a lot of time reviewing and commenting on these applications which is a key part of the planning process, the courtesy of at least</p>	<p>Organisations such as Town and Parish Councils and members of the public can now track applications online via our website which means they will be notified immediately as soon as an application is decided. This is a far more efficient way to notify councils about our decisions who can then follow a link to the case file on our website to easily and quickly view the case officer report and the decision notice. This allows us to focus our limited resources to other areas of work and improve the service we provide.</p>	<p>No change required</p>

	<p>knowing the outcomes of the final decision, especially in cases where NSC have gone against the town or parish recommendation, the reasoning of minimising “unnecessary administration costs” should be negated if when the system informs the applicant of it success or failure it included the local town or parish council either by post or more likely email.</p>		
Banwell Parish council	<p>Request that email be included as an acceptable way in which responses can be submitted on planning applications.</p>	<p>We accept comments about planning applications either electronically or by post. The recognised channel for submitting comments electronically is online via our website. This the quickest and most reliable ways for comments to be sent to us since they appear online immediately and can't be lost in transit. Having more than one channel for submitting comments electronically increases the risk that comments may be lost. With limited resources it is important to ensure that comments about planning applications are sent and received in the most efficient and reliable way.</p>	<p>No change required</p>
Bleadon BOB	<p>In order to ensure community involvement the Statement states that North Somerset Council will consult with "<i>Statutory organisations including town or parish councils ...</i>". In theory that should work but it will not work if parish councils <u>(PC) don't inform or consult with their residents</u> in the community. As far as we're aware our PC didn't inform residents of this key consultation, discuss it in a public forum or respond as a Statutory Consultee, so what</p>	<p>It is not within the scope of the SCI to advise Parish Councils on the procedures to adopt in responding to consultations on planning matters. Residents can add their names to the list of consultees for planning policy consultations on eConsult or write in or email planning.policy@n-somerset.gov.uk and request to be notified to ensure that they find out about consultations on planning policy documents.</p>	<p>No change required</p>

	<p>government controls are in place to monitor the effectiveness of PC consultation with residents?</p>		
	<p><u>What is the role of a Statutory Consultee</u> such as a PC? Is it for a handful of elected/co-opted councillors to make comments, or not, on behalf of the public without informing them, or is it to consult with residents in an open and transparent manner, then respond? Residents have previously asked our PC to clarify their role in this regard but with no response.</p> <p>Our community's <u>adopted Parish Plan</u> was stated as submitted to NSC but also stated as lost, therefore over the last few years it has been ultimately ignored as a PC councillor guide to resident's majority views and/or a Supplementary Planning Document. This has led to the PC acting without regard, and sometimes contrary to the Parish Plan and public opinion, when responding to planning applications.</p> <p>A number of times the PC has stated that it was <u>not aware of public consultations</u> despite them being in the public domain for several weeks/months E.g. Residents had to ask for the Local Plan 2036 Issues and Options consultation to be put on the agenda to discuss in public. The PC put it on their agenda for a meeting held after the public submission deadline, didn't publicly discuss</p>	<p>As above it is not the role of North Somerset Council to advise on Parish Council procedures. Parish and Town Councils are a statutory consultee in the preparation of planning policies and for planning applications within the parish/town boundary, which means they are automatically notified.</p>	<p>No change required</p>

	<p>the pre-prepared document but voted and subsequently submitted it.</p> <p><u>Large consultations have not appeared on the PC's agenda, minutes or correspondence listing of published information e.g. This Community Involvement consultation, JSP (or its appeal), Airport expansion, the Local Plan 2036 (including potential Settlement Boundary review), etc.</u></p> <p>The PC has stated that if they receive a <u>late request to comment</u> they will submit official comments on behalf of residents outside of public viewed meetings, i.e. undocumented discussion and decision making, potentially not even appearing on the parish public record. This can also be used as an excuse not to respond to consultations. This was recently stated as a reason not to respond to the JSP consultation. E.g. Previously, at a public/resident meeting the PC stated that they were waiting for a large contentious application to be made when it had already been submitted and had appeared on the NSC Weekly List three weeks earlier?</p> <p>When the PC does respond to a consultation their <u>comments are not always accessible, not posted in the minutes</u>, or in a document posted on their website E.g. The PC states a item/consultation will be added to a future Planning sub-committee agenda for discussion in public but it doesn't happen. One response was prepared and submitted</p>		
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	<p>by two councillors in a last minute two day time-frame after delaying public discussion for several months.</p> <p>Our PC has held <u>only one Planning sub-committee meeting</u> in the last twelve months despite major consultations and applications. If and when planning items are put on the main council meeting agenda there is not time for any council public discussion and so submitted responses are unknown, written by unknown councillors and/or sub-committee members. Declarations of interest are not always stated or followed in terms of councillor voting on issues.</p> <p>Residents have been told a number of times that agenda, minutes and reports <u>do not need to be produced for sub-groups/working groups</u> (including Finance & Personnel), that they do not need to be held in a public space and that these influential meetings can be held in councillor's private homes. The views/concerns of residents who are not in these sub-groups may be undocumented and/or ignored. The Chair of the PC supports secret membership to sub-groups so residents don't know what has been discussed and who has been involved in the decision making. E.g. Access to one sub-committee/working group TOR, agenda, minutes, finances, membership only started to become available after 18 months of asking. Sub/working-group Terms of Reference are not published, sent or delayed when asked. The content is not always</p>		
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	<p>followed and sometimes contrary to actions, E.g. "<i>Encourage public participation at meetings</i>"</p> <p>There is a particular concern with the <u>Neighbourhood Development Plan consultation to date</u>, indicated to be open to 'positive' participants only. Resident APM questions and concerns have been ignored and left unanswered from the beginning, two years ago, access to TOR, agenda, minutes, etc. only becoming available in the last 6 months. The need to reflect future government policy updates means a potential future cost to the Parish without consultation, especially as NSC services are increasingly being delegated and undertaken without resident consultation and reserved precept being used.</p> <p>Access to <u>accurate and complete public meeting minutes</u> promoted and/or paid for by the PC, including record of chairmanship and attendance, is sometimes difficult, e.g. residents sometimes waiting months and/or years for them to be posted. These minutes directly affect PC decision making but are not accessible until after decisions have been made and/or implemented. When minutes are posted they don't necessarily reflect the outcome the meeting or the vote.</p> <p>Minutes previously posted on the PC website are <u>removed at key times</u> e.g. currently the 2018 Finance & Personnel minutes have</p>		
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	been removed during the "Notice of public rights and publication of unaudited annual governance & accountability return accounts for the year ended 31 March 2019"?		
	p9 NSC, " <i>Pre-application We strongly encourage applicants to discuss their proposals with local people adjoining the development site, the relevant town or parish council and their North Somerset councillor at an early stage before they submit their planning application.</i> " The PC has previously appeared to agree to a community consultation process with a developer, start to consult with residents, then subsequently decide to withdraw from the process and to disengage with the developer. How do these two approaches work together in practice?	As above it is not the role of North Somerset Council to advise on Parish Council procedures. Whilst we encourage developers to engage with Parish and Town Councils it is then up to the Parish or Town Council to decide how they respond.	No change required
	As regards <u>GDPR</u> and application comments, surely personal data can be/is already removed, but comments should be retained on the website for future reference. How will decision making and history be preserved, especially if the application is re-submitted?	We retain a copy of the application and our decision on our files so that we can review them as part of the planning history. The officer's report summarises the comments received from the public and explains how we reached our decision. There is no need for us to retain copies of people's personal data and comments and to do so would be contrary to the GDPR.	No change required
CLH Pipeline Systems	No comments relating to SCI	-	-
Environment Agency	I can confirm that the Environment Agency concurs with the revisions outlined within the SCI and looks forward to future involvement in the Local Development Framework process.	Support noted and welcomed	-

Lin	<p>2. Local Plans....</p> <p>How we will consult, C: The means of consultation proposed all depend on individuals being able to access the written word, in English, and to read. For example, some due to such as visual difficulties need to 'read' through hearing, touch ... An organisation cannot claim to be inclusive if by it's policies, processes and practices it excludes individuals.</p>	<p>The council takes all reasonable and practicable steps to ensure everyone can access its information and not be at any substantial disadvantage. It offers alternative languages and formats and additionally then will allow people further time to consider a document. [See below on allowing a fair opportunity under "When we consult, section (c)] The council complies with its duties under the relevant section of the Equality Act 2010 and associated code of practice on provision of information.</p>	<p>No change required</p>
	<p>When we will consult, C: ... 'Once we are satisfied that a <i>fair opportunity</i> has been offered for organisations and individuals to express their views'. How are you going to assure yourselves that a fair opportunity has been provided. Please see previous comments about inclusion.</p>	<p>The phrase "fair opportunity" is used to reflect a range of circumstances that the council would consider. Public or other religious holidays is given as an example because it's one that most readers would understand. The timing would be dependent on the circumstances and so it is not possible to define it other than in terms of the Equality Act's code of practice guidance.</p>	<p>No change required</p>
	<p>When we will consult, D: ... 'We will formally publish the submission document ...' Presumably in a range of formats and through a range of media being made available, the availability of which is communicated in a way that the individual can independently access them.</p>	<p>Yes, as has been listed elsewhere in the document namely; documents online, letters, printed copies in libraries, etc.</p>	<p>No change required</p>

	<p>Supplementary planning documents</p> <p>When we will consult, 3rd point: '<i>... The council understands the difficulty experienced by groups in responding within this time...</i>' This statement does not communicate inclusion of individuals or consideration that time might be an issue for them too.</p>	<p>Agree the statement should cover individuals as well as groups though it is likely to be groups in many cases.</p>	<p>Amend to include the word “some individuals or” before “groups”</p>
	<p>Neighbourhood development plans and orders: '<i>... if the majority of voters in the neighbourhood give approval. ... Who makes up the 'voters in the neighbourhood'? Do individuals/ householders have a vote?</i></p>	<p>There are regulations governing this. A neighbourhood plan is put to a referendum vote of residents living within the Neighbourhood Area covered by the Neighbourhood Plan. The majority of those votes cast i.e. more than 50% of the votes cast, must be in favour of the plan.</p> <p>Additional text will be added to this paragraph to explain this more clearly and the relevant regulatory reference set out in a footnote.</p>	<p>Replace “if the majority of voters...give approval” with “if a referendum of residents living within the neighbourhood area results in a majority vote in favour of the Plan.”</p>
	<p>Neighbourhood development plans and orders: '<i>North Somerset Council will give technical and other advice...</i>' Given NSC will also be a consultee what advice will be given and how is it ensured its 'consultee' status will not influence the advice provided. Also, given its 'advice' it can be acted upon or rejected as seen appropriate by the town/ parish council.</p>	<p>North Somerset Council is required by the Localism Act to give such advice or assistance to Town and Parish Councils in preparing their neighbourhood plans as is considered appropriate in the circumstances. This does not include financial assistance. In practice this includes giving advice as to the sources of information available, on the process to be followed as set out in the regulations and the planning “rules” as set out</p>	<p>No change required</p>

		in the NPPF. The response made as a consultee does not in practice differ materially from this as the remit will be the same.	
	<p>1 General Principles</p> <p>If the council really is committed to inclusion I feel stating alternative formats including languages will be provided on request excludes people. By definition if needed in an alternative format they cannot access the information in the format provided to make the request. Surely a drop down menu could be provided for the most prevalent languages used in the NSC area. There is an assumption that the individual has access to support which would enable them to make the request, which will not be necessarily correct. People who need to access information/ documents in alternative formats and have access to a computer or equivalent with internet access should be able to access alternative formats via online adaptive resources. How will the consultations be made known to those who do not have access to technology or the internet?</p>	The council takes all reasonable and practicable steps to ensure everyone can access its information and not be at any substantial disadvantage. It offers alternative languages and formats and additionally then will allow people further time to consider a document. The council complies with its duties under the relevant section of the Equality Act 2010 and associated code of practice on provision of information.	No change required
Mary Adams	<p>1 General Principles</p> <p>I would like to see a principle around coproduction. As a Healthier Together Partner it would be helpful to align NSC consultation and engagement approaches with the other system partners.</p>	As a matter of course North Somerset Council do engage widely across the organisation and external agencies, often during the preparation of a document or policy and before wider consultation.	No change required
Natural England	No comments	-	-
Nick Cottle	In ALL cases a mailed advisory notice relating to property planning should be sent to all	The statutory requirement set by Government is for notification letters to be sent to the	Add 'We may also notify

	appropriate neighbours as well as a fixed location notice and signed up emailing.	occupants of adjoining residents OR to erect a site notice. This we will do. We also offer an online email system and we may, on occasions send both letters and erect a site notice. We accept however that there could be circumstances where we as the Local Planning Authority may decide to notify residents who properties don't adjoin the application site.	other residents, by letter or site notice, depending on the scale and nature of the proposed development.'
Portishead Town Council	No objection to the changes in the SCI document.	Supported noted and welcomed	-
Sport England	No specific comments	-	-
Weston Civic Society	Neighbourhood Plans Query procedure for local community to vote on Neighbourhood Plans.	The procedure is set out in Regulations and is by a referendum of residents living within the area to be covered by the Neighbourhood Plan. Additional text will be added to this paragraph to explain this more clearly and the relevant regulatory reference set out in a footnote.	Replace "if the majority of voters...give approval" with "if a referendum of residents living within the neighbourhood area results in a majority vote in favour of the Plan."
	3 Planning Applications Pre-applications What are the criteria for deciding whether a pre-application request is confidential or not?	All requests for pre-application advice are confidential. However, if the person who submitted the pre-application request agrees, they can be made public.	No change required
	3 Planning Applications Neighbours Notification letters should also be sent to those properties who overlook the site.	The statutory requirement set by Government is for notification letters to be sent to the occupants of adjoining residents OR to erect a site notice. This we will do. We also offer an online email system and we may, on	No change required

		occasions send both letters and erect a site notice. We may also send letters to other residents who do not directly adjoining the application site.	
	3 Planning Applications Neighbours What is the criteria for deciding if the response period should be shorter than 21 days ie “certain types of proposal”	The time scale for consultation is set by Government in the statutory regulations.	No change required
	3 Planning Applications Neighbours All comments form part of the planning file and are normally <u>(What is the criteria for not normal?)</u> placed on the council’s website for viewing via the internet.	Very exceptionally we could receive a request for comments not to be displayed online from, for example, an undercover police officer or a person who is particularly vulnerable. Such requests would be considered against the objectives of the GDPR and the Equalities Act. In this regard it is worth noting that there is no legal requirement on us to display any comments on our website and we confirm online that we reserve the right to decide what to display on our website and when.	No change required
	3 Planning Applications Neighbours After the period for appeals to be made has passed <i>Once the decision is made</i> we remove comments made by the general public. This is done seven months after the application is decided. This complies with the Data Protection Act which requires us not to keep personal information longer than is necessary. <i>from our website to protect people’s personal data as required by the General Data Protection Regulations.</i>	We retain a copy of the application and our decision on our files so that we can review them as part of the planning history. The officer’s report summarises the comments received from the public and explains how we reached our decision. There is no need for us to retain copies of people’s personal data and comments and to do so would be contrary to the GDPR. Comments from statutory consultees are retained.	No change required

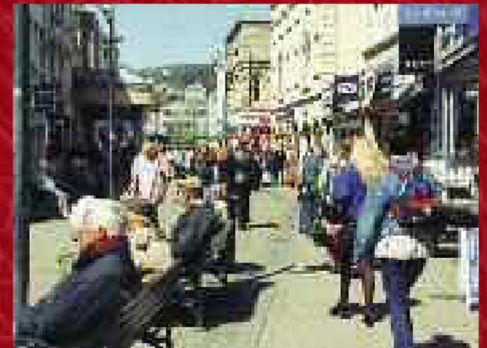
	<u><i>(Why cannot personal data be redacted but retained on the file? Comments from organisations should be left on)</i></u>		
	If amended details are received we will re-consult on proposals where, as a result of <u>because of</u> the amendment, we consider that there is likely to be a significantly greater detrimental impact, for example, on the occupants of adjoining properties. <u><i>(What if it is an improvement but still likely to raise objection re-consultation should be considered)</i></u>	We will only re-consult where we consider that there is likely to be a significantly greater detrimental impact. If a proposed amendment is likely to raise new objections then we would consider reconsulting by referring to the ‘significantly greater detrimental impact’ test. Each case will be judge on its merits.	No change required
Wrington Parish Council	1. The Page numbering of the draft document in .pdf format entitled ‘Statement of Community Involvement’ appears to omit pages 5 and 6 which were previously dedicated to ‘Local Plans and other planning policy documents’. This heading is now appearing on Page 7. Other pages are also not numbered correctly, and a full review is required prior to adoption of the draft document. Please adjust accordingly. If there should be Pages 5 and 6 in the draft document for consultation, please revisit and advise consultees accordingly.	Any formatting or grammatical inconsistencies will be corrected in the final version. The track change version of the document is intended to supplement the main table of changes proposed.	Formatting and grammatical inconsistencies will be amended
	2. Page 8, Paragraph (a) – on the first line, there is repetition of the word ‘will’. Please delete one of them.	Formatting and grammatical inconsistencies will be amended.	Formatting and grammatical inconsistencies will be amended
	3. Page 8, Paragraph (b) – The word in red ‘plan’ should be replaced with ‘policy document’. (There is no plan at the	Agree with first point, however we cannot “make” other parties become involved in	Replace “plan” with “document”

	engagement stage). Immediately after the text in red, replace 'help to ensure' with 'enable', and on the following line delete 'are' and replace with 'to be' in order to be grammatically correct.	production, but can only offer the opportunity, so existing text is more appropriate.	
4.	Page 8, Paragraph (c) – line 6 – insert the word 'all' between 'out' and 'options'.	It is not appropriate or feasible to set out all conceivable options.	No change required
5.	Page 9 under heading 'Neighbourhood development plans and orders' the first phrase is repeated ('Unlike the other Local Plan documents,'). Please delete one of them.	Formatting and grammatical inconsistencies will be amended.	Formatting and grammatical inconsistencies will be amended.
6.	Section 3 – Planning Applications – also numbered Page 9! Under the heading of 'Neighbours' – the words to be deleted ('and to other neighbours that we consider will be directly affected by the application') should not be deleted. It is right and proper that <u>all</u> affected neighbours/parties should be informed where an application has the potential to have an adverse impact upon them and it should be the duty of the Local Planning Authority to ensure such parties are not excluded from having the opportunity to comment upon matters which affect them. If other affected parties are not aware that they need to sign up to NSC's system (as we suspect the majority are not aware), then they will be denied the opportunity to comment, which contravenes their rights.	The statutory requirement set by Government is for notification letters to be sent to the occupants of adjoining residents OR to erect a site notice. This we will do. The new option for residents to sign up for email notification also allows residents to receive notification about new planning applications when they want to. We accept however that there could be circumstances where we as the Local Planning Authority may decide to notify residents whose properties don't adjoin the application site.	Add 'We may also notify other residents, by letter or site notice, depending on the scale and nature of the proposed development.'
7.	Further down that same Page, it is proposed that the words 'take into account' be replaced by 'consider.....' This Council would seek to retain the original wording, on the basis that the proposed change represents a significant shift in policy and weakens the position of objectors. In the interests of equality and	Although each representation is always carefully considered, not all are valid planning considerations which are able to be taken into account. So whilst all are considered they cannot all be taken account of in the strict meaning of the phrase.	No change required

	transparency the original wording should remain unaltered.		
8.	Page 1 (which should be Page 11 we would suggest!), under the heading 'After the decision is reached', the section which is proposed be deleted ('Copies of decisions and officer reports are also sent to the relevant town or parish council.') should be retained. It is of great importance that local councils are notified of decisions reached within their boundaries and to deny them this service would be a retrograde step and of little saving. The sending of such information can be easily accommodated as an electronic automated service, delivered by e-mail, at no cost to NSC and this Council values the service greatly. We would suggest that this Council will not be alone in seeking to have this deletion re-instated and would urge NSC most strongly to re-consider such a retrograde change.	Organisations such as Town and Parish Councils and members of the public can now track applications online via our website which means they will be notified immediately as soon as an application is decided. This is a far more efficient way to notify councils about our decisions who can then follow a link to the case file on our website to easily and quickly view the case officer report and the decision notice. This allows us to focus our limited resources to other areas of work and improve the service we provide.	No change required
9.	Page 11 – Reviewing the SCI – In the final paragraph, the word 'refresh' is used as a noun, when in fact the word is a verb. In order to impart the meaning which appears to be desired, this word needs to be replaced with, we would suggest, ' <u>refreshment</u> ', which is a noun and would be grammatically correct.	Agreed. Word will be replaced with "update"	Replace "refresh" with "update"

Statement of Community Involvement

How we will involve the community
in planning in North Somerset



September 2019

North Somerset Council
Local development scheme

Statement of Community Involvement

Introduction

This Statement of Community Involvement explains the council's policy on consultation and involvement in the preparation of planning policy documents and planning applications. It meets legal requirements for consultation set out in the Planning Acts¹ and Regulations².

There are four sections:

- 1. General principles** p.4
(These relate to all consultation on planning matters, and also provide guidelines which can be used by others when involving the community in planning issues).
- 2. Local plans and supplementary planning documents** p.5
(These are prepared by North Somerset Council to guide development within the District).
- 3. Planning applications and appeals** p.8
- 4. Reviewing the SCI** p.10



¹ Section 18 Planning and Compulsory Purchase Act 2004

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

1. General principles for planning consultations

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

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

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



Local Plans and other planning policy documents

Details of local plans and supplementary planning documents currently being prepared can be found in the Local Development Scheme on the **council's website** or by contacting the Planning Policy Team on 01934 426775.

Local plans

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

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

Who we will consult

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

in the subject matter;

- f) The general public.

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

How we will consult

- a) Before commencing the local plan we will prepare a document setting out the scope of the plan and how we intend to involve people in its preparation (pre-production brief).
- b) We will contact appropriate organisations and individuals directly. This will generally be by email or if preferred, by letter.
- c) We will publicise consultations through a range of means, as appropriate to the subject matter. This can include press adverts, leaflets, website, posters, displays, community and social media, existing community groups, community events and joining with other consultations.
- d) Electronic consultation through our website will be our preferred method of consultation but alternative formats will always be available on request.
- e) We will make consultation documents available to view at locations open to the public. As a minimum this means council offices at Castlewood in Clevedon and Town Hall Weston-super-Mare and relevant North Somerset libraries.
- f) Consultation documents will be made available for download on the council's website. Hard copies where requested will out of necessity incur a reasonable charge (except for requests made under the Equality Act 2010). Alternative formats can be provided on request.
- g) We will consider organising or supporting other consultation events, such as

community based planning meetings.

- h) We will publish comments received, or a summary, as soon as feasible. Individual comments are normally available to view on our consultation website. We will explain how these comments have been taken into account when decisions are taken. This will normally be via the Consultation Statement submitted to Secretary of State when the local plan is submitted for examination.
- i) We will give a single email point of contact **planning.policy@n-somerset.gov.uk** and usually the name and telephone contact details of the person in charge of the consultation.

When we will consult

- a) At the start of the process we will first ask for ideas, views and information from appropriate organisations, individuals and communities (usually by means of the pre-production brief).
- b) For planning policy documents which are likely to have impacts on adjoining local authority areas, the council will engage with the relevant local authorities at the earliest possible stage in the preparation of the document under the Council's "duty to co-operate". This will help to ensure communities and organisations in the adjoining area are notified and have opportunities to be involved in the preparation of the document. It will also enable the council and adjoining local authorities to identify any cross-boundary impacts and necessary mitigation measures, as well as co-ordinate consultation activities.
- c) After considering the initial comments and the relevance of previous consultation results we will consider the need to prepare documents for additional consultation stages setting out options, information, greater detail or a preferred option or other useful content. These consultation stages will be a minimum of four weeks but as a norm will be six weeks. If the consultation

unavoidably includes a major national public holiday or other religious holiday then a longer period for responding will be given. Once we are satisfied that a fair opportunity has been offered for organisations and individuals to express their views we will prepare the formal "submission document".

- d) We will formally publish the submission document (or equivalent under any revision to the relevant regulations) for formal representations to be made. The formal consultation period will be a minimum of six weeks.
- e) An additional consultation period may be necessary following submission if additional modifications are proposed.

Sustainability appraisal of Local Plans

Sustainability Appraisals (SA's are technical documents which identify the likely significant effects of the plan and the extent to which the plan will achieve its economic, social and environmental objectives. Consultation and engagement during their preparation is covered by a different set of regulations¹. Statutory bodies such as the Environment Agency, Natural England and English Heritage will be involved early in the process. There is an opportunity for any interested parties to be involved as the SA has to be published for comment alongside the local plan it relates to at the various stages of plan-making.

Supplementary planning documents

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

The way they are prepared is different to local plans. We will carry out at least one stage of consultation before we adopt. A planning inspector is not involved. You can find more detailed guidance on the minimum legal

¹ European Directive 2001/42/EC

consultation requirements for SPDs in the Town and Country Planning (Local Planning) (England) Regulations 2012 Part 5 11-14.

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

Who we will consult

As a) to e) for Local Plans above

How we will consult

As b) to h) for Local Plans above

When we will consult

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

Neighbourhood development plans and orders

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

Town and parish councils must consult on the draft Plan themselves, as set out in the Regulations⁴ (see Part 5 for neighbourhood development plans). The general principles set out in Section 1 may also be used as guidance.

The plan must then be submitted to North Somerset Council who carry out a period of consultation for a minimum of six weeks in accordance with the regulations². Consultation will conform to the principles in Section 1 of this SCI. Any comments received are then forwarded to an examiner who will carry out an independent examination of the plan. If the plan passes the examination, then it is put to a referendum within the local neighbourhood³.

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

Community Infrastructure levy

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

The CIL Charging Schedule will be reviewed alongside the production of a new Local Plan,

² The Neighbourhood Planning (General) Regulations 2012 Part 5, Reg 14 and 16

³ Schedule 4B town and Country Planning Act 1990 (as amended)

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

- 1) Initially the council will prepare evidence base studies to inform the review process and to determine whether any rates should be adjusted, deleted, or new rates introduced. This will be informed by engagement with key stakeholders and interested parties.
- 2) If a change is needed the Council will then publish a Draft Charging Schedule and will consult on this for a minimum of four weeks. The consultation will be published on our website. Direct contact will be made with statutory consultees and with interested parties on the planning policy database to advertise the consultation.
- 3) Where any modifications are made as a result of the consultation, the council will produce a 'statement of modifications' and publish these for a further minimum period of four weeks consultation.

The Charging Schedule will then be submitted to the Planning Inspectorate for examination.

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

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

How to contact us about planning policy consultations

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

Email: planning.policy@n-somerset.gov.uk **Tel:** Planning Policy Team 01934 426 775 **Write to:** Planning Policy and Research
Development and Environment
North Somerset Council
Town Hall
Weston-super-Mare BS23 1UJ

3 Planning Applications

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

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

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

Pre-application

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

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

Neighbours

Once a valid application is received we will consider if notification is required in accordance with government regulations⁴. If notification is required we will do so by either erecting a site notice on or near the application site or by posting notification letters. In some cases, we will do both.

When posting notification letters, we will send them to those neighbours whose properties

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

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

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

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

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

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

All comments form part of the planning file and are normally placed on the council's website for viewing via the internet. It is important to remember this when submitting

⁴ The Town and Country Planning (Development Management Procedure) (England) Order 2015

comments as you will be legally responsible for their content. You must not submit any comments which are offensive, or which might give rise to legal proceedings against you, for example, if they are racist, sexist, homophobic or defamatory, or discriminatory in any way.

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

We explain our approach to data protection and equality on our [website](#).

Statutory consultees

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

Internal advice

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

Amendments

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

If amended details are received we will re-consult on proposals where, because of the amendment, we consider that there is likely to be a significantly greater detrimental impact, for example, on the occupants of adjoining properties. Where the application is

likely to be refused permission, regardless of the amendment, we will not normally re-consult.

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

Public speaking

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

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

After the decision is reached

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

Appeals

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

How to contact us about planning applications or appeals

We operate a web-based contact system.

You can submit comments on planning applications at:

www.n-somerset.gov.uk/lookatplanningapplications

For further queries or help visit: www.n-somerset.gov.uk/contactplanning or call the planning service on 01275 888 811



4 Reviewing the SCI

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

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

To ensure this we will monitor the success of the methods we use for involvement and feedback in the planning application process and at the various stages of preparation of planning documents. For planning policy documents, we will do this when we prepare the consultation statement we submit to the

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

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

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

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

For more information contact: 01275 888 545



