

STATEMENT OF COMMUNITY INVOLVEMENT: 2021 REVIEW

1 PURPOSE OF REPORT

- 1.1 Local authorities are required to undertake a review of their Statement of Community Involvement (SCI) every 5 years to ensure it continues to provide an accurate source of information for stakeholders on how they can get involved in the planning process. Furthermore, the planning practice guidance has recently been updated and advises local authorities to consider revising their SCI where Coronavirus regulations make fulfilling commitments challenging.
- 1.2 The Council's current SCI was adopted in 2016, meaning that a five-year review is required. This review has concluded that minor textual changes are required to ensure that the SCI remains accurate, achievable and transparent.
- 1.3 Whilst local authorities are not obliged to consult on their SCI, it has been the Council's standard practice to do so and it is considered appropriate to do so to ensure that stakeholders have an opportunity to inform any amendments ultimately made.

2 INTRODUCTION

- 2.1 Statements of Community Involvement (SCIs) are statutory documents that set out how and when local authorities will involve communities (and other interested persons) in the planning process. SCIs will typically include details of how engagement will be managed in relation to the plan-making, development management and planning enforcement processes.
- 2.2 Local authorities are required to undertake a review of their SCIs at least every 5 years to ensure it continues to provide an accurate source of information for stakeholders on how they can get involved in the planning process. As the Council's SCI was adopted in 2016, a five-year review is now required.

3 STATEMENT OF COMMUNITY INVOLVEMENT: 2021 UPDATE

- 3.1 The five-year review of the Council's SCI has identified a number of minor textual amendments that are required to ensure that the provisions within the SCI remain accurate, appropriate and achievable.
- 3.2 In light of the Coronavirus pandemic, and continuing restrictions on how people can interact, the review has also identified provisions that may require adaptation in order to be lawful and appropriate from a public health perspective. The Planning Practice Guidance (PPG) was updated in 2020 to encourage local authorities to update their SCIs where such an issue is identified; the same section of the PPG also suggests possible techniques local authorities could employ as alternatives, such as online webinars.

- 3.3 The majority of the Council's adopted SCI is considered to remain accurate, appropriate and achievable. Where amendments are being proposed, these are generally either additive provisions or factual updates, reflecting any changes to national policy or the local development scheme since the adoption of the 2016 SCI.
- 3.4 Furthermore, the suggested amendments are not considered to be prejudicial to effective community involvement. Where it has been identified that existing provisions may be incompatible with temporary Coronavirus restrictions, or inappropriate from the perspective of public health guidelines, particularly in the case of public events, the SCI review has identified potential alternative provisions, including online webinars or appointment-only/limited capacity meetings (subject to regulations and justification).
- 3.5 All suggested amendments are displayed as tracked changes in Appendix A.

4 RISK IMPLICATIONS

- 4.1 The Town and Country Planning (Local Planning) Regulations 2012 require local authorities to undertake a review of their Statement of Community Involvement (SCI) at least every five years. Furthermore, the Coronavirus pandemic and ongoing restrictions on the ability for people to interact is having a direct impact on the ability for local authorities to involve communities, particularly in person. The SCI Review to which this report relates helps to ensure both legislative and stakeholder expectations are fulfilled and the following risks are avoided.
- 4.2 In the plan-making process, any development plan documents prepared by the Council must undergo public consultation compliant with the Council's adopted SCI. Should the Council fail to undertake or act upon a review of its SCI, the subsequent examination of any development plan documents prepared by the Council could be at risk of challenge if it can be proved that a stakeholder or group of stakeholders was prejudiced by this failure.
- 4.3 In the development management process, many planning applications received by the Council require a period of public consultation prior to their determination. Should the Council fail to undertake or act upon a review of its Statement of Community Involvement, the determination of any planning application could be at risk of challenge if it can be proved that a stakeholder or group of stakeholders was prejudiced by this failure.

5 RESOURCE IMPLICATIONS

- 5.1 The preparation of the SCI review, and provisions within the SCI, will be achieved within existing agreed resources and budgets.

6 LEGAL IMPLICATIONS

- 6.1 The Town and Country Planning (Local Planning) Regulations 2021 require local authorities to undertake a review of their Statement of Community

Involvement at least every five years. Failure to undertake or act upon such a review may leave the Council's planning decisions open to challenge if it can be proved that such a failure has prejudice the ability for stakeholders to be involved in the planning process.

- 6.2 The undertaking of this review and adoption of necessary changes will ensure that the Council's community involvement process remain transparent and achievable.

7 EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

8 RECOMMENDATION

- 8.1 It is proposed that the Committee **RESOLVES**

That the Statement of Community Involvement: 2021 Review be consulted on for a period of six weeks.



Assistant Director, Place and Environment

Background Papers:-

None.

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If you would like this report in large print, Braille or another language please contact 01702 318111.

Adopted 19 July 2016

Updated [XX May 2021](#)

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Statement of Community Involvement



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1 Introduction

1.1 The Council, as the Local Planning Authority, is required to prepare a Statement of Community Involvement under Section 18 of the Planning and Compulsory Purchase Act (2004). The purpose of the Statement of Community Involvement is to set out the principles for engaging and consulting with local communities – including residents, organisations and businesses – and other interested parties on planning matters. Consultation and engagement on planning matters set out in this Statement seek to go beyond the minimum regulatory requirements¹ for community involvement in the plan making process in particular, and are in line with the Council's corporate Consultation Guide for Staff².

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1.2 The first Statement of Community Involvement was adopted by the Council in 2007 to set out how local communities would be involved throughout the preparation of the Local Development Framework (LDF), and consultation on planning applications and planning enforcement. However, since its adoption there have been a number of legislative changes on how Local Planning Authorities should engage with local communities during plan-making and the planning application process. The 2007 Statement of Community Involvement goes beyond the minimum consultation requirements set out in the legislation, but a review is necessary to ensure that it reflects current best practice and is up-to-date prior to consultation on future local development documents.

1.3 [The Town and Country Planning \(Local Planning\) Regulations 2012 require local planning authorities to review their Statements of Community Involvement every 5 years from the adoption date. It is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process \(Planning Practice Guidance, 2019\). This document contains amendments made as part of a 2021 review of the Council's 2016 Statement of Community Involvement.](#)

1.4 The rules on how personal data is collected, processed and disposed of were updated on 25 May 2018 when the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018 came into force. Rochford District Council has a Data Protection Policy, in place, and there are measures being applied to protect personal data in line with the GDPR. The Council stores and processes personal data for planning policy consultations in line with the relevant Privacy Notice.

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2 Planning Policy

2.1 The National Planning Policy Framework reiterates the need for positive and effective engagement with local communities at an early stage throughout the plan-making process to realise the sustainable development of the area. This Statement of Community Involvement will set out how and when local communities will be involved and what organisations and individuals will be consulted.

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¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

² http://www.rochford.gov.uk/community_and_people/have_your_say

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- 2.2 The Council has significant experience in the preparation of local development documents. As set out in the Local Development Scheme, the Council will prepare a new Local Plan and a Community Infrastructure Levy (CIL) Charging Schedule. Prior to consultation, draft policy documents will be taken to Full Council to be approved for consultation.

Notification and Engagement Techniques

- 2.3 Anyone may comment on the preparation of a planning policy document; however, it is important to ensure inclusivity throughout the plan-making process. A range of notification and engagement techniques will be employed to raise awareness and encourage participation at every stage of plan preparation. The Council recognises that some potential participants in the consultation favour paper methods of communication; electronic media will therefore not be solely relied upon. The scale of techniques used however will be dependent on document stage and may be subject to time and resource constraints. The following techniques will therefore be employed as appropriate:

- **Mailing list** – The Council operates a database of individuals and organisations that have expressed an interest in the plan-making process, have previously been actively involved in policy development or are statutory consultees. Those who wish to be involved will be directly notified at each stage either through email or letter of opportunities to comment. Those who are interested in planning policy development and wish to be notified can be included on the Council's mailing list at any time³.
- **Website** – Each consultation stage will feature prominently on the homepage of the Council's website⁴. This will link directly to information on document production, providing access to the consultation material and advice on how and when comments can be made. Articles providing updates on plan production, which may include consultation and engagement opportunities, may be published in the Council's online news section periodically but it will not be solely relied upon as a means of communication.
- **Libraries and Council reception areas** – Subject to Coronavirus restrictions, paper copies of consultation material, including comment forms, will be available at local libraries and Council reception areas in Rayleigh and Rochford during normal opening hours.
- **Adverts/public notices, and media briefings press releases** – Notices will be placed in a local newspaper advertising consultation and engagement opportunities, where appropriate. Media briefings/press releases will also be issued to local media.
- **Parish and Town Council and Community Group publications** – These types of publications are distributed to local residents at least quarterly. The Council will work with relevant organisations to utilise these publications to

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³ Interested parties can sign up at <http://rochford.jdi-consult.net/localplan/newuser.php> or those without access to the internet can contact the Council directly for more information

⁴ www.rochford.gov.uk

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notify residents of consultation and engagement opportunities, where possible. Consideration will need to be given to the timing of the consultation, and the timing and circulation of any publications outside the Council's control.

- **Posters** – Posters may be sent to relevant Parish and Town Councils to be displayed on notice boards to raise awareness of any public consultation and engagement opportunities. Posters may also be displayed in other appropriate locations across the District.
- **Leaflets** – Leaflets may be used to gain wider public awareness of a consultation or engagement opportunity, for example leaflets may be distributed at key attractors/destinations such as train stations and local schools.
- **Social media** – Media such as Twitter will be used to highlight public consultations on planning policy documents with direct links to the Council's website and information on how to comment, and any engagement events. Such messages will be retweeted periodically throughout the consultation period (@RochfordDC). However, comments will not be accepted via social media.
- **Events** – Such events may include drop-in sessions, public exhibitions and/or targeted workshops. Parish and Town Council meetings will be utilised where possible. The type of event undertaken will be dependent on a number of factors, including the consultation stage, and time and resource constraints. Careful consideration will be given to the timing, venue and format of events to ensure accessibility and inclusivity.

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- 2.4 All consultation materials produced by the Council are prepared in the corporate format (Arial size 12), however, to ensure inclusive access during consultations, information can be made available in alternative formats on request, including larger print, braille, audio tape and different languages.
- 2.5 Consultation techniques used to notify local communities and other interested stakeholders shall be reviewed for effectiveness to ensure that the correct type of consultation is being implemented. Where necessary a reminder or repeat notification shall be issued to the public and stakeholders to reinforce awareness of the active consultation period.

Implications of Coronavirus pandemic (since March 2020)

- 2.6 The ongoing Covid-19 pandemic (in line with government regulations) and to ensure maximum safety of both the public and the Council's frontline staff may mean that public engagement events, as detailed above, may not be possible for a temporary period. Depending on restrictions in place at the time of the community engagement opportunity, it may also mean that the placing of hard copies of the consultation documents in council offices and local libraries may be limited. In light of Coronavirus restrictions, the legal requirement to do so has been relaxed until December 2021, however the Council will look to resume this activity sooner if compatible with Coronavirus restrictions in place at the time.

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2.7 Updates to the Planning Practice Guidance in March 2020 directly addressed the impacts of Coronavirus on engagement in the planning process. In particular, Paragraph 76 states:

The government has been clear that all members of society are required to adhere to guidance to help combat the spread of coronavirus (COVID-19). The guidance has implications for local authorities and local plan-making, including how the public are engaged and the ability of authorities to comply with policies set out in their Statements of Community Involvement. This planning guidance focuses on how local authorities can review and update their Statements of Community Involvement and should be read in parallel with existing guidance on Plan-making, including paragraphs 34, 35 and 71. If there is any conflict, this guidance supersedes current Plan-making guidance until further notice.

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2.8 Where any of the policies in the Statement of Community Involvement cannot be complied with due to current guidance to help combat the spread of Coronavirus, local planning authorities are encouraged to undertake a review and update the policies where necessary so that plan-making can continue. This revision of the Statement of Community Involvement has been prepared to support this requirement.

2.9 The Planning Practice Guidance goes on to list a range of engagement activities that could be undertaken to ensure effective community involvement where Coronavirus restrictions are in place.

2.10 In light of ongoing Coronavirus restrictions, the Council will take reasonable steps to adapt its engagement activities to ensure effective community involvement can continue. Where public events would have been held for an engagement opportunity but are unable to lawfully take place, the Council will offer alternative digital events, such as online webinars. The Council will also ensure all consultation material is available online, making best use of digital interactive tools, including spatial mapping where appropriate. Subject to Coronavirus restrictions, the Council may also offer appointment-only or limited capacity public events, provided doing so would be compatible with public health and legal guidance in place at that time.

2.11 For residents without internet access or difficulties accessing online resources, the Council will take reasonable steps to involve these individuals for example, through local representative groups, telephone or in writing and through appointment-only at the Council offices where requested and possible.

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Submitting Comments

2.12 The Council operates an online public consultation system where comments may be made straightforwardly against relevant parts of the document being consulted upon. Electronic media, although the most quick and efficient method for submitting comments, is not the only acceptable method. Comments may be submitted during each stage of formal public consultation in the following ways:

- Online – using the Council's online public consultation system for planning policy available at <https://rochford.oc2.uk/>
- Email – planning.policy@rochford.gov.uk

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- Post – Planning Policy, Rochford District Council, Council Offices, South Street, Rochford, Essex. SS4 1BW.

- 2.13 For less formal public consultations, the Council may utilise a simple webform as an alternative to the online public consultation system.
- 2.14 The Council cannot take a written record of comments over the telephone as they cannot be verified as a true record of the consultee's opinion. Officers will, however, scribe for people who cannot make comments on their own due to literacy or disability issues.
- 2.15 Comment forms will normally be provided in paper or Word document format on request. Respondents will be encouraged to use these particularly during the pre-submission stage, as this will assist respondents in structuring their comments around the specific tests (in relation to soundness and legal compliance for the new Local Plan).
- 2.16 Comments must be made during the prescribed consultation period. Anonymous or confidential comments cannot be accepted. Late comments may be accepted in exceptional circumstances at the Council's discretion but may not be formally logged on the Council's consultation database. Any comments that are offensive, threatening, obscene, racist or illegal in any other way will not be accepted.
- 2.17 All comments accepted as duly-made will be logged on the Council's online public consultation system and will be available to view at the earliest opportunity.

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Consultation Feedback

- 2.18 A key aspect of community involvement in plan-making is providing feedback on how comments made have been taken into account in the development of a Plan or document. A report will be prepared following each consultation stage setting out the notification and engagement techniques employed, a summary of the main issues raised, officers' response to these issues and information on how these have been taken into account as appropriate. Such reports will be published on the Council's website. Following the final consultation on a Plan or document, the Council will prepare a Consultation Statement setting out which individuals and organisations have been consulted throughout the document's preparation, how they have been consulted, the main issues that were raised and how these issues have been addressed. The Plan or document and Consultation Statement will then be submitted to the Secretary of State, alongside other evidence, for independent examination.

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Duty to Co-operate

- 2.19 The Council is required by the Localism Act 2011 to effectively and constructively engage with relevant partners on strategic cross boundary matters on an ongoing basis – the Duty to Co-operate. This includes neighbouring local authorities and other statutory bodies. Consideration should be given to joint working and the preparation of shared evidence base work.

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- 2.20 The Council is committed to continuing to work in conjunction with relevant partners throughout the plan making process on strategic cross-boundary issues.

New Local Plan – Who, How and When

- 2.21 The new Local Plan will set out the Council's strategy for future development across the District; specific proposals and the allocation of specific sites to realise this strategy; and development management policies to support these. This document will be prepared in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. The timetable for the preparation of the new Local Plan is set out in the Local Development Scheme.
- 2.22 Opportunities for engagement at each stage of plan preparation are set out in the table below.

Plan Stage	Assessment Stage ⁵	Engagement Opportunities
Evidence Base preparation – ongoing (Regulation 18)		
Gathering and reviewing background information. Preparation of technical studies and topic papers.	Collate and review baseline social, economic and environmental data. Draft and publish SA/SEA Scoping Report.	Targeted involvement of organisations and service providers. Informal consultation with key stakeholders, such as Parish and Town Councils, relevant interest groups, landowners and developers, as appropriate. Formal consultation with Natural England, Heritage England and the Environment Agency on the SEA/SA Scoping Report.
Issues and Options Document⁶		
Draft Plan considering a wide range of topics and issues, and different	Initial draft SA/SEA Report – assessing each of the options, including reasonable	Formal public consultation on the scope and content of the Issues and Options Document for a minimum of six weeks.

⁵ Each published stage of a development plan document is required to be accompanied by a technical Sustainability Appraisal /Strategic Environmental Assessment (SA/SEA) legislation. A Habitats Regulations Assessment (HRA) will be undertaken in accordance with the HRA legislation, including an Appropriate Assessment as necessary

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Plan Stage	Assessment Stage ⁵	Engagement Opportunities
options to address these.	alternatives, included in draft Plan.	<p>Formal public consultation on initial draft SA/SEA Report alongside Issues and Options Document.</p> <p>Consultation and engagement techniques including public notices/adverts, posters, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas. Events including drop-in sessions and public exhibitions may be undertaken.</p>
<u>Spatial Options Document (Regulation 18)</u>		
<u>Revised draft Plan setting out spatial options for the distribution of growth and delivery of sustainable communities..</u>	<u>Revised draft SA/SEA Report – assessing each of the preferred options and reasonable alternatives included in revised draft Plan.</u>	<p><u>Formal public consultation on the scope and content of the Spatial Options Document for a minimum of six weeks.</u></p> <p><u>Formal public consultation on revised draft SA/SEA Report alongside Spatial Options Document..</u></p> <p><u>Publicity and engagement techniques including public notices/adverts, posters, email and letter notifications, website and social media. Online engagement events, such as webinars and “Q&As” may be undertaken. In-person drop-in sessions and public exhibitions may be undertaken subject to Coronavirus restrictions.</u></p>
<u>Preferred Options Document (Regulation 18)</u>		
Revised draft Plan setting out preferred options for each topic	Revised draft SA/SEA Report – assessing each of the preferred options and reasonable	Formal public consultation on the scope and content of the Preferred Options Document for a minimum of six weeks.

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Plan Stage	Assessment Stage ⁵	Engagement Opportunities
and reasonable alternatives.	alternatives included in revised draft Plan. Draft HRA – screening for likely significant effects on European sites.	Formal public consultation on revised draft SA/SEA Report alongside Preferred Options Document. Consultation with Natural England on the scope and content of the HRA. Publicity and engagement techniques including public notices/adverts, posters, email and letter notifications, website and social media. Online engagement events, such as webinars and “Q&As” may be undertaken. In-person drop-in sessions and public exhibitions may be undertaken subject to Coronavirus restrictions.
Proposed Pre-Submission Document (Regulation 19)		
Comments from previous stage informs final draft Plan – the Proposed Pre-Submission Document. Responses to comments made are contained in a separate Interim Consultation Statement.	Final SA/SEA Report – taking into account comments received at previous stage and any amendments to draft Plan following consultation. Final HRA – reassessing likely significant effects on European sites; undertaking an Appropriate Assessment ₁ as necessary.	Formal public consultation on the Proposed Pre-Submission Document for a minimum of six weeks. At this stage representations must relate to specific tests of soundness and legal compliance to be considered by an Inspector during independent examination. However, anyone may make representations (Regulation 20).

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Plan Stage	Assessment Stage ⁵	Engagement Opportunities
		<p>Formal public consultation on final SA/SEA Report alongside Proposed Pre-Submission Document.</p> <p>Consultation with Natural England on the scope and content of the final HRA.</p> <p>Publicity and engagement techniques including public notices/adverts, posters, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas.</p>
Independent Examination (Regulations 22, 23 and 24)		
<p>Submission of Proposed Pre-Submission Document and supporting documents, including SA/SEA Report and Consultation Statement, to Secretary of State for independent examination.</p> <p>Potential for Inspector to recommend modifications to make Plan sound ('Main Modifications' – those matters that materially affect the interpretation of policies in the draft Plan).</p>	<p>Addendum to submitted SA/SEA Report.</p>	<p>Public examination by Planning Inspector, considering all representations received during pre-submission consultation. Hearing sessions, as necessary.</p> <p>Written submissions carry the same weight to those presented at hearings.</p> <p>Public consultation on any proposed Main Modifications and, if needed, any addendum to the SA/SEA Report.</p>

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Plan Stage	Assessment Stage ⁵	Engagement Opportunities
Inspector's Report and Adoption (Regulations 25 and 26)		
<p>Publication of Inspector's Report, including recommendations of any proposed modifications to the submitted draft Plan.</p> <p>If found sound and legally compliant (subject to modifications), the Council may adopt the Plan.</p> <p>Preparation of Adoption Statement.</p>	Preparation of SA/SEA Adoption Statement.	Six week period for legal challenge following adoption of the Plan.

Community Infrastructure Levy (CIL) Charging Schedule – Who, How and When

- 2.23 The Community Infrastructure Levy will set a charge per square metre of new floorspace which will be levied on new development across the District, where applicable. The Levy will be prepared in accordance with The Community Infrastructure Levy Regulations 2010 (as amended). The timetable for the preparation of the Community Infrastructure Levy is set out in the Local Development Scheme.
- 2.24 Opportunities for engagement at each stage of document preparation are set out in the table below.

Plan Stage	Assessment Stage	Engagement Opportunities
Evidence Base preparation		
Prepare key background documents, including Viability Assessment and Infrastructure Funding Gap Assessment.		<p>Informal targeted engagement with agents and developers in relation to the Viability Assessment.</p> <p>Informal engagement with Essex County Council and other service providers in the preparation of the Infrastructure Funding Gap Assessment.</p>

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Plan Stage	Assessment Stage	Engagement Opportunities
Preliminary Draft Charging Schedule (Regulation 15)		
<p>Publication of Preliminary Draft Charging Schedule setting out the proposed charge to be levied.</p> <p>Publication of draft Regulation 123 list detailing proposed infrastructure projects to be funded through S106 Agreements and the Levy.</p>	Draft Viability Assessment.	<p>Formal public consultation on content of Preliminary Draft Charging Schedule for a minimum of four weeks.</p> <p>Publicity and engagement techniques including public notices/adverts, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas.</p>
Draft Charging Schedule (Regulation 16)		
<p>Comments from previous stage inform Draft Charging Schedule.</p> <p>Responses to comments made are contained in a separate Consultation Statement.</p>	Viability Assessment – updated, as necessary.	<p>Formal public consultation on content of Draft Charging Schedule for a minimum of four weeks.</p> <p>Publicity and engagement techniques including public notices/adverts, email and letter notifications, website and availability of paper documentation in libraries and Council reception areas.</p>
Independent Examination (Regulations 19 and 20)		
Submission of Draft Charging Schedule and supporting documents to the Secretary of State for independent examination.		<p>Public examination by Examiner (usually an Inspector), considering all representations. Hearing sessions, as necessary.</p> <p>Written submissions carry the same weight to those presented at hearings.</p>

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Plan Stage	Assessment Stage	Engagement Opportunities
Examiner's Report and Publication (Regulations 23 and 25)		
Publication of Examiner's Report setting out recommendations and reasons. If approved, the Council may adopt and publish the Charging Schedule.		

Supplementary Planning Documents – Who, How and When

- 2.25 Supplementary Planning Documents are non-statutory documents that give further advice and guidance on the interpretation of policies and proposals set out in Development Plan Documents. These documents will be prepared in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. The timetable for the preparation of any Supplementary Planning Documents is set out in the Local Development Scheme.
- 2.26 Opportunities for engagement at each stage of document preparation are set out in the table below.

Document Stage	Assessment Stage ⁷	Engagement Opportunities
Evidence Base preparation		
Gathering and reviewing baseline information. Preparation of technical studies, as necessary.	Screening to determine whether a SA/SEA is required. Draft and publish SA/SEA Scoping Report, if necessary.	Informal targeted involvement of organisations and service providers. Informal consultation with key stakeholders, such as Parish Councils, Schools, relevant interest groups, landowners and developers. Formal consultation with Essex Highways, Hospital Trusts, Doctors Practises, Utilities, Natural England, Heritage England and the Environment Agency on the SEA/SA Scoping Report, if necessary.

⁷ Each published stage will be accompanied by a technical Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) legislation, where required

Document Stage	Assessment Stage ⁷	Engagement Opportunities
Draft Supplementary Planning Document (Regulation 13)		
Draft document setting out preferred options.	Draft SA/SEA Report – if required in exceptional circumstances.	<p>Formal public consultation on the scope and content of the Draft Supplementary Planning Document for a minimum of six weeks.</p> <p>Formal public consultation on initial draft SEA/SA Report alongside draft document – if required.</p> <p>Publicity and engagement techniques including public notices/adverts, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas. Events / Exhibitions may be undertaken, as appropriate.</p>
Adopt Supplementary Planning Document (Regulations 12 and 14)		
Publication of final document taking account of consultation responses.	Publication of SA/SEA Report (if required, in exceptional circumstances).	

Neighbourhood Planning

2.27 Neighbourhood planning was introduced by the Localism Act in 2011, and gives local communities new powers to take decisions to help shape and drive the development that takes place in their area. There are three main types of neighbourhood planning available to communities:

- **Neighbourhood Plan** – A neighbourhood plan is a statutory planning document that sets planning policies for a defined neighbourhood area. A neighbourhood plan can allocate land for development, including new homes and employment, as well as setting policies on design and uses. Once adopted, a neighbourhood plan will form part of the Council's local development plan, against which all planning applications and proposals will be determined.

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- **Neighbourhood Development Order** – A neighbourhood development order allows communities to grant planning permission for specific types of development their area.
- **Community Right to Build Order** – A community right to build order is a form of a neighbourhood development order which allows communities to grant planning permission for local small-scale developments that would be of community benefit.

- 2.28 Whilst the Local Plan usually sets policies that apply to the authority area as a whole, neighbourhood plans typically set policies that will only apply to a smaller 'neighbourhood area'. In practice, these neighbourhood areas often align with parish boundaries.
- 2.29 Neighbourhood planning is community-led, as opposed to being led strictly by the Council as local planning authority. Neighbourhood plans and development orders can only be prepared by a defined 'neighbourhood forum' whilst community right to build orders can be prepared by any community organisation with 10 or more members resident in the area. Whilst a neighbourhood forum will often be a Parish or Town Council, they may also be led by other community groups, and crucially should be open and accessible to all in the local community.
- 2.30 Neighbourhood plans and orders must accord with both the Council's local development plan and national planning policy. They must also acknowledge and take account of International, European and national designations and laws (including historic and environmental designations, and human rights laws). A neighbourhood plan or development order can propose additional development to what is set out in the Council's local development plan, but cannot propose less or seek to block development that has already been approved.
- 2.31 The procedural requirements governing neighbourhood planning – including consultation and engagement requirements – are set out in the Neighbourhood Planning (General) Regulations 2012, as amended. Where the SCI is silent, or amendments are made to these regulations that make the SCI non-compliant, the regulations will take precedence.

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2.32 The main stages in neighbourhood planning are set out below:



- Step 1: Designating the neighbourhood area and, if appropriate, neighbourhood forum
- Step 2: Preparing a draft neighbourhood plan or Order
- Step 3: Pre-submission publicity and consultation
- Step 4: Submission of a neighbourhood plan or Order proposal to a local planning authority
- Step 5: Independent Examination
- Step 6: Community Referendum
- Step 7: Bringing the neighbourhood plan or Order into force

2.33 The Town and Country Planning Act 1990 (as amended) places a statutory responsibility on the Council as local planning authority to assist communities in its area in the preparation of neighbourhood plans and orders. The Council is also expected to assist in the management of the examination and referendum stages of neighbourhood planning, where applicable.

2.34 The principle of neighbourhood planning is that it should primarily be led and shaped by the local community. For this reason, the Council does not directly oversee or manage the neighbourhood planning process. Instead, the Council will support neighbourhood planning in the following ways:

- Providing advice and guidance to relevant bodies, as necessary. This includes aiding in understanding the procedural and regulatory requirements of neighbourhood planning.
- Directing relevant bodies towards information and resources relevant to neighbourhood planning, and any organisations or funding sources which may be able to offer direct or indirect assistance.
- Attending meetings on occasion to provide updates on local, regional and national plan-making, and highlighting the potential implications on neighbourhood planning.
- Making relevant information and evidence available to the relevant body for their consideration and aiding in its interpretation.
- Reviewing documents and drafts and offering feedback, including on potential issues around accordance with the local development plan and national planning policy.
- Fulfilling the Council's obligations to consult, as set out in the Neighbourhood Planning Regulations 2012, as amended; and

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- Making arrangements and managing the examination and referendum processes.

2.35 The primary community engagement supporting the preparation of a neighbourhood plan, neighbourhood development order or community right to build order should be carried out by the relevant neighbourhood forum or community organisation. The Neighbourhood Planning Regulations 2012, as amended, set out the detailed engagement requirements that relevant bodies will be expected to fulfil as they prepare a neighbourhood plan or order. A statement will accompany any draft neighbourhood plan indicating what consultation took place and how it has informed the preparation of the plan.

Deleted: <#>As of July 2018, only one neighbourhood area and forum have been designated in the District, at Canewdon and Wallasea Island.¶

2.36 The Council will ensure that statutory consultees are engaged in the preparation of neighbourhood plans at the appropriate stages

2.37 The Neighbourhood Planning Regulations 2012, as amended, do, however, also define specific consultation requirements that the Council is expected to undertake at key stages.

2.38 These key stages, and the consultation that the Council will undertake at these stages, are set out in the table below:

Plan Stage	Engagement Opportunities
Neighbourhood Area designation consultation	<p>The Council is required to hold a public consultation on any area application it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>The area application, details on how to make representations, and the date by which representations must be received will all be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas.</p> <p>As soon as possible after designating a neighbourhood area, the Council will publicise on its website, and any other mediums deemed appropriate, information including the name of the neighbourhood area, a map which identifies the area, and the name of the relevant body who applied for the designated. Where an application is refused, the Council will instead publicise the reasons for that decision.</p>

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Plan Stage	Engagement Opportunities
Neighbourhood Forum designation consultation	<p>The Council is required to hold a public consultation on any forum application it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>The forum application, details on how to make representations, and the date by which representations must be received will all be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas.</p> <p>As soon as possible after designating a neighbourhood forum, the Council will publicise on its website, and any other mediums deemed appropriate, the name of the neighbourhood forum, a copy of the written constitution of the forum, and the name of a contact and neighbourhood area to whom the forum relates. Where an application is refused, the Council will instead publicise the reasons for that decision.</p>
Neighbourhood Plan or Order proposal or modification proposal	<p>The Council is required to hold a public consultation on any proposed neighbourhood plan or order, or proposed modification to a plan or order that it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>Details of the proposal, how to inspect the proposal, details of how to make representations and the date by which those representations must be received will be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas. In the case where an order proposal triggers the requirements of Regulation 33 of the EIA Regulations, the Council will also place details of the proposal on a site notice on or near the land in question, and a notice in a newspaper circulating in the locality.</p> <p>As soon as possible after making a decision under Regulations 18 or 25 of the Neighbourhood Planning Regulations 2015, the Council will publish its decision statement and the examiner's report, including details of where that statement can be inspected, on its website and by any other mediums deemed appropriate.</p>

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Plan Stage	Engagement Opportunities
Community Referendum	The Council will organise a referendum on any plan that has been considered at examination to meet the basic standards. People living the neighbourhood area who are registered to vote in local elections will be entitled to vote in this referendum. The Council will organise and publicise the referendum as it would for any local election.
Decision to make, or refuse to make, a neighbourhood plan or order	<p>The Council will publicise its decision statement, the made neighbourhood plan or order (if applicable), and details of how to inspect both documents on its website and through any other medium deemed appropriate.</p> <p>This information may be publicised by email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas. The Council will directly contact the relevant body and any other individuals who asked to be notified of the making of the neighbourhood plan or order, as required by the Neighbourhood Planning Regulations 2012, as amended.</p>
Modifications to or revocation of a neighbourhood plan or order	<p>The Council will publish a statement setting out the reasons for modifications or revocations, and details of how to inspect this statement, on its website and through any other medium deemed appropriate.</p> <p>This information may be publicised by email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas. The Council will directly contact the relevant body and any other individuals who asked to be notified of the making of the neighbourhood plan or order, as required by the Neighbourhood Planning Regulations 2012, as amended.</p>

Minerals and Waste Local Plans

2.39 The preparation and review of Minerals and Waste Local Plans is the responsibility of Essex County Council. The District Council is, and will continue to be, a consultee on such plans. The progress of the County Council's Minerals and Waste Local Plans and their Statement of Community Involvement can be found on the County Council's website⁸.

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⁸ <http://www.essex.gov.uk>

3 Planning Applications

- 3.1 A planning application must be submitted to the Local Planning Authority – Rochford District Council – before development takes places. The exception to this is where certain types of development is automatically permitted by legislation, referred to as permitted development. An applicant can apply to the Council for a Lawful Development Certificate to determine whether a proposal is permitted development or not; more information on this process is available on the Planning Portal website⁹.

Pre-Application Advice

- 3.2 The Council offers a chargeable pre-application advice service. This service enables applicants to discuss their proposals with officers, understand how policies and guidance would be applied, and identify where any specialist input would be required early on in the process before submitting a formal planning application. The aim of this service is to ensure that valid, better quality applications are submitted to the Council which are more likely to have a greater chance of a positive outcome.
- 3.3 Pre-application advice is available for all types of development ~~excluding~~ householder applications ~~and applications for small scale development such as one house.~~ ~~Pre-application advice is expected for all~~ major development proposals. This service includes options for a written generic response from officers to proposals, a meeting with written advice and a follow up meeting. Additional urban design advice ~~or historic building advice~~ is also available. Members can be involved in pre-application discussions for minor, major or strategic development proposals. More information on pre-application advice is available on the Council's website¹⁰.
- 3.4 Such advice will be based on the case officer's professional judgement and will not constitute a formal response or decision of the Council with regard to any future planning applications. Any views or opinions expressed, are given without prejudice to the consideration by the Council of any formal planning application, which will be subject to wider consultation and publicity. Although the case officer may indicate the likely outcome of a formal planning application, no guarantees can or will be given about the decision that will be made on any such application.
- 3.5 The Council will not normally undertake any public consultation for applicants that have sought pre-application advice for a proposal. This avoids unproductive involvement for local communities as no formal planning application has been submitted at this stage.

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Pre-Application Consultation

- 3.6 Consultation with local communities is encouraged for applicants seeking permission for major development in particular. When such engagement takes place, it is at the discretion of the applicant and can take place prior to seeking pre-application advice, if sought, or prior to submission of a planning application. The results of any public

⁹ www.planningportal.gov.uk/permission/next/lawfuldevelopmentcertificate

¹⁰ www.rochford.gov.uk/planning/planning_applications/planning_pre-application_advice

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consultation should be provided to the Local Planning Authority with a planning application.

3.7 There are a number of benefits for consulting affected communities prior to the submission of a planning application, including:

- Providing local communities with accurate information on a proposal before a formal application is submitted.
- Enabling local concerns and objections to be identified early in the process and be addressed, where possible.
- Providing an opportunity for local communities to discuss proposals with the applicant (for example at public meetings).
- Potentially avoiding the need to revise and / or resubmit proposals at an advanced stage.
- Encouraging a transparent and inclusive application process.
- Assisting in the submission of better quality applications.

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3.8 The Council supports pre-application consultation with local communities but will not normally be involved in this process. However, the applicant may wish to seek advice on effective engagement techniques prior to submission of a formal application – such techniques may include public meetings, public exhibitions, workshops, notices/articles in local media, and consultation letters.

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3.9 Applicants should also consider consulting organisations such as Essex County Council (as the highways and education authority, and urban design advisor to the Council), Heritage England, the Environment Agency and Natural England for advice depending on the development being proposed.

Planning Performance Agreements

3.10 The Council will, for some types of applications, enter into a Planning Performance Agreement (PPA) with an applicant. A PPA is an agreement between the Council and an applicant setting out the process and timescales for considering some larger and more complex proposals from the pre-application stage through to the submission and determination of a full application. A PPA can include information on community involvement such as techniques for engaging with affected communities and how their views will be incorporated. Once a PPA has been entered into, the statutory time limit for the determination of the planning application no longer applies.

Planning Applications

3.11 Copies of all valid planning applications are published on the Council's website¹¹ and are available to view at the Council offices in Rochford during normal opening hours, subject to any restrictions on opening hours being in place.

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¹¹ www.rochford.gov.uk

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3.12 The Council will advertise planning applications in the following ways, depending on the type of application in accordance with, and where possible beyond, the requirements of the relevant legislation:

- Neighbour notification – Occupiers of properties most likely to be affected by a proposal will be notified by letter that an application has been received. Written comments will be invited and should be received within 21 days of the date of the letter. The extent of the neighbour notification process will vary depending on the type of proposal for which permission is being sought. This will be at or beyond the level specified by the legislation.
- Site notices – These yellow notices will be displayed in the vicinity of the site where a planning application has been made. The site notice will list details of the application together with information on how plans and supporting information can be viewed and how comments can be made on the application. Site notices will be displayed for all major applications, and applications that are considered likely to affect a Listed Building or a Conservation Area. However, not all planning applications will be publicised with the use of a site notice.
- Statutory consultees – The Council seeks to engage with a number of organisations who may have an interest in the planning process; including Essex County Council Highways and education departments, English Heritage, Natural England and the Environment Agency. However, not all such organisations are consulted on each application – this will depend on the location, scale and type of planning application under consideration. Consultees are notified in writing and, as with local residents, have 21 days in which to respond. In addition bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
- Website – Some major residential planning applications are publicised on the Council's home page. This will link to a dedicated page for each application providing more detailed information on the proposals, easy access to key plans and supporting documents and information on how comments can be made.
- Public Access – All planning applications are available to view on the Council's e-planning system¹². Planning applications can be searched by address, application reference number or geographically using the map of the District provided. This system provides access to submitted plans, supporting documents and statements, comments received, the officer's report and decision notice (depending on the status of the application). Please not some older historic applications may not be retrieved using the map search function.
- Local media – Applications classified as being major applications or those which could affect the character or appearance of a Conservation Area or Listed Building will be advertised in a local newspaper.
- Consultation with Parish / Town Councils.

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Deleted: <#>Social media – Planning applications may feature on the Council's Twitter feed for planning applications which are automatically tweeted from the Council's planning management system (@RDCplanningapps). 1

¹² <http://maps.rochford.gov.uk/DevelopmentControl.aspx?RequestType=ParseTemplate&Template=DevelopmentControlSearch.tmpl>

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3.13 All planning applications can be examined on the Council's Public Access site. For those without access to the internet, all relevant information is available to view at the Council offices in Rochford, during normal opening hours, and subject to Covid-19 pandemic government regulations and restrictions.

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3.14 Anyone can comment on a planning application. Comments need to be made in writing to the Council in the following ways:

- Online – via the webform or planning application system following the instructions available at:
http://www.rochford.gov.uk/planning/planning_applications/comment_on_a_planning_app
- Email – planning.applications@rochford.gov.uk
- Post – Planning Applications, Rochford District Council, Council Offices, South Street, Rochford, Essex. SS4 1BW.

3.15 The Council cannot take a written record of comments over the telephone as they cannot be verified as a true record of the consultee's opinion. Officers will, however, scribe for people who cannot make comments on their own due to literacy or disability issues.

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3.16 Those commenting on a planning application are encouraged to provide contact details, however anonymous comments will be accepted in most circumstances at the discretion of the case officer, but may be given less weight as the context within which the comments have been made (i.e. if the person commenting is neighbours the application site or not) may be less obvious. All comments received will be considered by the case officer and included in the officer's report; comments will also be redacted and published on the Council's Public Access site.

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3.17 Comments must be made during the prescribed consultation period. Late comments may be accepted in exceptional circumstances at the case officer's discretion. Any comments that are offensive, threatening, obscene, racist or illegal in any other way will not be accepted.

3.18 Communication will not generally be entered into with objectors or supporters of an application once the comments have been submitted. However, the progress of the application can be viewed on the Council's website or other media, as appropriate:

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- Mid-application – In the event that the application will be determined at Development Committee, members of the public who have commented on the application will be informed of this. They will be provided with the date, time and venue of the relevant Committee. This information will be updated on the Council's website.
- Alterations – When an applicant makes changes to a proposal mid-application, depending on the scale of such changes, the Local Planning Authority will usually write to those who have commented previously inviting further comment. This information will also be updated on the Council's website.
- Post-application – Once the application has been determined the Council will update the Public Access site, and the website if applicable, detailing the outcome of the application. The agent (or applicant where there is no agent) will be sent the decision notice by email or post on the day of issue or the first working day following date of issue.

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- Appeals – When an applicant appeals against the decision of the Council to refuse their proposal or against non-determination of an application, those that have contributed along with other neighbours who adjoin the site, will be informed that an appeal has been made. This will be done in writing and will include details on how to comment on the appeal application.

3.19 In addition to the Public Access site being updated following the determination of a planning application, the Council also publishes a monthly decisions register on its website¹³.

Planning Enforcement

3.20 The Council's planning enforcement service investigates alleged breaches of planning control. Such alleged breaches may be reported by Members, other Council departments, other organisations or members of the public. The Council's Enforcement [Plan](#) is available to view on the Council's website¹⁴.

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3.21 Alleged breaches of planning control can be reported in any of the following ways:

- Online – using the webform available at:
www.rochford.gov.uk/planning/enforcement
- Email – planning.enforcement@rochford.gov.uk
- Post – Planning Enforcement, Rochford District Council, Council Offices, South Street, Rochford, Essex. SS4 1BW.
- In person – at the Council offices in Rochford during normal opening hours [and subject to Covid-19 pandemic government regulations and restrictions](#).
- Phone – 01702 318191

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3.22 The Council does not accept anonymous enforcement complaints. Anonymous complaints will only be registered where the breach is extremely serious and can be readily detected. The identity of complainants is kept confidential.

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3.23 Consultation is not undertaken for enforcement cases; however, the Council will endeavour to [provide an update upon request](#). [Complainants will be notified](#) of any relevant planning applications submitted. The Council will, in most circumstances, do this over the phone or by writing to the complainant via email or post.

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Appeals

3.24 An applicant can appeal to the Planning Inspectorate against the decision of the Council where an application has been refused permission, or where a proposal has been granted consent with conditions that are considered to be unacceptable to the applicant. An applicant can also appeal against non-determination of an application

¹³ http://www.rochford.gov.uk/planning/planning_applications/monthly-applications-decisions-register

¹⁴ www.rochford.gov.uk/planning/enforcement

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within the statutory time limit, or the revised timescales if an extension of time has been agreed. Appeals can also be made against enforcements notices.

- 3.25 Those who were consulted on the original planning application, as well as those who made comments on the proposal, will be notified of the appeal. In the case of enforcement notices, it is the responsibility of the Council to notify the complainants, about the appeal. The Council may also publicise an appeal on the Council's website or in local media if considered necessary. Depending on the type of application and the reason(s) for the appeal, different appeal procedures may be followed, through written representations, a hearing or a public inquiry.

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- 3.26 The Council will send the Planning Inspectorate copies of any comments received during consultation on the planning application. These comments will be considered by the Inspector who determines the appeal. Further written comments can be made, except in the case of Householder Appeals. Those who did not comment at the application stage can still comment on an appeal. Interested parties can also present their views verbally before a Planning Inspector during appeals that are decided by an informal hearing or public inquiry. More information on planning appeals can be found on the Council's website¹⁵.

4 Resourcing, Monitoring and Review

- 4.1 The implementation of the Statement of Community Involvement will require the use of the Council's resources – including finances and officer time.
- 4.2 Public consultation and engagement on the Council's planning policies will be undertaken primarily by planning officers, in conjunction with other departments where relevant. The Council will allocate money from its budget towards the preparation of the new Local Plan and Community Infrastructure Levy, taking into account the cost of implementing the requirements set out in the Statement of Community Involvement. The Local Development Scheme sets out the timescale for the production of these documents. This timetable factors in the time required for public consultation and engagement to be carried out at various stages.
- 4.3 The Council's approach for consulting on planning applications have allowed for the timescales in which applications are required to be determined in accordance with the legislation.
- 4.4 The Council will monitor the effectiveness of the Statement of Community Involvement, through considering:
- The level of community participation that it generates, particularly from groups that may have found themselves excluded from the process in the past.
 - The degree to which the views of those participating translate into actual planning outcomes.
 - The level of feedback received by those participating from the Council

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¹⁵ www.rochford.gov.uk/planning/planning_applications/planning_appeal_information

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- 4.5 The Statement of Community Involvement does not specify in detail all the community participation activities that will be carried out in order to maintain a flexible approach. It is intended, however, that the level of engagement will be beyond the minimum level required by legislation, wherever possible.