

## **LOCAL DEVELOPMENT SCHEME – REVISED DRAFT STATEMENT OF COMMUNITY INVOLVEMENT**

### **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek approval to consult on a revised draft Statement of Community Involvement (SCI). The current adopted SCI needs to be updated to take into account changes in national planning guidance and to help shape consultation on a new Rochford District Local Plan. The consultation is proposed for March/April 2016.

### **2 INTRODUCTION**

- 2.1 The requirement for a Statement of Community Involvement (SCI) is set out in Section 18 of the Planning and Compulsory Purchase Act 2004. The SCI's role is to outline how it will involve the community in plan-making and the consideration of planning applications. The SCI helps to ensure that local communities have greater ownership over local planning decisions and are better able to shape the places where they live.

### **3 THE NEED FOR A NEW DRAFT STATEMENT OF COMMUNITY INVOLVEMENT**

- 3.1 The Council's existing SCI was adopted in January 2007. Whilst parts of the SCI remain largely up-to-date and do not need significant revision, a review of the document is being undertaken to provide an opportunity to ensure our practices remain of the highest standard and remain up-to-date with national planning guidance.

### **4 CONSULTATION ON NEW DRAFT STATEMENT OF COMMUNITY INVOLVEMENT**

- 4.1 The new Draft SCI reflects the latest consultation requirements for both planning policy and development management. It also includes, as an appendix, information on community-led planning guidance.
- 4.2 The proposed programme of consultation will commence in spring 2016, for a nine week period, providing for an additional period over and above the six week statutory minimum. The aim of this consultation will be to seek views from the community and stakeholders on the draft SCI and how it could be improved before adoption.
- 4.3 The consultation will include written notification letters or emails to consultees, a newspaper advert, publicity in Rochford District Matters, a local media release and posters. The document will be made available to view, comment on and download via the District Council's consultation portal. It will also be available on our website and for inspection at local libraries, at the Council offices in South Street and the Civic Suite in Rayleigh. Online

responses are preferred to make the best use of officer resources, but the document will include details for contacting the Council by post, telephone, fax and Minicom.

- 4.4 The consultation responses received will be considered and changes made to the document where necessary. It is intended that these responses and any proposed changes to the SCI will be considered by a meeting of the Local Development Framework Sub-Committee in June/July to enable adoption by the Council before the summer recess.

## **5 CONCLUSION**

- 5.1 The Draft Statement of Community Involvement sets out proposals for involving people in the planning process. It incorporates the District Council's community-led planning guidance and through minor updates it continues to explain to the public how they will be involved in the preparation of the new Local Plan.

## **6 RISK IMPLICATIONS**

- 6.1 A revised Statement of Community Involvement (SCI) will ensure that the document remains up to date with current policies.

## **7 RESOURCE IMPLICATIONS**

This report has no direct implications on resources. The anticipated costs of managing the service are to be met from investments in the existing budget provision for the production of Rochford's Local Plan for completion during 2018/19.

## **8 LEGAL IMPLICATIONS**

- 8.1 The Council has a statutory requirement set out in Section 18 of the Planning and Compulsory Purchase Act 2004 to prepare a Statement of Community Involvement (SCI)

## **9 PARISH IMPLICATIONS**

- 9.1 The purpose of the SCI is to provide a consultation approach for the delivery of the Plan system and this will enable the Parishes to have a clear understanding of the process and relevant timescales.

## **10 EQUALITY AND DIVERSITY IMPLICATIONS**

- 10.1 The SCI will ensure that all planning policy documents involve widespread consultation and the full participation of local stakeholders, residents and businesses. Their views, needs and aspirations can be reflected in plans and policies.

**11 RECOMMENDATION**

11.1 It is proposed that the Sub-Committee **RECOMMENDS TO COUNCIL**

- (1) That the content of the draft Statement of Community Involvement (SCI) 2016, as set out in Appendix 1, be agreed.
- (2) That the Draft Statement of Community Involvement (SCI) 2015, set out at Appendix 1, be approved for 9 weeks' public consultation starting in March/April 2016.



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

**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.
- 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.

**2 Planning Policy**

- 2.1 The National Planning Policy Framework (paragraph 155) 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.
- 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 each 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 time<sup>1</sup>.

- Website – Each consultation stage will feature prominently on the homepage of the Council's website<sup>2</sup>. 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.
- Libraries and Council reception areas – 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 – Notices will be placed in a local newspaper advertising consultation and engagement opportunities, where appropriate.
- Posters / leaflets – 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. Leaflets may also be used to gain wider public awareness of a consultation or engagement opportunity.
- 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. 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.
- Rochford District Matters – The Council publishes a quarterly newspaper which is sent to all households in the District providing information and updates to residents on Council activities. All editions of Rochford District Matters are also available electronically on the Council's website<sup>3</sup>. Articles providing updates on plan production, which may include consultation and engagement opportunities, may be published in Rochford District Matters periodically but it will not be solely relied upon as a means of communication.

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<sup>1</sup> 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

<sup>2</sup> [www.rochford.gov.uk](http://www.rochford.gov.uk) under *In Focus*

<sup>3</sup> [www.rochford.gov.uk/rochford-district-matters](http://www.rochford.gov.uk/rochford-district-matters)

- 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.

### **Submitting Comments**

- 2.5 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 <http://rochford.jdi-consult.net/localplan>
  - Email – [planning.policy@rochford.gov.uk](mailto:planning.policy@rochford.gov.uk)
  - Post – Planning Policy, Rochford District Council, Council Offices, South Street, Rochford, Essex. SS4 1BW.
  - Fax – 01702 318181
- 2.6 For less formal public consultation, the Council may utilise a simple webform as an alternative to the online public consultation system.
- 2.7 If someone wishes to submit a comment on the consultation material but is unable to put it in writing then the Council will allow verbal comments, which will be recorded by officers.
- 2.8 Comment forms will normally be provided in paper 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).
- 2.9 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.
- 2.10 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.

### **Consultation Feedback**

- 2.11 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, officer's 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 documents 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.

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

- 2.12 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.
- 2.13 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**

- 2.14 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.
- 2.15 Opportunities for engagement at each stage of plan preparation are set out in the table below.

<b>Plan Stage</b>	<b>Assessment Stage<sup>4</sup></b>	<b>Engagement Opportunities</b>
<b>Evidence Base preparation – ongoing (Regulation 18)</b>		
Gathering and reviewing background information. Preparation of technical studies and topic papers.	Collate and review baseline social, economic and environmental data.	Targeted involvement of organisations and service providers.

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<sup>4</sup> 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

Plan Stage	Assessment Stage <sup>4</sup>	Engagement Opportunities
	Draft and publish SA/SEA Scoping Report.	<p>Informal consultation with key stakeholders, such as Parish and Town Councils, relevant interest groups, landowners and developers, as appropriate.</p> <p>Formal consultation with Natural England, Heritage England and the Environment Agency on the SEA/SA Scoping Report.</p>
<b>Issues and Options Document<sup>5</sup></b>		
Draft Plan considering a wide range of topics and issues, and different options to address these.	Initial draft SA/SEA Report – assessing each of the options, including reasonable alternatives, included in draft Plan.	<p>Formal public consultation on the scope and content of the Issues and Options Document for a minimum of six weeks.</p> <p>Formal public consultation on initial draft SEA/SA 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>

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<sup>5</sup> The Council is no longer required by legislation to prepare three formal documents for public consultation and engagement, however this is still considered to be the most appropriate approach for the preparation of the new Local Plan



<b>Plan Stage</b>	<b>Assessment Stage<sup>4</sup></b>	<b>Engagement Opportunities</b>
<b>Preferred Options Document (Regulation 18)</b>		
Revised draft Plan setting out preferred options for each topic and reasonable alternatives.	<p>Revised draft SA/SEA Report – assessing each of the preferred options and reasonable alternatives included in revised draft Plan.</p> <p>Draft HRA – screening for likely significant effects on European sites.</p>	<p>Formal public consultation on the scope and content of the Preferred Options Document for a minimum of six weeks.</p> <p>Formal public consultation on revised draft SEA/SA Report alongside Preferred Options Document.</p> <p>Consultation with Natural England on the scope and content of the 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. Events including drop-in sessions and public exhibitions may be undertaken.</p>
<b>Proposed Pre-Submission Document (Regulation 19)</b>		
<p>Comments from previous stage inform final draft Plan – the Proposed Pre-Submission Document.</p> <p>Responses to comments made are contained in a separate Interim Consultation Statement.</p>	<p>Final SEA/SA Report – taking into account comments received at previous stage and any amendments to draft Plan following consultation.</p> <p>Final HRA – reassessing likely significant effects on European sites; undertaking an Appropriate Assessment as necessary</p>	<p>Formal public consultation on the Proposed Pre-Submission Document for a minimum of six weeks.</p> <p>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).</p>

<b>Plan Stage</b>	<b>Assessment Stage<sup>4</sup></b>	<b>Engagement Opportunities</b>
		<p>Formal public consultation on final SEA/SA 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>
<b>Independent Examination (Regulations 22, 23 and 24)</b>		
Submission of Proposed Pre-Submission Document and supporting documents, including SA/SEA Report and Consultation Statement, to Secretary of State for independent examination.		<p>Public examination by Planning Inspector, considering all representations received during pre-submission consultation. Hearing sessions, as necessary.</p> <p>2.16 Written submissions carry the same weight to those presented at hearings.</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).	Addendum to submitted SA/SEA Report.	Public consultation on any proposed Main Modifications and, if needed, any addendum to the SA/SEA Report.

Plan Stage	Assessment Stage <sup>4</sup>	Engagement Opportunities
<b>Inspector's Report and Adoption (Regulations 25 and 26)</b>		
<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**

2.17 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.

2.18 Opportunities for engagement at each stage of document preparation are set out in the table below.

Plan Stage	Assessment Stage	Engagement Opportunities
<b>Evidence Base preparation</b>		
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>
<b>Preliminary Draft Charging Schedule (Regulation 15)</b>		
Publication of Preliminary Draft Charging Schedule setting out the proposed charge to be levied.	Draft Viability Assessment.	Formal public consultation on content of Preliminary Draft Charging Schedule for a minimum of four weeks.

<b>Plan Stage</b>	<b>Assessment Stage</b>	<b>Engagement Opportunities</b>
Publication of draft Regulation 123 list detailing proposed infrastructure projects to be funded through S106 Agreements and the Levy.		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.
<b>Draft Charging Schedule (Regulation 16)</b>		
Comments from previous stage inform Draft Charging Schedule.  Responses to comments made are contained in a separate Consultation Statement.	Viability Assessment – updated as necessary.	Formal public consultation on content of Draft Charging Schedule for a minimum of four weeks.  Publicity and engagement techniques including public notices/adverts, email and letter notifications, website and availability of paper documentation in libraries and Council reception areas.
<b>Independent Examination (Regulations 19 and 20)</b>		
2.19 Submission of Draft Charging Schedule and supporting documents to the Secretary of State for independent examination.  2.20		Public examination by Examiner (usually an Inspector), considering all representations. Hearing sessions, as necessary.  2.21 Written submissions carry the same weight to those presented at hearings.
<b>Examiner's Report and Publication (Regulations 23 and 25)</b>		
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**

- 2.22 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.
- 2.23 Opportunities for engagement at each stage of document preparation are set out in the table below.

Document Stage	Assessment Stage <sup>6</sup>	Engagement Opportunities
<b>Evidence Base preparation</b>		
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, relevant interest groups, landowners and developers.  Formal consultation with Natural England, Heritage England and the Environment Agency on the SEA/SA Scoping Report, if necessary.
<b>Draft Supplementary Planning Document (Regulation 13)</b>		
Draft document setting out preferred options.	Draft SA/SEA Report – if required in exceptional circumstances.	Formal public consultation on the scope and content of the Draft Supplementary Planning Document for a minimum of six weeks.  Formal public consultation on initial draft SEA/SA Report alongside draft document – if required.

<sup>6</sup> Each published stage will be accompanied by a technical Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) legislation, where required

Document Stage	Assessment Stage <sup>6</sup>	Engagement Opportunities
		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 may be undertaken, as appropriate.
<b>Adopt Supplementary Planning Document (Regulations 12 and 14)</b>		
Publication of final document taking account of consultation responses.	Publication of SA/S\EA Report (if required, in exceptional circumstances).	

### **Neighbourhood Planning**

- 2.24 Neighbourhood Plans are plans for guiding the future development and growth of a local area which can be produced – in the case of Rochford District – by Parish or Town Councils. The preparation of, and consultation on, Neighbourhood Plans is governed by the Neighbourhood Planning (General) Regulations 2012 (as amended). The Parish or Town Council is responsible for undertaking consultation and engagement during the preparation stage of Neighbourhood Plans in accordance with the relevant legislation and guidance. The District Council's role is to provide advice and support to the Parish or Town Council during Plan preparation and provide assistance during examination and referendum. The progress of any Neighbourhood Plans can be found on the Council's website<sup>7</sup>.

### **Minerals and Waste Local Plans**

- 2.25 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 website<sup>8</sup>.

<sup>7</sup> <http://www.rochford.gov.uk/planning/policy/neighbourhood-planning>

<sup>8</sup> <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 place. 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 website<sup>9</sup>.

#### **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 including householder applications; however it is particularly encouraged for 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 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 website<sup>10</sup>.
- 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.

#### **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

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<sup>9</sup> [www.planningportal.gov.uk/permission/next/lawfuldevelopmentcertificate](http://www.planningportal.gov.uk/permission/next/lawfuldevelopmentcertificate)

<sup>10</sup> [www.rochford.gov.uk/planning/planning\\_applications/planning\\_pre-application\\_advice](http://www.rochford.gov.uk/planning/planning_applications/planning_pre-application_advice)



sought, or prior to submission of a planning application. The results of any public 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.
- 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.
- 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 website<sup>11</sup> and are available to view at the Council offices in Rayleigh and Rochford during normal opening hours.
- 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 – Major planning applications are publicised on the Council's home page (under *In Focus*). This will link to a dedicated page for the 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 system<sup>12</sup>. Planning applications can be searched by address,

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<sup>11</sup> [www.rochford.gov.uk](http://www.rochford.gov.uk)

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).

- 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](#)).
- 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.

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 and Rayleigh, during normal opening hours.

3.14 Anyone can comment on a planning application. Comments can 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](http://www.rochford.gov.uk/planning/planning_applications/comment_on_a_planning_app)
- Email – [planning.applications@rochford.gov.uk](mailto:planning.applications@rochford.gov.uk)
- Post – Planning Applications, Rochford District Council, Council Offices, South Street, Rochford, Essex. SS4 1BW.
- Fax – 01702 318181

3.15 If someone wishes to submit a comment on a planning application but is unable to put it in writing then the Council will allow verbal comments, which will be recorded by officers.

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.

- 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 Council will endeavour to update those who have submitted comments on a planning application at several stages either through direct correspondence, the Council's website or other media, as appropriate:
- 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 and how to get further information if required. 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.
  - 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 website<sup>13</sup>.

### **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

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<sup>13</sup> [http://www.rochford.gov.uk/planning/planning\\_applications/monthly-applications-decisions-register](http://www.rochford.gov.uk/planning/planning_applications/monthly-applications-decisions-register)

departments, other organisations or members of the public. The Council's Enforcement Policy is available to view on the Council's website<sup>14</sup>.

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](http://www.rochford.gov.uk/planning/enforcement)
- Email – [planning.enforcement@rochford.gov.uk](mailto: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 or Rayleigh during normal opening hours
- Phone – 01702 318191
- Fax – 01702 318181

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

3.23 Consultation is not undertaken for enforcement cases; however the Council will endeavour to update the complainant with all relevant details, including notification 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.

### **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 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 everyone who it thinks is affected 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

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<sup>14</sup> [www.rochford.gov.uk/planning/enforcement](http://www.rochford.gov.uk/planning/enforcement)

application and the reason(s) for the appeal, different appeal procedures may be followed; through written representations, a hearing or a public inquiry.

- 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 website<sup>15</sup>.

#### **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
- 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.

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<sup>15</sup> [www.rochford.gov.uk/planning/planning\\_applications/planning\\_appeal\\_information](http://www.rochford.gov.uk/planning/planning_applications/planning_appeal_information)