

**REPORT OF THE HEAD OF PLANNING AND REGENERATION  
STATEMENT OF COMMUNITY INVOLVEMENT (SCI)**

**Portfolio Holder:** Cllr Richard Chesterton  
**Responsible Officer:** Jenny Clifford, Head of Planning & Regeneration

**Reason for Report:** To approve the Statement of Community Involvement (SCI) for adoption by Council.

**RECOMMENDATION:** That Cabinet recommend to Council that the Statement of Community Involvement be adopted.

**Relationship to Corporate Plan:** Implementation of the revised Statement of Community Involvement will help to ensure that our services are accessible and meet the needs of our community as well as maximise the potential health and well-being of our communities.

**Financial Implications:** The revised Statement of Community Involvement commits the Council to carrying out specific consultation procedures which will have financial implications, for which there is an existing budget within the planning service.

**Legal Implications and Risk Assessment:** Failure to follow the revised Statement of Community Involvement (once adopted) could lead to the Council's planning policy documents being found unsound and planning application decisions legally challenged.

## **1.0 Introduction**

1.1 A Statement of Community Involvement (SCI) is required by Section 18 of the Planning and Compulsory Purchase Act 2004. It is intended to set out in detail how the Council will consult on its local plans, supplementary planning documents and planning applications. If the Council does not accord with its provisions in publicising a local plan then it may be found unsound. A planning application which has not been consulted on in accordance with the SCI could be legally challenged and planning permission potentially quashed.

1.2 The Council's existing SCI was adopted in 2012 to reflect the provisions of the Planning Act 2008, Localism Act 2011, The Town and Country Planning (Local Planning) Regulations 2012 and the National Planning Policy Framework (NPPF). This review has been undertaken to take account of recent changes in planning legislation and to reconsider the most effective methods of community involvement in the planning process.

## **2.0 Consultation**

2.1 Consultation on the revised Statement of Community Involvement took place from the 23<sup>rd</sup> May 2016 to 18<sup>th</sup> July 2016. A total of 14 valid representations were received and have been considered when producing the final document.

2.2 A summary of the main issues raised during the consultation and how they have been addressed is provided in Appendix 2 of this report.

## **3.0 Planning Policy Advisory Group**

3.1 The Planning Policy Advisory Group (PPAG) has considered the revised Statement of Community Involvement (SCI) and recommended that Cabinet approve the document for adoption by Council.

3.2 The contents of policy SCI7 'Application Consultation' were debated at the PPAG meeting with differing views being presented. The policy has been amended to state that the Council will continue to publish a list of applications in a local newspaper for as long as is required by the Government. Notification of whether the application is to be determined at Planning Committee to those that have made representations was also debated. Some members wished this notification to take place in all instances, whilst others recognised that this would only be done electronically where such contact details were available. An amendment to the policy now explains that the Council will now notify anyone making representations if the application is to be determined by Planning Committee on an electronic basis where possible.

3.3 PPAG Members also considered the reference in policy SCI (e) to the provision of copies (of live applications and supporting information) where required when the information is available for free on the Council's website. Fee charges for making copies of documentation do not cover the true cost to the Council as it does not include staff time. The concern at the retention of this reference in the policy is whether it is likely to lead to a significant number of copying requests, much of the cost of which is borne by the Council. There were a range of views expressed on this at PPAG with some Members wishing the reference to remain.

## **4.0 Further Review**

4.1 At a meeting of Cabinet on 7 July 2016, a recommendation was made to Council that a Strategic Plan be prepared for the development of the Greater Exeter area intended to cover the period up to 2040 and that it be jointly prepared by East Devon, Mid Devon and Teignbridge District Councils and Exeter City Council with the support of Devon County Council. A further review of the SCI may be required to clarify any consultation requirements associated with preparing a Joint Strategic Plan. Any amendments would be subject to public consultation and approval by Cabinet and Council.

**Contact for more information:** Arron Beecham, Forward Planning Assistant, 01884 234221 ([abeecham@middevon.gov.uk](mailto:abeecham@middevon.gov.uk))

**Circulation of the Report:** Cllr Richard Chesterton (Cabinet Member), Cabinet

**List of Background Papers:**

The draft SCI review and representations received during consultation can be found at:

<https://www.middevon.gov.uk/residents/planning-policy/statement-of-community-involvement-future-page/>



# Statement of Community Involvement (SCI)

September 2016



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# 1 INTRODUCTION

- 1.1 This document sets out how the Council intends to engage with communities through the planning process. This includes the preparation of new local plans and Supplementary Planning Documents, and procedures for consulting the public on the planning applications we receive. However, this does not apply to minerals, waste and county council developments which fall within Mid Devon as these are addressed in Devon County Council's SCI.
- 1.2 The Localism Act 2011 introduced the ability for town and parish councils in Mid Devon to draw up their own neighbourhood plans which can add detail beyond the strategic elements of the district council's local plans. In accordance with planning legislation, the Statement of Community Involvement does not include a policy on neighbourhood planning. However, the Council has a duty to support neighbourhoods in the preparation of their plans, and may set out procedures or intentions for this outside of the Statement of Community Involvement.
- 1.3 The preparation of a Statement of Community Involvement is required under Section 18 of the Planning and Compulsory Purchase Act 2004. Mid Devon District Council's first Statement of Community Involvement was adopted in February 2007 and was updated in 2012 to reflect the current legislation, including the provisions of the Planning Act 2008, Localism Act 2011, The Town and Country Planning (Local Planning) Regulations 2012 and the National Planning Policy Framework. This review has been undertaken to take account of recent changes in planning legislation and to reconsider the most effective methods of community involvement in the planning process. The Council is legally obliged to comply with its Statement of Community Involvement, once it is adopted.

## **2 CONSULTATION APPROACH**

- 2.1 The Council will adopt an inclusive approach to community involvement ensuring as far as possible all sections of the community can be involved. No one will be unfairly discriminated against or receive less favourable treatment on grounds of race, colour, ethnic or national origin, sexuality, gender, disability, age, religious beliefs or social class.
- 2.2 All documents will be written in plain and clear language, aimed at being understood by non-planning professionals. Jargon will be avoided and glossaries will be provided to explain the necessary technical terms. The Council will make reasonable effort to ensure that people with particular requirements will not be overlooked. Documents in other formats will be available where necessary, for example, large print, audio or translation in other languages.
- 2.3 The Council will promote the earliest possible consultation with and involvement of interested parties and will promote consensus solutions where possible. Where conflicting views cannot be resolved, the Council will take into account the various points of view, and will aim to take a balanced decision based on the full facts. All comments received as a result of consultation exercises will be considered and the Council will set out public responses to issues raised when decisions are made.
- 2.4 The Council will balance wide involvement in the planning process with the need for effective operation of the planning system. This difficult balancing act will reflect the level of resources available to the Council, the level of discretion that the Council has over a particular decision and the likely social, environmental, and economic impacts of the policy or proposal under consideration.



### **3 LOCAL PLANNING – GENERAL POLICIES**

- 3.1 The National Planning Policy Framework (NPPF), published in 2012, reintroduced the requirement to produce a single local plan. Local plans (also known as Development Plan Documents) set out strategic planning policy, land allocations for development, and detailed policy on development management and allocated sites. Supplementary Planning Documents provide additional detail on any environmental, social, design and economic objectives that help to achieve sustainable development.
- 3.2 The Local Plan is accompanied by the Authority’s Monitoring Report, the Statement of Community Involvement, and the Local Development Scheme. The contents of the Local Plan are set out in a document called a Local Development Scheme. This contains a timetable for production of local plans and other documents as appropriate.
- 3.3 Consultation Requirements are set out within the Town and Country Planning (Local Planning) (England) Regulations 2012. It is the role of the Statement of Community Involvement to provide an approach to public involvement tailored to the local area by supplementing these.
- 3.4 The Localism Act 2011 introduced a Duty to Cooperate on strategic planning matters that are ‘larger than local’. The Council will cooperate with its neighbouring local authorities and public bodies as defined in the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.5 The Mid Devon Local Plan will go through clear stages of preparation and scrutiny. A simplified illustration of the process is shown overleaf.

Preparation	<p>Survey and evidence gathering</p> <p>Formulation of policy options</p> <p>Report to Cabinet</p> <p>Consultation</p> <p>Consider consultation responses</p> <p>Policy formulation</p>
Publication	<p>Report to Cabinet and full Council</p> <p>Publication of local plan</p>
Submission	<p>Submission of local plan to Secretary of State</p> <p>All associated documents including consultation responses are submitted with the local plan.</p>
Examination	<p>Examination in Public</p> <p>Planning Inspector holds an examination into the Local Plan, usually including public hearings.</p> <p>Inspector's report published</p> <p>Determines if plan is 'sound'</p>
Adoption	<p>Report to Cabinet and Full Council</p> <p>Council adopts the Local Plan</p>

**The Council will make local plans and supplementary planning documents widely available. They will be:**

- a Placed on the Council's website for viewing and downloading;**
  - b Deposited at Council offices and public libraries within Mid Devon during consultation periods;**
  - c Sold at a price reflecting their production cost;**
  - d Provided free to parish and town councils and on request to statutory consultees and local voluntary organisations.**
- 3.6 The Council will use its website to provide the opportunity for everyone to view and print copies of the local plan or supplementary planning documents. Consultation documents, approved policy documents and other papers of planning interest will be made available to download.
- 3.7 Copies of all local plans and supplementary planning documents, as they are produced, will be available for inspection during normal office hours at the Council's main office at Phoenix House, Tiverton and at public libraries throughout Mid Devon.
- 3.8 Anyone wishing to purchase a paper copy of the plan will be charged a reasonable price reflecting the production cost. In the case of parish and town councils, statutory consultees and local voluntary organisations, a free hard copy will only be provided where requested as people are encouraged to use the website wherever possible.

## **4 LOCAL PLANS**

- 4.1 The Council will consult a range of stakeholders on all local plans and Supplementary Planning Documents. Technical guidance from other organisations such as the Environment Agency or Natural England may be sought specifically, and will carry significant weight. In more general terms the Council will publicise its plans and seek to engage the community in the planning process through a wide range of methods. The Council will create opportunities for all sections of the community to contribute to the planning process and have a real say in the shaping of Mid Devon.

### **Local Plan Preparation**

**SCI2**

**The Council will prepare a report setting out the subject, scope and potential content of a local plan. Relevant stakeholders will be invited to comment on what the local plan ought to contain. The Council will use direct contact methods to consult the following stakeholders:**

- a relevant specific and general consultation bodies as defined in the regulations.**
- b parish and town councils adjoining or within Mid Devon**
- c residents or other persons carrying on business in the area, who are registered on the Council's Forward Planning consultation database and have requested to be notified**

**The Council will publicise the local plan to notify all other stakeholders, using the following methods:**

- i) Press release**
- ii) Information on the Council website**
- iii) Social media**
- iv) Public exhibitions**
- v) Public meetings if requested by a town or parish council**
- vi) Site notices when development allocations are proposed**

**The Council's report will be made available for public inspection at Council offices and public libraries within Mid Devon.**

**In preparing the local plan, the Council will take into account any representation made in response to this consultation.**

- 4.2 The Council will seek to understand the policies and priorities of a range of stakeholders in order that these can be reflected in the local plan if possible. If

necessary, the Council will meet with interested parties to discuss proposals for the local plan. When considering strategic planning matters, specific and general consultation bodies and those who have made representations will be invited to attend workshops in which particular issues will be debated in detail. Direct contact will be made by letter, email or other such communication. As a minimum, these will give details of the location of documents on the Council's website. Specific methods will be used to reach underrepresented groups. These could include attendance at relevant community group meetings or forums, and publicity of local plans via social media.

- 4.3 Representations must be made in writing and include the sender's full name and postal address to be taken into account. Information and comments provided to the Council during planning involvement will be made publicly available. The name and address of each representation will be published but all other personal details (e.g. signatures, email addresses and telephone numbers) will be redacted.
- 4.4 Public consultation does not commence until the Council's Cabinet has considered the report on the proposed local plan and approved it for consultation. When a local plan proposes the allocation of specific sites for development, the Council's Cabinet will hold separate meetings in Tiverton, Crediton, and Cullompton to discuss the sites relevant to that area. These meetings will be well publicised.

**The Council will publish the local plan before it is submitted to the Secretary of State for examination, to enable interested parties to make formal representations on its contents. The following consultation methods will be used:**

**Direct contact with:**

- a relevant specific and general consultation bodies as defined in the regulations**
- b parish and town councils adjoining or within Mid Devon**
- c residents or other persons carrying on business in the area, who are registered on the Council's Forward Planning consultation database and have requested to be notified**

**General contact methods to notify all other stakeholders, using the following methods:**

- i) Press release**
- ii) Information on the Council website**
- iii) Social media**
- iv) Public exhibitions**
- v) Public meetings if requested by a town or parish council**
- vi) Site notices when development allocations are proposed**

**The local plan will be made available for public inspection at Council offices and in public libraries within Mid Devon.**

- 4.5 When a local plan proposes the allocation of specific sites for development, the Council's Cabinet will hold separate meetings in Tiverton, Crediton, and Cullompton to discuss the sites relevant to that area.
- 4.6 If the Council approves the local plan at this stage, there is a formal period of consultation followed by submission to the Secretary of State. Any representations received at this stage are submitted to the Secretary of State along with the local plan, Sustainability Appraisal, any proposed changes that the Council considers appropriate and all other relevant documents. The Inspector who will hold the examination into the local plan must take account of public and other opinion in judging whether the plan is sound.
- 4.7 The Inspector will determine the procedure to be adopted at examination, subject to the right to attend and be heard. Informal hearing sessions may be held over several days or weeks. When all matters have been considered the Inspector will prepare a report. The Council must publish the Inspector's recommendations as soon as

reasonably practicable after receiving the report, and notify anyone who has requested notification at this stage. The Council must make the local plan and any associated documents available for public inspection once the plan has been adopted.

## **5 SUPPLEMENTARY PLANNING DOCUMENTS**

### **Supplementary Planning Documents: Masterplans SCI4**

**In preparing a masterplanning Supplementary Planning Document, the Council will carry out two stages of consultation. Direct contact methods will be used to consult the following stakeholders:**

- a relevant specific and general consultation bodies as defined in the regulations**
- b parish and town councils adjoining or within Mid Devon**
- c residents or other persons carrying on business in the area, who are registered on the Council's Forward Planning consultation database and have requested to be notified**
- d immediately adjoining residents who are likely to be affected**

**Masterplanning Supplementary Planning Documents will also be publicised as follows:**

- i) Press release**
- ii) Information on the Council website**
- iii) Social media**
- iv) Public meetings if requested by a town or parish council**
- v) Site notices**

**In preparing the Supplementary Planning Document, the Council will take into account any representation made in response to this consultation.**

- 5.1 The Council will carry out an informal scoping consultation, primarily aimed at gathering evidence and information before a Supplementary Planning Document is produced. A Supplementary Planning Document often builds upon more strategic policies in a local plan, providing detail on the Council's environmental, social, design or economic objectives for development. At the evidence-gathering and research stage, consultation is directed at those who are known to have technical expertise, relevant knowledge or have asked to be notified of any new Supplementary Planning Documents.
- 5.2 The Council will prepare the draft Supplementary Planning Document taking into account any responses received to the scoping consultation. A formal public



consultation will take place before the Supplementary Planning Document is adopted. Consultation will be carried out using a mixture of direct contact and general publicity, with additional measures to reach underrepresented groups, which could include attendance at relevant community groups, meetings or forums, and publicity of masterplans via social media. Direct contact will be made by letter, email or other appropriate means. When a masterplan is being considered for an area within Mid Devon, early community involvement is to be encouraged. In addition to the methods listed in Policy SCI4, the Council will consider whether further measures such as leaflet-dropping, exhibitions or workshops are warranted. The level of consultation will endeavour to be proportionate to the likely impact of the plan.

- 5.3 In certain circumstances the Council may consider it unnecessary to undertake two stages of consultation on sites where a masterplan requirement exists. For example, if a currently adopted masterplan already sets guiding principles, design considerations or infrastructure delivery requirements/phasing which apply over the proposed site, then it would be unnecessary to re-determine such issues through a scoping consultation. In these circumstances the framework set by the adopted SPD forms the starting point, and preparation could commence on the draft version of the masterplan, subject to one further stage of consultation. Where only one stage of consultation is proposed, the Council will provide a full justification.

## Supplementary Planning Documents: Other SCI5

**The Council will prepare the draft Supplementary Planning Document and make this available to view on its website and in public libraries and district Council offices. Direct contact methods will be used to consult the following stakeholders:**

- a relevant specific and general consultation bodies as defined in the regulations**
- b parish and town councils adjoining or within Mid Devon**
- c residents or other persons carrying on business in the area, who are registered on the Council's Forward Planning consultation database and have requested to be notified**

**General contact methods to notify all other stakeholders, using the following methods:**

- i) Press release**
- ii) Information on the Council website**
- iii) Social media**
- iv) Public meetings if requested by a town or parish council**

**The Council will take into account any representation made in response to this consultation.**

- 5.4 There is only one consultation period for Supplementary Planning Documents that are not masterplans. It is therefore important that the draft document is clear about the proposals which are likely to be approved.
- 5.5 Consultation will be carried out using a mixture of direct contact and general publicity, with additional measures to reach underrepresented groups, which could include attendance at relevant community group meetings or forums, and publicity of Supplementary Planning Documents via social media. In addition to the methods listed in Policy SCI5, the Council will consider whether further measures such as leaflet-dropping, exhibitions or workshops are warranted. The level of consultation will endeavour to be proportionate to the likely impact of the plan.
- 5.6 Representations must be made in writing and include the sender's full name and postal address to be taken into account. Comments made during the course of any workshops will be gathered and summarised by the Council, then taken into account as the final Supplementary Planning Document is produced.

## 6 PLANNING APPLICATIONS

### Summary of planning applications processes

- 6.1 A planning application is an application to the Council for the development of land and may include changes in use and extension to property. Applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications can be made as follows:
- **Outline;** to establish the principle of development. Outline applications can only be made for the erection of buildings.
  - **Full;** all details of the application should be submitted when the application is made.
  - **Approval of Reserved Matters;** details submitted following the grant of outline permission
  - **Permission in Principle;** to be granted on sites in plans and registers and for minor sites providing greater certainty of development based on 'in principle matters' such as land use, location and amount of development.
  - **Technical Details Consent;** Following permission in principle, full planning permission will only be secured once technical details consent has been obtained.
  - **Prior Approval;** a developer may require approval from the local planning authority that specified elements of the development are acceptable before work can proceed.
- 6.2 There are other forms of consent considered by the Local Planning Authority, such as Listed Building and Tree Preservation Order consents. These are not covered by the Statement of Community Involvement. The consultation requirements associated with permission in principle will be carried out in accordance with the regulations.
- 6.3 The Council has an adopted 'Scheme of Delegation' to exercise all the powers of the Council as a Local Planning Authority to determine certain planning applications that do not need to be referred to the Planning Committee.
- 6.4 Amendments and variations – an amendment may be made to an application for planning permission before consent has been granted, provided that (i) it is of a very minor nature and would not need re-advertising or re-consulting, or (ii) it is of a minor nature and any consultation or re-advertising could be conducted within the timeframe for determination of the application. Where re-consultation is required, neighbours and those who have made objections or representations on an application may be notified, depending on the significance of the changes to be made. In cases where changes are material and are likely to have an impact a new application would

normally be required. Amendments and variations can also be made once planning permission has been granted. A non-material amendment is for very minor changes and will not require neighbour notification. Minor material amendments can be made via a 'variation of condition' application and in this case neighbour notification must be undertaken.

- 6.5 Section 106 Obligations are binding legal agreements between the Council, developers and sometimes others associated with a grant of planning permission. They relate to matters linked to the proposed development, for example contributions toward public open space, affordable housing and education or infrastructure works to highways, sewage works or flood defences. The Council may receive requests from developers / landowners to vary or remove planning obligations. Once a request is received, the relevant consultees, the Chairman of Planning Committee, Ward Members and Parish / Town councils should be advised of the request and its nature and given 14 days within which to respond with comments. The Community Infrastructure Levy introduces an alternative system for infrastructure provision outside of a development site. This will streamline the process for taking contributions for necessary infrastructure and will supersede the need for the use of Section 106 agreements in most cases.
- 6.6 There are legal minimum requirements for publicity on planning applications, set out in The Town and Country Planning (Development Management Procedure) (England) Order which require publication on the Council's website, publication of a site notice and/or that neighbours are notified directly (depending on the type of planning application). In some cases, such as for major developments, an advertisement is required in the local newspaper. Section 122 of the Localism Act 2011 has amended the Town and Country Planning Act 1990 to require applicants to carry out pre-application consultation where a proposed development is of a description specified in a development order.
- 6.7 Pre-application discussions can significantly reduce the length of time it takes to determine a planning application, allowing for potential barriers to development to be identified early and addressed if possible. The level of consultation required will vary with the significance of the proposal and the likely impact. The Council is committed to seeking consensus solutions where possible, subject to planning policies and principles. It is proposed to set up a three tier approach to planning applications relating to their scale. Policy SCI6 sets the recommended pre-application approaches for major applications.
- 6.8 Non-major applications are unlikely to raise issues of the scale and complexity of a major application, but they can be contentious in their own right. Accordingly, the Council may wish to recommend to scheme promoters that they consider some forms of public consultation before submitting. The Council does not necessarily endorse a proposal by assisting in pre-application consultation. Applicants are recommended to

liaise with the community and to talk informally to their neighbours before submitting an application. This will minimise refusals and the possibility of neighbour disputes.

## Major Applications Pre-Application Consultation SCI6

- a Promoters of development proposals which would fall into the category of major applications (unless they are clearly of a non-controversial or straightforward nature) are strongly recommended to contact the Council at least 12 months before they expect to make an application to discuss the contents of their proposal and agree any necessary public involvement . Scheme promoters will be expected to resource the necessary surveys and consultation procedures.**
- b The Council will recommend to the promoters a level of local pre-application consultation, which reflects the scale, complexity, controversy, and policy/sustainability issues raised and the sensitivity of the area to change. The Council may wish to negotiate a planning performance agreement with promoters to agree timescales, actions and resources for handling particular applications.**
- c The following methods of local involvement on pre-application proposals may be appropriate:**
  - i Newspaper Notice**
  - ii Press Release**
  - iii Public meetings if requested by a town or parish council**
  - iv Individual or group discussions**
  - v Public exhibitions**
  - viii Summary leaflets**
  - ix Response forms**
  - x Letters to specific landowners/residents.**
- d The scheme promoter will need to submit a document outlining the nature and results of this public consultation exercise for consideration with the planning application.**

6.9 Major developments are proposals containing a minimum of:

- For residential developments: 10 or more dwellings, or a 0.5 hectare site area; or
- For non-residential developments, 1000 sqm gross floor area or a 1 hectare site area.

- 6.10 Pre-application discussion is a good way for the scheme promoter to confirm the principle of development and clarify the supporting information required by the planning authority. Pre application consultation by promoters for some applications is now required under the Town and Country Planning Act 1990 as a result of the Localism Act 2011.
- 6.11 Early public involvement in a scheme is beneficial to applicants, especially on major or controversial development proposals. It facilitates the process as applicants can understand local concerns before submitting the formal application. Applicants will be in a position to negotiate and build consensus with the public on the development proposal to avoid objections and subsequent delay during the formal application stage.
- 6.12 The level of public involvement should increase with potential difficulties and controversy. This will allow for misunderstandings to be reduced, key areas of concern to be clarified and potential compromise solutions to be reached. In order to ensure that sufficient time is allowed for these discussions, promoters are strongly advised to approach the Planning Authority 12 months before they plan to submit an application. This will allow time to undertake any necessary surveys, discuss alternative approaches and carry out appropriate local consultations. Where a major application is clearly uncontroversial or straightforward, then a shorter timetable is appropriate. The Council does not necessarily endorse a proposal by assisting in pre-application consultation.

## Application Consultation

SCI7

**The Council will undertake the following on receipt of a planning application:**

- a Consult all relevant statutory bodies once a planning application has been validated. In most cases, 21 days will be allowed for a response, unless provision exists for an extension of time by reference to relevant legislation.**
- b Consult relevant town and parish councils with a request for observations, allowing at least 21 days for response. Adjoining district, parish and town councils will also be consulted on development proposals for:
  - i. wind turbines exceeding 10m height (to hub)**
  - ii. ground mounted solar arrays**
  - iii. agricultural buildings over 500m<sup>2</sup> gross floorspace**
  - iv. anaerobic digesters****
- c Publicise all planning applications by means of a notice posted on or near the site or write to notify immediately adjoining neighbours giving 21 days for response.**

- d Publish a list of planning applications received on the Council’s website and in a local paper as long as is required by government.**
  - e Make live applications and any supporting information available for inspection at the Main Council Office and provide copies where required. All applications will be available to view free of charge on the Council’s website.**
  - f Keep an online register of planning applications and decisions for public inspection.**
  - g The results of any consultation will be taken into account in decisions made by, and on behalf of, the Council.**
  - h Take account of written comments on applications.**
  - i Notify anyone making representations, on an electronic basis where possible, if the application is to be determined at the Planning Committee Meeting. The agenda and reports for these meetings will be made publicly available on the website prior to the committee.**
  - j Publish the decision and the reasons for it, on the Council’s website.**
  - k When an appeal has been lodged against the refusal of a planning application or to remove or vary conditions the Council will notify those who have made representations on the application and advise them of the process for making further representations.**
- 6.13 Once a planning application has been submitted, there is a limited time period within which a decision should be made. It is therefore difficult to carry out more than the minimum legal requirements on public involvement. This emphasises the importance of pre-application consideration and involvement on the more significant proposals. It should be noted that there is no requirement to consult certain bodies where they have published standing advice detailing their requirements for proposed development.
- 6.14 The Council will notify anyone making representations, on an electronic basis where possible, if an application is to be determined by Planning Committee. However, notification letters will still be posted to those who do not provide an e-mail address or to those who wish to receive notification in writing.
- 6.15 The Council has an adopted ‘Scheme of Delegation’ to exercise all the powers of the Council as a Local Planning Authority to determine certain planning applications that do not need to be referred to the Planning Committee. Planning Committee meetings are public, and provide an opportunity for applicants and town/parish councils to make representations directly to the committee. One spokesperson is allowed to speak for the application (generally the applicant or agent).

- 6.16 The Council will consult adjoining district, parish and town councils for the development proposals outlined in SCI7 (b). However, the Council will also consult more widely where warranted; for instance, where a development is likely to have visual impacts, including cumulative impacts, which affect parishes further afield than those adjoining the application site.
- 6.17 Policy SCI7 applies only to applications for planning permission, when Mid Devon District Council is the Local Planning Authority responsible for determining the application. Express consent is not always required, and development or works may be subject to a prior notification procedure only. Policy SCI7 does not apply to the following notification procedures:
- Agricultural or forestry development
  - Hedgerow Removal Notice
  - Telecommunications development
  - Demolition
  - Works to a tree in a Conservation Area
  - Change of use



## **7 GLOSSARY**

### **Allocations -**

are proposals that a certain site or area of land should be developed for particular uses and/or buildings. They are shown on a Proposals Map, contained within the Local Plan. There will be a related policy setting out any parameters and criteria for the site, contained within the local plan.

### **Authority's Monitoring Report –**

a document the Council produces annually, setting out how planning policies have been implemented for the previous financial year and whether it has achieved the milestones set out in its Local Development Scheme.

### **Development Order -**

an order made under section 59 of the Town and Country Planning Act 1990 which either gives planning permission for certain kinds of development or allows Councils to grant permission if the provisions of an order are met.

### **Development Plans -**

are plans which set out policies and proposals for changes of land use, new buildings, changes to existing buildings and other proposals which require planning permission.

### **General Consultation Bodies -**

are organisations with an interest in the social, economic and environmental development of an area, and which may be consulted on the preparation of local plans and Supplementary Planning Documents.

### **Local Development Scheme (LDS) –**

a project plan for the preparation of local plans.

### **Local Planning Authority (LPA) -**

is a council with planning powers. For most purposes, this is Mid Devon District Council, but Devon County Council is the LPA for minerals and waste.

### **Local Plans -**

are part of the Development Plan, covering the whole of a District (except for any areas within a National Park) and giving comprehensive policy coverage at a detailed level. They are also known as Development Plan Documents.

**Major Planning Applications -**

are applications for residential development with a minimum of 10 dwellings or a 0.5 hectare site area, and planning applications for non-residential development with a minimum of 1000 square metres gross floor area, or a 1 hectare site area.

**Non-Major Planning Applications -**

are planning applications which are not categorised as major. .

**Other Planning Applications -**

are change of use applications and householder applications.

**Permission in Principle –**

to be granted on sites in plans and registers, and for minor sites providing greater certainty of development based on ‘in principle matters’ such as land use, location and amount of development

**Policy –**

a written guideline or set of criteria which describes how the planning authority will deal with development proposals. Policies may relate to the whole district, or defined areas within the district and may be relevant to particular types of development or a range of developments. Policies contained within a local plan are the primary consideration for decisions on planning applications.

**Primary Consideration -**

planning applications are required by law to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This means that when the local authority determines a planning application it will look at what Development Plan policies and proposals apply to a particular parcel of land or building and then see how closely the development proposal complies with the Plan. It will then consider other relevant issues (known as material considerations) and decide whether these are important enough to outweigh the policies of the Development Plan in that instance.

**Prior Approval –**

means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed.

**Proposals –**

see Allocations.

**Proposals Map / Adopted Policies Map –**

a map showing the areas or sites to local plan policies and proposals apply.. It will contain Inset Maps, showing particular areas in more detail.

**Registered Bodies -**

for the purposes of this Statement, are individuals or organisations which have asked to be consulted on development plan preparation details of whom are kept on a Council register. They will include all relevant General Consultation Bodies.

**Soundness -**

is a term describing the tests against which a local plan will be assessed at the Examination.

**Specific Consultation Bodies -**

are the bodies defined in the Local Planning Regulations which must be consulted when a local plan is produced. They include parish and town councils, Historic England and similar statutory bodies.

**Statement of Community Involvement (SCI) –**

a statement that sets out the Council's policies for the public involvement in the preparation of Local Development Documents and planning applications.

**Supplementary Planning Document (SPD) –**

a document that sets out more detailed policies in support of those contained in a local plan. It does not form part of the Development Plan, but is a material consideration on planning applications.

**Sustainable Communities**

are places where people want to live and work, now and in the future.

**Sustainable Development –**

is development which meets the needs of the present while not preventing future generations meeting their own needs. The sustainability of local plans must be assessed through Sustainability Appraisals and Strategic Environmental Assessment (SA/SEA).

**Technical Details Consent –**

Following permission in principle, full planning permission will only be secured once technical details consent has been obtained.

**Underrepresented Groups -**

are groups that rarely get involved in planning processes, including young people, minority ethnic groups, people with disabilities, new residents, people on low incomes and people who have difficulty reading, writing and speaking English.

**Useful Abbreviations:**

- CS** - Core Strategy
- DPD** - Development Plan Document
- LDS** - Local Development Scheme
- SA** - Sustainability Appraisal
- SCI** - Statement of Community Involvement
- SEA** - Strategic Environmental Assessment
- SPD** - Supplementary Planning Document

## Appendix 2



### **Consultation Statement**

Planning and Compulsory Purchase Act 2004

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

Regulation 12

### **Statement of Community Involvement (SCI) Review 2016**

The Council is reviewing its Statement of Community Involvement to reflect a number of changes to the planning system and to reconsider the most effective methods of involving the community in the planning process. Consultation ran from 23<sup>rd</sup> May 2016 to 18<sup>th</sup> July 2016.

The Council wrote to 3398 people on the Forward Planning consultation database. These comprised:

- Mid Devon elected members
- Mid Devon parish/town councils
- Adjoining parishes, neighbouring local authorities and statutory groups (including specific and general consultation bodies)

- General consultation bodies and other consultees including database groups defined as individuals, businesses, landowners and voluntary organisations.

In addition the following methods were used to notify consultees:

- Press releases
- Newspaper notice
- Information on the Council website
- Social media updates

The Council invited people to make representations by post or email. A total of 14 valid responses were received. The following table sets out a summary of the main comments raised during the consultation, along with a response explaining how these have been addressed in the revised Statement of Community Involvement.

Summary of Representation	Response
<b>General Comments</b>	
The Council should continue to make planning documents available at local libraries for inspection as not all residents are computer literate.	Policy SCI1 sets out how the Council will continue to make documents available for inspection. It states that copies of all local plans and supplementary planning documents will be available for inspection at the Council's main office at Phoenix House and at public libraries throughout Mid Devon.
Within the planning department at Mid Devon, there is no longer the all-important balance between the overall policies and the wider local needs of the people which the administration is supposed to represent. Planning Committee often choose to vote against Officer's recommendations.	Comments noted. However, respondent does not suggest any potential changes to the Statement of Community Involvement.

<p>Press releases should go to village magazines such as 'Focus on Thorverton'.</p>	<p>Comments noted. The SCI only lists general contact methods that may be used to notify stakeholders, it does not provide an exhaustive list.</p>
<p>The process that the Council is proposing in the SCI does not seem to allow Mid Devon District Council (MDDC) to revise the Local Plan in light of comments received prior to submission to the Secretary of State.</p>	<p>Following consultation on the publication version of the Local Plan, the Council drafts a list of proposed changes it considers appropriate having considered any representations received. The Local Plan, Sustainability Appraisal, any proposed changes and all other relevant documents are then submitted to the Secretary of State for examination. This has now been clarified within the supporting text of paragraph 4.6.</p>
<p><b>Organisations &amp; Public Bodies</b></p>	
<p>Devon County Council (DCC) considered that the scope of the term 'community' needed to be made clearer and the SCI should refer to the Duty to Cooperate. In addition, it should be stated that the SCI only applies to plans and applications for which the district council is responsible and minerals, waste and county applications are addressed in DCC's SCI.</p>	<p>Agreed. The document now clarifies that it only applies to planning documents and applications for which Mid Devon District Council is responsible. In addition, a new paragraph has been added to section 3.0 'Local Planning – General Policies' to reference the Duty to Cooperate. Mid Devon District Council is also a signatory of the Devon Protocol which provides a basis for discussing and understanding strategic issues, evaluating options to address such issues and agreeing shared outcomes and conclusions wherever possible.</p>
<p>Tiverton Civic Society supports the SCI and considers it to be clear and comprehensive. It was suggested that more detail of amendments and variations is added and definitions of 'material' and 'non-material' amendments are added to the glossary. A small section should be included with regards to procedures for dealing with requests to vary or delete pre-existing planning obligations.</p>	<p>Comments noted. However, it is beyond the scope of the SCI to detail exactly what constitutes a 'material' or 'non-material' amendment.</p> <p>With regards to procedures for dealing with requests to vary or delete pre-existing planning obligations, it was agreed at Planning Committee on 8<sup>th</sup> January 2014 and 6<sup>th</sup> July 2016 that parish and town councils be advised of requests and its nature and given 14 days within which to respond with comments. The following text has now been added to Section 6 – Planning Applications; 'The Council may receive requests from developers /</p>

	<p>landowners to vary or remove planning obligations. Once a request is received, the relevant consultees, the Chairman of Planning Committee, Ward Members and Parish/ Town Councils should be advised of the request and its nature and given 14 days within which to respond with comments.</p>
<p>Network Rail made the following comments:</p> <ul style="list-style-type: none"> <li>• A policy should be added to confirm the Council’s statutory responsibility to consult the statutory rail undertaker where a proposal for development is likely to affect a level crossing over a railway.</li> <li>• Any application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment and the developer is required to fund any required improvements to the level crossing as a direct result of the development proposed.</li> <li>• Network Rail should be consulted on applications for wind turbines as standard as well as involvement in pre-application consultation with Network Rail Asset Protection Team.</li> <li>• Any proposal for a wind turbine or solar farm that necessitated any cabling/high tension lines over the railway would be objected to pending negotiation with the National Business Team.</li> <li>• The Council should provide Network Rail with an opportunity to comment on any future applications should they be submitted for sites adjoining the railway, or within close proximity to the railway.</li> <li>• The Statement of Community Involvement should set a strategic context requiring developer contributions towards rail infrastructure</li> </ul>	<p>Comments noted. The SCI states that the Council will consult all relevant statutory bodies once a planning application is validated. Network Rail is consulted on any applications for sites adjoining the railway or within close proximity of the railway. Given the limited extent of rail infrastructure in Mid Devon, it is not considered necessary to specifically require consultation with Network Rail on all applications for wind turbines. It is beyond the scope of the SCI to set out a strategic context requiring developer contributions towards rail infrastructure.</p>



<p>where growth areas or significant housing allocations are identified close to existing rail infrastructure.</p>	
<p>The Woodland Trust would like to be consulted on Local Plans, Supplementary Planning Documents and other general policies as a 'General Consultation Body'. The Woodland Trust would also like to be consulted on any planning applications that affect the habitat of ancient woodland.</p>	<p>The Woodland Trust is registered on the Council's Forward Planning consultation database and is already consulted on all Local Plans, Supplementary Planning Documents and other general policies as a general consultation body. A weekly list of planning applications is published on the Council's website at: <a href="https://www.middevon.gov.uk/residents/planning/weekly-list/">https://www.middevon.gov.uk/residents/planning/weekly-list/</a>. The Woodland Trust are able to check this for any applications that they may wish to comment on.</p>
<p>Natural England supports the principle of meaningful and early engagement of the general community, community organisations and statutory bodies.</p>	<p>Support noted.</p>
<p>Devon County Council Public Health supports the intention to use specific methods to ensure that underrepresented groups are reached and involved in the planning process although the SCI should clarify what these methods are. The SCI should use plain English and state at what point the Council would prepare large print, easy read or versions in other languages.</p>	<p>The SCI does state that specific methods may be used to reach underrepresented groups stating that these could include attendance at relevant community group meeting or forums, and publicity of local plans via social media. In addition, the revised SCI now states the following, "All documents will be written in plain and clear language, aimed at being understood by non-planning professionals. Jargon will be avoided and glossaries will be provided to explain the necessary technical terms. The Council will make reasonable effort to ensure that people with particular requirements will not be overlooked. Documents in other formats will be available where necessary, for example, large print, audio or translation in other languages."</p>
<p>Devon and Cornwall Police would find it useful to be more involved in pre-application discussions where issues such as permeability could be discussed before layouts are agreed; where potential sites for public open space to be</p>	<p>Comments noted. Whilst the Council does not consider these comments to require a change to the SCI, Planning Officers will endeavour to work closely with Devon and Cornwall Police on planning matters.</p>

<p>used for youths and gypsy and traveller sites. Designing out Crime Officers always request further consultation following outline application so details can be looked at. If Design and Access Statements are still being submitted with major applications, there should be a crime and disorder section.</p>	
<p><b>Parish &amp; Town Councils</b></p>	
<p>Crediton Town Council noted that there is an assumption that every person has access to a computer. Other methods of consultation are required particularly for planning applications. With regards to consulting town and parish councils at the earliest opportunity, would MDDC be prepared to consider this meaning immediately after pre-application discussions and before application submission?</p>	<p>The SCI states that hard copies of all documents will be made available for inspection at the Council’s main office at Phoenix House and at public libraries throughout Mid Devon. It also notes that all planning applications will be publicised by means of a notice, within a local newspaper and make any live applications available for inspection at the Main Council Office.</p> <p>Parish and town councils are already consulted after pre-application discussions and before application submission where the Council considers it appropriate to do so. However, given the confidential nature of pre-application discussions and that there is no guarantee of a subsequent planning application being submitted; no further changes to the SCI are considered necessary. Generally, with pre-application discussions on major applications, Officers would encourage potential applicants to engage early on in the process with parish and town councils.</p>
<p>Willand Parish Council stated that paragraph 2.3 under ‘Consultation Approach’ partially negate the principles set out in the previous two paragraphs.</p> <p>The SCI should state that significant weight will be given to the views of parish and town councils, that parish and town councils should be represented from the outset in pre-application discussions and they should be consulted on all applications in adjoining parishes.</p>	<p>Comments noted. It is not agreed that paragraph 2.3 partially negates the principles set out in the first two paragraphs. It clarifies that there needs to be a balance between the effective operation of the planning system and wide involvement of the community, notwithstanding the level of resources available to the Council.</p> <p>The Council publishes a list of planning applications received in a local newspaper and on the Council’s website on a weekly basis. As a result, it is not considered necessary to amend the SCI to consult parish and town</p>

Furthermore, parish and town councils should be notified of 'minor material amendments' involving 'variation of condition' as well as neighbour notification.

councils on all applications in adjoining parishes. However, adjoining town and parish councils will be consulted on all development proposals for wind turbines, ground mounted solar arrays, agricultural buildings over 500m<sup>2</sup> and anaerobic digesters.

Parish and town councils already receive e-mail alerts for variation of condition. E-mail alerts will be set up for minor material amendments.