

TO: PLANNING & REGULATORY COMMITTEE**DATE:** 10 December 2014**BY:** MINERALS AND WASTE POLICY TEAM MANAGER**DISTRICT(S)** All**ELECTORAL DIVISION(S):** All**PURPOSE:** FOR COMMENT**GRID REF:** N/A

TITLE: CONSULTATION ON THE REVISED STATEMENT OF COMMUNITY INVOLVEMENT

Purpose of the Report:

To inform the Committee that the Statement of Community Involvement (SCI) is being revised and that a public consultation on a draft SCI is taking place running from 27 October to 2 February 2015. The SCI is relevant to the work of this Committee since it deals with how the community will be engaged during the consideration of planning applications. The revised SCI will be considered for adoption by Cabinet and Council in February and March 2015.

Recommendation:

The views of the Committee are sought on the draft revised SCI which is attached as an Annex.

Introduction:

1. A public consultation is currently taking place on a revised SCI which takes account of a number of key changes that are being introduced following the review of our Planning Service in 2013 and also incorporates changes in legislation. The SCI outlines the ways in which the Planning Service involves the community in the planning process.

The Revised Statement of Community Involvement

2. The SCI sets out how people can be involved in the process of planning for minerals and waste development in Surrey. It sets out our approach for public consultation and involvement in the preparation of the minerals and waste plans, and in the determination of planning applications for minerals and waste development and our own development proposals.
3. The County Council is required to produce a SCI by the Planning and Compulsory Purchase Act 2004.
4. Since the SCI was adopted by the county council in July 2006 there have been a number of changes to legislation and planning policy guidance which make it necessary to revise the SCI so that it reflects these changes. The Planning Service is also introducing a range of different processes to ensure planning applications are dealt with in a more efficient and timely way. The main changes from 2006 reflected in the SCI, are:
 - a. The revised SCI is more succinct and readable than the current version.
 - b. The move to handling all planning applications in electronic form. Hence local residents and consultees will be able to view all documents associated with future planning applications on the county council's own website or via the relevant district or borough council's website.
 - c. The procedures for the preparation of planning policy documents have been made less onerous.
5. With regard to development management, the protocol for consulting residents and other statutory and non statutory consultees remains broadly unchanged. Adjoining residents will continue to be notified by letter since it is the only way of ensuring they are reached. Nevertheless there will be an emphasis on electronic communication wherever possible and the reduction of unnecessary paperwork. The following changes reflect the new methods of working which are being introduced following the review of the service and are incorporated into the revised draft SCI:
 - a. Consultees will be notified by email rather than letter and referred to our website to view applications, thus reducing paperwork.
 - b. The sending out of additional information contained in neighbour notification notes and consultation notes is to be discontinued when publicity is given to an application.
 - c. More specific advice regarding the process of publicity when we deal with applications for the county council's own development under Regulation 3.

Conclusions:

6. The county council has a duty to prepare a Statement of Community Involvement (SCI). It is important that it is up to date and accurately indicates how people can be involved in the planning process. The revised SCI shows that the county council uses the latest information technology whilst acknowledging that traditional methods of communication are not ignored.

Financial and value for money implications

7. No direct implications although new procedures and the better use of IT will provide better value for money.

Equalities and Diversity Implications

8. The existing SCI ensures that a wide range of people are consulted with regard to planning matters. The revised SCI carries this forward. The consultation currently taking place has included groups representing those with the protected characteristics as identified in the Equality Act 2010.

Risk Management Implications

9. None.

Next steps:

10. All comments received during the consultation period will be assessed and changes made where considered appropriate.
11. It is intended to report to the Cabinet on the results of the consultation on 24 February 2015 with a recommendation that the county council adopts the revised SCI at its meeting on 17 March 2015.

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BACKGROUND PAPERS: None

ANNEX

PLANNING & REGULATORY COMMITTEE

10 December 2014

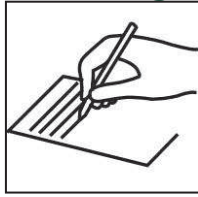
REVISED STATEMENT OF COMMUNITY INVOLVEMENT

Draft Statement of Community Involvement Consultation

27 October 2014 – 2 February 2015



In writing



Surrey County Council
Planning and Development Group
Environment and Infrastructure
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Kingston upon Thames
Surrey KT1 2DN



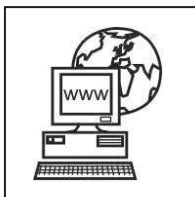
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Statement of Community Involvement

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1 Introduction

- 1.1 The statement of community involvement (SCI) sets out how and when you can influence new planning documents and the ways in which you can comment on planning applications.
- 1.2 Surrey County Council is the Minerals Planning Authority and the Waste Planning Authority for Surrey. It is also the planning authority for determining planning applications for the Council's own service developments such as schools and roads¹. All other planning matters are dealt with by Surrey's district and borough councils.

Our approach

- 1.3 The SCI takes forward the county council's *Commitment to Public Involvement*. It is based on the following principles:
 - a. Encouraging everyone who may be directly or indirectly affected by planning decisions to get involved;
 - b. Encouraging involvement at the earliest stage and throughout the planning process;
 - c. Using methods of involvement that suit different people and that are appropriate to the stage of the planning process;
 - d. Making sure that all information relevant to plans or planning applications is easily accessible;
 - e. Ensuring the process of consultation is open and transparent;
 - f. Giving feedback so that those involved are aware of the contribution they have made to the process; and
 - g. Making sure the limits of what we can realistically achieve is fully understood.

¹ Regulation 3 of the Town & Country Planning General Regulations 1992 enables the County Council to make planning applications to be determined by itself, as long as the development is to be carried out by (or on behalf of) the Council.

Who we will involve

- 1.4 We will involve groups, organisations and people who may be directly or indirectly affected by planning decisions in Surrey. These may include notifying:
- a. Individuals;
 - b. Residents' associations, local community groups, action groups and other voluntary bodies (such as sporting and leisure groups) and environmental groups (such as Surrey Wildlife Trust or The Royal Society for the Protection of Birds);
 - c. Businesses (such as chambers of commerce and minerals and waste companies and trade associations).

And consulting statutory organisations such as district and borough councils, parish councils, including those adjoining the administrative boundary of the county, and the Environment Agency. For more information regarding the organisations we consult see Appendix 1.

Our approach

- 1.5 The SCI also conforms with statutory requirements² and takes account of government planning practice guidance³.

Electronic communications

- 1.6 Electronic communication provides the best way to disseminate large amounts of information to Surrey's communities. This is especially important for the more rural areas of the county where it can be difficult for some residents to get to local district and borough council offices or County Hall.
- 1.7 The County Council's pioneering multi-million pound partnership with BT will ensure that rural areas not reached by the market will also have access to superfast broadband. By the end of 2014, more than 99% of premises in Surrey will have access to fibre based broadband. This will make it easier for people to access information on planning applications, minerals and planning policy documents and make representations to the Council.
- 1.8 The Planning Authority is committed to making the most appropriate use of electronic communication when undertaking consultation and notification activities. As a result, this revised SCI outlines several areas where email or use of the internet will be the primary method of communication when engaging communities during the plan making process or consulting on planning applications.

² [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#)

³ [Planning Practice Guidance 12 June 2014](#)

Hard to reach groups

- 1.9 For some people it may be hard to get involved in planning decisions for all sorts of reasons. These bodies are sometimes called ‘hard-to-reach groups’. Hard-to-reach groups may change over time, but the groups that we have identified include elderly people, young people, people who speak little or no English, people who do not have access to the internet, commuters, and people who have difficulty getting about.
- 1.10 The following methods will be used to facilitate the involvement of ‘hard to reach’ groups in the planning process:
- a. officers will assess the potential interest and involvement of hard to reach groups or individuals during the production of planning policy documents and the consideration of planning applications and how best to contact and involve them;
 - b. use of ‘plain English’ in documents and other published material;
 - c. documents can be produced in other formats on request and where the demand is significant and resources allow (this would include Braille, large print and documents in languages other than English).

When we consult on planning matters

- 1.11 Our approach to consultation and publicity encourages people and organisations to be involved in planning decisions that could affect them. There are three different stages of the planning process when this is necessary:
- I. **Preparing Planning Policy Documents** (Local Plans and supporting documents): We prepare minerals and waste local plans that provide a framework for future development. In this SCI we set out the stages of developing these plans and how we will involve the community at each stage.
 - II. **Determining planning applications:** We are responsible for making decisions on planning applications for minerals and waste developments and our own service development proposals (such as new schools). We set out how we will involve the community when considering applications for development.
 - III. **Involving the community in the long term.** Involving the community does not end with publishing a plan or making a decision on a planning application. In this SCI we set out how we will continue to work with the community once facilities are up and running and when monitoring how well the minerals and waste local plans are being put into practice.

2 Planning applications

- 2.1 Surrey County Council is required to undertake consultation and publicise planning applications and this varies according to type of application. This section sets out how we will involve the local community who may be affected by a proposal in the planning application process.

Pre – application discussions

- 2.2 The National Planning Policy Framework (NPPF) encourages pre-application discussions and states that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties'.
- 2.3 Surrey County Council encourages developers to enter into pre-application discussions with the Council to establish the information that will be required, and to identify key issues and policies associated with any potential application. The Council have now introduced a charging scheme for pre-application advice relating to Minerals and Waste development only. Our website (www.surreycc.gov.uk/pre-applicationdiscusssions) provides more information on the scheme in the form of a minerals and waste pre-application advice guidance document. This sets out the benefits of seeking planning advice on applications prior to submission and the arrangements for providing advice.
- 2.4 Pre-application discussions mainly take place between the developer and the minerals and waste planning authority as they are largely technical exercises. However, they can provide an opportunity for the local community/local residents to be engaged in the planning application process. The Council encourages developers to talk to the community, to inform them of their plans and so ensure that a link with the local community is established at an early stage in the process. The onus is on the developer, and we as planning authority will not normally carry out pre-application consultations with individuals or communities. Pre-planning application discussions between counties and their districts is strongly encouraged by the government.

The planning application

- 2.5 Consultation and publicity on planning applications has different purposes. We ask some bodies (for example, the Environment Agency) to provide professional advice and to assess technical work. Other people (for example, local residents' groups) are often able to provide local knowledge and may want to give us their views on the likely effects of the development. We will take account of the range of roles and expertise of different people so that we can identify all possible issues and consider them in further detail.
- 2.6 The nature of the consultation on planning applications will be related to the type and size of the proposal, the location and the likely effects on the environment. Smaller proposals (which may have less impact) have different consultation requirements from larger proposals.

- 2.7 We must consult certain organisations on planning applications (statutory consultees- see appendix 1) and can decide whether or not to consult others (non statutory consultees). Who we are required to consult may change over time and therefore a comprehensive list of consultee groups and organisations is not included in this document.
- 2.8 Once a planning application has been received, together with all the relevant information that will enable the process of determination to begin⁴, we will:
- publicise planning applications in line with Table 1 and as appropriate by letters⁵ / site notices /newspaper advertisements;
 - notify consultees⁶ by email (statutory and non-statutory);
 - consult other people over and above those we must consult in line with regulations, where appropriate for the application; and
 - ensure details are available in our online register of applications and appeals⁷.
- 2.9 Copies of planning applications together with all supporting documents can also be viewed⁸ at our main offices (County Hall) and at the offices of the relevant borough or district council. All planning application documents will be handled in electronic form and be available to view through the Council's web site.
- 2.10 Comments on planning applications should be made in writing by the date specified in the publicity, which is normally 21 days from the date of the site notice sent with our notification letter or within 21 days from the date of a press or site notice appearing. Comments received will be acknowledged. Comments can be made by email or using our online comments form⁵. Nevertheless, we will endeavor to ensure all relevant comments are made available to decision makers⁹ if received by 12 noon the day before the relevant planning and regulatory committee or up to the point of a delegated decision being made.

⁴ The County Council has adopted a Local List which sets out the type and extent of information required as part of any planning application.

⁵ Publicity will rely heavily on letters since this is the only way that we can ensure that those most affected by a proposed development are informed.

⁶ Our approach will be to notify consultees by email once applications are available online giving them 21 days in which to comment (or 28 days for Natural England in the case of a planning application potentially affecting a Site of Special Scientific Interest (SSSI) or in a SSSI consultation area)

⁷ See [register of planning applications, decisions and appeals](#) for minerals, waste and county developments.

⁸ Details are available of planning applications and/or appeals in our online register. All application documents following the introduction of our online facility will be available to view online.

⁹ The Planning & Regulatory Committee or the Head of Service if decisions are made under [delegated powers](#).

Table 1 – Publicising planning applications¹⁰

Type of development	Method used by Surrey County Council
<ul style="list-style-type: none"> • The application is for development that requires an environmental impact assessment (EIA) and comes with an environmental statement. • The development is not in line with the development plan. • The development affects a public right of way. • The development affects the setting of a listed building. • The development affects the character or appearance of a conservation area. 	<p>Newspaper advert, site notice and letter to neighbours¹¹ generally within 90 metres of the development¹²</p>
<p>All minerals & waste applications</p>	<p>Newspaper advert, site notice and letter to neighbours generally within 90 metres of the development¹²</p>
<p>County Development</p> <ul style="list-style-type: none"> • Development consisting of new buildings of 1000m² or more, or a development site larger than 1 ha • Development considered to constitute a departure from the adopted development plan • Development in a Conservation Area • Any other development where a press advert is required under relevant legislation <p>All other county developments</p>	<p>Newspaper advert, site notice and letter to neighbours generally within 90 metres of the application site boundary¹²</p> <p>Site notice and letter to neighbours generally within 90m of the application site boundary¹², or with a common boundary to the school or other County Council establishment within which the application site is located</p>
<p>Details required to be submitted by planning conditions</p>	<p>Further publicity at the discretion of the case officer. The extent of publicity, if any, will be based on a judgment as to whether residents are likely to be affected or otherwise concerned about the matter</p>

¹⁰ We will use press advertisements in accordance with the current relevant regulations

¹¹ Letters to neighbours must give at least 21 days for comments to be made

¹² The distance of 90 metres is not statutory but will be applied as a general minimum and increased at the discretion of the case officer

2.11 Conditions normally apply to most planning permissions we grant. Under some of these conditions, we may need to approve further details within specific timescales. (Examples include detailed working and restoration schemes for quarries, and colours and finishes to be used on the outside of buildings.) By law, we do not need to publicise or consult on these details. However, we will carry out any consultations we believe are necessary depending on what the details cover.

Publicity for amendments to planning applications

2.12 During the process of considering a planning application amendments are often made. There is no statutory obligation on local authorities to publicise changes to planning applications and all those notified will be made aware of how they can keep up to date with the progress of an application. Further publicity, if any, will be at the discretion of the case officer based on the following considerations:

- a) Are the proposed changes significant?
- b) Did any earlier comments received relate to aspects of the development that are now being amended?
- c) Does the amended application raise issues likely to be of concern to parties that had not previously commented?
- d) Have amendments been made to the Environmental Statement?

Further publicity will be by email or letter rather than site notice.

2.13 Details of all amendments to planning applications and the date they will be considered at Committee (if appropriate) will be placed on the county council's [register of planning applications, decisions and appeals](#)

2.14 Further information and evidence in relation to Environmental Statements accompanying planning applications can be required by us when considering planning applications. Applicants will be notified when this is the case. When the further information has been received we will carry out all the necessary steps to publicise the further information as required by the relevant regulations¹³.

¹³ [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](#)

Making decisions on planning applications

- 2.14 A committee of councillors (the Planning and Regulatory Committee) or designated officers¹⁴ make decisions on planning applications.
- 2.15 Officers prepare a report for all applications (whether delegated or not), which includes an outline of the consultation, the publicity carried out and a summary of the comments we received.
- 2.16 Meetings of the Planning & Regulatory Committee are held in public and future meeting dates, agendas, committee reports and minutes can be viewed on the council's [website](#). All meetings are webcast live or available to view at a later date. An induction loop facility is available at meetings of County Council committees at County Hall.
- 2.17 We run a '[public speaking](#)' scheme that allows people who have made written comments to speak to the Committee. Written comments have to be from you as an individual and you would not be eligible to speak if you only signed a petition or a standard proforma response. Up to five people who support and five who object to a proposal may speak. The applicant also has the right to speak to the committee in response to comments received from someone who objects.
- 2.18 We will place reports on planning applications determined by designated officers (under delegated powers) on our [register of planning applications, decisions and appeals](#).
- 2.19 After a decision on the application has been made, we issue a decision notice that contains details of any conditions the applicant must meet if we have granted planning permission. If we have refused the application, the decision notice explains the reasons why. We place a copy of all decision notices on our [register of planning applications, decisions and appeals](#)

Appeals

- 2.20 If we refuse to give planning permission, the applicant has the right to appeal against the decision to the Secretary of State¹⁵. Appeals must be made to the Planning Inspectorate¹⁶ who manages the process on behalf of the Secretary of State. If we receive notification of an appeal from the Inspectorate we publicise

¹⁴ See the council's scheme of delegation as part of its [constitution](#).

¹⁵ There are other circumstances when an applicant may make an appeal (i) when a decision on their application has not been made within the statutory timescale (non-determination of an application), (ii) against a planning condition that has been attached to a planning permission. Appeals may also be made in relation to enforcement matters (for example to stop development that is going ahead without planning permission).

¹⁶ For more information on the Planning Inspectorate visit the [Planning Portal](#).

2 Planning applications

it in line with the legal requirements. Any written comments received relating to the original application will automatically be forwarded by us to the Inspectorate for consideration as part of the appeal process. We must write to statutory and non-statutory consultees, and everyone who was originally notified or made comments on the planning application so that they have the opportunity to participate in the appeal. In addition we may give further publicity by newspaper advert or site notice if this is required by the Planning Inspectorate. Appeal decisions can be viewed on the [Planning Portal](#).

3 Planning policy documents

Development Plan Documents (Local Plans)

3.1 Surrey has adopted a full set of Development Plan Documents (DPDs) as follows:

[Surrey Waste Plan](#) adopted 6 May 2008

[Surrey Minerals Plan Core Strategy DPD](#) adopted 19 July 2011

[Surrey Minerals Plan Primary Aggregates DPD](#) adopted 19 July 2011

[Aggregates Recycling Joint DPD](#) adopted 12 February 2013

3.2 We have no plans to revise the above documents in the near future. However, when they are revised we will undertake consultation at the key stages of the plan making process as required by statutory requirements¹⁷ and government planning practice guidance¹⁸. The following illustrates those key stages and shows when you can get involved in the process of preparing planning documents. We will ask for your views as early as possible so that you have the greatest opportunity for them to influence the policy making process.

Stage	Consultation period. At least:
Gathering of evidence and public consultation on what the local plan should contain	12 weeks
Public consultation on the soundness of the local plan prior to submission of the local plan (known as the local plan submission draft) to the Secretary of State and the Planning Inspectorate	6 weeks
Independent public Examination of submitted local plan	6 weeks
Publication of modifications to the submission draft local plan if required	6 weeks
Adoption of local plan by County Council	

¹⁷ [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

¹⁸ [Planning Practice Guidance 6 March 2014](#)

3.3 We will publicise details of formal consultation by:

- sending an email¹⁹ or letter to all statutory organisations and other organisations or groups on our minerals and waste database²⁰, with details of the consultation period, how to comment and where and when we will make documents available.
- publishing consultation documents on our website, with details of where and when paper copies of consultation documents can be inspected.

3.4 We may also use other methods including: media (newspapers and radio), social media and workshops or meetings.

3.5 All representations will be acknowledged and treated as public documents and made available on our website as they are received.

3.6 It will not be possible to respond to every letter in detail during any consultation period. What we will do is publish a summary of the results of consultations on our website and show how we have considered them.

Supplementary Planning Documents (SPDs)

3.7 In addition to local plans the Council will occasionally produce supplementary planning documents (SPDs) which explain the implementation of planning policy. An example is the [Minerals Site Restoration SPD](#). The process of preparation and adoption is shorter and involves fewer stages:

Stage	Consultation period at least:
Public consultation on draft Supplementary Planning Document	6 weeks
Public consultation on any significant amendments to draft Supplementary Planning Document	6 weeks
Adoption of Supplementary Planning Document by County Council	

¹⁹ Email will be the preferred method of communication with letters used only where email addresses are not available or unreliable.

²⁰ Our database will be reviewed with a list of organisations and groups who will be consulted made public on our website

Sustainability Appraisal

3.8 The plan preparation process includes assessing the social, environmental and economic impacts of each local development document and supplementary planning document. The sustainability appraisal identifies the positive and negative effects and helps to indicate where action may be required to mitigate any potential adverse impacts of the planning policies. A Habitats Regulations Assessment²¹ will also be undertaken to identify any adverse impacts on species and habitats of nature conservation importance at the European level and indicate where they may need to be protected and enhanced.

²¹ The European Union (EU) Habitats Directive protects certain species of plants and animals which are particularly vulnerable. The Directive specifically relates to Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites known as Natura 2000 sites. The UK Habitats Regulations are used to implement the EU Directive and require a Habitats Regulations Assessment (HRA) to determine if proposals (including DPDs and where necessary SPDs) are likely to have a significant adverse impact.

4 Longer term engagement

4.1 Involving the community does not end with adopting a local plan or making a decision on a planning application. This section covers opportunities for involving people to help measure the effectiveness of the planning process and improve the quality of our decisions.

Annual Monitoring Report

4.2 The annual monitoring report is a useful way of keeping people up to date on how effectively we are achieving the planning objectives in our minerals and waste local plans.

4.3 We will produce an annual monitoring report that provides information on:

- preparing and reviewing the Minerals and Waste Local Plans and other planning documents;
- planning applications for minerals and waste development and our own proposals for development; and
- monitoring minerals and waste policies and enforcement work.

Community involvement

4.4 We will continue to liaise with local communities through bodies such as action groups, parish and town councils and where they exist, community liaison groups, in dealing with any issues arising at minerals and waste sites.

4.5 Liaison groups are an effective way of involving the community in dealing with issues at minerals and waste sites. These groups meet regularly and may be chaired by a county councillor. Planning officers, county councillors, the site operator and other interested people (such as representatives of local communities) take part in these groups. The liaison groups provide a forum for discussing future developments and an opportunity to deal with any ongoing issues at the site. They are generally organised for large sites, or for developments that were particularly controversial during the planning process.

Monitoring and enforcement

4.6 The Council carries out monitoring and enforcement in order to ensure compliance with planning permissions. Regular site visits and other contact with both mineral and waste operators helps us to identify possible issues and address them as early as possible. Where development is taking place without

4 Longer term engagement

planning permission it will seek to resolve the situation in the most appropriate way through one or more of the following:

- encouraging the submission of a retrospective planning application
- negotiating the cessation of activity and the restoration of the site
- initiating formal enforcement action where negotiation fails

Contact details: Email: mwcd@surreycc.gov.uk
Tel: 03456 009 009
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Appendix 1

Statutory Organisations

Government regulations require us to consult certain bodies and organizations when carrying out particular stages of the planning process, and we can decide whether to consult others.

The regulations for preparing local development documents define these organisations as:

- specific consultation bodies, such as parish and town councils, and government departments; and
- general consultation bodies, including voluntary bodies (such as residents' associations) and organisations which represent the interests of disabled people, businesses, and religious, ethnic groups.

The regulations for planning applications define these organisations as:

- statutory consultees, such as district and borough councils, parish and town councils, and technical specialists such as the Highways Agency and the Environment Agency, also gas, water and electricity suppliers and neighbouring local authorities; and
- non-statutory consultees, such as established community and residents' organisations and rights of way interest groups (for example, the Ramblers' Association and the Open Spaces Society).

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