

**Appendix A to Report to Executive on 18 January 2023**

**Statement of Community Involvement – Draft for public consultation**

# **Draft Statement of Community Involvement in Planning Somerset Council**

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# 1. Introduction

This Statement of Community Involvement (SCI) sets out how and when the new Somerset Council will engage the community and stakeholders in planning policy documents and planning proposals. It outlines how and at what stages consultation will be carried out.

Somerset Council is responsible for determining and consulting on planning matters within the authority area, including applications for new development, prior approvals, works to listed buildings and trees, mineral and waste development, and planning enforcement.

This is the first SCI for Somerset Council. It replaces the SCIs for the former districts of Mendip, Sedgemoor, Somerset West and Taunton and South Somerset, and for Somerset County Council. Part of Exmoor National Park lies within the Council's area but Exmoor National Park Authority is responsible for planning matters within their area and so they produce their own separate SCI.

There are two main areas of planning that you can be involved in:

- **Planning Policy** (including Local Plan and Minerals and Waste Plan preparation and preparation of other planning policy documents) – these documents set out the policies or guidance that development proposals will be assessed against.
- **Planning Proposals** (Development Management) – some types of development require a planning application to be submitted and approved. Planning applications can be commented on by the public. Some applications are 'permitted development' and are not required to be advertised.

Consultation will occur in the preparation of policy documents and when planning applications are validated (the process undertaken by the Council to check that new planning applications are complete and include all relevant supporting information). The Council aims to give consultees, stakeholders, and the general public the opportunity to respond to consultations and influence decisions within their area.

The intention of the guidelines set out in this document is to ensure that the process for responding to consultations or influencing decisions is understood and accessible so everyone will be able to give their views on proposals quickly and easily.

Local communities often have a good understanding and detailed knowledge of the issues in their area. The views of both local communities and stakeholders should be considered through plan-making and the planning application processes to ensure the best decisions for the community.

## 2. Legislative Requirements

Regulation 18(1) of the Planning and Compulsory Purchase Act 2004<sup>1</sup> requires authorities to produce a Statement of Community Involvement (SCI).

The Council has a legal duty to consult in the preparation of Local Plans and on relevant planning applications. These requirements are set out in several pieces of legislation set out below:

- Town and Country Planning Act (1990)<sup>2</sup> (as amended)
- Planning and Compulsory Purchase Act (2004)<sup>3</sup> (as amended)
- Town and Country Planning (Development Management Procedure) (England) Order (2010)<sup>4</sup> (as amended)
- Localism Act (2011)<sup>5</sup> (as amended)
- Neighbourhood Planning (General) Regulations (2012)<sup>6</sup> (as amended)
- Town and Country Planning (Local Planning) (England) Regulations 2012<sup>7</sup> (as amended)
- Levelling Up and Regeneration Bill (emerging)<sup>8</sup>

## 3. Equalities and Diversity

This SCI has been prepared in line with equalities legislation and has been completed with an Equalities Impact Assessment.

The Equality Act (2010)<sup>9</sup> defines nine “protected characteristics”: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Council will work to ensure that these characteristics do not affect people’s ability to respond to our consultation or have their views heard, and impact on these characteristics will be considered in the determination and adoption processes.

Some groups are harder to engage than others and traditional consultation methods may not be effective and, in some cases, further support may be necessary. The Council will endeavour to take account of barriers faced by groups or individuals.

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/1990/8/contents>

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>4</sup> <https://www.legislation.gov.uk/uksi/2010/2184/contents/made>

<sup>5</sup> <https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

<sup>6</sup> <https://www.legislation.gov.uk/uksi/2012/637/contents/made>

<sup>7</sup> <https://www.legislation.gov.uk/uksi/2012/767/contents/made>

<sup>8</sup> <https://bills.parliament.uk/bills/3155>

<sup>9</sup> <https://www.gov.uk/guidance/equality-act-2010-guidance>

All plan making documents are proposed to be written clearly and concisely with any technical terms or language explained. A translation facilities box will be included on all consultation and adopted DPDs and SPDs, and follow accessibility guidelines. We will also offer a clear and appropriate timescale for comments to be received to allow everyone the opportunity to participate.

As part of the Public Sector Equality Duty<sup>10</sup> the Council will consider all individuals when carrying out day-to-day work. We will have due regard to:

- Eliminating discrimination
- Advancing equality of opportunity

For those who are unable to access information digitally, alternative arrangements can be made such as supported digital viewing, paper copies which could be made available on request or telephone support. Letters of comment can be received online, by email or by post and can be made on behalf of other individuals. They may also be signposted to suitable support such as Planning Aid.

## **4. Planning Policy**

### **4.1 The Local Plan and Minerals and Waste Plans (“Local Plans”)**

This section sets out how the Council will engage the public in any review of policies and future policy making. The minimum requirements for public engagement in planning policy making is set out in various legislation and regulations including the Town and Country Planning Act, the Planning and Compulsory Purchase Act, The Environmental Assessment of Plans and Programmes Regulations 2004, the Conservation of Habitats and Species Regulations, as well as relevant requirements set out under EU Directives. The Council will always meet these requirements and seek to go beyond them where appropriate.

Alongside the National Planning Policy Framework, Local Plans and any made Neighbourhood Plans form the statutory policy framework within which all decisions on planning applications are made. Development Consent Orders follow a different process as set out in Section 5 below.

Within Somerset, the former district level Local Plans will apply to their specific district geographical areas until superseded by a Somerset-wide Local Plan. Somerset Council are required to adopt a new Local Plan by 1 April 2028. Exmoor National Park Authority is the planning authority for the National Park area and has its own Local Plan.

The Local Plans set out the principal policies and proposals for land use and development, contains overall vision and objectives, the development strategy,

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<sup>10</sup> <https://www.gov.uk/government/publications/public-sector-equality-duty>

allocate sites for development and present a suite of policies used in decisions on planning applications. Once a Local Plan is adopted, it must be reviewed every five years to establish whether it requires updating.

Supplementary Planning Documents (SPDs) that provide guidance based on the Local Plan policies may be produced from time to time. The arrangements for consultation on SPDs are set out in paragraph 4.2 below.

### **Who we will notify, consult and involve in plan making**

In respect of plan making, the Council is required to engage with some groups to meet the regulations. These are set out below:

Duty to Co-operate Bodies - The Localism Act 2011 places a 'duty to co-operate' on local planning authorities and neighbouring authorities and various public bodies for any strategic cross boundary issues. These bodies play a key role in delivering local aspirations, and cooperation between them and local planning authorities is vital in order to make Plans as effective as possible. These bodies include:

- The Environment Agency
- Historic England
- Natural England
- Civil Aviation Authority
- Homes England
- NHS Somerset Integrated Care Board
- National Health Service
- Office of Rail Regulation
- National Highways
- Marine Management Organisation
- Adjoining Principal Authorities
- Local Enterprise Partnership
- Local Nature Partnership

Specific consultation bodies – are agencies that must be consulted if they are affected by the proposals because they have an interest in the matter. These include organisations such as the Environment Agency and Wessex Water. The full list is at **Appendix 1**.

General consultation bodies – these include local community or amenity groups, residents' associations, businesses, developers, landowners, and other agencies. In particular, the Council will seek to engage with hard-to-reach groups and vulnerable groups. The types of groups are at **Appendix 1**.

Residents and others with an interest – those who live in, or carry out business in, the area.

The Duty to Co-operate bodies, specific and general consultation bodies are contacted formally by letter or email. Members of the public and/or other interested

parties who have registered to be on the online Consultation Portal are also notified of any consultation. Members of the public are informed through general publicity, including the local newspaper, social media, and the Council website.

### **When and how we will notify, consult, and involve people in plan making**

Plan making is undertaken in stages with the opportunity for the community and relevant stakeholders to engage during the process. This includes the partial update of a plan following the required five yearly review. Whilst engagement is an ongoing process throughout plan making, there are specific periods of consultation that are held.

The Council updates its Local Development Scheme, which is the programme for Plan production and review, from time to time. It will be published on the Council's website.

#### **Evidence gathering and identification of issues for the Local Plans:**

- The Council researches and gathers evidence to guide the content of the Local Plan. In this early stage of plan production, informal engagement can continue throughout this period and using a variety of formats.
- The Council may use methods such as workshops or surveys to ensure that the Council receives the relevant specialist and local opinions at an early stage. Where appropriate, individuals and parties on the Council's consultee database will be notified.
- It may also involve activities such as the 'Call for Sites' in which interested landowners and their agents are invited to identify their land for future development.
- Dedicated briefings and workshops may be held for specific evidence base studies. Invitations to attend will depend upon the subject matter and targeted consultation may be undertaken with specific interest groups to check the findings or look at information in more detail.

The evidence gathering stage is informed by the findings of studies that can give rise to the need for further investigation. When a degree of understanding has been reached regarding the issues that the Plan should address, the work proceeds to the next stage.

**Production of the Draft Local Plan (Regulation 18):**

- The Council develops a draft Local Plan (or partial review of the plan) containing proposed policy approaches. The Draft Local Plan undergoes a formal consultation period under Regulation 18 of the Town and County Planning (Local Planning) (England) Regulations 2012. This will last for a minimum of 6 weeks.
- At this stage the Council will make people aware of the consultation primarily through the website, social media coverage, the consultation portal, and the press.
- Other methods that may be used to involve people in the consultation include videos, quick polls, workshops, presentations, surveys, newsletters, forums, or drop-in events.
- The Draft Local Plan will be made available in a range of formats including electronic and hard copies placed at inspection points which may include some libraries and Council offices.
- Due to the large number of responses that we receive, we do not provide individual responses to comments received.

The methods for making comments and the deadline for submission will be set out clearly as part of the consultation to ensure that people who want to comment can do so.

It is recognised that some methods may not suit everybody. However, a variety of methods will be used to enable a greater range of people to be involved in the consultation. The Council will make every reasonable effort to encourage under-represented groups to participate.

Planning policy often includes acronyms and technical language so the Council will do its best to simplify language where possible and may provide 'easy read' summaries. Council officers are always willing to offer advice and explanations if required and can provide documents in a variety of formats, such as Braille or in foreign languages, on request. Further information can be found in the Equalities section of this document.

Following the consultation on the draft Local Plan, the Council will process the comments received. A statement of consultation will be produced containing an overview of the consultation activities undertaken, summary of comments received and how or what the Council will do to take these into account as part of the Local Plan.

The Council will consider the issues raised, and may undertake further work on the Local Plan, which may include further evidence gathering, before it finalises the Local Plan for the 'publication' stage under Regulation 19.

**Publication of the Submission Local Plan (Regulation 19):**

- Having considered issues raised during the Regulation 18 stage, the Council publishes the Submission Local Plan (or partial review of the plan). This is the version of the Local Plan that it intends to submit to the Secretary of State for examination.
- The Council publicises the Submission Local Plan for formal representations (comments) under Regulation 19 of the Town and County Planning (Local Planning) (England) Regulations 2012. This will last for a minimum of 6 weeks.
- This allows respondents to make representations to explain in writing on a specific electronic form (available in a paper format if required) why they consider that the plan meets (or does not meet) the governments requirements for Local Plans and whether they seek to appear at an examination public hearing session. There will be a guidance note to help fill in the form.
- Any representations (comments) made at this stage cannot remain confidential as the examination is a public process.
- The Submission Local Plan will be made available in a range of formats including electronic and hard copies places at inspection points which may include some libraries and Council offices.

Following the Regulation 19 publication (consultation) period, the Council will process the representations received. Each response is logged and given a unique reference number.

Each response will be posted on the Council's website. Comments and the name of the respondent will be published but any further personal details redacted in line with the General Data Protection Regulation (GDPR). This is to ensure an open and fair examination process as required by the Planning Inspectorate<sup>11</sup>. A Consultation Statement including a summary of the main issues raised in the responses, and who was informed, will be submitted to the examiner as part of the process.

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<sup>11</sup> Paragraph 1.21 <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>



### **Examination of the Local Plan:**

- The Council is required to submit the Submission Local Plan and all of the evidence upon which it is based for examination. This also includes the representations made on the Regulation 19 Plan. All of these documents will be included and updated on the Council's website.
- The government requires that the Submission Local Plan (or partial review) will be examined to assess whether it has been prepared in accordance with legal and procedural requirements set down by Government and whether it is 'sound'. The tests of soundness are set out in the National Planning Policy Framework paragraph 35 (or as updated).
- The examination of the Local Plan involves an Inspector(s) considering all of the written material submitted and holding public hearing sessions.
- The Council will dedicate a section of the website to the Local Plan Examination where all the material and information about the examination will be posted.
- As soon as the Council knows when the public hearing sessions will be held it will publicise these on the website and via social media.
- Those who have indicated a wish to be heard at the public hearing sessions will be contacted by the independent Programme Officer responsible for the administration of the examination.

The Council will publicise the outcome of the examination on the website, social media and in the local press.

### **Register online to ensure that you are consulted**

The Council has an online consultation portal enabling individuals and organisations to register an interest in Council consultations, including planning policy consultations.

The online consultation portal is the council's preferred method for consultation as it enables interested people to manage their own involvement, keep their contact details up-to-date and withdraw consent if they no longer wish to be contacted.

Groups are often under-represented in the consultation process and are therefore encouraged to sign up to the consultation portal so that views can be gathered through the consultation process to appropriately reflect people within our society.

The Council will maintain a database of postal addresses of individuals and organisations who are not able to use or access the online consultation portal to ensure that they can still be involved with the development of local plans and other policy documents. Anyone on a Local Plans postal database with one of the former District or County Councils in Somerset will need to re-provide us with postal details due to the General Data Protection Regulation (GDPR).

GDPR requirements will be followed to ensure that personal data is only required and retained where proportionate and necessary, is only gathered where explicit consent has been provided, is kept securely, and is not disclosed to others.

### **Evidence base documents**

As part of the plan making process, the Council produces (or will commission external consultants on their behalf) an evidence base of documents that inform the Local Plans. Where appropriate, the Council will consult relevant “specific” or “general” consultation bodies on the contents (see Appendix 1).

### **Strategic Environmental Assessment and Sustainability Appraisal**

A Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) Scoping Report is produced when starting the process of Local Plan preparation. This provides a basis for assessing the economic, environmental, and social impact of policies and proposals. In accordance with government guidelines, the Council will ensure that any sustainability appraisal developed is compliant with the Strategic Environmental Assessment Regulations.

A SA/SEA is an iterative process undertaken when preparing each stage of the Local Plan. It informs decisions taken on policy options in relation to strategies, policies, and allocations. The report is consulted on at key points throughout the plan-making process, at the same time as the Local Plan.

## **4.2 Supplementary Planning Documents**

Supplementary Planning Documents (SPD) are non-statutory planning policy documents. They provide additional information or detail on how particular policies in the Local Plan should be applied. The process for the preparation of SPDs is simpler than the more formal requirements of a Local Plan. There is no requirement to undergo independent examination prior to adoption.

Legislation<sup>12</sup> requires the following with respect of public participation when preparing an SPD.

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<sup>12</sup> <https://www.legislation.gov.uk/ukxi/2012/767/contents/made>

- Depending upon the subject of the Supplementary Planning Document the Council may invite specific groups or organisations with specialist interest in the subject matter to engage in workshops or provide specific evidence to support production of the Supplementary Planning Document or Guidance.
- When the Council has produced its draft Supplementary Planning Document it will undertake press, Council website and social media coverage of the draft and contact those on its consultation portal inviting comments on the draft. There will be a minimum period of 4 weeks to make representations.
- The comments on the Supplementary Planning Document will all be published on the Council website (with personal contact details redacted).
- A summary of the issues raised and how they are addressed will also be posted on the website.
- The Council will publicise the adoption of the Supplementary Planning Document in the local press, social media and on the Council website. It will inform those who have requested notification of adoption.

From time to time other guidance may be produced that is agreed by the Council to be a material planning consideration in making decisions on planning proposals or documents. The arrangements for consultation will broadly follow that for Supplementary Planning Documents but may vary according to the guidance.

### **4.3 Neighbourhood Development Plans**

Neighbourhood Planning was introduced by the Localism Act 2011. Legislation<sup>13</sup> sets out the regulatory requirements for making a Neighbourhood Plan.

A Neighbourhood Plan is a community led and prepared document. It guides the future development, regeneration and conservation of the parish or neighbourhood area it covers. The Plan may contain a vision, aims, planning policies, proposals for improving the area or new facilities and site allocations. It can deal with a range of social, economic, and environmental issues, for example housing, employment, heritage, transport.

The production of a Neighbourhood Development Plan is the responsibility of a Parish, Town Council or Neighbourhood Forum. However, the Council has some responsibilities with respect to the process.

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<sup>13</sup> <https://www.legislation.gov.uk/ukxi/2012/637/contents/made>

The Council has a responsibility to advise and assist groups undertaking all forms of Neighbourhood Planning. The Council's policy in this respect is set out below:

In line with its statutory duties the Council will publish on its website:

- The designation of a neighbourhood area including a map showing the extent.
- Draft proposals and supporting documents produced by the Parish, Town Council or Neighbourhood Forum provided they comply with the regulatory requirements and representations will be invited including details of how to respond (under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012). Comments and the name of the respondent will be published but any further personal details redacted in line with the General Data Protection Regulation (GDPR).
- Details of the examination of the Neighbourhood Plan.
- The results of the examination of the Neighbourhood Plan.
- Details of a referendum on a Neighbourhood Plan and the result.
- The making of a Neighbourhood Plan which is the point at which it becomes part of the Development Plan for the Council.

Legislation requires the Parish Council, Town Council or Neighbourhood Forum preparing the Plan to consult with stakeholders during the Neighbourhood Planning process and outlines at which stage consultation should happen. Due to the individual nature of each Neighbourhood Plan, the scope and form of consultation necessary will vary. The Council expects the relevant qualifying body to undertake appropriate and effective consultation with the community and stakeholders. This will identify issues that will shape the form and content of the Neighbourhood Plan.

The Council expects the Parish Council, Town Council or Neighbourhood Forum preparing the Plan to provide details of the engagement undertaken through their consultation statement. This should include a list of organisations, associations and bodies who were consulted, a summary of their input, how any relevant issues have been taken into account and how the draft Neighbourhood Plan has been shaped to take account of them.

The adoption of a Neighbourhood Plan requires a referendum which is organised by Somerset Council, the rules for which can be found in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the Neighbourhood Planning (Referendum) (Amendment) Regulations 2013 and 2014) and the Neighbourhood Planning (Prescribed Dates) Regulations 2012. In order to progress to this stage, the Plan must meet basic conditions concerning accordance with national planning policies, general conformity to the adopted Local Plan(s) for the area and contribution to the achievement of sustainable development.

Once the Plan is “made”, it becomes part of the development plan for the area, carrying statutory weight and policy consideration along with the Local Plan for the area when determining planning applications.

### **Advising and Assisting Neighbourhood Plan Groups**

In line with its statutory duties to advise and assist in neighbourhood planning the Council will either undertake these duties itself, or use the services of another organisation, to:

- Maintain the neighbourhood planning pages of the Council website, providing updates on the progress of designated neighbourhood planning areas and the production of any subsequent draft plans or orders.
- Signpost to useful information and sources of funding provided by other organisations.
- Share information on planning issues including information and published evidence relating to the Council’s Local Plan.
- Provide advice on key assessments such as the Strategic Environmental Assessment (SEA) and other supporting evidence.
- Advise on national and local plan policy which any Neighbourhood Development Plan or Order produced would need to have regard to.
- Advise Neighbourhood Planning groups on the process, providing advice on the drafting of a project plan in understanding the milestones and work involved.

## **4.4 Neighbourhood Development Orders and Community Right to Build (NDO and CRtBO)**

NDOs and CRtBOs grant planning permission for specific types of development in a particular area.

Whilst NDO and CRtBO proposals are subject to formal consultation, it is really important to engage with communities and stakeholders from the beginning of the process. This helps to ensure that the community is aware of emerging proposals, well before the formal consultation stage.

Importantly, early engagement means that the knowledge and views of a wider range of people inform the content of the NDO or CRtBO. This means that people can influence the fundamentals of NDOs or CRtBO, rather than being limited to tweaking matters of detail. For CRtBOs, the outcomes of early engagement can inform the development brief.

As with Neighbourhood Plans, close liaison with the Council is important.

If you are submitting either of the above for consideration it will need to be subject to a six-week period of consultation (Regulation 14). This will include consulting

national bodies, which are set out in Schedule 1 of the Neighbourhood Planning (General) Regulations 2012.

Following the consultation period, representations must be considered, and any amendments thought to be necessary must be made to the NDO or CRtBO.

### **The Council's role**

The NDO or CRtBO proposal must be submitted to the Council. We will check that proper procedures and consultation has been carried out in the preparation of the order. The Council will then publicise the order to bring it to the attention of people in the area and consult certain national bodies.

The Council may decline to consider a CRtBO if it considers the development specified in the order is likely to have significant effects on the environment by virtue of its nature, size, or location.

Once the Council has confirmed that the order proposal has followed the required process and includes the necessary documents, it will arrange for it be assessed by an independent examiner. If successful at the examination stage, the Council will arrange for a referendum to take place.

The public will have the opportunity to vote in the referendum which will confirm if the order should be made (agreed). Once the order is made, development that is permitted under an NDO can take place without having to apply for planning permission. However, if the order is subject to conditions or limitations, then an 'approvals application' may have to be made to the Council to confirm that each development proposal satisfies the relevant conditions or limitations.

## **4.5 Conservation Area Appraisals**

### **Conservation Area Appraisals and boundary reviews**

It is a duty<sup>14</sup> of the Council to, from time to time, review whether any parts or any further parts of their area should be designated as conservation areas and designate those parts accordingly. There is no legal requirement to consult on Conservation Area Appraisals or new Conservation Area boundaries or boundary reviews.

However, the Council may engage with local groups such as the Parish/ Town Council to undertake a 'fact checking' exercise prior to adopting the appraisal or boundary review.

Aligning with Historic England's advice, the Council will consider how to best inform local people about a new appraisal or boundary review to ensure that everybody is aware of the designation, its benefits, and implications.

### **Conservation Area Management Plans**

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<sup>14</sup> <https://www.legislation.gov.uk/ukpga/1990/9/contents>

The Council has a duty to, from time to time, formulate and publish proposals for the preservation and enhancement of any of our conservation areas, also known as a Conservation Area Management Plan. There is a legal requirement for the Council to arrange a public meeting in the area to which the management plan relates.

The Council will collate responses and have regard to any views expressed at the meeting.

## **5. Planning Proposals (Development Management)**

### **5.1 Introduction**

The Planning System enables Local Authorities to determine applications for development and change of use of land or buildings. National planning legislation, regulations and guidance set out what should be included in an application and the process of making decisions on their acceptability.

Development Management decisions shape the character of the area. A range of applications are determined by the Council, including householder development, extensions to domestic or commercial sites, fences, listed building and tree applications, changes of use, advertisements, major housing development, commercial development, mineral applications, waste applications, planning enforcement, major highway schemes and the Council's own development. Nationally Significant Infrastructure Projects (NSIPs) follow a different process that are set out in The Planning Act 2008. Development Consent Orders (DCOs) are submitted to the Planning Inspectorate and a 6 stage process is followed involving pre-application, acceptance, pre-examination, examination, recommendation and decision, and post decision. The Planning Inspectorate must prepare a report on the application to the relevant Secretary of State, including a recommendation, within three months of the close of a six month Examination stage. The relevant Secretary of State then has a further three months to make the decision on whether to grant or refuse development consent. Once a decision has been issued by the relevant Secretary of State, there is a six week period in which the decision may be challenged in the High Court. This process of legal challenge is known as Judicial Review.

The National Planning Policy Framework (NPPF)<sup>15</sup> expects Councils to have a positive approach to decision-taking in order to deliver sustainable development. Councils are expected to proactively work with applicants to secure development aiming to improve the economic, environmental, and social conditions of an area.

There are four stages during the planning application process where the local community and stakeholders are consulted and/or notified about the proposals:

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<sup>15</sup> <https://www.gov.uk/guidance/national-planning-policy-framework>

1. Pre-application stage: undertaken **by the applicant** once or a number of times. The scale and extent of consultation is dependent on scope and scale of proposal and whilst encouraged is not a requirement prior to submission of a planning application for the majority of applications.
2. Application stage: formal consultation on the application undertaken **by the Council**.
3. Appeal consideration: consultation is undertaken **by the Council** on behalf of the Planning Inspectorate (PINS); additional formal comments may be submitted to the Inspector prior to the determination of the appeal.

Government legislation, including Planning Acts, Orders and Regulations, set out the approach to consultation, publicity, and community involvement that the Council and applicants are required to undertake in regard to planning applications.

This SCI will be utilised by the Council to set expectations for applicant led consultation and guide the approach taken to consultation in the planning application process.

## 5.2 Pre-Application stage

Pre-application consultation is the responsibility of the applicant. This section of the SCI focuses primarily on setting the standards the applicant is encouraged to follow prior to making an application for planning permission.

Councils cannot require that a developer submits a pre-application proposal or engages with them before submitting a planning application, but the take-up of any pre-application services they offer is strongly encouraged. Pre-application advice is subject to payment of an appropriate fee based on the size and scale of the development.

Applicants are also encouraged to undertake appropriate and effective pre-application consultation with the local community and, where relevant, with statutory and non-statutory consultees, prior to submitting an application. There is an expectation that applicants that are promoting rural exception sites to meet a specific community need should engage with the local community prior to submitting an application. The applicant is encouraged to seek the views through early engagement to highlight issues, and potential amendments to address comments or concerns of both the Council and the local community which can then influence and shape the design of the development. Additional information requirements can also be highlighted at this stage. The Council does not consult neighbours or parish councils on applications for Pre-application advice and advice given is not publicly available.

The Council also offers Planning Performance Agreements to applicants and developers, for an additional fee, for an enhanced service with respect to their proposal. A planning performance agreement is a project management tool which



the Council and applicants can use to agree timescales, actions, and resources for handling particular applications.

### **5.3 Application stage**

Once an application has been submitted to the Council it is checked to ensure it is valid and, if so, it is registered and allocated to a Case Officer. The application, and all accompanying documents are then published on the Council's website.

#### **Who can comment?**

Anyone is allowed to comment on planning applications whether or not they have been consulted. Consultees on applications include the following groups:

- Statutory consultees (those that we must consult to fulfil our statutory duty)
- Non-statutory consultees (those we consult to inform the application)
- Adjoining owners or occupiers (where required as set out below)

#### **Who is consulted?**

It is required under Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Council carries out consultation on applications.

For certain types of application, the Council is also obliged to consult with statutory consultees. Appendix 1 provides an extract of from Government guidance that confirms the up-to-date list of statutory requirements to consult particular bodies or persons on applications for planning permission in prescribed circumstances. This is not a definitive list. It does not necessarily include, for example, all the bodies which must be consulted as a consequence of a consultation direction.

Consultation will be proportionate to the application being considered.

Other, non-statutory consultees may be consulted on an application if the Council considers that their professional advice is required. The requirement for this type of consultation is determined on a case-by-case basis and could occur after validation if the case officer considers it necessary.

Adjoining owners or occupiers will also be notified where required as set out below.

#### **How do we consult?**

##### Publicity

The Council has a duty<sup>16</sup> to ensure applications and decisions are properly publicised to ensure that everyone can meaningfully engage with the process. The

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<sup>16</sup> Regulation 15 <https://www.legislation.gov.uk/uksi/2015/595/article/15/made>

way in which a particular application is publicised will depend upon the nature, scale and location of the development proposed.

The Council is required to publicise an application either by serving a written notice to neighbours or by displaying a site notice, depending on the type of application. Where neighbours are to be notified, as a minimum the Council will notify any adjoining owner or occupier. If a site notice is required, it will be displayed in a prominent position on or near to the site. Appendix 3 provides an extract from Government Guidance summarising these requirements.

A Public Notice will also be placed in the local newspaper if required, for example for major developments, applications contrary to the Local Plan and some statutory applications (e.g. those within Conservation Areas).

The letter, notice or advert will contain details of the planning application and a link to the Council's website where the plans and supporting documents can be viewed. Additionally, it will provide a link for comments to be made online.

Although most applications are subject to a 21 day consultation period, this can vary depending on the type of application and can range from 14 to 30 days. The consultation deadline for each specific application will be clearly stated in the letter, notice, advert and online. Information on statutory publicity requirements is available on the Government's website.

#### Other Consultation Methods

Other than the statutory consultation methods discussed above, the Council may decide to utilise some optional methods of consultation for planning applications depending on the size and scale of the proposal.

#### **How to comment on planning applications**

All comments should be submitted online within the consultation period set out in the consultation letter, notice, or advert you may have seen. You can still comment online after the consultation period has expired and until a decision is made, however, we recommend you do so as soon as possible because a decision can be made at any time after the expiry of the consultation period.

To track progress of an application, search the online application database. Using the application reference number is the easiest way to find the application.

#### **What do we do with comments received?**

Comments received will be published on the Council's website. Comments will not be viewable to the public until the content has been checked and we endeavour to upload comments within 5 working days of receipt.

Personal information such as the name and address of the respondent will be published but phone numbers, email addresses and signatures will be

removed/redacted. Anonymous representations will not be accepted. Please ensure that you only provide information belonging to you and that you are happy will be made available to others.

The Council can only consider comments which relate to material planning issues and planning applications. Examples of these matters include, but are not limited to:

- Loss of light or overshadowing
- Overlooking or loss of privacy
- Transport problems
- Noise and disturbance resulting from use
- Hazardous materials
- Smells
- Loss of trees
- Effect on listed buildings and Conservation Areas
- Layout and density of buildings
- Design, appearance, and materials
- Planning policy
- Previous planning decisions
- Nature conservation
- Archaeology

Examples of what is not considered a material consideration include loss of value to a property, background of the applicant, or the loss of a person's private view. We would not publish photographs of certain protected species and habitats where this could give rise to their subsequent disturbance.

Some applications are limited in terms of what can be considered as part of the determination. Prior Approvals are a form of permitted development with considerations for any Prior Approval application set out in legislation. If comments raise issues outside of the listed considerations, they cannot be taken into account.

Comments will not be accepted that are offensive, obscene, racist, or malicious. Content will be redacted to remove any comments that are considered inappropriate and could be returned. We may pass such material on to the Police.

Please do not include hyperlinks in your representations as you will be asked to remove them because the Council is unable to control information on other websites. All comments will be taken into account but will not be acknowledged. Please note that the Council does not normally respond to individual representations given the volume received.

## **Decisions**

After a decision has been made, a copy of the decision notice will be made available to view on the Council's website by searching for the specific planning application.

## 5.4 Planning Appeals

An applicant has the right to appeal if they disagree with the Council's decision to refuse the application. They also have the right to appeal against non-determination if a decision is not made within the required time period. Applicants must lodge an appeal with the Planning Inspectorate (PINS) who will confirm it is valid before initiating proceedings and issuing a start date.

In most cases appeals must be made within 6 months of the date on the decision notice from the Council. The right of appeal is only available to the applicant and not to any third parties.

There are three types of appeal: Written Representations, Hearing, or Inquiry. There are also fast track householder appeals which are considered and determined based on the officer's report.

Most appeals are considered via written representations. More complex or controversial appeals are usually considered via a Hearing or Inquiry. Irrespective of the type of appeal, members of the public and other interested parties are notified by the Council on behalf of PINS and have the opportunity to forward any additional comments to the Planning Inspectorate. Comments originally submitted on the application that was refused planning permission are forwarded to PINS for consideration when the appeal is registered. Unless a new issue has emerged, there is no need for members of the public and interested parties to re-submit their original comments.

The Council will write to those who were originally consulted informing them of the appeal and outlining the appeal process. A time limit of six weeks is allowed in which comments can be forward to the Inspector. Applicants, agents and third parties can register to attend and are given an opportunity to address the Inspector during an Informal Hearing and Public Inquiry to expand on or discuss their concerns on the application.

Further information can be found on the Planning Inspectorate website<sup>17</sup>

## 5.5 What we will do if you feel unfairly treated

The level of service you can expect from the Council is set out in our Service Standards. If a person is not happy with the service they have received they should contact the service manager in the first instance. If they are dissatisfied with the response, they can make a formal complaint through the Council's complaints procedure.

If you have gone through the Council's complaints procedure and remain unsatisfied with the service you have received, the Local Government Ombudsman investigates

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<sup>17</sup> <https://www.gov.uk/topic/planning-development/planning-permission-appeals>

complaints of injustice arising from misadministration by Local Government and certain other bodies. The Ombudsman can investigate complaints about process and whether the appropriate procedures were followed, they cannot overrule planning decisions on applications.

## **6. Monitoring and Review**

Legislation requires the SCI to be updated every five years. It will be reviewed to ensure it meets any national regulations, the needs of the community and our corporate objectives.

## Appendix 1 – Consultations bodies for Local Plans

**“Specific Consultation Bodies”** to be consulted as the local planning authority consider may have an interest in the subject of the proposed local plan as set out in Regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)<sup>18</sup>.

National Agencies and organisations	Environment Agency National Highways Homes England Historic England Natural England Sport England The Coal Authority Network Rail Marine Management Organisation Civil Aviation Authority* Officer for Road and Rail*
Regional Agencies and Strategic Bodies	Heart of South West Local Enterprise Partnership Local Nature Partnership Avon and Somerset Constabulary NHS Somerset Integrated Care Board NHS England
Other planning authorities relevant to Somerset	Exmoor National Park Authority Bath and North East Somerset Council North Somerset Council Wiltshire Council Dorset Council Devon County Council East Devon District Council Mid Devon District Council North Devon District Council Mendip Hills Area of Outstanding Natural Beauty (AONB) Cranbourne Chase AONB Blackdown Hills AONB Quantock Hills AONB East Devon AONB Dorset AONB
Town, City and Parish Councils	Town and Parish Councils in and adjacent to the Local Planning Authority area.

<sup>18</sup> <https://www.legislation.gov.uk/ukxi/2012/767/regulation/2/made>

Infrastructure Providers	National Grid Western Power Distribution Wales and West Utilities RWE npower renewables EDF Energy Office for Nuclear Regulation (for matters relating to Hinkley A and B) South West Water Wessex Water Parrett Internal Drainage Board British Telecom PLC Commpro Telecommunications Mobile Operators Association (MOA) Mono Consultants Ltd. T-Mobile (UK) Ltd O2 (UK) Ltd Orange Personal Communications Vodafone Ltd
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\* Relates solely to Duty to Cooperate

**“General Consultation Bodies”** to be consulted as the local planning authority consider appropriate as set out in Regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):

- (a) voluntary bodies some or all of whose activities benefit any part of the local planning authority's area,
- (b) bodies which represent the interests of different racial, ethnic, or national groups in the local planning authority's area,
- (c) bodies which represent the interests of different religious groups in the local planning authority's area,
- (d) bodies which represent the interests of disabled persons in the local planning authority's area,
- (e) bodies which represent the interests of persons carrying on business in the local planning authority's area.

These could include:

Community Support and Hard to Reach Community	<ul style="list-style-type: none"> <li>• Older persons groups</li> <li>• Youth groups</li> <li>• Mental health and well-being Disability groups</li> <li>• Churches and Faith groups</li> </ul>
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	<ul style="list-style-type: none"> <li>• Cultural Organisations</li> <li>• Individuals and Groups representing Gypsies, Travellers &amp; Showpeople</li> </ul>
Housing	<ul style="list-style-type: none"> <li>• Housing Associations/Registered Providers</li> <li>• Tenants Groups &amp; Housing Initiatives</li> <li>• Residents and Neighbourhood Groups</li> </ul>
Environmental Organisations & Groups	<ul style="list-style-type: none"> <li>• Environmental organisations</li> <li>• Local amenity societies and Trusts</li> <li>• Wildlife groups</li> <li>• Local food initiatives</li> </ul>
Sport & Recreation	<ul style="list-style-type: none"> <li>• National/local sports organisations</li> <li>• Sport clubs</li> <li>• Cultural organisations</li> </ul>
Heritage & Culture	<ul style="list-style-type: none"> <li>• Historical/Archaeological organisations</li> <li>• Town and village societies and associations</li> <li>• Arts organisations</li> </ul>
Transport & Accessibility	<ul style="list-style-type: none"> <li>• Rail and bus groups</li> <li>• Groups supporting cycling and walking</li> <li>• Community sustainable transport initiatives</li> </ul>
Education & Health	<ul style="list-style-type: none"> <li>• Schools, colleges, and other education/training providers</li> <li>• Health organisations</li> </ul>
Development Industry	<ul style="list-style-type: none"> <li>• Housebuilders/developers</li> <li>• Professional interest (agents, promoters, architects, consultants)</li> <li>• Significant Landowners</li> <li>• Other landowners promoting sites for development</li> </ul>
Businesses	<ul style="list-style-type: none"> <li>• Chambers of trade and commerce</li> <li>• Key Employers</li> <li>• Town centre strategy groups</li> <li>• Business groups</li> <li>• Farming organisations</li> </ul>
Individuals & Others	<ul style="list-style-type: none"> <li>• Individuals and organisations requesting to be on planning policy mailing list and those added to the list through making a response to a planning document (and have not opted out)</li> </ul>

## Appendix 2 – Statutory consultees on applications

Extract from Planning Practice Guidance [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/consultation-and-pre-decision-matters)



## Table 2 – Statutory consultees on applications for planning permission

The table below contains a list of statutory requirements to consult particular bodies or persons on applications for planning permission in prescribed circumstances. The table also includes links to planning guidance that encourages consultation with those bodies in other circumstances. This is not a definitive list. It does not necessarily include, for example, all the bodies which must be consulted as a consequence of a consultation direction.

<b>Statutory consultee</b>	<b>Type of development</b>
<a href="#">Canal and River Trust</a>	<a href="#">Schedule 4(za) Development Management Procedure Order</a>
<a href="#">Coal Authority</a>	<a href="#">Article 26 and Schedule 4(o) Development Management Procedure Order</a>
Control of major-accident hazards competent authority (COMAH)	<a href="#">Schedule 4(zb) Development Management Procedure Order</a>
County Planning Authorities	<a href="#">Paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990, Article 21 Development Management Procedure Order and Schedule 4(b)(c) Development Management Procedure Order</a>
<a href="#">Crown Estates Commissioners</a>	<a href="#">Article 26 Development Management Procedure Order</a>
<a href="#">Department for Business, Energy and Industrial Strategy</a>	<a href="#">Article 26 Development Management Procedure Order</a>

Designated Neighbourhood Forum	<a href="#">Paragraph 8A inserted into Schedule 1 of the Town and Country Planning Act 1990 and Article 25A and paragraph (d) of Schedule 4 of the Development Management Procedure Order 2015</a>
<a href="#">Environment Agency</a>	<a href="#">Schedule 4(p)(t)(u)(v)(zc)(zd) Development Management Procedure Order</a>
<a href="#">Forestry Commission</a>	<a href="#">Paragraph 4 of Schedule 5 of Town and Country Planning Act 1990</a>
<a href="#">The Gardens Trust</a>	<a href="#">Schedule 4(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment</a>
<a href="#">Greater London Authority</a>	<a href="#">Mayor of London Order 2008 (as amended)</a>
<a href="#">Health and Safety Executive</a>	<a href="#">Schedule 4(e) and (in relation to applications for planning permission made on or after 1 August 2020 (zg) Development Management Procedure Order, see also guidance on hazardous substances and advice for local planning authorities on consulting Health and Safety Executive on planning applications; and paragraph 113 of guidance on minerals</a>
<a href="#">[Relevant] Highways Authority (including Highways England)</a>	<a href="#">Schedule 4(g)(h)(i) Development Management Procedure Order</a>
<a href="#">Historic England</a>	<a href="#">Schedule 4(g)(r)(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment</a>

Lead local flood authority	<a href="#">Schedule 4(ze) Development Management Procedure Order</a>
Local Planning Authorities	<a href="#">Schedule 4(b)(c), Article 19 and Article 24 Development Management Procedure Order, Paragraph 4(2) Schedule 1 and Paragraph 7 of Schedule 1 of the Town and Country Planning Act 1990 and Paragraph 3(b) of Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990</a>
National Parks Authorities	<a href="#">Schedule 4(a) Development Management Procedure Order</a>
<a href="#">Natural England</a>	<a href="#">Schedule 4(w)(y)(zb) Development Management Procedure Order and Paragraph 4 of Schedule 5 of the Town and Country Planning Act 1990</a>
<a href="#">Office for Nuclear Regulation</a>	<a href="#">Schedule 4(f) Development Management Procedure Order and see also <a href="#">deciding planning applications around hazardous installations guidance</a></a>
Oil and Gas Authority	<a href="#">Article 26 Development Management Procedure Order</a>
Parish Councils	<a href="#">Article 25 Development Management Procedure Order and Schedule 4(d) Development Management Procedure Order</a>
Rail Infrastructure Managers	<a href="#">Article 16 Development Management Procedure Order</a>
Rail Network Operators	<a href="#">Schedule 4(j) Development Management Procedure Order and see also <a href="#">guidance on transport</a></a>

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<a href="#"><u>Sport England</u></a>	<a href="#"><u>Schedule 4(z) Development Management Procedure Order</u></a> and see also <a href="#"><u>guidance on open space, sports and recreation facilities</u></a>
<a href="#"><u>Theatres Trust</u></a>	<a href="#"><u>Schedule 4(x) Development Management Procedure Order</u></a>
<a href="#"><u>Toll Road Concessionaries</u></a>	<a href="#"><u>Schedule 4(m) Development Management Procedure Order</u></a>
<a href="#"><u>Water and sewerage undertakers</u></a>	<a href="#"><u>Schedule 4(zf) Development Management Procedure Order</u></a>

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Paragraph: 030 Reference ID: 15-030-20190722

## Appendix 3 – Statutory publicity requirements

Extract from Planning Practice Guidance [Consultation and pre-decision matters](https://www.gov.uk/guidance/consultation-and-pre-decision-matters) - GOV.UK ([www.gov.uk](https://www.gov.uk))

**Table 1 – Statutory publicity requirements for applications for planning permission and listed building consent**

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry) (including an application for public service infrastructure development made on or after 1 August 2021)	-	X	X	X
Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement	X	-	X	X
Applications which do not accord with the development plan in force in the area (including an application for public service infrastructure development made on or after 1 August 2021)	X	-	X	X

Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies (including an application for public service infrastructure development made on or after 1 August 2021)	X	-	X	X
Applications for planning permission not covered in the entries above eg non-major development	-	X	-	X
Applications for listed building consent where works to the exterior of the building are proposed	X	-	X	X
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building.	X	-	X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	X	-	X	X

Note: the [Environment Impact Assessment guidance](#) sets out further publicity and consultation requirements for applicants where this is relevant.

Paragraph: 029 Reference ID: 15-029-20170728