



East Cambridgeshire District Council

# Statement of Community Involvement (SCI)

*A guide as to how we will consult you on  
Planning Applications and  
emerging Planning Policy*

October 2015

This document was adopted by a Full Council meeting of East Cambridgeshire District Council on 22 October 2015

## Part 1: Introduction

### Introduction

This Statement of Community Involvement (SCI) sets out how East Cambridgeshire District Council will involve and consult with the public and wider stakeholders when planning for the future of the district. Whilst government sets out minimum requirements for public consultation on planning matters, this SCI sets out the district council's local commitments to consultation.

This SCI covers both:

- Consultation arrangement in respect of Planning Applications
- Consultation arrangements in respect of planning policy matters (such as a new Local Plan)

The commitments set out in this document are binding on the Council.

### What is planning?

Most new buildings, certain changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission.

East Cambridgeshire District Council, as your local planning authority, is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, regard must be had to the planning policies which have been adopted for the area (for example, a Local Plan, a Neighbourhood Plan or a Supplementary Planning Document).

### How to get involved

There are a number of ways that you can get involved in the planning decisions affecting you and your community. The main ways that you can get involved are:

- Having your say during public consultation periods for planning policy documents (such as a Local Plan);
- Having your say on planning applications affecting your community;
- Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent);
- Commenting on appeals relating to applications that have been refused by the Council; and
- Preparing your own plans and policies for your local area under the Neighbourhood Planning rules.

If you would like to be kept informed about the emerging East Cambridgeshire Local Plan you can register your contact details with the Strategic Planning Team on 01353 665555 or email [planningpolicy@eastcambs.gov.uk](mailto:planningpolicy@eastcambs.gov.uk).

*Please note that this SCI was written based on national legislation that existed as at October 2015. Should national legislation change, there may be elements in this SCI which no longer apply. The Council will endeavour to update this SCI as soon as possible after national legislation change.*

## **Part 2:**

### **Overarching Consultation Principles**

#### **East Cambridgeshire District Council's 'Consultation Policy'**

The Council is committed to seeking the views of local people and other partners to find out what stakeholders think of its services and how they can be improved, and to help in the development of new services and policies.

In 2009, the Council adopted a Consultation Policy which sets out the principles on which the Council will consult with local people and groups about its policies and services (including, but not just, planning matters).

The key principle aim of that policy is to improve the services and operations of the Council by understanding the needs of customers and others who are affected by its decisions.

The policy has six key objectives:

- To maximise stakeholder engagement
- To develop the Council's services to meet the range of needs of our different customers
- To co-ordinate consultation across departments and partners
- To develop the Council's ability to make effective use of consultation techniques
- To maximise equality of consultation
- To exploit consultation opportunities arising from daily customer contact

The full Policy is available on the Council's Website, and has been referred to in the preparation of this SCI.

Please note, however, that the 2009 Consultation Policy is due for a refresh soon, so please do look out for an updated version.

## Part 3

### Consultation Commitments on Planning Applications

#### Step 1: The Pre-Application Stage

##### What needs planning permission?

Most kinds of development require planning permission; however, there are a number of circumstances where certain types of development are automatically permitted. The Town and Country Planning (General Permitted Development) Order 2015 contains a number of 'blanket permissions' for a variety of different works.

If your proposed development falls within what is termed 'permitted development' you will not need to apply for formal planning permission to carry out the works. Permitted development rights are often subject to compliance with standard conditions. It is the owner/developer's responsibility to check and comply with these conditions.

Some developments are subject to a system of 'prior approval' of details. Prior approval means that the proposed development is 'in principle' permitted development. The Council can consider whether prior approval of certain details is required in advance of a formal decision being issued. Following an application, if no information is requested by the Council within fixed timescales, the application is approved. For certain types of prior approval, the Council will notify occupiers of neighbouring properties and allow them to submit comments.

##### The Council's pre-application advice service

Pre-application is the phase before a developer formally submits a planning application. Discussions with the district council at this stage are recommended as they can ensure that future development enhances the built and natural environment whilst potentially speeding up the formal planning application process. Further information relating to the pre-application stage is available on the district council website: <http://www.eastcambs.gov.uk/planning/pre-application-advice> .

##### Developer pre-application consultation with the community

Section 122 of the Localism Act 2011 introduced a duty for developers to consult local communities before submitting planning applications for certain types of developments, with such types of development to be defined by Government. However, to date, Government has stated that the only type of development where this is a requirement is for proposals for wind turbine developments that involve the installation of more than two turbines, or where the hub height of any turbine exceeds 15m. Government may introduce other types of development under Section 122 but until it does, the requirement to undertake pre-application consultation is not yet compulsory.

However, even if not compulsory, pre application consultation will enable communities to raise issues with and make suggestions to the developer. This might reduce local opposition, increase the chances of a timely and positive decision from the planning authority and improve the resulting quality of development.

## Step 2: Planning Application Process

### Community consultation on planning applications

The Planning and Compulsory Purchase Act 2004 requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development.

Consultation on planning applications will take place with both statutory and non-statutory consultees. Who is consulted on each individual application will depend on the nature of the proposal and its location. All consultees have 21 days from the issue of the consultation notice to make comments on the application. However, some bodies such as Natural England will be allowed a longer period of time to comment where this is prescribed by legislation. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

How the Council consults on planning applications is set out below:

Development type/size	East Cambridgeshire District Council consultation commitments
<ul style="list-style-type: none"> <li>• Major developments (residential sites of either 10 dwellings or more, or 0.5 hectares or more, or commercial developments of 1000 sq. meters or more in floor space or one hectare or more).</li> <li>• Work affecting listed buildings or conservation areas</li> </ul>	Newspaper notice, site notice and neighbour letters
<ul style="list-style-type: none"> <li>• All other developments</li> </ul>	Neighbour letters and sometimes site notice where neighbours cannot all be identified

Planning applications can be viewed online using the district council's Public Access system, available on our website. Using the system, it is possible to search for, view and comment on planning applications. It is also possible to track the progress of an application using the system.

Once a valid application has been received, we aim to provide a decision within 13 weeks (if it is a major planning application) or within 8 weeks (if it is an application for minor or other development). Applications for development subject to an Environmental Impact Assessment are more complex, and for these we aim to provide a decision within 16 weeks. We will determine planning applications as soon as possible after the 21 day consultation period has ended.

All comments on planning applications must be submitted in writing (letters, faxes and emails) to the Council within the specified 21 day consultation period. All such communications received are placed on the planning file which is available for public inspection. They cannot be treated as confidential.

### Consultation on amended planning applications

Sometimes the applicant will make a change to the development proposal **before** a decision is reached on a planning application, in order to overcome a particular issue. We will consult on these changes as set out below:

Level of change	Re-consultation
Where the change is insignificant and would not impact on neighbours	No re-consultation will be undertaken
Where the change addresses (or attempts to address) the concerns of/impacts on specific neighbours only	Notification letter sent giving between 7 and 14 days to comment
Where the change significantly alters the appearance or layout of the proposal and would be of interest to neighbours/ community groups	Notification letter sent giving 14 days for comment (or a longer period, if the case officer deems appropriate to do so)

Occasionally developers may wish to make amendments to a development that has **already been granted** planning permission. Where the proposed change is minor and classed as a 'non-material amendment', no consultation will be undertaken. Where the amendments are more significant and are classed as a 'material amendment', a notification letter will be sent giving between 7 and 14 days to comment. Applications to delete or vary a condition attached to the permission will result in a notification letter being sent giving 14 days for comment (or a longer period, if the case officer deems appropriate to do so).

### Who makes the decision on planning applications?

The Council receives many hundreds of planning and related applications a year (1,048 in 2014/15, for example). The decision on the majority of these applications is delegated to Planning Officers in accordance with the details set out in the district council's Scheme of Delegation and its Standing Orders. Generally speaking, the more minor a proposal, the more likely it is delegated to Officers to approve or refuse the application.

The Planning Committee is made up of councillors. The councillors have the task of considering planning applications against wider public interests and must make their decision purely on planning grounds. Generally speaking, the Committee determines applications for large developments or developments that do not accord with the Local Plan. In addition, the Committee will also consider smaller applications if requested by a parish council or district councillor. There are opportunities for objectors, applicants and others to speak at the Committee meeting before a decision is made.

The planning officer's report, setting out all the planning issues and representations made, is made available a week before the Committee meeting and in the vast majority of cases will make a recommendation to Planning Committee stating whether or not an application should be approved.

### Reporting on decisions

The results of consultation on planning applications will be taken into account during the decision making process. Progress of planning applications, and the decisions made can be tracked on the 'Public Access' system on the planning pages on the Council's website.

### **Step 3: Appeals**

#### **Planning appeals**

If the person who applied for planning permission does not like the decision that the Council has made on their application (e.g. planning permission refused, or onerous condition applied to a planning permission), they may lodge an appeal with the Planning Inspectorate. No one else has the right to appeal the decision (for example, you cannot appeal a decision if your neighbour gets approval for an extension you objected to).

When a decision has been appealed against, the Council informs all parties who objected during the application stage that an appeal has been lodged. All copies of letters and comments received during the original application stage are forwarded to the Planning Inspectorate.

If an application is then approved by the Planning Inspectorate, the only recourse available to third parties would be to apply for judicial review of the decision. This is an extremely rare event.

### **Step 4: Enforcement**

#### **Community involvement in planning enforcement**

Planning Enforcement (also known as Planning Compliance) describes the processes involved in ensuring that people comply with planning law and the requirements of a planning permission. The process involves little public consultation, as many investigations are confidential. The majority of cases come about from referral by members of the public, councillors or planning officers. Whilst there is no public consultation on a compliance case, the Council will ensure that the complainant is informed of the outcome of our investigations.

A complaint can be made in respect of a development or advertisement that is occurring without planning permission; without complying with conditions that have been attached to a permission; or that is not in accordance with an approved plan. There is an electronic form for making complaints on the district council website, alternatively a complaint can be made to the Planning Enforcement Team on 01353 665555.

If, following investigation, it is necessary to serve a formal notice (e.g. Stop Notice, Enforcement Notice or Breach of Condition Notice) it will be placed on the enforcement register of notices. This register can be viewed on request.

The district council's Corporate Enforcement Protocol provides a full description of the enforcement services. The document can be viewed on the Enforcement page of the Council's website.

## Part 4

### Consultation Commitments on Planning Policy

#### Introduction to Planning Policy

The National Planning Policy Framework (NPPF) explains that the Local Plan is a plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community.

The primary purpose of a Local Plan is to:

- set the vision for how the local area will grow and change;
- set policies for use by developers when preparing their proposals; and
- be the key reference tool by decision makers when determining applications for planning permission.

The Local Plan deals with planning issues across the whole Council area, and makes the big decisions on the location of housing, employment and roads, for example.

East Cambridgeshire District Council has a good track record of keeping its Local Plan up to date, and at the time of writing, it's latest adopted Local Plan is dated April 2015 and it has already committed to keeping the policies up to date by adopting a new Local Plan by early 2018.

There are other planning policy related documents which the Council produces (or local communities, in the case of Neighbourhood Plans), as explained below:

- The **Local Development Scheme (LDS)** sets the timetable for the production of a new Local Plan.
- **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in the Local Plan apply. The Policies Map includes inset maps for particular areas to show information at a larger scale. The Policies Map is updated each time that a Local Plan (including a Minerals and Waste Plan produced by Cambridgeshire County Council) is adopted.
- **Supplementary Planning Documents (SPDs):** These can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its Local Plan. They do not form part of the statutory development plan and are not subject to independent examination. The district council can decide to produce an SPD on any appropriate subject whenever the need arises.
- **Neighbourhood Plans:** Local communities, including Parish and Town Councils, can now prepare Neighbourhood Plans (NPs) putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in the Local Plan and with national policy. It is up to local communities to decide if it wants to produce a Neighbourhood Plan. Any NP, if adopted, has the same status as a DPD.
- **Statement of Community Involvement (SCI),** i.e. this document.
- **Authority's Monitoring Report (AMR):** This is a report which must be produced by the local planning authority (on an annual basis) to explain how the LDS is being implemented and the extent to which policies in the Local Plan are being achieved.

### Who will we consult on an emerging Local Plan?

When producing a Local Plan there are a number of groups that the Council must consult with. These are identified as ‘specific consultation bodies’ and include:

- Parish Councils;
- Neighbouring authorities; and
- Relevant government agencies.

In addition, there are also a number of ‘general consultation bodies’ who the Council may consult with if it is considered relevant to the document that is being prepared. These include:

- Voluntary bodies, some or all of whose activities benefit any part of the district council’s area;
- Voluntary bodies which represent the interests of :
  - Different racial or ethnic groups in the district council’s area
  - Different religious groups in the district council’s area
  - Disabled people in the district council’s area
  - People carrying on business in the district council’s area

There are also people and organisations that the Council considers it important to consult with, for example, community groups, land owners, businesses, planning consultants, solicitors etc. Where requests have been made we will also consult directly with these people and organisations.

Although those identified above will be specifically contacted during the preparation of Local Plan documents, any individual, business, organisation or group is welcome to submit comments during consultation periods.

### When we will consult

There are a number of stages in the plan preparation process where it is possible for the public, businesses and the consultation bodies identified above to become involved and make comments. The stages of preparation and consultation are set out below.

Public participation (Regulation 18)	During the first stage of public involvement the Council will, as a minimum, contact the ‘specific’ and ‘general’ consultation bodies as appropriate to inform them of the commencement of the plan preparation process, and invite representations on the scope and content of the plan. There will be a minimum period of 6 weeks for comments to be made. Following this first stage of consultation, the Council may undertake a further 6 week consultation on either more detailed options for the content of the plan or on a revised draft of the Plan. This will inform later stages of the plan preparation.
Pre-submission publication (Regulation 19)	Following the consideration of all comments received at the above stage, a draft plan will be produced, known as the pre-submission document. On publication of this document, all of the specific and general consultation bodies and any members of the public, businesses, land owners etc who made comments at the previous stage of consultation will be notified that the pre-submission

	documents are available for inspection. A statement of representation procedure will be included alongside the notification of pre-submission documents. In addition, any individual, business or organisation can submit comments during the consultation period, even if they did not make comments at the earlier stage. All comments must be received within the stated consultation period, which will be a minimum of 6 weeks.
Submission (Regulation 22)	The Council submits the Local Plan to the Secretary of State together with the representations received at the Regulation 19 stage. This is not a stage for further public comments to be made.
Independent Examination Hearing	The submitted document, and the representations received at the 'Regulation 19' stage described above, will be considered by a Planning Inspector at an independent examination. Those individuals and organisations who have made representations may be invited by the inspector to submit a written statement during the examination. Individuals and organisations that made an objection to the document and have requested to speak at the examination will be contacted by the Inspector to be informed of the procedure for being heard.
Inspector's Report	The Council will notify all those who have requested to be notified, as soon as reasonably practicable following the receipt of the Inspector's Report. The report will also be made available on the Council's website.
Adoption of the Local Plan	<p>Assuming that the Inspector concludes that the document is sound, either with or without modifications, the Council will consider whether to adopt the Local Plan. On adoption, the Council will prepare a statement setting out the date of adoption, the modifications (if any) and where and when the adopted documents can be inspected. The opportunity to apply for judicial review will also be explained.</p> <p>The adoption documents will be made available on the Council's website, and also at the locations where the submission documents were made available. The adoption statement will also be sent to any person who has requested to be notified, and all those who made representations on the submission document.</p>

### How we will consult

At the commencement of consultation periods, the identified specific and general consultation bodies that we have to consult with, as well as any individuals, organisations or bodies who have requested to be notified or whom we think might be interested, will be contacted directly either in writing or via email.

All consultation and submission documents will be made available on our website ([www.eastcambbs.gov.uk](http://www.eastcambbs.gov.uk)) and paper copies of the most important documents will be available to view at the main Council office. If appropriate, additional paper copies of

documents may be made available to view at other locations. In addition to this, we may, if appropriate and cost effective, use other methods of consultation such as press releases, community events and meetings.

During all consultations it will be possible to make comments in writing, or electronically via email or, if available, an online consultation portal. Verbal comments will not be recorded.

### **Consultation Arrangement for Supplementary Planning Documents**

Supplementary Planning Documents (SPDs) can be produced to supplement and add further detail to policies within the Local Plan. They may provide further guidance for development on specific sites or issues such as design.

When preparing an SPD, any individual, business or organisation can take part in the public consultation stage(s). If the Council believes that there are specific individuals, businesses or organisations that will have a particular interest in an SPD, they will be invited to make comments.

We will invite comments on the draft version of any SPD that is produced. The consultation period will be a minimum of 4 weeks.

At the commencement of the consultation period, the draft SPD will be made available on the Council's website and at the Council main office. If appropriate, additional paper copies of documents may be made available to view at other locations.

During all consultations it will be possible to make comments in writing, or electronically via email.

Following its adoption, the SPD will be made available on our website and at the Council main office.