

# Mendip District Council Statement of Community Involvement

**November 2013**

✓ **Supporting**  
*business development and growth*

✓ **Improving**  
*the provision of housing*

✓ **Addressing**  
*rural isolation*

✓ **Providing**  
*leadership*

## 1.0 Introduction

This Statement of Community Involvement contains Mendip District Council's policies on consultation and involvement in planning policy documents and planning applications (except for decisions on minerals, waste and other County matters which are covered by Somerset County Council). It exceeds the minimum legal requirements for consultation set out in the Planning Acts and Regulations. It has been kept deliberately succinct to ensure that it is accessible to as many people as possible.

### 1.1 General principles of consultations

#### Principle 1: Be timely

The community should be involved as early as possible in the decision-making process when there is more potential to make a difference. Often it is best to 'front load' consultation activity and use it to identify potential issues and options. However, consultation can be effectively used to confirm the level of support for particular courses of action as well. Reasonable timescales should be given to the distribution of information and for responses to consultation. Potential participants should be given some notice of an impending community involvement exercise that could affect them, wherever possible.

#### Principle 2: Be inclusive

A key principle of community involvement is that it should be accessible to all who wish to take part. This may well vary according to the nature of the matter being looked at. Reasonable effort must be made to ensure a representative cross-section of the community is involved including seldom heard groups and groups defined as having protected characteristics as defined by equalities legislation. In designing each exercise, the Council will endeavour to understand and accommodate the different ways people want to get involved, where possible.

#### Principle 3: Be transparent

The quality of information provided to potential consultees must be clear, honest, accurate and unbiased. All written materials should use plain English and be jargon free. It is also important that the material makes it very clear what can be influenced and changed by the participant's comments. Likewise it needs to explain how and when decisions will be made, following the end of the consultation period.

#### Principle 4: Be respectful of each other's views

Community involvement exercises will usually uncover a range of views, some of which are in conflict or contradictory. The Council will listen to all views it receives and seek to balance their relative merits, drawing on other information from the evidence base where that is available. Where the opinion being put forward is not clear it will seek to better understand what is being said. However, it is for all participants in the process to respect the views of other people and encourage a variety of contributions.

#### Principle 5: Be efficient

The Council will work with other organisations, where possible, to streamline consultation processes. Likewise, it will look to use existing networks to save time and resources, and to reduce duplication and 'consultation fatigue'. Town and Parish Councils can have a particularly important role in this. It is also important to ensure that community involvement exercises are proportionate to the scale and importance of the issue/matter under consideration (there is no off the shelf way of conducting such exercises that can be applied to all matters). This will ensure that the Council's limited resources are spent as wisely as possible.

#### Principle 6: Be clear about results

It is essential that those who have contributed to a consultation exercise are involved in a timely way of the results of the consultation and kept informed of further opportunities for being involved. This will often be in summary form but it must be clear and objective in its presentation. Similarly the Council will publicise the decision(s) it has come to, and where this differs from the results of the consultation, it will explain why. In this way it will demonstrate how the consultation exercise has affected the decision at hand.

## **2.0 Mendip's Planning Service**

There are two elements to the planning service at Mendip District Council. The Planning Policy team is responsible for the preparation of the Council's Local Plan which is used to guide development across the district. The Development Management team is responsible for processing and determining planning applications and other related applications such as listed buildings and trees. Planning applications are determined using the Local Plan, national planning policy and other planning advice and guidance. This Statement of Community Involvement will set out how people and organisations can get involved in the processes involved in both Planning Policy and Development Management.

### **2.1 Planning Policy**

#### **The Local Plan**

The Local Plan sets out how the district will develop in the future. It contains a wide range of policies such as how many houses will be built in the future, how much employment land is needed, and where these will be. It also offers protection from development for the district's important built and environmental assets. The Local Plan is subject to a rigorous statutory process which includes statutory periods of community consultation. It is also subject to an independent examination and formal adoption by the Council.

#### **Supplementary Planning Documents (SPDs)**

These can give further detail and guidance on the policies included in the Local Plan. They are subject to a statutory process, including consultation but are not required to be independently examined. As with the Local Plan, SPDs must be formally adopted by the Council. When developing the Local Plan and SPDs consultation is required at various stages of their preparation, this is shown in Table 1 below. Table 2 shows the approach that will be taken in terms of community involvement for both types of documents.

**Table 1: Stages of Plan preparation and consultation required**

<b>Inform</b>	<b>Involve</b>	<p><b>Stage 1: Preparation (early engagement)</b></p> <ul style="list-style-type: none"> <li>• Collecting evidence through various sources</li> <li>• Notify and work with groups, organisations and residents</li> <li>• Consider issues and alternatives</li> <li>• Prepare content of draft document and provide feedback where possible</li> </ul>
	<b>Consult</b>	<p><b>Stage 2: Publication</b></p> <ul style="list-style-type: none"> <li>• Statutory stage – 6 weeks (minimum) to comment on plan, sustainability appraisal and supporting evidence</li> <li>• Documents made available for inspection including on the Council’s website</li> </ul>
	<b>Inspect</b>	<p><b>Stage 3: Submission for Independent Examination</b></p> <ul style="list-style-type: none"> <li>• Representations received at Stage 2 are summarised and made publicly available through appropriate channels (please note that the Council is required to provide a summary of the issues made)</li> <li>• Statement produced to demonstrate the Statement of Community Involvement has been followed</li> <li>• The Local Plan is submitted to the Secretary of State for independent examination (SPDs are submitted to the Council for adoption)</li> <li>• Independent examination</li> <li>• Planning Inspector issues report. If found ‘sound’ by the Inspector Council then adopts</li> </ul>
	<b>Monitor</b>	<ul style="list-style-type: none"> <li>• Final plan is regularly monitored, where possible, to make sure plan is achieving its aims</li> <li>• Plan may be reviewed where necessary</li> </ul>

**Table 2: Approach to community involvement for Local Plans and Supplementary Planning Documents**

<b>Who we will consult</b>	<p><b>Statutory Organisations:</b></p> <ul style="list-style-type: none"> <li>• Councils e.g. Parish Councils, Neighbouring Authorities</li> <li>• Infrastructure Providers e.g. Wessex Water, Bristol Water</li> <li>• Government Bodies e.g. Environment Agency, Natural England, English Heritage</li> <li>• Others including Local Nature Partnerships (where they exist) and Local Enterprise Partnerships</li> </ul>
	<p><b>Local Organisations with:</b></p> <ul style="list-style-type: none"> <li>• A geographical focus e.g. Wells Civic Society, Friend of the River Frome, Transition Glastonbury etc</li> <li>• An economic focus e.g. Chambers of Commerce, Heart of the South West Local Enterprise Partnership, West of England Local Enterprise Partnership</li> <li>• A social and community focus e.g. Gypsy and Traveller Associations, YMCA, Mendip Housing</li> <li>• Environmental – e.g. CRPE and Somerset Wildlife Trust</li> </ul>
	<b>Local businesses, voluntary and other organisations</b>
	<b>Others who have expressed an interest in the subject matter</b>
	<b>The general public</b>
<b>How we will consult</b>	Before starting consultation we will explain to stakeholders how we intend to consult and what stages will be required
	Appropriate organisations and individuals will be contacted directly using contact information from our Planning Policy Consultation Database
	Consultations will be publicised through: <ul style="list-style-type: none"> <li>• press releases in the local press</li> <li>• the Council’s website</li> <li>• community and social media</li> <li>• existing community groups</li> <li>• community events</li> <li>• joining with other consultations</li> <li>• parish liaison meetings</li> </ul>
	Consultation materials will be made available at locations open to the public: <ul style="list-style-type: none"> <li>• Main Council offices</li> <li>• Council Access Points in each of the district’s towns</li> <li>• Libraries</li> </ul>
	Consultation documents will be sold at a price reflecting publication costs and made available for download on the Council’s website
	If requested copies of consultation documents will be given to community groups, Councils and other statutory organisations
	Other consultation events such as community based planning events will be organised or supported if it is considered they would promote wider understanding of the proposals
	Comments received in response to a consultation, or a summary thereof, will be published as soon as possible following the end date of a consultation period. There will also be an explanation of how these comments have been taken account of and how they have influenced decision-making.
<b>When we will consult</b>	We will ask for ideas, views and information from appropriate organisations, individuals and communities prior to deciding on firm proposals
	After considering the initial comments a document will then be produced which will explain the issues that need to be considered and could include some potential options for addressing these issues. Views will then be sought on this document.
	Then the preparation of documents for additional consultation will be considered. These could set out further options, greater detail on preferred options or other useful content
	The pre-submission document will be published for comment once the Council feels there has been enough community involvement.

## 2.1.1 Statutory requirements for the publication and submission of Local Development Documents

Planning Regulations within the Town and Country Planning Act 2004 (as amended) contain minimum requirements for consultation on development plan documents and supplementary planning documents. These requirements are:

- All consultation and submission documents will be made available at the Council offices and other places, such as libraries, for a period of time
- The Council will always consider extending the period of time for consultation beyond what is statutorily required where possible
- All consultation documents and supporting information will be published on the Council's website. The website will also include information as to where and when documents can be viewed
- Documents will be sent to the statutory consultees and the 'general consultation bodies' who have an interest at submission stage
- A notice will be placed in the local newspapers giving details on the consultation period and how and where comments can be sent

### Specific Consultees

Legislation identifies a number of specific consultation bodies which the Council must consult with. These include Somerset County Council, town and parish councils, relevant adjoining local authorities and services providers and government agencies e.g. Environment Agency, Natural England and English Heritage (or successor bodies). The Council also has a statutory responsibility under the "Duty to Co-operate" to engage constructively, actively and on an ongoing basis with specific bodies including Local enterprise Partnerships and Local Nature Partnerships.

### Other organisations, groups and individuals

Many other organisations, groups and individuals or 'general consultation bodies' may have an interest in the Local Plan. These can cover a range of interests and can provide expertise and knowledge on a wide range of subjects. They can include housing associations, residents' associations, local business groups and local businesses, environmental and conservation groups, the development industry, disability groups, youth groups and groups which represent the interests of minority groups within the district.

### Council and Cabinet

Council: Public meetings which consist of all elected district councillors. The main Local Plan documents will be considered at these meetings unless specifically delegated to Cabinet or the relevant Portfolio Holder in consultation with a senior officer.

Cabinet: Consists of the Leader of the Council and Councillors with specific responsibility for separate areas of the Council. Cabinet will be consulted at a number of stages throughout the preparation of the Local Plan and associated documents. Cabinet will also approve any changes to the Local Development Scheme.

### Internal Consultation

Formal and informal consultation and discussion will take place where relevant with officers across the Council. Every effort is made to update and include officers across the Council.

## 2.2 Planning Applications

There are two separate stages for community involvement in the planning application process these are: **pre-application** and **application** consultation.

### 2.2.1 Pre-application consultation:

- This is undertaken by the applicant before they submit a formal application to the Council for consideration. The Council encourage developers to discuss their proposals at the earliest possible opportunity, particularly for any major or significant application, to identify likely issues with the proposals. Pre-application discussions are treated confidentially because many proposals are commercially sensitive, or may not even progress to an application.

- Developers do not currently have to consult with the local community before an application is submitted but they are strongly encouraged to do so where appropriate as it allows local communities to influence proposals before they are submitted with an application. The process can be a useful one to identify relevant issues or concerns from within the community at an early stage, and to gather local opinion about development proposals
- Applicants should also include district councillors in early discussion of their proposals, guided by the Code of Good Practice for Planning which contained in Appendix C of the Council's Constitution (available to view at <http://www.mendip.gov.uk/constitution> or can be posted on request).

### **2.2.2 Application consultation (by the Council):**

Once an application for planning permission has been formally submitted, the Council will publicise and consult the proposals in accordance with the Town & Country Planning (Development Management) Procedure Order 2010 (and/or and amendment or replacement of this Order), and the Planning Team's own Service Standards which are published on the website and are as follows:

- Publicise applications promptly and consult with adjoining neighbours on applications which affect them, giving 21 days in which to make representations, and display a site notice if wider publicity is considered necessary, in accordance with the adopted Neighbour Notification Code of Practice which is available to view on the Council's website at [www.mendip.gov.uk/CHttpHandler.ashx?id=2370&p=0](http://www.mendip.gov.uk/CHttpHandler.ashx?id=2370&p=0) or it can be posted upon request.
- Consult the parish councils on any applications for planning permission in their parish and consult additional parish councils where an application site adjoins a parish boundary.
- Consult other 'statutory consultees' (e.g. County Highways, Environment Agency, Natural England...etc.), depend on the scale, type and location of the development proposed.
- Advertise major planning applications in the local press.
- Publicise a weekly list of planning applications received and planning decisions made on the council's website;
- Upload planning application submissions on the council's website within one working week of the application being registered and ensure that customers can search applications using various criteria (i.e. address, applicant, date....etc.)
- Make a copy of the application submission available to view at the Council offices or a Council Access Point upon request, subject to 2 working days notice given.
- Provide an opportunity for members of the public and parish councils to speak at meetings of the Planning Board where they have commented on an application that is being considered by the Board.
- Upload planning decisions on the website within one working week of the decision being made.
- All comments must be made in writing. Letters must be posted to the Council's offices in Shepton Mallet and emails must be sent to [consultations@mendip.gov.uk](mailto:consultations@mendip.gov.uk) (not to individual members of staff). All comments received within the consultation period set out in the notification/consultation letters, on a site notice or published on the website (whichever is the latest).
- Letters received will not be acknowledged, whereas an automated acknowledgement will be sent to comments received by email.
- All comments will be taken into account, but a response will not be sent. Instead, the case officer will summarise any representations received in a report, comment on them and then consult the district councillor/s where their recommendation is contrary to any comments received (e.g. if objections are received and the case officer recommends approval).

Comments on applications should consider 'material' planning considerations, for example:

- Loss of light or overshadowing
- Overlooking/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 building
- Design, appearance and materials

- Planning policy (e.g. National Policy within the National Planning Policy Framework, Local Plan policies)
- Previous planning decisions
- Nature conservation
- Archaeology

Examples of issues that are not material planning considerations include the loss of value on a property or the loss of a person's private view.

### **2.2.3 Who makes the decisions?**

After the consultation period has expired, the case officer will in most cases prepare a report with a recommendation that contains a consideration of the proposals against local and national planning policy and any other relevant considerations. In straightforward cases where there is no conflict between a recommendation and comments received, a senior officer will authorise the recommendation and the decision will be issued under delegated powers. Where there is conflict, the case officer's recommendation will be referred to the relevant District Councillor(s) for consideration. The Chair and Vice-Chair of the Planning Board will ultimately decide whether an application is determined under delegated powers or by the Planning Board.

Cases with more than a very immediate local impact may be taken to Planning Board for a decision. Applications made by officers of the council or elected members, or applications involving Mendip Land, will always be referred to the Planning Board. Planning Board is made up of Councillors from across the district and is usually held every 4 weeks.

## **2.3 Planning Obligations**

The impact of proposals, sometimes identified through consultation, can often create the need for additional infrastructure or improved community services or facilities. These can be dealt with through amendments to the design or layout of the original proposal and through the use of planning conditions. Sometimes there is a need to provide affordable housing, transport changes and other community benefits. These are called planning obligations or Section 106 agreements.

The requirements for infrastructure contributions are currently set out in the Mendip District Local Plan. Once the draft Local Plan has been submitted the Council will decide whether to introduce a Community Infrastructure Levy which will partially replace Section 106 Agreements.

## Summary of Planning Application Process

<b>Pre-application Consultation</b>		
Agree Process	<ul style="list-style-type: none"> <li>• Council offers pre-application advice service</li> <li>• Applicants encouraged to consult with the local community where appropriate</li> </ul>	Failure to discuss proposals with the Council at pre-application stage, or consult with local communities on significant proposals may result in a refusal of permission
Consult	<ul style="list-style-type: none"> <li>• Applicants consult with relevant communities, organisations, Council representatives and Councillors</li> </ul>	
Report	<ul style="list-style-type: none"> <li>• Applicants produce a report detailing what consultation they have done, the issues raised and how those issues have been considered in the final application</li> </ul>	
<b>Validation</b>		
The application is validated and information is made available for the public to view as soon as possible (on the Council's website and at its offices)		
<b>Application Consultation (by the Council and statutory for all applications)</b>		
Consult	<ul style="list-style-type: none"> <li>• Application is publicised (site notice or neighbour letter, press advert as required)</li> <li>• The application is publicised on the Council's website</li> <li>• 21 days to make written comment</li> </ul>	
Review	<ul style="list-style-type: none"> <li>• The Council reviews all material planning considerations including comments made</li> <li>• If an application significantly changes it will be re-advertised. Such changes may result from negotiations with applicants and from the views of local communities. Local groups and residents who made comments on the original application will be notified</li> </ul>	
Decision	<ul style="list-style-type: none"> <li>• A delegated decision is usually made by the Planning Team Manager – over 90% of applications are delegated</li> <li>• Otherwise the decision is made by the Planning Board</li> </ul>	
<b>Decision Made</b>		
Inform	<ul style="list-style-type: none"> <li>• Information about the decision is published on the Council's website and in weekly list of decisions issued</li> <li>• A report accompanying the decision will set out the reasons for granting or refusing permission for development involving new dwellings, commercial floorspace and change of use. It will set out the issues raised during consultation and how these have influenced the decision.</li> <li>• If significant revisions are made to the proposal after permission has been granted, a new planning application will be necessary and subject to a fresh round of consultation. Only very minor changes would be allowed after permission has been granted.</li> </ul>	