

Colchester Local Plan Statement of Community Involvement (SCI) July 2020 Update

This Statement of Community Involvement sets out Colchester Borough Council's strategy for effective community participation in planning matters. Please note that due to the Coronavirus outbreak, the Council may not be able to follow all of the commitments set out in this document. The Council is committed to keeping essential services running, but the way we deliver some services has changed. This is to protect our community and staff from unnecessary travel and social contact, in line with Government advice and guidance. The table below sets out key commitments in this document where the way we provide our service has changed. These changes are temporary although it is unknown how long these changes will apply.

We will continue to monitor the situation and will update this document as required. For further information about how Council services are affected, please visit our website at <https://www.colchester.gov.uk/coronavirus/residents/planning-services-changes/>

For further information regarding guidance on changes that have been introduced to certain publicity requirements in response to the Coronavirus pandemic; please see paragraphs 035 to 052 of Consultation and Pre-decision Matters - Planning Practice Guidance (PPG) which has been updated on 13 May 2020.

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

| Paragraph | Existing Commitment | Current Service |
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| 3.7 (Development Plan Documents), | Availability of hard copies of adopted documents and planning applications | Hard copies of Planning Policy documents will be available whenever possible and in the most accessible location. |
| 4.9 (Neighbourhood Plans), | | As of 6 July 2020, hard copies of the Local Plan and other Planning Documents will be available in the main Colchester library, further to our commitment on this point in the Council's Statement of Community Involvement. |
| 8.3 (Committee Reports) | | As more libraries across the Borough are expected to reopen from 14 July 2020, it may be appropriate for these and other publicly accessible buildings to hold hard copies of documents, particularly for Neighbourhood Plans. |
| 7.17 (Access to Customer Service Centre and its terminals) | | It may be the case that public buildings are closed again in future and if that situation arises, Officers will |

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| | | <p>seek to provide hard copies on request. This maybe on a loan basis to avoid unnecessary printing.</p> <p>In any event, documents will continue to be available on the Council's website.</p> <p>Council planning documents are available online at https://www.colchester.gov.uk/planning/.</p> <p>Information on planning applications can be viewed at: https://www.colchester.gov.uk/planning-search/</p> <p>Specific enquiries can be made to the planning services e-mail address Planning.Services@colchester.gov.uk.</p> |
| 4.12 | Neighbourhood Plans | <p>We are continuing to provide support for Neighbourhood Plan groups. Consultation methods for Neighbourhood Plans are currently being revisited to develop alternatives to providing hard copies of documents and ensuring all those without internet access are informed of the consultation. Consultation methods are likely to require a blend of online and more traditional methods such as writing to the community.</p> <p>More information on Neighbourhood Plans in the Borough is available on the Council's website: https://www.colchester.gov.uk/info/cbc-article/?catid=neighbourhood-planning&id=KA-01416</p> <p>The Government has also updated its guidance regarding Neighbourhood Plans, at Paragraph 107 on this page: https://www.gov.uk/guidance/neighbourhood-planning--2?utm_source=59bd2d28-4ebd-4761-af20-742d84865702&utm_medium=email&utm_campaign=g</p> |
| 7.14 and 7.19 | Site Notices and Site Visits | <p>Officers are now undertaking site visits providing safe social distancing can be ensured. This may include low-risk outdoor areas accessed from open areas. This will continue to be monitored and updated in response to any change in risk level (either increased or decreased).</p> <p>It has been particularly helpful when applicants and agents have been able to submit photographic surveys of application sites and buildings to support planning and listed building applications. We will continue to request this sort of information about sites</p> |

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| | | <p>to enable us to process applications as efficiently as possible.</p> <p>There are certain categories of applications where a site notice is obligatory to avoid invalidating any decision.</p> <p>We may need the help of applicants/agents to print a site notice which will be sent via email and to post the notice(s) prominently in a publicly accessible location. We will ask for a photograph of the site notice in situ to be sent via email for our records.</p> <p>Our validation team will contact you with any such requests and the response should be provided via email.</p> |
| 7.23 and 7.24 | Public meetings, Parish and Town Councils | <p>We are not currently holding or attending any face-to-face meetings. Where meetings are being held virtually using web-based technology, the Council will endeavour to participate in such meetings where invited subject to other commitments.</p> <p>All documents can be viewed online at: https://www.colchester.gov.uk/info/category/?id=planning-policy</p> <p>Information on planning applications can be viewed at: https://www.colchester.gov.uk/planning-search/</p> |
| 8.3 and 8.4 | Council Committees and public speaking | <p>The Council is now conducting virtual meetings using web-based technology. These are likely to operate until May 2021 unless the regulations are extended.</p> <p>The detailed arrangements listed in the 'Public Participation at all Public Meetings' section of the 'Remote Meetings Procedure Rules' will be followed to allow public participation to occur.</p> <p>These measures continue to be monitored and reviewed; these will be updated accordingly. Measures for Local Plan Committee and Planning Committee may vary to other Council meetings.</p> <p>The Have Your Say! Process for Planning Committee is as follows:</p> <ul style="list-style-type: none"> • Members of the public may submit written questions/statements by 12 noon the working day before the meeting date. In addition to the questions/statement the following information is |

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| | | <p>required: name, email address, application number and site location.</p> <ul style="list-style-type: none"> • Questions/statements should be confined to material planning issues which may be taken into consideration in reaching a decision. • One objector and one supporter will be able to make representations on each application. In circumstances when more than one person wishes to make representation either in opposition or support; the Chairman will decide which one representation will be permitted in accordance with the following criteria: <ul style="list-style-type: none"> ○ Is the representation made on behalf of a wider group (i.e. Parish Council or Residents Group); ○ Proximity of the person making the representation to the application site; ○ The timing of the submission. • If you are appointed to speak you will receive an email confirmation including instructions on how to join the meeting. • The chairman will announce the names of those wishing to make representations to the Committee members. • A three minute period (equates to 500 words) is allowed for members of the public to ask a question or make a statement by audio or video link. Once the time has elapsed, the person will be required to leave the meeting. The remainder of the meeting can be observed online. • Visiting Councillors will be allowed a five minute period to speak. • The Chairman has discretion to disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable. <p>The Have Your Say! Process for Local Plan Committee is as follows:</p> <ul style="list-style-type: none"> • Members of the public wishing to make representations will need to register by 12 noon the working day before the meeting date with their name, email address, and whether the representation is a general matter or related to an item of business. • People indicating that they want to speak will receive an email to confirm whether they will be able to and instructions of how to join the meeting. |
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| | | <ul style="list-style-type: none"> • All speakers will have their say at the start of the meeting; • Each speaker is limited to 3 minutes (500 words maximum) with one submission per meeting. • The Have Your Say! Portion of the meeting will be limited to 30 minutes (10 speakers) per meeting; • Visiting Councillors can speak in addition to this allocation, limited to 5 minutes each per meeting. <p>More information is available on the Councils website - Have Your Say!</p> |
| 9.1 | Planning Appeals | <p>The Planning Inspectorate is developing alternative digital and written means for carrying out hearings and inquiries to allow appeal casework to progress.</p> <p>The Council will work with the Inspectorate to keep as much appeal casework going as is possible with the current restrictions.</p> <p>Details from the Planning Inspectorate of how specific planning appeals are to be carried out will be available on the Council's website under the specific planning application. https://www.colchester.gov.uk/planning-search/</p> <p>The Planning Inspectorate are continuing to update their guidance. For more information visit: https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance</p> |



Statement of Community Involvement

Colchester Borough Council Statement of
Community Involvement

September 2018



Tending Colchester Borders Garden Community
Concept Framework consultation event.

Contents

| | Page |
|---|------|
| 1. Introduction | 4 |
| 2. Colchester Approach | 5 |
| Part One: Planning Policy | |
| 3. Development Plans | 8 |
| 4. Neighbourhood Plans and Development Orders | 10 |
| 5. Supplementary Planning Documents | 13 |
| 6. Sustainability Appraisals | 14 |
| Part Two: Development Management | |
| 7. Planning Applications | 15 |
| 8. Determining Applications | 20 |
| 9. Planning Appeals | 21 |
| 10. Monitoring and Review | 21 |
| Appendix 1 – Further information..... | 22 |

1. Introduction

What is a Statement of Community Involvement?

1.1 A Statement of Community Involvement (SCI) is a document that Councils are required to produce that sets out what consultation will take place with the community on planning policy documents and planning applications. The document states who the Council will consult with, when and how.

1.2 National Planning Practice Guidance states that:

“Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The Statement of Community Involvement should be published on the local planning authority’s website.”

(Planning Practice Guidance 15-004-20140306) (06.03.14)

1.3 The SCI provides clarity on the extent of community involvement that will take place. It sets out clear consultation procedures and standards that the Council will follow when undertaking consultations on draft planning policy documents and when planning applications are received. This 2018 SCI supersedes the 2013 SCI and has been produced predominantly to reflect changes in national policy and legislation. This requirement has also been taken as an opportunity to make the document more concise and user friendly.

2. Colchester's Approach

Planning Policy

- 2.1 Colchester Borough Council attaches great importance to undertaking effective consultation with all stakeholders. The type and coverage of plans has evolved over the years but the overall requirement to ensure wide consultation remains. The NPPF and Localism Act 2011 introduced a new tier of planning called Neighbourhood Plans and provided greater flexibility in the requirements for plan preparation. The continuing source of information and progress on all the Council's planning policy documents continues to be the Local Development Scheme, which is available on the Council's website.
- 2.2 The Local Plan Committee has been established as a sub-committee of Full Council and is open to the public in the same way as other formal council committees. The Committee has responsibility for guiding the Local Plan process and takes decisions on the various documents to be produced. As part of this process they will take account of all consultations.
- 2.3 The shared strategic Section 1 Local Plan for North Essex includes proposals for three cross boundary Garden Communities; two of which are partially within the Colchester Borough. The Council is committed to producing a separate development plan document (DPD) for each of these Garden Communities. The consultations for the Garden Community plans will need to have regard to the Colchester Borough SCI as well as the SCI's of Braintree and Tendring, where appropriate.
- 2.4 As part of involving the community in the preparation of planning policy documents Colchester Borough Council will maintain an up to date consultation database so that any individual or organisation who wishes to be informed of the progress of planning policy documents is directly consulted when a document is consulted on. Further information on how the Council will work with the community on planning policy documents is set out in Part 1 of this document. Anyone wishing to be added to the database can do so by emailing planning.policy@colchester.gov.uk.
- 2.5 Once consultation has taken place on draft planning policy documents, a consultation summary will be produced which will summarise the key points made and provide a response to the issues raised before the document is finalised. This will be published on the Council's website alongside the accompanying committee report.

Duty to Cooperate

- 2.6 As part of the statutory Duty to Cooperate, neighbouring councils and other relevant organisations must work together on strategic planning issues that affect them all. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, Colchester Borough Council will work together on strategic planning issues with the organisations shown in the following table.

| Duty to Cooperate Consultees | |
|-------------------------------------|----------------------------------|
| | Office of Rail and Road |
| Environment Agency | Highways Agencies |
| Historic England | Integrated Transport Authorities |
| Natural England | Highway Authorities |
| Civil Aviation Authority | Marine Management Organisation |
| Homes and Communities Agency | Local Enterprise Partnerships |
| Clinical Commissioning Groups | Neighbouring Local Authorities |
| NHS England | Essex County Council |

Table One – Duty to Cooperate Consultees

2.7 In addition to the above, the Council is required to consult ‘specific’ and ‘general’ consultation bodies and other consultees including the community, neighbourhood plan groups, businesses and third sector groups. The following list of organisations will be informed of any consultation being undertaken, as appropriate.

| Specific Consultation Bodies | General Consulting Bodies |
|---|--|
| Neighbouring Local Authorities | Voluntary Bodies |
| All Parish Councils within and adjoining the boundary of Colchester Borough as appropriate. | Ethnic / Racial / National Groups |
| Essex Police | Religious Groups and Churches |
| The Environment Agency | Disabled Groups |
| Historic England | Local Business Support Agencies |
| Natural England | Other Consultees |
| The Secretary of State for Transport | Health Agencies |
| Electronic Communication Providers | Learning Agencies |
| Telephone Operators | Schools |
| Electricity Suppliers | Transport Bodies and Groups |
| Gas undertakers | Sports Clubs |
| Sewage Undertakers | Recreation Bodies |
| The Homes and Communities Agency | Infrastructure and Service Providers |
| The Ministry of Housing, Communities and Local Government | Design, Town Planning, Conservation and Landscape and Nature Conservation Bodies |
| Marine Management Organisations | Environmental Groups |
| Network Rail | Planning Consultants and Agents |
| Highways England | The Development Industry |
| Public Health England | Other miscellaneous bodies. |
| Electricity and Gas Suppliers | |
| Sport England | |

Table Two – Wider Consultees

- 2.8 The Council will make sufficient resources available in order to meet its statutory responsibilities and the procedures and standards contained within this SCI.

Planning Applications

- 2.9 As part of notifying the community when a planning application is received, the Council will ensure there is appropriate publicity to enable members of the public to comment on proposals. Further information on how the Council will consult on planning applications is set out in Part 2 of this SCI.

3. Development Plans

- 3.1 Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004. The previous SCI referred only to Local Plans under this section, however the new shared strategic Section 1 Local Plan for North Essex includes proposals for three cross boundary Garden Communities. The Garden Community DPDs and the Local Plan are all classed as Development Plan Documents (DPDs).
- 3.2 The Borough also has several adopted and emerging Neighbourhood Plans. A Neighbourhood Plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan for the Borough.

Local Plan

- 3.3 The Local Plan is the main planning policy document produced by the Council; it contains policies to guide the development of an area and includes allocations that indicate where development will take place (normally over a 15 year period from the adoption of the Plan). As required by national planning policy, the Local Plan should be drawn up by the local planning authority in consultation with the community. It will be reviewed every 5 years in part or in full.
- 3.4 The Local Plan forms part of the Development Plan (along with 'made' Neighbourhood Plans and Garden Community DPDs where appropriate). Planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

Garden Community DPDs

- 3.5 The Garden Community DPDs that the Councils are currently producing will contain strategies, policies and proposals to guide their development. The DPDs, once adopted by the Council, will include the location and scale of land uses alongside the required infrastructure. As with the Council's Local Plan, the DPDs will be reviewed at 5 year intervals, this process will be subject to the appropriate public consultation.

Consultation Methods

3.7 The following table sets out a summary of the consultation stages and methods that Colchester Borough Council will use when consulting on development plans (the Local Plan and DPDs). Alongside the development plans, the relevant Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA) will also be consulted upon. Please see section 6 on page 15 for further information on Sustainability Appraisals / SEAs.

| DPD Plan Stage | Consultation Duration | Consultation Methods |
|--|-----------------------|--|
| Scoping Consultation or Issues and Options | Minimum of 6 weeks | <p>Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments;</p> <p>Consultation documents available on the Council's website and hard copies available at the Council offices, and libraries, as appropriate, and;</p> <p>Inviting representations on the document through press advertisements/articles and notice on the Council's website.</p> |
| Preferred Options Consultation | Minimum of 6 weeks | |
| Submission Consultation and Publicity of a plan proposal | Minimum of 6 weeks | |

Table Three – DPD Consultations

4. Neighbourhood Plans and Neighbourhood Development Orders

- 4.1 Neighbourhood Plans, which were introduced by the Localism Act 2011, allow designated groups of local people to prepare statutory development plans for their community, against which planning applications will be assessed.
- 4.2 Neighbourhood Plan Groups can grant planning permission through neighbourhood development orders and community right to build orders for specific development. They can set out planning policies in neighbourhood plans to guide the future development of an area, including identifying sites for new housing or safeguarding parks and playing fields.
- 4.3 Once a neighbourhood plan or order is approved it will be used to guide development and to help decide the outcome of planning applications in the area. The neighbourhood plan or order sits alongside other planning policy and needs to generally conform to local and national planning policy.
- 4.4 The statutory stages in the preparation and review / modification of these documents are set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). From 2018 there is an obligation for local authorities to reflect their policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making within their Statement of Community Involvement : This includes advising on the survey area and the matters which may be expected to affect the development of their area or the planning of its development (Section 13) and plan preparation, timing and process as required in Section 15 (Local Development Scheme).
- 4.5 If a community wishes to simplify the process for allowing development a Neighbourhood Development Order (areas where specified development is permitted without the need to apply for planning permission) or a Community Right to Build Order (permission for small scale community led-schemes) can be implemented. These can be instead of, or in conjunction with, a neighbourhood plan and would result in effectively granting planning permission for certain types of development in specified areas. These orders, however, can't remove the need for other permissions such as Listed Building or Conservation Area consent.
- 4.6 Since Neighbourhood Plans and Orders aren't prepared by the Council; this SCI can't prescribe what methods of community consultation they should follow. The Council will, however, expect these documents to follow wherever possible the general principles and techniques set out in this SCI.

4.7 Paragraph 48 of the Planning Practice Guidance states:

‘A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in Schedule 1 to the Neighbourhood Planning (General) Regulations 2012 (as amended). Other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.’

4.8 Paragraph 49 of the Planning Practice Guidance states:

‘A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

- is kept fully informed of what is being proposed*
- is able to make their views known throughout the process*
- has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- is made aware of how their views have informed the draft neighbourhood plan or Order.’*

4.9 Notwithstanding the aforementioned consultation techniques applied by Neighbourhood Plan Groups the Council itself is required to consult with the public at various stages of the production of Neighbourhood Plans in line with the table shown below:

| Neighbourhood Plan Stage | Consultation Duration | Consultation Methods |
|--|-----------------------|---|
| Neighbourhood Designation Consultation | Minimum of 6 weeks | Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments; Consultation document available on the Council's website and hard copies available at the Council offices, and libraries, as appropriate, and; Inviting representations on the document through press advertisements/articles and notice on the Council's website. |
| Neighbourhood Forum Designation Consultation | Minimum of 6 weeks | |
| Submission Consultation and Publicity of a plan proposal | Minimum of 6 weeks | |

Table Four – Local Planning Authority held Neighbourhood Plan Consultations

What support do we offer to help prepare or review a neighbourhood plan?

- 4.10 As the local planning authority, Colchester Borough Council (CBC) has a duty to give advice and support to parish councils and neighbourhood plan groups to assist in the preparation of a neighbourhood plan / neighbourhood development order. This specific requirement was set out in a letter to local authorities from Steve Quartermain, Chief Planner at the now Ministry of Housing, Communities and Local Government (MHCLG). The letter sets out forthcoming changes to regulations in relation to neighbourhood planning and SCIs which will come into place this year.
- 4.11 The emerging regulations have received royal assent and will require local authorities to set out within the SCI policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making: including advising on the survey area and the matters which may be expected to affect the development of their area or the planning of its development (Section 13) and plan preparation, timing and process as required in Section 15 (Planning and Compulsory Purchase Act 2004).
- 4.12 In line with the MHCLG letter the Council strongly supports neighbourhood planning and offer the following help throughout the process.

Statutory requirements at the time of Submission of the Neighbourhood Plan including:

- Arranging and paying for the independent examination
- Publicity and hosting of a webpage on the CBC website with information on it in relation to the Neighbourhood Plan examination;
- Make key documents available for viewing in the areas that are affected by the Neighbourhood Plans for example at local libraries as appropriate; and
- Organise an examination venue if required.
- Organising and funding the referendum
- Final Adoption Procedures to “Make” the Plan.

Further advice and guidance:

- Advice and an introductory meeting to discuss your aims and outline the process;
- Contact with a lead officer for your plan, who attends group meetings when appropriate and brings their own and other colleagues' professional experience to assist;
- Advice on engaging with your community and the need to record engagement;
- Advice on site appraisals and how to conduct site assessments;
- Advice on the types of evidence needed to write your plan and whom to consult;
- Review of your draft neighbourhood plan to ensure it meets the basic conditions;
- Guidance and support in relation to seeking specialist expertise and appointing consultants, if appropriate.

Further guidance and advice

- 4.13 The Council is committed to facilitating the production of Neighbourhood Plans and is currently in the process of creating further documentation that will be available to all interested stakeholders. If you would like to find out more please contact planning.policy@colchester.gov.uk or visit the planning policy section of the Council's website.

5. Supplementary Planning Documents

What are Supplementary Planning Documents?

- 5.1 Supplementary Planning Documents (SPDs) are intended to explain or provide further detail to policies or site allocations in a Local Plan document. They could take the form of design guides, area development briefs, master plans or issue based documents. They will be used in deciding planning applications and will help the Council defend its decisions at appeals.

Consultation Methods

- 5.2 When preparing Supplementary Planning Documents the Council will use the following method to engage with the local community:

| SPD Stage | Consultation Duration | Consultation Methods |
|------------------------|-----------------------|---|
| Draft SPD Consultation | Minimum of 6 weeks | Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments; |

- 5.3 In addition to the above, the Council will provide details of the progress of emerging Supplementary Planning Documents on its website and within the annual Monitoring Report. SPDs will be reviewed in light of consultation responses and where appropriate amended prior to being considered by Committee for formal adoption.

6. Sustainability Appraisals and Strategic Environmental Assessment (SEA)

What are Sustainability Appraisals / SEA?

- 6.1 Sustainability Appraisal (SA) is a requirement of the Planning and Compulsory Purchase Act 2004, with Strategic Environmental Assessment (SEA) deriving from the European Union Directive 2001/42/EC. It is common and good practice in the UK to combine the two processes into one, which is referred to as Sustainability Appraisal (SA). This process usually incorporates the requirements of the SEA Directive.
- 6.2 The Council is required by law to produce a Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) all development plan documents excluding the Statement of Community Involvement, the Annual Monitoring Report, Supplementary Planning Documents (SPDs) and the Local Development Scheme. Neighbourhood Plans do not need to undertake Sustainability Appraisals. In some circumstances they may require an SEA and in all cases they are required to indicate how they contribute to Sustainable Development.
- 6.3 The Council will consult stakeholders in relation to Sustainability Appraisals/ SEAs alongside the Development Plans to which they pertain. Please see table 3 on page 10 for further information.
- 6.4 The Planning Act 2008 allows Local Planning Authorities to prepare SPDs without undertaking SA/SEA, as long as they screen for the need for a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) of the SPD as it is produced. In light of the 2008 Planning Act, the Councils are required to carry out a screening to ensure that the legal requirements for SA/SEA are met where there are impacts that have not been covered in the appraisal of the parent Development Plan Document (DPD).
- 6.5 The impact of the SPDs will be restricted to relatively specialist topic areas at a local level or site based considerations. Whilst they will help deliver district wide objectives the issues considered do not need to be as comprehensive as for the Local Plan. The SEA Directive suggests a possible exemption of SEA where the plan or programme would be likely not to have significant environmental effects. Appropriate Screening will be undertaken for all SPDs.

7. Planning Applications

Introduction

7.1 Involvement of the community and stakeholders at an early stage of the planning application process is of great benefit to the public, organisations, authorities and the applicant themselves. The following section explains how the Council will seek to encourage awareness and involvement in the planning application process, starting with pre-application discussions and continuing through to the planning application stage, and in some cases, the planning appeal stage.

Before Submitting a Planning Application

7.2 Before submitting a planning application applicants are recommended to consult with immediate neighbours and people who may be affected by proposals. For major applications (such as housing schemes of 10 or more dwellings) we strongly recommend additional measures to engage with the local community. Such measures should be proportionate to the scale of the proposed development and could include:

- Consultation events with the local community;
- Consultation with elected members, town and parish councillors;
- Making detailed plans available for public view (including online on a website);
- Press notices/leaflets or letters to nearby residents.

7.3 This should be effective in bringing draft proposals to the attention of the public, the local Town or Parish Council and other affected parties and provide opportunity to make comments. The purpose of early discussions between the community and developers is to encourage agreement within the community early on in the process and provide a better chance for schemes to be positively received. This process can benefit both parties. For developers it will ensure that key issues are addressed prior to planning applications being submitted and for the local community it will enable them to have an influence before proposals reach an advanced stage.

7.4 It is essential that any community involvement conducted by the developers be tailored to the nature and scale of the proposal. A broad list of consultation and community involvement methods is provided in appendix 2, along with details of when they are most suitable, their advantages and disadvantages, and resource implications.

7.5 The Council will expect the applicant to submit details of pre-application consultation as well as an explanation on how responses have been taken into account, alongside their planning application. In some cases it can also be a validation consideration, whereby applications will not be processed unless the Council is satisfied that adequate consultation has been undertaken by the developers.

- 7.6 The Council will engage in pre-application discussions with the developer that are often undertaken in confidence because of the various sensitivities of some schemes at this stage, but discussions are always recorded and are without prejudice to the later application. At this stage, the Council will be in a position to advise developers and help clarify the format, type and level of consultation to be undertaken. The Council has a schedule of charges for preliminary enquiries and pre-application advice. As part of this process we will also seek to engage elected members through our “Early Member Engagement Protocol” wherever this is applicable. This Protocol forms part of the Council’s Constitution and can be read online.
- 7.7 In the case of larger applications the Council operates a Planning Performance Agreement (PPA) approach. Details of the applicable charges are available on the Council’s website. A PPA is an agreement between the Council and applicants to provide a project management framework for major applications that may exceed the 13-week period for the determination of major applications. The PPA sets out the targets agreed by both parties for the levels and types of consultation required, information gathering process, consideration of options and agreement on design issues.

Submission of a planning application

- 7.8 The process of deciding planning applications is often of great public and local interest, and comments on proposals are welcomed. When deciding which applications are classed as major applications and therefore subject to wider community consultation in line with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the Government sets out the following criteria:
- Residential developments comprising 10 or more dwellings;
 - A site area of 0.5 hectares or more where the number of dwellings is unknown;
 - Commercial proposals creating more than 1,000 square metres of floor space or on sites of 1 hectare or more; or
 - A change of use application involving the above.
- 7.9 The Government sets targets for the time taken to determine planning applications. These are currently 13 weeks for major applications and 8 weeks for all others. If an Environmental Impact Assessment is required as a result of the scale of development then this period will extend to 16 weeks, but this is not common. Before a decision is made, the case officer will prepare a report with a recommendation.
- 7.10 The recommendation will take into account the adopted Development Plan, the National Planning Policy Framework and any comments made by consultees and the public. However, the Council can only take into account comments relating to material planning considerations, which exclude non-planning considerations such as property values, loss of a private view over land, moral objections to development and commercial considerations.

Major Applications

- 7.11 The level of consultation carried out for all major planning applications, will be determined by the council to ensure that it is appropriate. Statutory advertisements will be used as a means of consultation if required and as laid out in legislation, which means that it may be necessary to publish an advertisement in the newspaper and on a site notice to be displayed at the application site. We also recognise that any involvement will need to encourage participation and social inclusion to ensure that the local community is given every opportunity to influence the process.
- 6.12 A weekly list of all applications received appears on the council's website. Individual letters/emails will be sent in respect of every planning application where neighbouring properties/businesses can be identified. Parish and town councils will be consulted on every application within their parish boundaries. Where Neighbourhood Plans exist or are advanced in their preparation, relevant Groups / Forums will be consulted on all planning applications (and alterations to applications) within the Plan Area. Similarly, the elected ward members will be consulted on applications that fall within their wards.
- 7.13 It is important to note that whilst statutory requirements are met in all instances, the types of discretionary methods used and the length of consultation will need to suit the type of application and therefore the methods listed above are provided as a guideline of how we may consult, but is in no means intended to be prescriptive or exhaustive.

Other Applications

- 7.14 With regard to all other types of applications, officers will determine the appropriate level of consultation. Individual letters/emails will be sent to neighbouring properties/businesses and/or site notices used. Parish and town councils will be consulted on every application in their parish and where Neighbourhood Plans exist or are advanced in their preparation, relevant Groups / Forums will be consulted on all planning applications (and alterations to applications) within the Plan Area. Similarly, the elected ward members will be consulted on applications that fall within their wards. All the planning applications appear on the website.

Sources of Information on applications

- 7.15 Information on planning applications can be found in the following places:

The Planning Register

- 7.16 Applications for planning permission must by law, be entered on a register within 14 days of receipt. Maintaining a planning register is a statutory obligation imposed on the Council by the Town and Country Planning Acts and the information is available for inspection by arrangement during office hours. In Colchester, all applications are held in an electronic format, and the register consists of two parts:

- A register containing details of all current applications for planning permission, including plans and drawings;
- A register that contains a permanent record of all applications and decisions since 1 July 1948 (including any order made, appeals and their outcome).

7.17 Current planning applications, including plans and drawings and those dating back to the year 2000 can be viewed online using the Colchester Planning website. For those who do not have access to a computer the Council provides appropriate terminals at its Customer Service Centre for public use.

Weekly Lists

7.18 The statutory register does have limitations for general use and accordingly we also produce a weekly list. As the name suggests, this is a list of all new applications registered and decisions made the previous week.

Advertising

7.19 Regulations set out in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Planning (Listed Building and Conservation Areas) Regulations and the Planning (Listed Building and Conservation Areas) Act 1990, state that all planning applications need to be publicised, either by site notice or individual neighbour notification. A press notice and site notice is also required for the following types of application:

- Erection of 10 or more dwellings or site area of 0.5 hectares or more;
- Erection of 1000 square metres of floor space, or site area of 1 hectare or more;
- An application subject of an environmental assessment;
- An application that would affect a right of way, under Part III of the Wildlife and Countryside Act;
- Development affecting listed buildings;
- Development affecting the character or appearance of a conservation area; and
- Departures from the Development Plan.

7.20 These requirements are subject to change and a press notice will only be used where required by legislation.

Individual Letters

7.21 We are aware of the need to provide an effective and efficient service, and to ensure that budgets are closely controlled. It is sometimes difficult to bring together these objectives with widespread public consultation on planning applications. The actual extent of consultation in each case will be determined having regard to the type of development involved.

7.22 Letters will only usually be sent to those properties directly affected by a proposal, which according to the Development Management Procedure Order 2015 is any adjoining owner or occupier. "Adjoining owner or occupier" means any land sharing a common boundary with the application site. Any further consultation will be at the discretion of

the case officer. For example, in the case of rear extensions those to the rear will be consulted whilst those on the opposite side of the road may not be.

Parish and Town Councils

- 7.23 The Council is committed to close working with local representative bodies, as provided within part 8 of the Constitution. We have set up a forum for parish and town council clerks, which is held every two months. Although this is a corporate initiative there is opportunity to report on planning matters on a regular basis.
- 7.24 Planning workshops for Town and Parish Councillors include workshops on subjects including, material considerations, influencing the planning process, enforcement, appeals, planning law, design, legal obligations etc. These are usually held annually, while individual Parishes/Towns can ask for liaison meetings in between if they wish to discuss specific issues.

Website

- 7.25 Our website is increasingly being used as a tool for consultation. The website includes weekly lists of applications received and decisions made. These can be viewed by application number, address or by ward and comments can be sent direct. Committee agendas, reports, S106 agreements, planning enforcement activity and associated notices and a list of current appeals and appeal decisions can also be viewed. The Colchester Planning Online website now allows copies of the application forms, plans and drawings, and consultation comments to be viewed online. All enquiries can be made online, while a number of questions can be answered through self-service information.

Procedure for Dealing with Written Representations to Applications

- 7.26 We currently notify neighbours within a week of registering a planning application and they are given 21 days to reply. All those wishing to comment on an application are encouraged to do so electronically using the Council's 'on-line planning' website. Whilst we will accept written letters and e-mails we will not acknowledge their receipt. Any representation received is redacted and placed on the Council's 'on-line planning' website and is available for viewing by the public. This also allows those people sending such representations to check safe receipt by the Council for themselves.

7.27 The Planning Service does not respond in writing to comments about a planning application unless specifically requested, but all comments received are considered by the case officer, which may result in the application being revised. If the scheme is significantly changed or changed in a manner deemed to have a greater impact upon neighbours than the original submission we will try to repeat the consultation allowing, where possible, an extra 7-14 days for further comments (at the discretion of the case officer). Sometimes time constraints mean a shorter period is given for comments on revised plans and sometimes it is not possible to re-consult at all.

8. Determination of a planning application

8.1 The receipt of one or more letters of objection will normally result in a major application being determined by committee if it is being recommended for approval or if it is subject to a S106 Agreement.

8.2 In the case of all other applications a decision will be made under delegated powers by the Planning Service unless that application has been subject to a 'call-in' by a Councillor. A 'call-in' is subject to a formal process and for it to be triggered automatically a councillor must make a valid request within 25 days of being notified of the application. Anyone can approach their councillor to have an application 'called-in' and thereby determined by the Planning Committee after public debate. It is important to note however that a councillor is not duty bound to request a 'call-in' if asked and should only do so if a material planning consideration is involved and public scrutiny is appropriate. Where an application is being reported to Committee a list of the different material planning considerations raised within the various comments received are summarised in the Committee report. Letters will not be accepted after 5pm on the day before Committee. Once the agenda has been prepared, anything received before 5pm on the day falling 2 days before the day of the committee meeting will be reported on an amendment sheet. Anything received after 5pm on the day falling 2 days before the day of the committee meeting will be reported verbally.

8.3 If an application is to be reported to committee this will be stated on the Council's online planning website. The full committee report is available 5 working days before the meeting on the website and in all council offices. Where an application has been subject to a valid 'call-in', the applicant and any person making an electronic submission via the Council's on-line planning web-site will be notified via e-mail of the relevant Committee date, 5 days prior to the meeting.

8.4 Public speaking is allowed at the committee comprising one representative speaking against an application and one speaking in support of a proposal. Each speaker is permitted to address the committee for up to 3 minutes. At the Chairman's discretion, and where prior notification has been given, further objectors will be allowed to speak on particularly complex or controversial applications. Usually this will be with a maximum number of 3 speakers for and 3 speakers against any application. Objectors are invited to view the application on-line to obtain a full list of objectors' comments to enable them to co-ordinate a reply in the event that more than one person wishes to speak. Ward Members may also speak on behalf of their electorate and will be allowed up to 5

minutes. Other Councillors will also be permitted to speak at the discretion of the Chair having regard to the strategic significance of the proposal and whether it raises matters of Borough wide interest. When a decision is reached, the website will state whether the application has been approved or refused and hold a full copy of the decision and approved drawings.

- 8.5 Further details on how to comment on planning applications at the Planning Committee can be found in our document 'Have your Say on Planning Applications' which is available on the website. Other relevant information includes "Planning Procedures Code of Practice" which is in Part 5 of The Constitution and is on the Council's website. It sets out general guidelines for borough councillors and council officers who are involved in planning applications and the Planning Committee. The information it contains may help provide background information to applicants and those commenting on the planning process. The Localism Act clarifies the ways in which councillors can be involved in the planning process and play an active part in local discussions.

9. Appeals

- 9.1 When an appeal is made against the decision of the Council to refuse an application all previous correspondence is forwarded on to the Planning Inspectorate. Letters/emails are also sent to all those people who had previously been consulted/commented on the application, advising them of the appeal. Further representation can be made direct to the Planning Inspectorate. These procedures comply with the statutory procedures set out in S78 of the Town and Country Planning Act 1990 and the "Procedural Guide: Planning appeals – England" (available online via www.gov.uk).

10. Monitoring and review of the Statement of Community Involvement (SCI)

- 10.1 The SCI provides flexibility to allow for appropriate changes in our approach to community involvement. Comments received on the quality or effectiveness of our consultation will be considered and used to inform future practice. If significant changes are required to meet new circumstances or legislation, a review of the Statement of Community Involvement will be undertaken.
- 10.2 Consultation exercises include opportunities for consultees to complete equality monitoring data forms. If completed, this helps us monitor the effectiveness of our policies surrounding equality and diversity and to make changes where required.

Appendix 1: Further Information

Legislation

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

<http://www.legislation.gov.uk/uksi/2012/767/contents/made>

Neighbourhood Planning (General) Regulations 2012

http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf

The Town and Country Planning (Development Management Procedure) (England) Order 2015

<http://www.legislation.gov.uk/uksi/2015/595/contents/made>

National Policy/Guidance

National Planning Policy Framework and Planning Practice Guidance.

<http://planningguidance.planningportal.gov.uk/>

Plain English Guide to the Planning System

<https://www.gov.uk/government/publications/plain-english-guide-to-the-planning-system>

Planning Aid

<http://www.rtpi.org.uk/planning-aid/>

Planning Portal

<http://www.planningportal.gov.uk>



For more information please contact the planning policy team
planningpolicy@colchester.gov.uk