



## Rother District Council

# Statement of Community Involvement

*... how local people and others can get involved in planning*

**This information can be available in large print, Braille, audiotape/CD or in another language upon request.**

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## 1. Introduction

- 1.1 Planning for land use and development in the District is one of the Council's key responsibilities, impacting both directly and indirectly on individuals and communities.
- 1.2 It follows that people and groups potentially affected by planning policies and proposals should have the opportunity to be effectively involved in decision-making - and should understand what those opportunities are.
- 1.3 **This Statement of Community Involvement (SCI) explains the arrangements for public involvement in Rother District Council's planning processes. It covers both the preparation of planning policy documents and the determination of planning applications.**
- 1.4 It updates the earlier SCI which was adopted in December 2015 in several respects, notably to meet requirements in the Neighbourhood Planning Act 2017. It is also expanded to cover consultation procedures in relation to the new provisions for 'permission in principle' and the duty to maintain a Brownfield Land Register, as well as reflecting the introduction of public speaking at meetings of the Planning Committee.
- 1.5 The following Section 2 sets out the Council's **General Principles** for consultation, which remain as previously.
- 1.6 Section 3 highlights the opportunities to contribute to the formulation of local **Planning Policy**. This relates to the production of the District Councils' Local Plan and any supplementary planning documents, which is essentially unchanged, as well as an expanded section on the preparation of Neighbourhood Plans, which are led by Town/Parish Councils in parished areas.
- 1.7 Section 4 deals with **Development Management**, i.e. the consideration of planning applications, applications for listed building consent, conservation area consent, etc. It sets out commitments for making information available on such applications and the opportunities for making comments on them, including the public speaking process at Planning Committee.
- 1.8 The final Section 5 highlights briefly how and when **monitoring and review of the Statement of Community Involvement (SCI)** will take place.

## 2. General Principles

- 2.1 There are a number of principles about the approach to consultation, access to information, participation for all, openness and treatment of comments that apply to all areas of planning.

### Consultation Charter

- 2.2 The Council has a [Consultation Charter](#) which identifies a number of principles for public consultation across its services. Its principles are reproduced below:

The Council acknowledges and undertakes that:

1. consultation is a fundamental part of good public service; it will be the starting point not an afterthought
2. consultation will be based on openness, trust, integrity and mutual respect for all participants
3. where appropriate, consultation will be used to seek views before decisions are made
4. requests to consult may come from inside or outside the Council
5. consultation will seek to involve all parties who can contribute to or who are affected by the outcome of consultation
6. it will seek to explain to people why they are being consulted, what they are being consulted about and how their views will contribute to any decision
7. some people will be less able to participate in consultation than others; specific efforts will be made to identify and target these people; every effort will be made to ensure that consultation is representative
8. it will seek to ensure that the issues are clearly understood and that objectives, timescales and expectations are clearly identified
9. relevant and easily understandable information will be provided to consultees with particular attention to those who have special communication needs
10. the results of the consultation and any impact upon Council decisions will be provided in the most appropriate form both to consultees and the wider community

- 2.3 The Council recognises that planning material is often technical in nature; hence, consultation documents will be as clear and concise as practicable, using plain English as far as possible, avoiding or at least explaining 'jargon' (possibly in a 'glossary') without detracting from the complexities of issues.

### **Access and equalities**

- 2.4 In terms of ensuring engagement of all sections of community, particular attention will be given to “hard to reach” groups. This includes meeting the public sector equality duty to advance equality of opportunity between different groups, associated with age, disability, gender/gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation characteristics. ‘Equality Objectives’ are set in a separate document produced jointly with Wealden District Council; see: <http://www.rother.gov.uk/equality>.

### **Means of involving people**

- 2.5 The Council will seek to choose appropriate consultation processes that best balance community impact, accessibility and available resources. Greater use is being made of online and social media methods of consultation, while appreciating that they are not accessible for all sections of the population. Some forms of consultation and public involvement can be time intensive. Hence, detailed decisions about the methods of involvement to be used at a particular stage will need to take into account the availability of resources at the time. In particular, events which require considerable staff involvement, such as exhibitions, will need to be prioritised to consultations where the outputs of such events will have the greatest benefits.

### **Making comments and their availability**

- 2.6 As part of the transparency and openness of decision-making, and in accordance with the legal framework set by the General Data Protection Regulations 2016 and the Data Protection Act 1998, comments made on planning documents and on planning applications will be made publicly available. They cannot be treated in confidence. However, the Council will not publish personal information such as signatures, telephone numbers and emails addresses online.
- 2.7 Comments made, whether on policy documents or planning applications should be made within the timescale prescribed, relate to the particular document/application, not be anonymous and not be potentially libellous, defamatory, threatening, abusive or likely to incite racial hatred.

### **Consideration of comments**

- 2.8 All comments made in response to consultations on planning policy documents and on planning applications will be taken into account in decision-making where they relate to ‘material considerations’. Guidance on what constitutes ‘material considerations’ for planning purposes is outlined in Section 4. However, it may not always be appropriate to determine matters in line with comments received. The Council is obliged to consider, firstly, conformity with local planning policies, consistency with national policies, as well as having regard to all material considerations (which may pull in different directions) in making decisions.

### 3. Planning Policy

#### Planning policy documents

- 3.1. Councils are obliged to prepare a 'Local Plan' setting out their policies for development and the use of land in their area which, in turn, provides the basis for decisions on planning applications. Its 'strategic policies' also provide a framework for the preparation of 'Neighbourhood Development Plans' (often referred to more simply as "Neighbourhood Plans") by local communities.
- 3.2. In Rother, the current **Local Plan** covers the period up to 2028 and is being prepared in two parts:
  - The Core Strategy, which sets the overall vision and objectives for the area, the related development strategy and core policies ("Part 1")
  - The Development and Site Allocations Plan (DaSA), which allocates sites for development and contains detailed policies to elaborate on those in the Core Strategy ("Part 2")
- 3.3. Moving forward, it is expected that the review of the Local Plan will embrace the development strategy and key site allocations in a single document.
- 3.4. The Council can also prepare **Supplementary Planning Documents (SPDs)** – these support particular local plan policies by providing guidance either on particular subjects or specific, normally more complex, sites.
- 3.5. **Neighbourhood Plans (NPs)** are prepared by the local community (which means the relevant Town or Parish Council where one exists or specifically constituted Neighbourhood Forums), with the support of the local planning authority. Their preparation and scope is discretionary; they may include the allocation of sites and policies to guide development. When in place ("made"), they form part of the Local Plan and the policies contained within them are then used in the determination of planning applications.
- 3.6. For up-to-date information on existing plans and those in course of preparation, please either visit the 'Planning Policy' page on the Council's website or one of the Council's Contact Centres.
- 3.7. There are also separate Waste and Minerals Local Plans. These are the responsibility of East Sussex County Council. Further details about the programme of preparing these plans and the opportunities for involvement in them are published on East Sussex County Council's website at: <http://www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/>
- 3.8. **Other planning documents**  
Local Plans need to be supported by a Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) to ensure that the social, economic and environmental consequences of their policies and proposals are fully taken into account. SPDs do not usually require such an assessment because they will normally relate to a policy or site that has undergone an SEA/SA as part of the Local Plan.

- 3.9. A SA/SEA Report is itself subject to public consultation; hence, the tables below also highlight the various stages of the SA/SEA process.
- 3.10. Statements of Community Involvement (SCIs) are also subject to consultation. The process will be similar to that for SPDs, with public consultation on a draft SCI, comments in response to which will be reported back to the Council and considered in approving the final SCI.
- 3.11. The programme for preparing the Local Plan, SPDs and the SCI is set out in the Council's [Local Development Scheme](#).

### Opportunities to be involved in plan-making

- 3.12. Planning policy documents are the subject of legislative requirements for publicity and consultation. These ensure that there will be opportunities for everyone to participate in the production of all planning policy documents.
- 3.13. Different types of plans, understandably, have particular processes for preparation and public involvement. The nature of involvement also varies depending on the stage of plan-making.
- 3.14. Opportunities for involvement at each stage of preparation of the Local Plan, SPDs and Neighbourhood Plans, and related SEA/SAs, are set out below.

#### a) Local Plan

Table A – Local Plan preparation and opportunity for involvement

Progress of the Plan	Progress of the SEA/SA <sup>1</sup>	Opportunities for involvement
<p><b>Pre-Production</b></p> <p>Background Information and Evidence Gathering.</p> <p>Technical studies and topic papers may be prepared and options identified, drawing on monitoring of existing policies, any strategic requirements and data.</p>	<p>Collect baseline social, economic and environmental data.</p> <p>Draft 'Scoping Report'.</p> <p>Publish 'Scoping Report'.</p>	<p>Targeted involvement of agencies and service providers.</p> <p>Normally also informal consultation with key stakeholders, such as Town/Parish Councils, relevant interest groups, landowners and developers.</p> <p>Questionnaires may be undertaken.</p> <p>Formal consultation with Natural England, Heritage England and the Environment Agency on the SEA/SA Scoping Report.</p>
<p><b>Preparation of the Local Plan</b></p> <p>At this stage, the Council will set out the key issues and options for addressing them, with preferred options where appropriate. It may include draft policies.</p>	<p>Initial SEA/SA report.</p>	<p>Public consultation on the scope of the local plan, issues and options and, where identified, preferred options, as well as on the initial SEA/SA report.</p> <p>Wide-ranging publicity as well as public notices will advertise the public consultation, which may also be supported by events.</p>

<sup>1</sup> See paragraph 3.16

Progress of the Plan	Progress of the SEA/SA <sup>1</sup>	Opportunities for involvement
At this stage, the document is approved for the purposes of public consultation.		<i>An additional consultation period may be held on further policy approaches or sites that are reasonable options but have not previously been considered</i>
<p><b>Publication of the proposed Submission Plan</b></p> <p>This is the final draft Plan that takes account of comments made during the previous public consultation on options. Responses to comments made are contained in a separate 'consultation statement'.</p> <p>This is the plan that the Council proposes to adopt.</p>	Final SEA/SA Report, taking into account changes arising following consultation.	<p>Formal minimum six-week period for representations on proposed Submission Plan and final SEA/SA Report.</p> <p>Formal adverts and notifications will be sent to consultees and others who have asked to be kept informed.</p> <p>Representations at this stage must relate to specific tests of the soundness of the plan. They will be forwarded for consideration by an independent inspector who will examine the plan.</p> <p><i>NB Comments made in response to consultation on an earlier version are not carried forward. If anyone is not satisfied with the latest version, they need to respond again.</i></p> <p><i>If, following receipt of representations, the Council believes that main changes are necessary before submission for examination, there would be a further opportunity to comment on those.</i></p>
<p><b>Examination</b></p> <p>The Council submit the Plan (including Policies Map if relevant), SEA/SA Report, Consultation Statement, supporting documents and the representations made to the Inspector.</p> <p><b>Main Modifications</b></p> <p><i>If during the examination, the Inspector advises that changes are needed to the Plan to achieve soundness, the Council may propose such modifications.</i></p>		<p>Examination in public, during which all representations are considered by the inspector. He/she may hold hearing sessions, to which participants will be invited.</p> <p>Written submissions carry equal weight to those presented at hearings.</p> <p><i>Public consultation on any proposed main modifications and, if needed, any changes to the SEA/SA Report. The arrangements for this would be agreed with the inspector.</i></p>
<p><b>Adoption</b></p> <p>Upon receipt of a favourable Inspector's Report, the Council may adopt the Local Plan.</p>		There is a six-week period for legal challenge after adoption. (Legal advice is urged if this is being considered.)

**b) Supplementary Planning Documents**

**Table B – Supplementary Planning Documents**

<b>Progress of the SPD</b>	<b>Progress of the SEA/SA</b>	<b>Opportunities for public involvement</b>
<p><b>Pre-Production</b></p> <p>Baseline information and evidence gathering.</p> <p>Undertake further technical work; identify reasonable options.</p>	<p>Screening to determine whether a SEA/SA is required.</p> <p>If so, publish Scoping Report.</p>	<p>Targeted informal community involvement on scope and content of SPD, dependent upon subject matter, as well as consultation with relevant agencies, service providers and, where appropriate, Parish/Town Councils.</p>
<p><b>Production of a Draft SPD</b></p> <p>This will identify the basis of preferred options, for public consultation.</p>	<p>SEA/SA Report if required, although this will only rarely be the case.</p>	<p>Minimum 4-week public consultation period on draft SPD and SEA/SA report.</p> <p>Depending on the nature of the SPD, local publicity as well as public notices will advertise the public consultation, which may also be supported by events.</p> <p>Further consultation may be undertaken if responses lead to a significant change of direction.</p>
<p><b>Adoption of the SPD</b></p> <p>This is the final document, including any revisions in light of consultation on draft and sustainability report.</p>		

## c) Neighbourhood Plans

Table C - Key Stages of Production of Neighbourhood Development Plan

Progress of a Neighbourhood Plan	Progress of a SEA/SA	Opportunities for public involvement	
		Parish/town council, or neighbourhood forum <sup>2</sup>	Rother District Council
<p><b>Designation of a neighbourhood area (and, if appropriate, neighbourhood forum)</b> A Parish/Town Council/ Neighbourhood Forum applies to the District Council to designate the Neighbourhood Plan area.</p>	<p>A Sustainability Appraisal (SA) is not required for a Neighbourhood Plan, although a Strategic Environmental Assessment (SEA) may be required – see below. However, a SA may be prepared, which may encompass the SEA, at the qualifying body's discretion.</p>	<p>Before submitting an application to designate the neighbourhood area, the Parish/Town Council or neighbourhood forum may decide to consult with the local community about preparing a Neighbourhood Plan.</p>	<p>No consultation is required if the area proposed is the whole of a single Parish, as the Council must designate the area.</p> <p>However, if the area differs from the parish boundary, or is for a Neighbourhood Forum, the Council will consult on the application for not less than six weeks.</p> <p>A neighbourhood area designation (or decision) will be publicised on the Council's website.</p>
<p><b>Preparing the Plan - by the local Parish/Town Council or Neighbourhood Forum</b></p> <p>This includes the gathering of baseline information and evidence, including normally through surveys, determining the scope of the plan, drafting its vision and objectives and considering options.</p>	<p>The qualifying body requests a SEA Screening Opinion from the Council to determine if the Plan is likely to have significant environmental effects. Following consultation with statutory environmental bodies, the Council will advise whether a SEA is necessary, within 5 weeks.</p>	<p>It is expected that there will be consultation with the local community, including residents, businesses, local groups, organisations and others with an interest in the Neighbourhood Plan, as appropriate, in order to inform its preparation.</p>	

<sup>2</sup> Regulations refer to each of these as the 'qualifying body'

Progress of a Neighbourhood Plan	Progress of a SEA/SA	Opportunities for public involvement	
		Parish/town council, or neighbourhood forum <sup>2</sup>	Rother District Council
<p><b>Production of, and consultation on, the 'Pre-Submission' (Draft) Neighbourhood Plan</b></p> <p>This is the qualifying body's formal draft version of a Neighbourhood Plan, including draft polices and, if appropriate, site allocations.</p> <p>Background documents that have informed the Plan should also be published.</p>	<p>A draft SEA, if required, should be published alongside the Draft Plan.</p>	<p>A public consultation of at least 6 weeks must be carried out by the qualifying body on the Pre-Submission Plan and, if prepared, the SEA.</p> <p>It must publicise the plan within the area and consult the consultation bodies<sup>3</sup> whose interests may be affected by the proposals and send a copy of the proposals to the District Council.</p> <p>Written comments are invited, possibly on a comments form.</p>	
<p><b>Submission and publication of the Neighbourhood Plan</b></p> <p>Having considered the consultation responses this is the final draft version of the Plan approved by the Town/Parish Council, or Neighbourhood Forum.</p> <p>It is submitted, together with supporting documents, including a consultation statement 'basic conditions statement', and, where applicable, a SEA, to the Council for checking completeness of the documents.</p>	<p>A final draft SEA, if required, should be published alongside the Submission Neighbourhood Plan.</p>		<p>The Council will carry out a public consultation on the Submission Plan (and the SEA, where applicable) and invite written representations over a period of at least 6 weeks. It will:</p> <ul style="list-style-type: none"> <li>- Publicise the Neighbourhood Plan on its website and ask the qualifying body to do the same;</li> <li>- Contact any consultation bodies who are referred to in the Consultation Statement;</li> <li>- Make copies of the Neighbourhood Plan available at relevant Contact Centres.</li> </ul>

<sup>3</sup> As set out in paragraph 1 of Schedule 1 of the Neighbourhood Planning (General ) Regulations 2012

Progress of a Neighbourhood Plan	Progress of a SEA/SA	Opportunities for public involvement	
		Parish/town council, or neighbourhood forum <sup>2</sup>	Rother District Council
NB From this point, the Council is responsible for carrying out public consultation and the subsequent stages.			
<p><b>Independent Examination and Decision</b></p> <p>Having collated and summarised all duly-made representations, the Council submits the Plan and supporting documents to the examiner (who will have been appointed with the agreement of the qualifying body).</p> <p>Details of the examination process are shown in the final column.</p> <p>The examiner will check that it meets the basic conditions. If the plan does not, he/she may recommend changes. He/she will also recommend on the referendum area.</p> <p>On receipt of the examiner's report, if the Council is satisfied that the basic conditions (with any recommended changes) are met, it will decide that the Plan can proceed to referendum. If not, it may propose alternative changes or reject the Plan.</p>	<p>The Examiner will assess whether the SEA meets the legal requirements and consider how it has informed the Plan. Exceptionally, he/she may ask for further work to be done.</p>		<p>Examination is normally by consideration of the submission documents and the written representations on the Submission Plan.</p> <p>In the event the Examiner decides that a hearing is necessary, then relevant parties will be invited to present their views on the issues/policies which he/she believes need further, oral evidence.</p> <p>The Council will publish the Examination documents, including any hearing statements, on its website.</p> <p>Also, if the examiner requires further material to be produced, this will also be published and may trigger further consultation. The Council will publicise its decision on the examiner's report on its website within five weeks of the publication of the Examiners Report.</p>

Progress of a Neighbourhood Plan	Progress of a SEA/SA	Opportunities for public involvement	
		Parish/town council, or neighbourhood forum <sup>2</sup>	Rother District Council
<p><b>Neighbourhood Plan Referendum</b></p> <p>Within 56 working days of the Council's decision to put a Neighbourhood Plan forward to referendum, it must arrange for the referendum to be held.</p> <p>The process is similar to that of a local election, but subject to its own regulations.</p> <p>The Council will make arrangements for the referendum and make all the information concerning the referendum, including the referendum version of the Neighbourhood Plan and supporting papers, available to the public via its website and at its main offices.</p> <p>The Counting Officer is responsible for conducting the referendum.</p>		<p>A qualifying body can raise awareness of the referendum through publication of neutral publicity material.</p>	<p>Eligible electors who are living within the neighbourhood area boundaries will be entitled to vote in the referendum. [*Usually, the referendum area is the area of the neighbourhood plan, unless it is amended by the examiner.]</p> <p>Once the result of the referendum is declared by the Counting Officer, it will be made available on the Council's website.</p>
<p><b>Making (adopting) the Neighbourhood Plan</b></p> <p>If more than 50 per cent of people voting in the referendum support the plan, then the Council must 'make' (adopt) the Plan within 8 weeks of the referendum.</p> <p>A Plan comes into force following successful referendum and forms part of the Local Plan.</p>	<p>A post-adoption SEA Statement is required to be produced as soon as practicable after the decision to make the Plan. This will be published on the Council's website.</p>		<p>As soon as possible after deciding to make the Neighbourhood Plan, the Council will publicise its decision on its website and will notify the qualifying body and any person who asked to be notified of the decision.</p>

### **Advice and assistance in relation to neighbourhood planning**

- 3.15. Up to the submission of the final draft (Submission) Neighbourhood Plan, it is the relevant Town or Parish Council (or Neighbourhood Forum) that is responsible for its preparation. However, the District Council will provide advice and support throughout the process in accordance recent legislation<sup>4</sup>.
- 3.16. Over and above the functions set out in the previous section, the Council will support the production of Neighbourhood Plans by the following:
- Identifying a nominated officer as the principal point of contact
  - Explaining the procedures involved with the preparation of a Neighbourhood Plan to an interested or existing qualifying body
  - Providing information, including environmental designations, to inform the preparation of a Neighbourhood Plan
  - By highlighting the relevant strategic policies of the Council
  - Advising on the need for, and undertaking early, Screening assessments<sup>5</sup>
  - Identifying potential issues around compliance with the Local Plan and national policy
  - Providing feedback on emerging and draft Neighbourhood Plans and SEAs
  - Arranging the timely appointment of an external examiner
  - appointing a 'programme officer' to manage the examination process where a hearing is proposed by the appointed examiner
- 3.17. In accordance with the Neighbourhood Planning Act 2017, the Council, as local planning authority, will notify the qualifying body of relevant planning applications where a neighbourhood plan in force.
- 3.18. Further information about neighbourhood plans is viewable on the Council's ['Neighbourhood Plans'](#) webpage.

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<sup>4</sup> Section 6 of the Neighbourhood Planning Act 2017

<sup>5</sup> The Council will also provide a Habitats Regulations Assessment Screening, where appropriate.

### Approach to consultations and engagement

- 3.19. Regulations<sup>6</sup> provide basic requirements for consultation, including specifying a number of bodies which local planning authorities must consult when preparing planning policy documents. These include ‘*specific consultation bodies*’ and various types of ‘*general consultation bodies*’ namely voluntary bodies active in the area and those bodies which represent the interests of different racial, ethnic or national groups, different religious groups, disabled persons, and of persons carrying on business in the area.
- 3.20. The full range of organisations and individuals who should be involved in developing planning policy can be categorised into the following groupings:

**A – Local groups and individuals.** This group includes residents, community groups, voluntary groups and specific interest groups (for example chambers of commerce, conservation societies) as well as interested individuals.

**B – Parish and town councils, adjoining parish councils.** Town and Parish Councils have a particular role to play in representing the views of their communities in the planning process.

**C – Utility and service providers.** This group includes water, sewerage, gas and electricity companies, health providers and emergency services.

**D – Government bodies/neighbouring local authorities and collaborative bodies.** This group includes the South East Local Enterprise Partnership, the High Weald Joint Advisory Committee and the East Sussex Local Nature Partnership, as well as East Sussex County Council, neighbouring district and borough councils and relevant Government departments.

The ‘duty to cooperate’ introduced in the Localism Act 2011<sup>7</sup> and reflected in the NPPF, gives added emphasis to constructive and ongoing cooperation with neighbouring councils and other public bodies to ensure that strategic issues are appropriately addressed across local authority boundaries. There needs to be particular collaboration with Hastings Borough Council given common economic and housing markets.

**E – East Sussex and Rother Local Strategic Partnerships**

**F – National organisations and agencies.** There are a range of national organisations and agencies which have specialist expertise to input. Examples of such groups are Heritage England, Natural England, the Environment Agency, Highways England and Sports England.

**G – Developers, landowners, planning consultants**

- 3.21. A full list of consultees, set out in the groups identified above, which the Council will contact as part of any relevant public consultation on an emerging planning policy document is held by the Council. This is a “live” list as it is subject to continuous update and change. Organisations and individuals can contact the Council at any time to add, amend or remove their details.

<sup>6</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended)

<sup>7</sup> Section 110 of the Localism Act, incorporated into Section 33A of the Planning and Compulsory Purchase Act 2004

3.22. The range of methods that will or may be used to help inform and engage the community about planning policy formulation are:

- **Web-based consultation.** The Council will advertise all consultations on its website, with full details and relevant documents available to view on dedicated pages, accessible via [www.rother.gov.uk/planningpolicy](http://www.rother.gov.uk/planningpolicy). (NB A facility is provided to listen to the website. This is clearly marked by the word '**Listen**' on the top right hand of the webpages.)
- **Written notifications.** The Council will make direct contact by email or letter with known consultation bodies and those who have asked to be notified that a consultation is taking place and will invite participation in that consultation. Details of the consultation, including the availability of documents, will be explained within the notification.

Organisations and individuals can ask to be added to the consultation list at any time by contacting the Planning Policy team by email to [planning.strategy@rother.gov.uk](mailto:planning.strategy@rother.gov.uk) or by calling 01424 787637.

- **Making documents available.** As well as publishing draft documents and supporting material online (see above), hard copies will be made available for inspection at the Town Hall, Bexhill-on Sea. They will also be available to view online via public access computers at Battle and Rye libraries. Consultation documents will also be available to purchase, at 'cost' price.

Documents can be provided in large print, Braille, on audio tape or CD, and translated into other languages upon request.

- **Public notices.** Public notices will be placed on the Council's website and, where appropriate, in local newspapers at key stages of plan production.
- **My Alerts.** 'My Alerts' is a weekly email service providing information for Rother residents and businesses. Notice of consultations will be included in these. To subscribe, go to <http://www.rother.gov.uk/article/10728/My-Alerts>
- **Social media.** The Council makes use of social media and will post information via its Twitter and Facebook accounts [www.facebook.com/RotherDC](http://www.facebook.com/RotherDC) and @RotherDC and/or @RDCconsult respectively. However, during formal consultations, comments will not be accepted via social media.
- **Press releases/briefings.** Newspaper features may be promoted via press releases and/or briefings to convey information about the scope and timing of consultations to a wide audience.
- **Posters/Leaflets.** Dedicated posters and/or leaflets may be used to gain wider public awareness of a consultation.
- **Exhibitions.** Exhibitions may be held to convey information about an emerging policy document and both publicise the opportunity for public involvement and enable face-to-face discussion about issues and options.
- **Meetings/Focus Groups.** These may be selectively used as a means of bringing different perspectives together to discuss a particular theme in a structured way. Meetings may be appropriate to discuss issues of a technical nature, such as with specific statutory bodies and service providers, or with key stakeholder groups, including Parish Councils.

- 3.23. Whenever a public exhibition or meeting is held, the venue chosen should have disabled access and be located as conveniently as possible for the expected audience.

### **Comments and formal representations**

- 3.24. In relation to making comments and representations:
- Comments/representation forms will normally be provided.
  - The Council will normally facilitate, and encourage, comments to be submitted via its online consultation system, the link to which will be made available on the website in relation to the relevant consultation. (This makes it easy to keep a record of views submitted and be in a form that allows them to be readily considered by the Council.)
  - Comments may be submitted in writing and submitting either by email or by post.
  - All comments received during formal consultations will be acknowledged.
  - The use of representation forms will be expected when making formal representations on 'Proposed Submission' plans (see below), as they should address the specific tests which a local plan is assessed against.
  - A clear deadline for the receipt of comments will be given. Comments must be received by the date/time given.

### **Consideration and feedback**

- 3.25. An important aspect of community involvement is to offer feedback to those who have taken the trouble to be involved in shaping plans.
- 3.26. 'Consultation statements' will be compiled identifying the nature and extent of comments/representations made on emerging plans. These will be available on the Council's website and in hard copy at the Town Hall, Bexhill. These will also show how the Council has effectively engaged to plan for cross-boundary matters under the 'duty to cooperate'.
- 3.27. The Council will take account of the comments made in progressing planning policy documents and will give reasons for its decisions in the light of comments made. This reasoning will be contained within Consultation Statements.
- 3.28. At the 'submission' stage of Local Plan preparation, regulations provide for representations to be considered during the examination process, so feedback is not normally given prior to the examination.

## 4. Development Management

- 4.1. This section sets out how the Council makes information on planning applications available to the public and how comments on such applications can be made. Reference to 'planning applications' here is taken to include all other associated applications, including those relating to listed buildings, advertisements, preserved trees and some 'prior notification'<sup>8</sup> procedures and 'permission in principle' applications.
- 4.2. Consultation, publicity and notification on planning applications is carried out in accordance with the statutory requirements set out in the Town & Country Planning (General Development Procedure) (England) Order 2015.
- 4.3. General guidance about the procedures for dealing with planning applications is set out in the Council's **Planning Handbook**. It is free of charge and can be downloaded from the Council's website at ([www.rother.gov.uk/planning](http://www.rother.gov.uk/planning)). Detailed guidance on what 'planning considerations' are, can also be found on the Council's website at [www.rother.gov.uk/planning](http://www.rother.gov.uk/planning). There is also a specific guidance booklet for Parish and Town Councils.
- 4.4. The Council's current procedures for consultation, publicity and notification are set out in the following sections.

### Pre-application stage

- 4.5. Potential applicants are encouraged to seek advice from the Council on their proposals prior to formally submitting an application. There is a charge for this service. Full details of this service and the scale of charges can be found on the Council's website at <http://www.rother.gov.uk/article/8842/Pre-application-advice-and-fees>
- 4.6. Seeking pre-application advice helps to identify issues at an early stage with the view that they can be rectified before the application is submitted, thereby speeding up the application process. Advice on more straightforward proposals and householder applications will normally be provided in a letter. The planning officer may judge that more complex proposals would merit discussion at a meeting. Meetings are held wholly at the discretion of the Council. Such discussions may also usefully involve other agencies, such as the highways authority, and other Council officers such as those representing Housing or Environmental Health.
- 4.7. Where a proposal is for a major development<sup>9</sup>, or where the site is a sensitive one, or where the proposal is likely to cause significant controversy or where it will impact upon a number of people, potential applicants are encouraged to undertake publicity and consultation with the local community prior to the submission of the planning application.
- 4.8. This process can serve to inform interested parties about the nature and scale of the proposals and forewarn the potential applicant of local concerns which may need to be addressed prior to submission. The Council will expect such

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<sup>8</sup> Prior notification procedures relate to matters where no full planning application is necessary but where an applicant is required to submit information to the Council in advance of the development.

<sup>9</sup> Major development is defined as that which relates to 10 or more new dwellings or a site area equal or greater than 0.5ha or other development with gross floorspace equal to or greater than 1,000sqm or site area equal to or greater than 1ha.

consultations to be carried out at the applicant's expense and in a fair and inclusive manner which adds real value to the planning application process.

#### **Availability of planning applications and statutory publicity**

- 4.9. Details of all planning applications (other than some 'prior notifications' and applications for Certificates of Lawfulness of Proposed Development) are posted on the Council's website. The website is updated with any subsequent correspondence from the applicant, from statutory consultees or from other third parties. Applicants and other interested parties are therefore able to track the progress of an application directly via the website. The Council keeps under review opportunities to extend the amount of information held on the website, with the aim of maximising overall levels of accessibility.
- 4.10. A Weekly List of all applications is produced and is available on the website. In addition, the 'My Alerts' weekly email service (see paragraph 3.12 above) identifies all planning applications as they are received within 400 metres of the recipient's address.
- 4.11. The statutory publicity for planning applications is undertaken by the posting of a pink 'Planning Notice' on or adjoining each application site. The posting of a Notice is intended to advise immediate neighbours and the public generally of current applications. The initial statutory period of notification is normally 21 days, 14 days for permission in principle applications. The Notice gives the application reference, the description of development and indicates where the application can be inspected. Applications can be inspected at any time on the website, as well as via public access computers during normal office hours at the following premises:
- Town Hall, Bexhill
  - Battle Library Market Square, Battle
  - Rye Library, High Street, Rye
- 4.12. Some types of applications must also be advertised in local newspapers, including all major applications and those affecting listed buildings or conservation areas. Details of applications which must be statutorily advertised in local newspapers appear in the Bexhill, Battle and Rye Observer and the Kent & East Sussex Courier<sup>10</sup>. In addition, there is discretion to use a public notice in a newspaper to publicise an application which may have more widespread interest or implications.
- 4.13. Any comments on planning applications can be made during the consultation period through the link on the Council's website [www.rother.gov.uk/planning](http://www.rother.gov.uk/planning) or be forwarded in writing to the Head of Service Strategy and Planning at Rother District Council, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX. The Local Government (Access to Information) Act 1985 provides that letters submitted regarding a planning application cannot be confidential and must be made available for public inspection. All comments received in relation to planning applications are scanned and posted on the website.
- 4.14. The Local Planning Authority also notifies each Parish or Town Council by email of planning applications or applications for listed building or conservation

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<sup>10</sup> In relation to application applications in Ticehurst parish only.

area consent, advertisement consent and applications for work to protected trees within their boundaries.

- 4.15. East Sussex County Council is consulted on applications affecting notified sites such as minerals consultation areas and waste consultation areas. Other service providers are also consulted on appropriate applications.
- 4.16. When plans are amended during the course of an application or further information is submitted by the applicant the Council will use its discretion in terms of any re-notification necessary. The Council is likely to re-notify where there is a significant effect on third parties, or where the amendment is significant and beyond the terms of the original application.

### **Planning Committee**

- 4.17. The Council's Planning Committee, which comprises elected Members of the District Council, is held in public every four weeks. The Committee determines those applications not considered under the delegated authority to officers (see Scheme of Delegation below) and will generally consider the more major, complex or controversial planning applications.
- 4.18. The agenda of the Committee is available on the Council's website at least 5 days before each meeting at <http://www.rother.gov.uk/article/308/Planning-Committee>. Printed copies of the agenda can be obtained from the Town Hall, Bexhill in advance of the meeting at a charge, with copies available free of charge for viewing at the meeting. The agenda includes reports on the individual planning applications being considered.
- 4.19. All comments received during the course of the application are summarised in the report and more complex correspondence may also be copied in full and appended to the report. Committee Members consider the comments received when making a decision on an individual application and all consultation responses and comments on planning applications can be viewed in full by Members on the Council's website. Any additional comments concerning an application on the agenda must be received by 9am on the Monday before the Thursday meeting if they are to be considered by the Planning Committee.
- 4.20. Where a petition of objection or support has been submitted in respect of an application *AND* that petition relates to an application where the final decision is to be taken by the Planning Committee, the Council allows the opportunity for the public to address the Planning Committee. Any petition submitted will become a public document and will be published on the internet, although all signatures will be redacted from the petition before it is posted publicly on the Council's website. The Head Petitioner(s) or a nominated representative for the petitioners as well as the applicant's agent (or the applicant where no agent is employed) will be invited, by letter/email, to speak at the Planning Committee meeting normally about one week before. At that time speakers will also be advised of the procedures for speaking at the Planning Committee meeting.
- 4.21. At the Planning Committee meeting the Head Petitioner against the application will be invited by the Committee Chairman to address the Committee first, for a maximum of five minutes. At the end of the five minutes allotted speaking time the Chairman will permit Members to ask questions of the speaker relating to any points made. This process will be repeated for any petitioner attending in support of the application and finally for the applicant or

spokesperson for the applicant. A petitioner in favour of an application and the applicant/agent may be invited to speak even when there is no petition against the application. Where two (or more) petitions of support or objection have been received relating to the same application, and the matter is being reported to Committee, the Head Petitioners will be invited beforehand to decide together on a single spokesperson to present the case for both.

- 4.22. For further details on Public Speaking at Planning Committee please see the Council's website at <http://www.rother.gov.uk/speakingatplanningcommittee>
- 4.23. Ward Members are permitted to address the Planning Committee to make public views known as part of the consideration of a planning application. Members of the public are able to find contact details of their local Ward Members at: <http://www.rother.gov.uk/article/6828/Who-is-my-councillor>

### **Scheme of Delegation**

- 4.24. The majority of applications can be determined by the Head of Service Strategy and Planning under 'delegated authority'. Such applications are not reported to the Planning Committee.
- 4.25. Officers may consider it appropriate for a planning application to be determined by the Planning Committee where the proposal is of a large scale, or is a controversial scheme, or because it raises significant planning policy issues. Members can also request (using a procedure form setting out reasons) that a particular application be reported to Committee.
- 4.26. All applications relating to land in which the Council has an interest (and including that of serving Councillors and Officers) must be determined by the Planning Committee.
- 4.27. Apart from identified Planning Committee applications, applications can be considered by officers and determined under the delegated scheme; that is:
- An application can be granted/approved provided that no objections on material planning grounds have been received.
  - An application can be refused provided no material conflicting views have been received from the Parish/Town Council or formal consultees.
- 4.28. In circumstances where the Parish or Town Council's view is contrary to the officers' intended recommendation, or where material planning objections have been raised by third parties, all Councillors are notified of the consultation responses received and of the officers' recommendation via an electronic report (the 'Notified-D' procedure), before any decision is made. In such cases Councillors have 5 days in which to request that the application be referred to the next available Planning Committee using a procedure form setting out reasons. If no such request is made, the application is determined in accordance with the officers' recommendation.
- 4.29. When a decision is delegated, a report is produced which summarises the consultation responses received, the officers' consideration and the intended decision, along with conditions. This report is retained on the planning application file and is published on the Council's website once the application has been determined.

- 4.30. As set out above, all comments received on an individual planning application, including those from statutory consultees, are posted on the Council's website as soon as possible after they are received.

### **Permission in Principle**

- 4.31. Permission in Principle (PiP) is an alternative way to obtain planning consent which only establishes the principle of development on sites.
- 4.32. Local planning authorities can grant permission in principle to a site upon receipt of a valid application or by entering a site in Part 2 of its Brownfield Land Register<sup>11</sup> which will trigger a grant of PiP for that land providing the statutory requirements set out in [Town and Country Planning \(Permission in Principle\) Order 2017](#) (as amended) and the [Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) are met.
- 4.33. Following a grant of PiP, the site must receive a grant of 'technical details consent' before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. Technical details consent can be obtained following submission of a valid application to the local planning authority.
- 4.34. The consultation that must be undertaken before sites can be granted permission in principle is set out in the [Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) for suitable sites on Brownfield Land Registers, and in the [Town and Country Planning \(Permission in Principle\) Order 2017](#) (as amended) when permission in principle is sought by application. In both situations, local planning authorities must consult bodies identified in [Schedule 4 to the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) if in their opinion the land within the site falls within the prescribed category, and take in to account any responses received. Local planning authorities must also consult any body that they would have been required to [consult in relation to an application for planning permission](#).
- 4.35. During the process of seeking PiP through a valid application, the public, statutory consultees and other interested parties are consulted and have 14 days to respond, unless, in the case of statutory consultees, they agree a longer period in writing with the case officer.
- 4.36. The second stage (or technical details consent stage) is when the detailed development proposals are assessed. The publicity requirements for technical details consent applications mirrors the approach taken for planning applications.
- 4.37. The time period for making comments will be set out in within the relevant publicity notices which include the required notices on the site and on the

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<sup>11</sup> Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 requires local planning authorities in England to prepare, maintain and publish registers of previously developed (brownfield) land. Registers comprise of two parts. Part 1 comprises all brownfield sites appropriate for residential development or residential-led development and Part 2 being those sites granted permission in principle.

Council's website. For site notices this will be not less than 21 days for Brownfield Land Register sites and 14 days for applications. For online notices, the same period of 14 days applies to permission in principle made by application or proposed through Brownfield Land Registers.

- 4.38. On the first publication of the Brownfield Land Register, where multiple sites may be proposed for a grant of permission in principle by entering them onto Part 2 of the register, statutory consultees should provide a substantive response to a proposal within 42 days. Thereafter, where statutory consultation is required in relation to a site proposed for a grant of permission in principle, statutory consultees have 21 days to respond to a proposal.
- 4.39. The Brownfield Land Register Regulations (2017) set out the publicity and consultation specifications for sites that are considered for a grant of PiP and then included in Part 2 of the Register. These specifications include:
- Publicise by site notice and on the Council's website for a period not less than 21 days, and
  - Notify relevant bodies if certain conditions apply, such as
    - if the site is within 10m of railway land,
    - specific requests that have been made by a Parish Council or neighbourhood forum,
    - those persons, bodies or authorities that fall within a category set out in the Table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015, or
    - at the local planning authority's discretion, any other person, bodies or authority that the local planning authority considers should be informed.

### **Decision Notices**

- 4.40. Parish and Town Councils are sent, by email, copies of the decision notices for the applications that fall within their area. All decision notices are posted on the website.

### **Feedback**

- 4.41. The Council holds a Planning Agents' Forum around once a year to update local planning agents on recent or forthcoming changes and also to receive feedback on the operation of the planning service.
- 4.42. A similar event takes place for Parish and Town Councils to exchange information on general planning matters at the Parish Planning Seminar.

### **Appeals**

- 4.43. When a planning or other application is refused planning permission or consent, the applicant may choose to appeal against that decision and have the case considered by the Planning Inspectorate.
- 4.44. For an appeal which is being heard by means of written representations or by means of an informal hearing, the Council will send letters to all those who commented on the original planning application informing them of the appeal and inviting them to make any further submissions they may wish to the Planning Inspectorate.

- 4.45. For public inquiries, as well as informing any original objectors, an advertisement is also placed in the public notices section of a local newspaper and the applicant is required to place a notice on the appeal site.
- 4.46. For an appeal into an enforcement matter, the Council will aim to inform, by letter, those who may have an interest in the appeal and wish to express their view. This is the case whether the appeal is being heard by written representations, informal hearing or by public inquiry.

## **5. Monitoring and Reviewing the of the Statement of Community Involvement (SCI)**

- 5.1. The approaches set out in the SCI to inform and involve the community in planning policy preparation will be monitored for their effectiveness. In particular, account will be taken of the overall number and types of participants involved as documents are progressed and any feedback received about the success or otherwise of the involvement techniques used.
- 5.2. Changes to the SCI may be instigated by further revisions of the Regulations which govern publicity and involvement in the planning policy preparation and planning application processes.
- 5.3. These changes will be reported on as part of the publication of the Local Plan Monitoring Report.
- 5.4. The Council will review the Statement of Community Involvement every five years as stated in Regulation 10A (1) (b) of The Town and Country Planning (Local Planning) (England) (Amendments) Regulations 2017<sup>12</sup>.

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<sup>12</sup> <http://www.legislation.gov.uk/uksi/2017/1244/made>