

Statement of Community Involvement

How local people and others can get involved in planning



CONSULTATION DRAFT

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

Please telephone **01424 787668** or email
planning.strategy@rother.gov.uk

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Due to the current Coronavirus Pandemic this document should be read in conjunction with the [temporary Coronavirus Addendum](#). The temporary Addendum identifies methods of community engagement within this document that are not practicable at this time, while setting out temporary measures to ensure that the Council's Strategy and Planning Service can safely continue to carry out its various functions for which it is responsible.

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 previous SCI, which was adopted in December 2018, to explain the consultation processes as part of the Council's new Local Plan 2019-2039. Development of the new Local Plan gives an additional emphasis to early (pre-production) engagement, and this SCI update sets out in more detail what this engagement will involve for future Local Plans. This SCI also covers a new provision for pre-applicants to present their development proposals to planning committee and other members, which will be recommended by officers where the proposed development may be of a sensitive nature, likely to draw significant controversy, or impact several people.
- 1.5 It is important to note that in accordance with Government guidance, the Council has produced a [temporary Coronavirus Addendum](#) (originally published in August 2020) to identify methods of community engagement that are not practicable at this time, while setting out temporary measures to ensure that the Council's Strategy and Planning Service can safely continue to carry out its various functions for which it is responsible.

- 1.6 This Addendum identifies methods of engagement set out in the SCI which are not practicable under the conditions of the coronavirus¹ pandemic, such as those requiring face-to-face contact and shared handling of documents, whilst setting out alternative methods of engagement that may be used in order that plan making can continue during this time. In addition, where the pandemic has impacted upon workloads, the Council may, where necessary, suspend any of its discretionary engagement and services to safeguard its statutory duties. There may be further temporary minor changes made to the SCI without public consultation due to the changing nature of the ongoing Pandemic. Should further changes be necessary these will also be reflected in an update to the temporary Coronavirus Addendum.
- 1.7 The following Section (2) sets out the Council's **General Principles** for consultation, which remain as previously.
- 1.8 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, as well as a section on the preparation of Neighbourhood Plans.
- 1.9 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.
- 1.10 The final Section 5 highlights how and when **monitoring and review of the Statement of Community Involvement (SCI)** will take place.

¹ "coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

2. General Principles

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

Consultation Charter

- 2.2 The Council has a Consultation Charter which identifies several 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 in a separate document, 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 members of the community. 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 consider 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.
- 2.6 The Coronavirus pandemic has seen an expansion of the use of online technologies to the way that we work and communicate. Whilst the end of the pandemic will see a return to the full range of engagement methods as set out in this SCI, the Council will also look to capitalise on the increased opportunities for wider engagement that these new online platforms have provided.

Making comments and their availability

- 2.7 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 email addresses online. Where such personal information has been provided in correspondence to the Council, then this information will be redacted before it is published publicly.
- 2.8 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 libelous, defamatory, threatening, abusive or likely to incite racial hatred.

Consideration of comments

- 2.9 All comments made in response to consultations on planning policy documents and on planning applications will be considered in decision-making where they relate to ‘material considerations’. Guidance on what constitutes ‘material considerations’ for planning purposes is outlined in Section 4 of this document. 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 adopted **Local Plan** covers the period up to 2028 and is set out in the following documents.
 - 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 Local Plan \(DaSA\)**](#), which allocates sites for development and contains detailed policies to elaborate on those in the Core Strategy (“Part 2”)
 - Remaining extant policies from the [**2006 Local Plan**](#). These extant policies consist of site allocations and development boundaries within Neighbourhood Plan areas where a neighbourhood plan is not yet in place.
- 3.3 The Council has commenced the process of developing a new Local Plan, which will cover the period up to 2039. It is expected that the new Local Plan will embrace the development strategy and key site allocations in a single document.
- 3.4 The significance of the ‘Duty to Cooperate’ (DtC) as introduced in the Localism Act 2011² means that the Council places particular importance on ‘early and continual effective engagement’ in respect of all stages in the production of the Local Plan. Emerging Government policy³ has also stated its intention to require Local Plans to ‘front-load’ the engagement process to facilitate the wider community having a more significant role in shaping new policy at the earliest stage.

² Section 110 of the Localism Act, incorporated into Section 33A of the Planning and Compulsory Purchase Act 2004

³ [The Government White Paper Planning for the Future – August 2020](#)

- 3.5 Details of DtC engagement are recorded and evidenced in a Consultation and Engagement Statement, produced in support of the Local Plan at submission stage. The Council will publish a series of draft Statements of Common Ground (SoCG) or Statements of Intent, in advance of the formal Regulation 18 stage consultation, and final SoCGs will be published by the time the Proposed Submission draft plan is published (Regulation 19 stage).
- 3.6 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.
- 3.7 ***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 are 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.
- 3.8 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.
- 3.9 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/mineralsand_waste/

Other planning documents

- 3.10 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. Supplementary Planning Documents (SPD) do not usually require such an assessment because they will normally relate to a policy or site that has undergone an SA/SEA as part of the Local Plan. Neighbourhood Plans must be supported by an accompanying SEA where it has been assessed that the Neighbourhood Plan's policies are likely to have significant environmental effects. A SA/SEA Report is itself subject to public consultation; hence, the tables below also highlight the various stages of the SA/SEA process.
- 3.11 There is no legislative requirement for Statements of Community Involvement (SCI) to be subject to consultation, however it is considered good practice for councils to inform the public of updates that are intended to be made to the SCI. The Council has considered that its SCI will be subject to consultation, except under exceptional circumstances such as emergency amendments where it would be ineffective to do so. The consultation process for the SCI 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.
- 3.12 The programme for preparing the Local Plan, SPDs and the SCI is set out in the Council's [Local Development Scheme](#) (LDS) which is updated at regular intervals in relation to the delivery of the Local Plan.
- 3.13 In addition to these documents, the Council also publishes a CIL Charging Schedule. The Council has adopted a [Community Infrastructure Levy \(CIL\)](#) to raise contributions for the provision of new infrastructure to support sustainable growth. The [CIL Charging Schedule](#) sets out the levy that applies to specified types of development, subject to exemptions set out in regulations. Like a draft Local Plan, the consultation on a Draft CIL Charging Schedule is subject to statutory consultation followed by Independent Examination.

- 3.14 In the preparation and support of the Local Plan, the Council also publishes several other documents including, background evidence documents, monitoring reports, the Brownfield Land Register, the Housing Delivery Action Plan, the Infrastructure Delivery Plan and the Local Development Scheme. These documents do not require public consultation.
- 3.15 The below table summarises the planning policy documents for which it is a statutory requirement to undertake public consultation, where the council has the option to undertake consultation subject to Council policy, and documents that are not subject to consultation.

Figure 1 – Planning policy documents and consultation

Documents where public consultation is a statutory requirement
Development Plan Documents: <ul style="list-style-type: none"> • Local Plan (including SA/SEA) • Neighbourhood Plans (including SEA if required) • Supplementary Planning Documents (including SA/SEA if required) CIL Charging Schedule
Documents where public consultation is a Council requirement
Statement of Community Involvement (SCI)
Documents that are not consulted on
Local Development Scheme (LDS) Brownfield Land Register Monitoring reports <ul style="list-style-type: none"> • Local Plan Monitoring Report • Housing Land Supply Report • Employment Land Supply Report Infrastructure Funding Statement Housing Delivery Action Plan Background evidence documents (including the Infrastructure Delivery Plan)

Approach to consultations and engagement

- 3.16 Regulations⁴ provide basic requirements for consultation, including specifying several bodies which local planning authorities must consult when preparing planning policy documents. These include '*specific consultation bodies*', and '*general consultation bodies*' including 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. Full lists of '*specific*' and '*general*' consultation bodies are set out in Appendix A.
- 3.17 The full range of organisations and individuals who should be involved in developing planning policy can be categorised into the following groupings:

Figure 2 – Consultee groups for statutory public consultations

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 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 2011⁵ 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 Historic England, Natural England, the Environment Agency, Highways England and Sports England.

G – Developers, landowners, planning consultants

⁴ The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended)

⁵ [Section 110 of the Localism Act](#)

- 3.18 A full list of consultees is 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 it 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 details⁶.
- 3.19 Due to the coronavirus pandemic, certain methods of engagement are not practicable currently. This affects those methods which require face-to-face contact, as well as methods that require the physical handling of documents. Please see the temporary [Coronavirus Addendum](#) for more details.
- 3.20 The range of methods that will or may be used to help inform and engage the community about planning policy formulation are:

Figure 3 – Methods of community engagement

Publication on the Council’s website. The Council will publish documents, statements, and any associated information on its website.
Web-based consultation. The Council will advertise all public consultations on its website, with full details and relevant documents available to view on dedicated pages, accessible via 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 returning the following Planning Policy Contact Form Word version / PDF version to planning.strategy@rother.gov.uk or by calling 01424 787668.
Making documents available for inspection. As well as publishing draft documents and supporting material online (see above), hard copies of documents will be made available for inspection, at the Council’s principal office (Town Hall, Bexhill-on Sea), and if appropriate other locations may be considered. Being ‘made available’ can be either through the deposit of physical copies AND/OR by being viewable online via public access computers. 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.

⁶ Organisations and individuals can ask to be added to the consultation list at any time by returning the following Planning Policy Contact Form [Word version](#) / [PDF version](#) to planning.strategy@rother.gov.uk or by calling 01424 787668.

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 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, Workshops and Presentations (in person and on-line). Events 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. Meetings or focus groups may also take place online using digital conferencing programs such as Microsoft Teams and Zoom, etc.

3.21 Whenever a public exhibition or meeting is held, the venue chosen should be fully accessible to all members of the community and be located as conveniently as possible for the expected audience.

Comments and formal representations

3.22 In relation to making comments and representations:

- Comments/representation forms will normally be provided for Planning Policy consultations.

- For Planning Policy consultations, 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 either by email or by post.
- During formal consultations, all comments received either via email, or in the case of Local Plans also via the online consultation system, will be acknowledged. We are unable to acknowledge comments submitted in writing.
- The use of ‘representation forms’ or the online consultation system will be expected when making formal representations on ‘proposed submission’ Local 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.

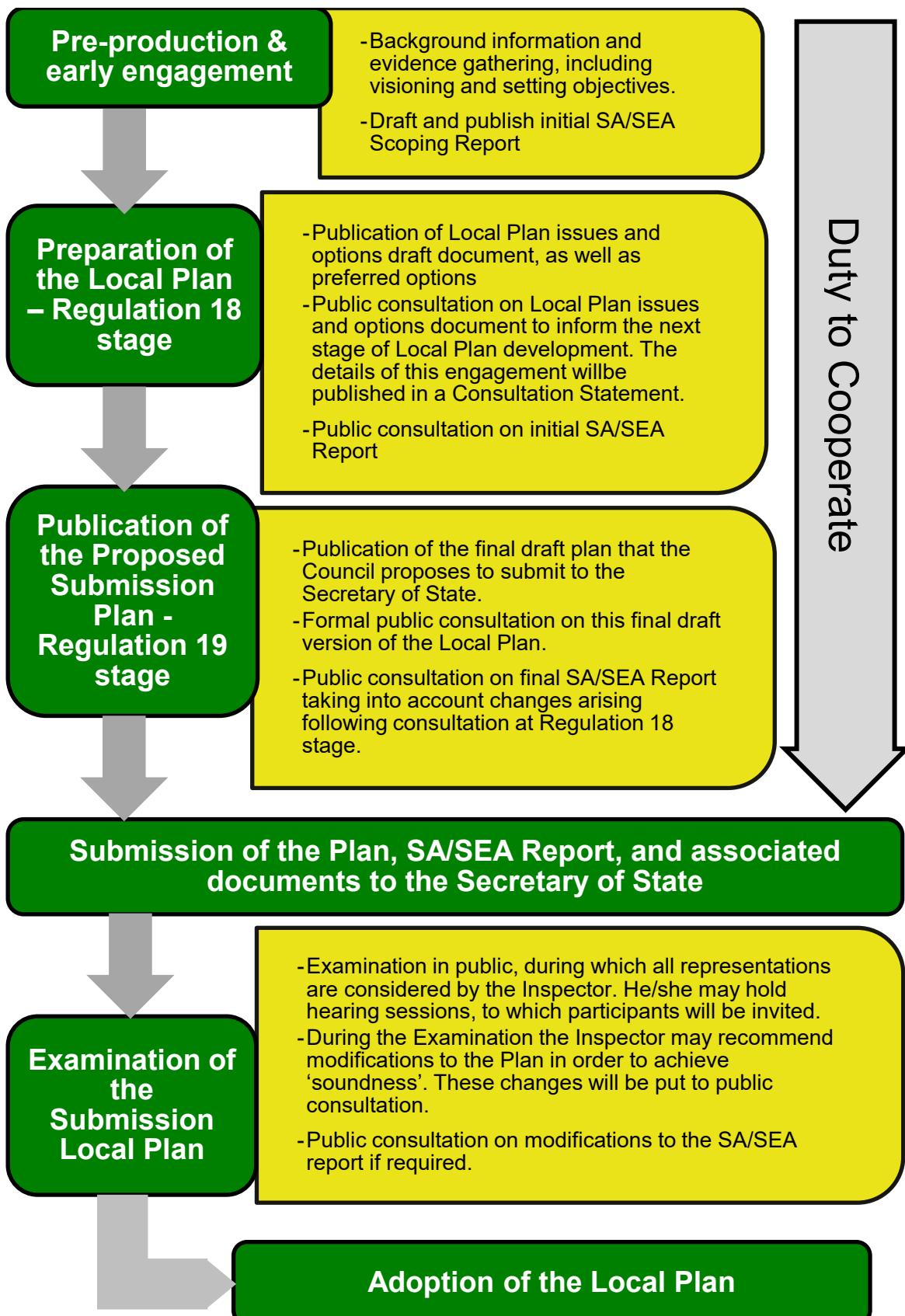
Consideration and feedback

- 3.23 An important aspect of community involvement is to offer feedback to those who have taken part.
- 3.24 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 consideration and feedback will be presented in either a consultation summary report or a Consultation Statement. Consultation Statements are statutory documents that must be produced to support the Local Plan at the Proposed Submission and Submission stages. A Consultation Statement provides additional information to that of a consultation summary report in that it will also present how the Council has effectively engaged to plan for cross-boundary matters under the ‘duty to cooperate’ and will identify the nature and extent of comments/representations made at all consultation stages.
- 3.25 At the ‘proposed 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.

Opportunities to be involved in plan-making

- 3.26 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.
- 3.27 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.
- 3.28 The tables below (A-L) show the stages of plan preparation and the opportunities for engagement, for Local Plans, Supplementary Planning Documents (SPDs), and Neighbourhood Plans. Each document type is introduced with a flow diagram to outline the different stages for the development of each document.
- 3.29 Within the tables, the left-hand column identifies the stages within plan preparation and sets out the engagement tasks required to achieve these stages, and details both statutory and optional engagement activities. The right-hand column identifies the corresponding methods of engagement as set out in **Figure 3**. An exception to this is Table H within the neighbourhood planning section, where a further left-hand column has been created to denote who is responsible for each respective task.
- 3.30 The methods of engagement in the right-hand column should not be read as prescriptive but are examples of the type of activity that may take place. In particular, the methods of engagement that involve publicity wider than the Council's website and formal notices, are discretionary, and their use is subject to the availability of resources. The methods of engagement for publicity include:
- Public notices.
 - My Alerts.
 - Social media.
 - Press releases/briefings.
 - Posters/Leaflets.

Stages of Local Plan Production



Local Plan preparation and opportunity for involvement

Table A - Pre-production and Early Engagement

Background information and evidence gathering	Engagement
Identification of key issues and challenges for the District, including visioning and objective setting.	
<p><u>Examples of this could include:</u></p> <ul style="list-style-type: none"> • Informal early consultation relating to matters within the District to utilise internal knowledge, for example the consulting of Parish/Town Councils and Members on planning matters regarding local areas. • Informal consultation on visioning/objective setting in the context of the Local Plan and SA baseline, potentially with Members, parishes or other targeted organisations. This could also include workshops / virtual workshops. 	<ul style="list-style-type: none"> • Written notifications • Meetings / Focus Groups (virtual or otherwise)
Development of baseline evidence to support the plan	Engagement
<p><u>Examples of this could include:</u></p> <ul style="list-style-type: none"> • Public targeted consultation for landowners (Call for sites) to put forward sites that may be suitable for consideration for their development, to inform assessments of land availability. 	<ul style="list-style-type: none"> • Publication on the Council's website • Web-based consultation • Written notifications
SA/SEA Scoping Report and development of SA Framework	Engagement
Working with Members, stakeholders and the wider local community to be involved in setting a vision for the Local Plan, and the identification of key strategic issues and how they are to be addressed through the Local Plan.	
<p><u>Statutory requirement:</u></p> <ul style="list-style-type: none"> • Formal targeted consultation on the SA/SEA Scoping report with statutory consultees, comprising of Natural England, Historic England and the Environment Agency, and any additional organisations that the Council may want to consult. (Statutory requirement - Req 12 &13 of Environmental Assessment of Plans and Programs Regulations 2004). 	<ul style="list-style-type: none"> • Written notifications • Meetings / Focus Groups (virtual or otherwise)
<p><u>Other options could include:</u></p> <ul style="list-style-type: none"> • Potential opportunities to work with key partners in delivering a Joint approach / methodology to developing an SA Framework. 	<ul style="list-style-type: none"> • Meetings / Focus Groups (virtual or otherwise)

Early Engagement with partners and stakeholders, including Duty to Cooperate⁷	Engagement
To identify cross boundary strategic matters that will form the basis of the Council's 'Duty to Cooperate', and to propose a programme of further engagement to develop Draft Statements of Common Ground	
<p><u>Examples of this could include:</u></p> <ul style="list-style-type: none"> • Informal consultation on a Duty to Cooperate Action Plan⁸ and other Early engagement documents, with statutory consultation bodies, as well as other organisations as the Council deems necessary. • Meetings and conference calls with Neighbouring Authorities and development/progress of Statements of Common Ground on strategic cross-boundary issues. • Provide a Council representative on working groups in relation to the strategic matters, for example: Ashdown Forest, Pevensey Levels Catchment, Combe Valley catchment, Gypsy and Traveller Accommodation Assessment. 	<ul style="list-style-type: none"> • Written notifications • Meetings / Focus Groups (virtual or otherwise)
<p><i>There may be opportunities for further targeted engagement, arising out of early engagement. Ongoing engagement will continue throughout the development of the Plan at all stages.</i></p>	

Table B - Preparation of the Local Plan

Publication of Regulation 18 stage Local Plan	Engagement
<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>The Council will be engaging with neighbouring planning authorities to develop Statements of Common Ground in the lead up to the Reg 18 consultation.</p>	
<p><u>Statutory requirements:</u></p> <ul style="list-style-type: none"> • Public consultation for a minimum of 6 weeks on the scope of the local plan, issues and options and, where identified, preferred options, as well as on the initial SA/SEA report. The Council may decide it is necessary for the consultation period to extend beyond the statutory 6-week timeframe depending on local circumstances. 	<ul style="list-style-type: none"> • Web-based consultation

⁷ Please note: [The Government White Paper Planning for the Future – August 2020](#) has proposed that the Duty to Cooperate be removed from the Local Plan process. However, it is likely that activities relating to the Duty to Cooperate will continue.

⁸ The Duty to Cooperate Action Plan is specific to pre-production work on the 2019-2039 Rother District Local Plan Update. As noted in footnote 1, it is expected that Government will remove the Duty to Cooperate as a formal requirement.

<ul style="list-style-type: none"> Notify interested parties, statutory consultees and stakeholders: The Council will make formal direct contact by email or letter with known consultation bodies and those who have been asked to be notified that a consultation is taking place and will invite participation in that consultation. (Requirements for who is to be notified derive from Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) Publicity: In addition to the above notification process, the Council will publicise widely, using public notices in local papers, advertise using social media and the Council's My Alerts weekly information email service, and may also use posters and leaflets. Availability of documents: All relevant documents (Local Plan, SA/SEA Report, and any relevant supporting documents) will be published on the Council's website. All relevant documents will be made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered. 	<ul style="list-style-type: none"> Written notifications Public notices My Alerts Social media Press releases / briefings Posters / Leaflets Publication on the Council's website Making hard copy documents available
<p><u>Option for additional consultation during this stage:</u></p> <ul style="list-style-type: none"> Consultation(s) may be supported by events/exhibitions which may be targeted at specific local communities or specific organisations. <p>At this preparation stage, it may be necessary to hold more than one public consultation period. This will depend on the range of issues, or further policy approaches or sites that are reasonable options but have not previously been considered that may emerge because of the first public consultation.</p>	<ul style="list-style-type: none"> Exhibitions / Digital exhibitions

Table C – Publication of the Proposed Submission Plan

Publication of the Proposed Submission Plan – Regulation 19 stage	Engagement
<p>This is the final draft Plan that takes account of comments made during the previous public consultation on options. This includes the final SA/SEA Report, considering changes arising following consultation. Responses to comments made at the Regulation 18 stage are contained in a separate 'consultation statement'. This is the Plan that the Council proposes to adopt.</p> <p>The Council may need to engage further with its Duty to Cooperate partners to respond to issues raised at Reg. 18 stage consultation. The Council will finalise Statements of</p>	

Common Ground for individual organisations in support of Rother District Local Plan's submission.	
<p><u>Statutory requirements:</u></p> <ul style="list-style-type: none"> Formal minimum six-week period for representations on proposed Submission Plan and final SA/SEA Report. The Council may decide it is necessary for the consultation period to extend beyond the statutory 6-week timeframe depending on local circumstances. Representations at this stage must relate to specific tests of the soundness of the plan.⁹ They will be forwarded for consideration by an independent Inspector who will examine the plan. 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. Notify interested parties, statutory consultees and stakeholders: The Council will make formal direct contact by email or letter with known consultation bodies and those who have been asked to be notified that a consultation is taking place and will invite participation in that consultation. (Requirements for who is to be notified derive from Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) Publicity: In addition to the above notification process, the Council will publicise widely, using public notices in local papers, advertise using social media and the Council's My Alerts weekly information email service, and may also use posters and leaflets. Availability of documents: (Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) All relevant documents (Local Plan, SA/SEA Report, and any relevant supporting documents will be published on the Council's website. All relevant documents will be made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered. 	<ul style="list-style-type: none"> Web-based consultation Written notifications Public notices My Alert Social media Press releases / briefings Posters / Leaflets Publication on the Council's website Making hard copy documents available

⁹ Please note: [The Government White Paper Planning for the Future – August 2020](#) has proposed that existing tests of soundness will be replaced by a single “sustainable development” test.

<p><u>Option for additional consultation during this stage:</u></p> <ul style="list-style-type: none"> If, following receipt of representations, the Council believes that major changes are necessary before submission for examination, there would be a further opportunity to comment on these changes. 	<ul style="list-style-type: none"> Repeat of all above methods used as part of Regulations 19 stage consultation
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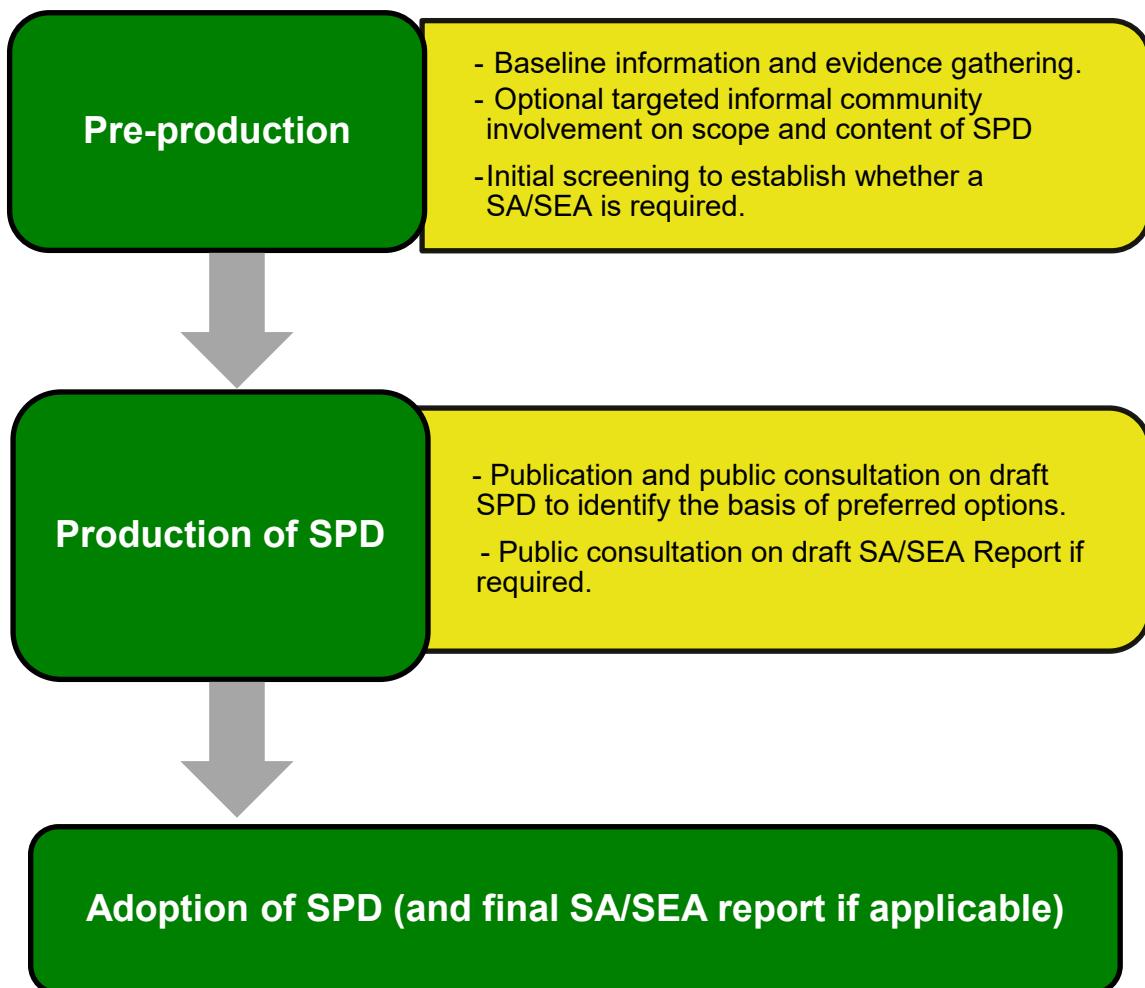
Table D - Local Plan Examination & Adoption

Examination of the Submission Local Plan	Engagement
The Council submit the Plan (including Policies Map if relevant), SA/SEA Report, Consultation Statement, supporting documents and the representations made at the Regulation 19 stage. All engagement here is statutory requirement, in accordance with Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)	
<ul style="list-style-type: none"> Notify interested parties, statutory consultees and stakeholders: The Council will make formal direct contact by email or letter with known consultation bodies and those who have been asked to be notified that the Council has submitted the Local Plan. (Requirements for who is to be notified derive from Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) All relevant documents (Local Plan, SA/SEA Report, and any relevant supporting documents) will be published on the Council's website and made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered. 	<ul style="list-style-type: none"> Written notifications Publication on the Council's website Making hard copy documents available
Examination in public, during which all representations are considered by the Inspector. He/she may hold hearing sessions, to which participants will be invited. All engagement here is a statutory requirement, in accordance with Regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) . The Examination process is run by the Inspector not the District Council.	
<ul style="list-style-type: none"> Notify anyone who has made a representation at during the Regulation 19 Consultation: The Council will provide notification of public hearing at least 6 weeks prior to its commencement. Regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) All relevant documents (Local Plan, SA/SEA Report, and any relevant supporting documents) will be published on the Council's website and made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered. 	<ul style="list-style-type: none"> Written notifications Publication on the Council's website Making hard copy documents available

Main Modifications (if required)	Engagement
<p>If during the examination, the Inspector advises that changes are needed to the Plan to achieve soundness, the Council may propose such modifications.</p> <p>The arrangements for the consultation would be agreed with the Inspector but will be of the same nature (representations must relate to questions of soundness) and duration (at least 6 weeks) as the consultation held at Regulation 19.</p>	
<ul style="list-style-type: none"> Public consultation on any proposed main modifications and, if needed, any changes to the policies map and SA/SEA Report (and no other aspect of the plan). <p><u><i>Additional Modifications</i></u></p> <ul style="list-style-type: none"> The Council may also include additional minor modifications within the consultation. Additional minor modifications are not put before the Inspector and are not part of the Examination. 	<ul style="list-style-type: none"> Web-based consultation Written notifications Public notices My Alerts Social media Press releases / briefings Posters / Leaflets Publication on the Council's website Making hard copy documents available
Publication of Inspector's Report and adoption of the Local Plan	Engagement
<p>The Council will publish the Inspector's Report as soon as is practicable following receipt of the Report. All engagement here is a statutory requirement, in accordance with <u>Regulation 25 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)</u></p> <p>Upon receipt of a favourable Inspector's Report, the Council may adopt the Local Plan. All engagement here is a statutory requirement, in accordance with <u>Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)</u></p> <ul style="list-style-type: none"> Notify interested parties, statutory consultees and stakeholders: The Council will notify anyone who requested to be informed of when the Inspector's Report is Published, and of who requested to be informed of the adoption of the Local Plan, and how in each case they can view the relevant documents which will be made available. Availability of documents (<u>Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)</u>) <p>All relevant documents (Inspector's Report and Adoption Statement, Local Plan, SA/SEA Report, and any relevant supporting documents) will be published on the Council's website.</p>	<ul style="list-style-type: none"> Written notifications Publication on the Council's website Making hard copy documents available

<p>All relevant documents will be published on the Council's website and made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered.</p> <p>All relevant hard copy documents will be made available for at least 6 weeks.</p>	
<p><i>There is a six-week period for legal challenge after adoption (Regulation 17 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)). (Legal advice is urged if this is being considered).</i></p>	

Stages of Supplementary Planning Document (SPD) Production



Supplementary Planning Document (SPD) preparation and opportunity for involvement

Table E - Pre-production - Supplementary Planning Document

Baseline information and evidence gathering	Engagement
Initial screening to determine whether a SA/SEA is required (Regulation 5 of Environmental Assessment of Plans and Programs Regulations). If required, the Council will publish a Scoping Report for targeted consultation (Regulation 12 of Environmental Assessment of Plans and Programs Regulations)	
<ul style="list-style-type: none"> Formal targeted consultation on the SA/SEA Scoping report with statutory consultees, such as Natural England, Historic England and the Environment Agency, and any additional organisations that the Council may optionally want to consult. (Statutory requirement - <u>Reg 12 & 13 of Environmental Assessment of Plans and Programs Regulations 2004</u>) 	<ul style="list-style-type: none"> Written notifications
Early Engagement	
Optional 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.	<ul style="list-style-type: none"> Written notifications Meetings / Focus Groups (virtual or otherwise)

Table F - Production of a draft Supplementary Planning Document

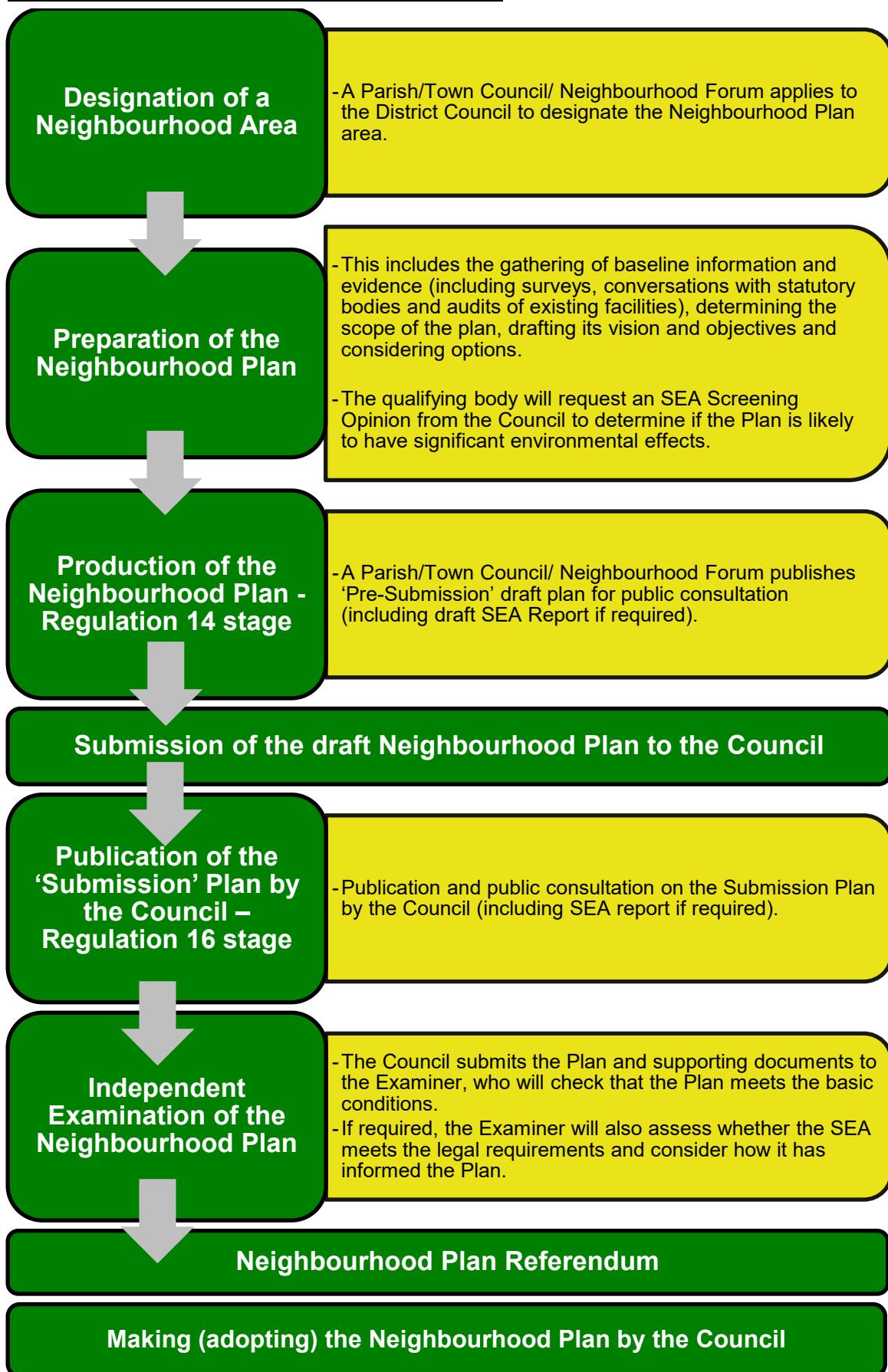
Identification of preferred options for SPD	Engagement
Publication of a draft SPD to identify the basis of preferred options, for public consultation.	
<p><u>Statutory requirements:</u></p> <ul style="list-style-type: none"> • Minimum 4-week public consultation period on draft SPD and if required the SA/SEA report. (Regulation 12 & 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) • Availability of documents (Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) <p>All relevant documents (SPD, SA/SEA Report if applicable) will be published on the Council's website.</p> <p>All relevant documents will be made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered</p> • Notification: If a SA/SEA report is required, written notifications will be sent to statutory consultees, such as Natural England, Historic England and the Environment Agency. 	<ul style="list-style-type: none"> • Web-based consultation • Publication on the Council's website • Making hard copy documents available • Written notifications
<p><u>Optional engagement:</u></p> <ul style="list-style-type: none"> • Publicity: 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/digital events. • Consultation(s) may be supported by events/exhibitions which may be targeted at specific local communities or specific organisations. 	<ul style="list-style-type: none"> • Public notices • My Alerts • Social media • Press releases / briefings • Posters / Leaflets • Exhibitions/Digital exhibitions
<p><u>Option for Further Consultation:</u></p> <p>Further consultation may be undertaken if responses lead to a significant change of direction.</p>	

Table G – Adoption of the Supplementary Planning Document

Adoption of final SPD	Engagement
<p>Adoption of the final document by the Council, including any revisions in light of consultation on draft and if applicable the final SA/SEA report.</p> <ul style="list-style-type: none"> • Notification: The Council will notify anyone who requested to be informed of the adoption of the SPD, and how they can view the relevant adoption documents. (In accordance with Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) • Availability of documents: (Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) <p>All relevant documents (SPD, SA/SEA Report if applicable, Consultation Statement & Adoption Statement) will be published on the Council's website.</p> <p>All relevant documents will be made available for inspection at the Council's principal office, via hard copy and viewable through the use of public access computers. If appropriate other locations may be considered.</p> <p>All relevant documents will be made available for at least 3 months.</p> 	<ul style="list-style-type: none"> • Written notifications • Publication on the Council's website • Making hard copy documents available

There is a 3-month period for applications to the High Court to request a Judicial Review of the adoption of the SPD Regulation 11 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). (Legal advice is urged if this is being considered)

Stages of Neighbourhood Plan Production



Neighbourhood Plan preparation and opportunity for involvement

For details of advice and assistance that the Council will provide the Qualifying Body please see page 37.

Please note that in the below tables on Neighbourhood Plan processes, the term '*Relevant Body*' and then subsequently '*Qualifying Body*' will be used to identify the Parish/Town Council or designated Neighbourhood Forum, and the term '*The Council*' will be used to identify the Local Planning Authority. The first table (Table H) has an additional left-hand column to denote who is responsible for each respective task.

Table H - Designation of a Neighbourhood Area

Responsible Organisation	Designation of a neighbourhood area (and, if appropriate, neighbourhood forum)	Engagement
A Parish/Town Council/ Neighbourhood Forum applies to the District Council to designate the Neighbourhood Plan area. No consultation is required if the area proposed is the whole of a single Parish, as the Council must designate the area.		
Rother District Council	<ul style="list-style-type: none">• Following the application by the '<i>Relevant Body</i>'¹⁰ for the designation of a Neighbourhood Area, the Council will consult on the area application for a minimum of 6 weeks, where the area differs from the parish boundary or is for a Neighbourhood Forum. <u>Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (as amended)</u>	<ul style="list-style-type: none">• Web-based consultation
Rother District Council	<ul style="list-style-type: none">• Publicity: The application will be publicised on the Council's website, and any other manner that the Council considers appropriate to bringing the area application to the attention of affected persons within that area.	<ul style="list-style-type: none">• Public notices• My Alerts• Social media• Press releases / briefings• Posters / Leaflets

¹⁰ "(2)A "relevant body" means— (a) a parish council, or (b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area)." - section 61G(2) of the 1990 Act (inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c.20)

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/paragraph/2>

<p>Relevant Body</p>	<p><u><i>Optional pre-application consultation</i></u></p> <p>Before applying 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>
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Table I - Preparation of the Neighbourhood Plan – *Responsibility of Qualifying Body*

Preparing the Plan - by the local Parish/Town Council or Neighbourhood Forum	Engagement
<p>Preparation of the Plan includes the gathering of baseline information and evidence, (including surveys, conversations with statutory bodies and audits of existing facilities), determining the scope of the plan, drafting its vision and objectives and considering options.</p> <ul style="list-style-type: none"> • 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, to inform its preparation. • The qualifying body will request an 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. As required by Regulation 5 of The Environmental Assessment of Plans and Programmes Regulations 2004 	<ul style="list-style-type: none"> • Written notifications • Meetings / Focus Groups (virtual or otherwise) • Written notifications

Table J - Production of the Plan – *Responsibility of Qualifying Body*

Production and consultation on the ‘Pre-Submission’ (Draft) Neighbourhood Plan	Engagement
<p>A Parish/Town Council/Neighbourhood Forum publishes plan proposals for public consultation. This is the qualifying body’s draft version of a Neighbourhood Plan, including draft policies and, if appropriate, site allocations. Background documents that have informed the Plan should also be published, and if required, a draft SEA should be published and consulted on, alongside the draft Plan.</p> <ul style="list-style-type: none"> • A public consultation on the Pre-Submission Plan, including draft SEA if required, for no less than 6 weeks. Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) • Notification: Statutory consultees will be notified, and a copy of the plan proposals will be sent to Rother District Council. • Publicity: The qualifying body will publicise the Pre-Submission Plan and details of the consultation, in manner that is likely to bring it to the attention of people 	<ul style="list-style-type: none"> • Web-based consultation • Written notifications • Public notices

<p>who live, work or carry on business in the neighbourhood area</p>	<ul style="list-style-type: none"> • Social media • Press releases / briefings • Posters / Leaflets
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Table K - Submission and publication of the Neighbourhood Plan

Submission of the draft Plan and its publication by the Council	Engagement
<p>Having considered the consultation responses this is the final draft version of the Plan approved by the Town/Parish Council, or Neighbourhood Forum. 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. Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 (as amended)</p> <p>The Council will then publish the Submission Plan (and the SEA, where applicable) in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)</p> <ul style="list-style-type: none"> • A public consultation on the Submission Plan, including draft SEA if required, for no less than 6 weeks. • Notification: The Council will notify any consultation bodies who are referred to in the Consultation Statement. • Publicity: The Council will publicise the Submission Plan together with supporting documents, including a consultation statement 'basic conditions statement', and, where applicable, a SEA and details of the consultation, and ask the qualifying body to do the same. • Availability of documents: The Submission Neighbourhood Plan, including draft SEA if required, and all associated documents will be published on the Council's website. <p>The Council will work with the Qualifying Body to identify suitable deposit points for hardcopies of all relevant documents to be made available.</p>	<ul style="list-style-type: none"> • Web-based consultation • Written notifications • Public notices • My Alerts • Social media • Press releases / briefings • Posters / Leaflets • Publication on the Council's website • Making hard copy documents available

Table L - Independent Examination, Referendum and Making by the Council

Independent Examination of the Plan and Decision	Engagement
<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>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 the Examiner believes need further, oral evidence.</p> <p>The Examiner will check that the Plan meets the basic conditions. If the plan does not, he/she may recommend changes. The Examiner will also assess whether the SEA meets the legal requirements and consider how it has informed the Plan.</p>	
<ul style="list-style-type: none"> The Council will publish the Examination documents, including any hearing statements, on its website. 	<ul style="list-style-type: none"> Publication on the Council's website
<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, the Council may propose alternative changes or reject the Plan. The decision to proceed (or not) to referendum will be publicised in a 'Decision Statement'. If the Examiner requires further material to be produced, this will also be published and may trigger further consultation.</p>	
<ul style="list-style-type: none"> Availability of documents: The Council's decision (the 'Decision Statement') will be published on the Council's website within five weeks of the publication of the Examiners report. Regulation 18 of The Neighbourhood Planning (General) Regulations 2012 (as amended) The Council will work with the Qualifying Body to identify suitable deposit points for hardcopies of all relevant documents to be made available. Publicity: The Council will publicise its decision on the Examiner's report, including how this decision can be inspected, within five weeks of the publication of the Examiners report. Regulation 18 of The Neighbourhood Planning (General) Regulations 2012 (as amended) 	<ul style="list-style-type: none"> Publication on the Council's website Making hard copy documents available Public notices My Alerts Social media Press releases / briefings
Neighbourhood Plan Referendum	Engagement
<p>Within 56 working days of the Council's decision (as published in the 'Decision Statement') to put a Neighbourhood Plan forward to referendum, the Council must arrange for the referendum to be held. A Qualifying Body can raise awareness of the referendum through publication of neutral publicity material.</p> <p>The process is similar to that of a local election, but subject to its own regulations. The Neighbourhood Planning (Referendums) Regulations 2012 (as amended)</p>	
<ul style="list-style-type: none"> 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 documents, available to the public via its website, and made available for physical inspection at the Town Hall, Bexhill-on-Sea, as well as at any suitable locations identified through working with the qualifying body, no fewer than 28 days before the date of 	<ul style="list-style-type: none"> Publication on the Council's website Making hard copy documents available

<p>the referendum. (Regulation 4 of The Neighbourhood Planning (Referendums) Regulations 2012 (as amended))</p>	
<p>The Counting Officer is responsible for conducting the referendum.</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>	
<ul style="list-style-type: none"> Once the result of the referendum is declared by the Counting Officer, it will be made available on the Council's website. Regulation 42 of The Neighbourhood Planning (Referendums) Regulations 2012 (as amended) 	<ul style="list-style-type: none"> Publication on the Council's website
<p>Making (adopting) the Neighbourhood Plan (Regulation 19 & 20)</p>	<p>Engagement</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. Regulation 18A of The Neighbourhood Planning (General) Regulations 2012 (as amended)</p> <p>A Plan comes into force following successful referendum and forms part of the Development Plan.</p>	
<ul style="list-style-type: none"> Availability of documents: As soon as possible after deciding to 'make' the Neighbourhood Plan, the Council will publicise its decision on its website. The Council will work with the Qualifying Body to identify suitable deposit points for hardcopies of all relevant documents to be made available Notification: As soon as possible after deciding to make the Neighbourhood Plan, the Council will notify the Qualifying Body and any person who asked to be notified of the decision. Publicity: The Council will publicise its decision to make the Neighbourhood Plan, including how and where this decision can be inspected. 	<ul style="list-style-type: none"> Publication on the Council's website Making hard copy documents available Written notifications Public notices My Alerts Social media Press releases / briefings
<p>A post-adoption SEA Statement is required to be produced as soon as practicable after the decision to make the Plan (Regulation 16 of The Environmental Assessment of Plans and Programmes Regulations 2004)</p>	
<ul style="list-style-type: none"> The post-adoption SEA Statement will be published on the Council's website. 	<ul style="list-style-type: none"> Publication on the Council's website

Advice and assistance in relation to Neighbourhood Planning

- 3.31 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 must provide advice and support throughout the process in accordance with legislation¹¹.
- 3.32 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
 - Highlighting the relevant strategic policies of the Council
 - Advising on the need for, and undertaking early, Screening Assessments¹²
 - 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
- 3.33 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 is in force.
- 3.34 Further information about neighbourhood plans is viewable on the Council’s [‘Neighbourhood Plans’ webpage](#).

¹¹ Section 6 of the Neighbourhood Planning Act 2017

¹² The Council will also provide a Habitats Regulations Assessment Screening, where appropriate.

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’¹³ 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 (as amended).
- 4.3 Detailed guidance on what ‘planning considerations’ are, can be found on the Council’s website at www.rother.gov.uk/planning.
- 4.4 The Council’s current procedures for consultation, publicity and notification are set out in the following sections.
- 4.5 As noted earlier in this document, the conditions of the Coronavirus pandemic have impacted on the level of engagement and service that the Council would normally provide. Whilst these changes are temporary, it should be noted that any associated measures will likely remain as possible provisions in the event of any recurrence of such conditions in the future. Please see the temporary [Coronavirus Addendum](#) on the Council’s website for further detail, including timescales for any of the temporary measures that are engaged. Please note the following measures in respect of Development Management:
 - A temporary suspension of the requirement for local planning authorities to provide for the physical inspection of planning application documents if not reasonably practicable. Copies of these documents will continue to be placed on the Council’s website.

¹³ 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.

- Where the conditions of the pandemic have had an impact on staffing levels and caseloads, the Council may temporarily suspend its discretionary pre-application service to prioritise its statutory duty to process planning applications.
- Between 4th April 2020 and 6th May 2021 the Coronavirus Act temporarily enabled Planning Committee to meet ‘virtually’ using online videoconferencing technology, where it was not practicable for the Committee to meet as normal.

Pre-application stage

- 4.6 Pre-application advice is a discretionary service offered by the Council. 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>
- 4.7 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.
- 4.8 Where a proposal is for a major development¹⁴, or where the site is a sensitive one, or where the proposal is likely to cause significant controversy or where it will impact upon several people, potential applicants are encouraged to undertake publicity and consultation with the local community prior to the submission of the planning application.

¹⁴ 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.

- 4.9 This pre-application consultation 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 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.
- 4.10 In addition to undertaking publicity and consultation, officers may recommend potential applicants to present their proposals as an adjunct to Planning Committee. Such a presentation would be chaired either by officers or the Committee Chairman, and would be open to other members, particularly those representing the affected ward(s), as well as Council officers outside of planning. This would be an opportunity for members to identify issues for the proposal to address, to highlight items of interest and to seek further information.

Availability of planning applications and statutory publicity

- 4.11 Details of all planning applications are posted on the Council's website <https://www.rother.gov.uk/planning-and-building-control/viewing-applications-decisions-and-appeals-online/>. 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.
- 4.12 A Weekly List of all applications is produced and is available on the website. In addition, the 'My Alerts' weekly email service identifies all planning applications as they are received within 400 metres of the recipient's address.
- 4.13 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.

- 4.14 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:
- Bexhill Community Help Point, Town Hall, London Road, Bexhill-on-Sea, TN39 3JX
 - Battle Community Help Point, The Almonry, 43 High Street, Battle, TN33 0EA
 - Rye Community Help Point, 30a High Street, Rye, TN31 7JG¹⁵
- 4.15 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 Courier¹⁶. 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.
- 4.16 Any comments on planning applications can be made during the consultation period through the link on the Council's website <https://www.rother.gov.uk/planning-and-building-control/> or be sent to planning@rother.gov.uk. Alternatively, comments may 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, however, personal data such as phone numbers and email addresses will be redacted. All comments received in relation to planning applications are scanned and posted on the website.
- 4.17 The Local Planning Authority also notifies each Parish or Town Council by email of planning applications or applications for listed building or conservation area consent, advertisement consent and applications for work to protected trees within their boundaries.
- 4.18 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.

¹⁵ The Rye Community Help Point is temporarily closed until further notice.

¹⁶ In relation to application applications in Ticehurst parish only.

4.19 When plans are amended during 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. The type of notification would be proportionate to the significance of the amendment and level of local interest.

Planning Committee

- 4.20 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.
- 4.21 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>. A limited supply of copies for reference will be available for viewing at the meeting. The agenda includes reports on the individual planning applications being considered.
- 4.22 All comments received during 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 deciding 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 (date subject to change if committee is held on a different day).

- 4.23 Where the final decision for an application is to be taken by the Planning Committee, the Council allows the opportunity for the public to address the Committee, either for or against the application. As of amendments given approval by Full Council on 11 November 2019, members of the public are no longer required to have submitted a petition to address the committee. Instead, any person who has made a representation on an application to be decided at Planning Committee may register to address the Committee. Members of the public who intend to speak should register with Democratic Services by telephone on 01424 787811 or by email at Democraticservices@rother.gov.uk. Registration will start at 2pm on the date that the agenda is published (Wednesday) and close at 4pm on Monday of Committee week (space subject to availability).
- 4.24 The maximum number of speakers for and against the application by members of the public will depend upon the type of application – as set out below:
- Householder: 1 speaker each for and against
 - Minor/Other: 2 speakers each for and against
 - Major: 3 speakers each for and against
- 4.25 At the Planning Committee meeting, the application will be introduced by the Chairman and then by the Development Manager or the Planning Officer for the application. If relevant, a representative of the parish/town council will then be invited to speak. Following this, registered speakers will then be invited to address the committee; first speakers objecting to the application, and then speakers in support of the application including the applicant. Finally, a Council Ward Member not on the Planning Committee will be invited to address the committee on behalf of the public. Each speaker will have no more than five minutes to address the committee. Once each speaker has finished addressing the committee, Members of the Planning Committee will be given the opportunity to ask the speaker questions on the content of their speech.
- 4.26 For further details on Public Speaking at Planning Committee please see the Council's website at <http://www.rother.gov.uk/speakingatplanningcommittee>

- 4.27 As noted above, Ward Members are permitted to address the Planning Committee to make known the views of local residents as part of the consideration of a planning application. Members of the public can find contact details of their local Ward Members at:

<http://www.rother.gov.uk/article/6828/Who-is-my-councillor>

Scheme of Delegation

- 4.28 Most applications can be determined by the Head of Service Strategy and Planning under 'delegated authority'. Such applications are not reported to the Planning Committee.
- 4.29 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. Any Member can also request (using a procedure form setting out reasons) that a particular application be reported to Committee.
- 4.30 All applications relating to land in which the Council has an interest (and including that of serving Councillors and Officers, as well as anyone who is related to a Councillor or Officer) must be determined by the Planning Committee.
- 4.31 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.
- 4.32 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 and Brownfield Land Registers

- 4.33 Permission in Principle (PiP) is an alternative way to obtain planning consent which only establishes the principle of development on sites.

- 4.34 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 Register¹⁷ 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. Please see the [Council's Brownfield Land Register webpage](#) for more information, which includes a link to the Register. Please note that entering sites into Part 2 of the Brownfield Land Register is discretionary, and that as of 1 April 2021 the Council has not entered any sites into Part 2 of its Register.
- 4.35 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.
- 4.36 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 anybody that they would have been required to [consult in relation to an application for planning permission](#).

¹⁷ [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.

- 4.37 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.
- 4.38 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.
- 4.39 The period for making comments will be set out within the relevant publicity notices which include the required notices on the site and on the 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.¹⁸
- 4.40 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.
- 4.41 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,

¹⁸ The Housing and Planning Act (2016) requires that local planning authorities prepare, maintain and publish a register of brownfield land (also known as previously developed land) which the Council has assessed as being potentially suitable for residential development.

- 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

4.42 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

4.43 The Council holds a Planning Agents' Forum around once a year to update local planning agents on recent or forthcoming changes and to receive feedback on the operation of the planning service.

4.44 A similar event takes place for Parish and Town Councils to exchange information on general planning matters at the Parish Planning Seminar.

Appeals

4.45 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.

4.46 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.

4.47 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.

4.48 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 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 The Coronavirus pandemic has also shown that there are situations which may render some of the methods of engagement identified in the SCI as temporarily unpracticable. In response to such cases, it may be necessary for the Council to temporarily amend the details of the SCI, to identify where engagement is not possible and to set out any alternative forms of engagement, without the requirement for public consultation on these amendments in order that planning services can continue. Such temporary amendments may be set out in SCI addendum documents.
- 5.4 These changes will be reported on as part of the publication of the Local Plan Monitoring Report.
- 5.5 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)¹⁹.

¹⁹ <http://www.legislation.gov.uk/uksi/2017/1244/made>

Appendix A - Local Plan General and Specific Consultation Bodies

The Council is required to consult the below consultation bodies as part of Local Plan Regulation 18 and 19 stage consultations. In addition to the below bodies, the Council will also consult residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.

General Consultation Bodies (with examples where helpful)

- (a) Voluntary bodies, some or all of, whose activities benefit any part of the local planning authority's area.
Nature Conservation / countryside bodies, Environmental groups, Infrastructure and service providers, Interest and amenity groups, Resident's Associations, Neighbourhood Plan Steering Groups, Learning agencies, Recreation bodies
- (b) Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area,
- (c) Bodies which represent the interests of different religious groups in the local planning authority's area,
- (d) Bodies which represent the interests of disabled persons in the local planning authority's area.
Disabled groups, those with caring responsibilities groups
- (e) Bodies which represent the interests of persons carrying on business in the local planning authority's area;
Business Associations, Property Trade Associations, Voluntary Groups, Landowners

Specific Consultation Bodies (with examples where helpful)

- (a) The Coal Authority
- (b) The Environment Agency
- (c) Historic England (The Historic Buildings and Monuments Commission for England)
- (d) The Marine Management Organisation
- (e) Natural England
- (f) Network Rail Infrastructure Limited,
- (g) Highways England (a strategic highways company)

- (h) A relevant authority any part of whose area is in or adjoins the local planning authority's area.
Local Planning Authorities, County Councils, Parish Councils, the Police and Crime Commissioner, and neighbourhood forums.
- (i) Any person—
- i. to whom the electronic communications code applies by virtue of a direction given under section 106 (3)(a) of the Communications Act 2003, and
 - ii. who owns or controls electronic communications apparatus situated in any part of the local planning authority's area.
Openreach, BT, etc
- (j) If it exercises functions in any part of the local planning authority's area—
- i. a clinical commissioning group established under section 14D of the National Health Service Act 2006; and the National Health Service Commissioning Board.
 - ii. A person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
 - iii. A person to whom a licence has been granted under section 7(2) of the Gas Act 1986
 - iv. A sewerage undertaker; and
Southern Water
 - v. A water undertaker;
Southeast Water
- (k) The Homes and Communities Agency

Appendix B - Neighbourhood Plan Consultation Bodies

The Qualifying Body and the Council are required to consult the below consultation bodies as part of Neighbourhood Plan Regulation 14 and 16 stage consultations, respectively.

Consultation Bodies (*with examples where helpful*)

- (a) A local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;
- (b) The Coal Authority
- (c) The Homes and Communities Agency
- (d) Natural England
- (e) The Environment Agency
- (f) Historic England (The Historic Buildings and Monuments Commission for England)
- (g) Network Rail Infrastructure Limited
- (h) Highways England (a strategic highways company)
- (i) The Marine Management Organisation
- (j) Any person—
 - i. to whom the electronic communications code applies by virtue of a direction given under section 106 (3)(a) of the Communications Act 2003, and
 - ii. who owns or controls electronic communications apparatus situated in any part of the local planning authority's area.
Openreach, BT, etc
- (k) Where it exercises functions in any part of the neighbourhood area—
 - i. a clinical commissioning group established under section 14D of the National Health Service Act 2006; and the National Health Service Commissioning Board.
 - ii. A person to whom a license has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
 - iii. A person to whom a license has been granted under section 7(2) of the Gas Act 1986
 - iv. A sewerage undertaker; and
Southern Water

v. A water undertaker;

Southeast Water

- (l) Voluntary bodies some or all of whose activities benefit all or any part of the neighbourhood area;
Nature Conservation / countryside bodies, Environmental groups, Infrastructure and service providers, Interest and amenity groups, Resident's Associations, Neighbourhood Plan Steering Groups, Learning agencies, Recreation bodies
- (m) Bodies which represent the interests of different racial, ethnic or national groups in the neighbourhood area;
- (n) Bodies which represent the interests of different religious groups in the neighbourhood area;
- (o) Bodies which represent the interests of persons carrying on business in the neighbourhood area.
Business Associations, Property Trade Associations, Voluntary Groups, Landowners
- (p) Bodies which represent the interests of disabled persons in the neighbourhood area.
Disabled groups, those with caring responsibilities groups

Appendix C - Glossary of Abbreviations

CIL – Community Infrastructure Levy

DtC – Duty to Cooperate

LDS – Local Development Scheme

NP – Neighbourhood Plan

PiP – Permission in Principle

SA - Sustainability Appraisal

SEA - Strategic Environmental Assessment

SCI – Statement of Community Involvement

SPD – Supplementary Planning Document

SoCG – Statement of Common Ground