

Somerset County Council

Statement of Community Involvement

DRAFT FOR CONSULTATION 2016

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1. Executive summary

- 1.1 Somerset County Council (SCC) is the local planning authority for all minerals and waste matters within Somerset (excluding Exmoor National Park) and for the Council's own developments such as schools, libraries, Social Services developments and roads.
- 1.2 The Planning and Compulsory Purchase Act 2004 states that local planning authorities must prepare a Statement of Community Involvement (SCI). The SCI is also referenced in Planning Practice Guidance.¹
- 1.3 The SCI sets out how the local community can expect to be involved in the County Council's preparation of Development Plan Documents and planning applications (determined by SCC) which may affect them.
- 1.4 SCC's SCI on planning was first adopted by the Council in 2006. Since then there have been a significant number of changes in the planning system, changes in the way in which we communicate, and changes at the Council. This revised SCI takes account of these changes.
- 1.5 In this SCI, the introduction (in Section 2) explains why an SCI is required and summarises both the planning responsibilities of the County Council and the changes to the planning system over the past decade.
- 1.6 Section 3 summarises the types of strategic planning documents associated with minerals and waste planning that will be developed over the next few years and consulted on. The way in which consultees would be identified for minerals and waste issues is also discussed. Table 3-1 lists the consultation methods that would be used to consult on policy documents and the period of time allowed for submitting comments.
- 1.7 Section 4 lays down the way in which consultation on planning applications will take place.
- 1.8 Appendices provide additional information on relevant regulations, statutory consultees, consultation methods that may be employed at the County Council's discretion, and sources of further guidance.

¹ For example, refer to the PPG sections on "Local Plans – Key Issues" and "Preparing a Local Plan" at <http://planningguidance.communities.gov.uk/>

2. Introduction

Which planning issues are Somerset County Council's responsibility?

- 2.1 Somerset County Council (SCC) is the local planning authority for all minerals and waste matters within Somerset (excluding Exmoor National Park) and for the County Council's own developments such as schools, libraries, Social Services developments and roads.
- 2.2 As the planning authority for minerals and waste the County Council is required by legislation to develop a Minerals and Waste Development Framework (MWDF) that includes Development Plan Documents to be used by the Council to make planning decisions. The Framework will:
- Establish what waste facilities are needed to manage Somerset's waste in the future and where these should be located
 - Identify where minerals could be worked in Somerset in order to meet society's needs
 - Show how both of those activities can be accommodated without compromising the unique environment of Somerset

Why do we need a Statement of Community Involvement?

- 2.3 The Planning and Compulsory Purchase Act 2004 sets out the requirement for planning authorities to produce a Statement of Community Involvement. This document explains how and when consultation will be carried out on planning issues. It is the minimum that the County Council must do to involve communities in planning decisions. It is also one of the Local Development Framework documents.
- 2.4 Consultation will take place when:
- Documents are being drawn up that form the Minerals and Waste Development Framework, which sets out where development can or may take place in the future
 - Planning applications are being determined by SCC
- 2.5 Consultation will occur as early as possible in the preparation of documents and the processing of planning applications. By including communities and stakeholders early in the planning process local people will be given the option to be involved with their local environment, planners will have access to a significant pool of local knowledge, and the best possible solutions will be found to planning issues, with the aim of making decisions less contentious.

2.6 SCC will work hard to give statutory consultees, other stakeholders and general public a fair opportunity to respond to consultations and influence decisions. It is intended that by following the guidelines set out in this document a broad range of people will be able to give their views on proposals quickly and easily, and thus planning services are delivered in a clear and transparent way.

What the SCI will not cover

2.7 This SCI will not cover the process for Compulsory Purchase Orders², since that is governed by specific legislation and guidance.

2.8 Furthermore the SCI will not deal with matters associated with the Community “Right to Bid”. The Community Right to Bid came into effect on 21 September 2012. It gives community organisations the right to identify assets they believe are of value to their community and nominate them to be listed on the Council's Register of Assets of Community Value. If the asset then comes up for sale, the community will be given time to make a bid to buy it on the open market. The legislation does not guarantee that the community will be able to buy the asset it just allows them some time to prepare a bid for it on the open market. More information about how to nominate an asset of community value is available via your local authority website:

- South Somerset District Council
- Mendip District Council
- West Somerset District Council
- Taunton Deane Borough Council
- Sedgemoor District Council

2.9 More information on community development (and links to other community rights) is available via:

www.somerset.gov.uk/communitydevelopment

Changes to the planning system

2.10 A number of changes have been made to the UK's planning system by successive governments over the past 10 years.

2.11 Significant recent changes include the introduction of: the Localism Act 2011; the National Planning Policy Framework in 2012; National Planning Policy for Waste in 2014; new planning practice guidance; and regulations on how Local Planning Authorities engage with stakeholders (see Appendix A).

² A Compulsory Purchase order (CPO) is a legal function that allows for land or property to be obtained without the consent of the owner.

2.12 The Localism Act sets out to empower local communities to shape the places in which they live through preparing their own Neighbourhood Plans.

2.13 More information on Neighbourhood Planning in Somerset is available from the Neighbourhood Plan sections of District Council websites i.e.

- Taunton Deane: www.tauntondeane.gov.uk
- West Somerset: www.westsomersetonline.gov.uk
- Mendip: www.mendip.gov.uk
- Sedgemoor: www.sedgemoor.gov.uk
- South Somerset: www.southsomerset.gov.uk

2.14 Changes were also made in the Growth and Infrastructure Act 2013, and in the Infrastructure Act 2015, aimed at speeding up the planning system. Further changes are anticipated following publication of the Housing and Planning Bill in 2015, and with further Regulations expected in 2016.

2.15 There have also been broader legislative changes which may impact on how a local planning authority engages with the community, such as the Equality Act 2010.

3. Community Involvement – Minerals and Waste Planning Policy

- 3.1 The Somerset Minerals and Waste Development Framework is a series of planning documents that guide minerals and waste planning in Somerset. Most of these are known as Development Plan Documents (DPDs) because they form part of the Development Plan for Somerset and they contain core strategies, site allocations and policies. DPDs are subject to independent examination by Planning Inspectors on behalf of the Secretary of State. Additional detail on matters set out in DPDs can be provided, where appropriate, by Supplementary Planning Documents (SPDs) which do not undergo independent examination.
- 3.2 All DPDs are accompanied by a sustainability appraisal, which provides a basis for assessing the economic, social and environmental impact of policies and proposals set out in the development documents. In accordance with Government guidance the County Council will ensure that any sustainability appraisal developed as part of the Framework is compliant with the Strategic Environmental Assessment Regulations. The sustainability appraisal is made available during the consultation period alongside the relevant DPD.
- 3.3 At the time of preparing this SCI, the Somerset Minerals Plan (adopted 2015) and the Somerset Waste Core Strategy (adopted 2013) are two of the County Council's key DPDs. Along with other supporting documents, they can be viewed on the County Council's website www.somerset.gov.uk/mineralsandwaste or at County Hall.
- 3.4 According to Planning Practice Guidance "*most Local Plans are likely to require updating in whole or in part at least every 5 years*". To this end, as required under the Planning & Compulsory Purchase Act 2006 (as amended), the County Council prepare a Minerals and Waste Development Scheme (MWDS). The latest version of the MWDS, prepared in parallel with this revised SCI, sets out the programme for the review of the adopted Waste Core Strategy.

Consultation during plan-making

- 3.5 Plans are produced via a process of continuous engagement with people who will be most affected by the proposed policies and proposals. Who is consulted will vary from issue to issue. Whilst significant new waste facilities may be of interest across the county, many mineral matters are likely to be of more local interest focused primarily in the Mendips and peat producing areas.

- 3.6 Groups often under-represented in the consultation process will be encouraged to participate so that the views gathered through the consultation process reflect those of society as a whole. The groups of people who we will aim to involve in the consultation process are:
- General public – for area specific issues targeted consultation on a geographical basis related to the likely scales of impact, including those on or near transport routes that could potentially be affected
 - Parish and town councils, borough and district councils and adjacent county councils
 - Community and residential groups
 - Interest groups e.g. transport groups, environmental groups, rural interest groups, local interest groups and youth groups
 - Organisations for the disabled, ethnic minorities and the elderly
 - Waste and minerals industry representatives, particularly existing forums such as the Mendip Quarries Advisory Group and the Somerset Waste Partnership
 - Local partnerships such as the Local Enterprise Partnership and the Local Nature Partnership
 - Local businesses and local business groups
 - Landowners
- 3.7 A Database will be maintained to aid ongoing consultation and ensure that all those who express an interest continue to be kept informed of planning issues in the county.
- 3.8 It is essential that those who respond during consultation feel they can inform and influence decisions. If contributors see the process as worthwhile, future consultations are likely to be more successful. The methods used to encourage involvement during the consultation process will also be used to publicise the outcomes, in particular via local/social media, websites and ongoing communication with the Parish/Town Councils.
- 3.9 Consultations will be reviewed as part of the County Council's Annual Monitoring Report by looking at information such as the number of responses to a consultation document, or the number of people attending a public information event. Recommendations will be made if elements of the consultation process are found to be ineffective and changes will be made to the SCI to improve future consultations as required.

What will you be consulted on?

- 3.10 Regulation 18 of the Town and Country Planning (Local Planning) England Regulations 2012 states what a local planning authority must do when preparing a local plan, requiring stakeholders to have a say in what a local plan ought to cover. Regulation 19 from the same regulations states what is required linked with publication of the local plan.
- 3.11 DPDs go through a multi-stage consultation process: the first exploring the issues and options, and the second based around preferred policy. The preferred policy document can be presented as the pre-submission document i.e. the Plan that SCC intends to submit to the Secretary of State for examination.
- 3.12 Historically there was a requirement also for consultation at a preferred option stage, prior to “pre-submission”. But, whilst this may be undertaken, it is no longer a requirement following changes made by the Planning Act 2008. Greater importance is placed on the timely progress toward adopting new plans, making the best use of available resources.
- 3.13 The stages in the plan-making process are typically summarised as follows:
- **Issues and Options** (Regulation 18) - At this stage the document sets out a broad range of possible options. All statutory consultees and a selection of non-statutory consultees, chosen for their particular knowledge or interest in the document under consideration, will be consulted
 - **Submission document** (Regulation 19) – The results of all prior consultations are reviewed and considered. A policy document is produced for submission to the Secretary of State, taking account of comments previously received. This is made available for consultation (pre-submission consultation). Consultation responses – termed representations - and how they have been addressed are reported by the Council. A planning inspector, on behalf of the Secretary of State, considers all the representations and leads an examination in to the soundness and legal compliance of the Plan. Through preparing an Inspector’s Report, the Inspector presents his/her findings to the Council, which prepares a final document for adoption. Any main modifications (major changes) to the submission document stated in the Inspector’s Report must be implemented by the Council, plus by any additional modifications (e.g. factual updates and minor technical changes) that the Council wish to make, to enable SCC to adopt the Plan
 - In the event of site allocation representations being received at the submission stage there will be a further 6 weeks consultation relating to these representations prior to the examination by a planning inspector

3.14 A single phase of consultations is carried out for SPDs in accordance with the legislation. Regulation 12 of the Town and Country Planning (Local Planning) England Regulations 2012 refers to public participation when preparing an SPD. This entails a minimum four week consultation. Regulation 35 also refers. Those to be consulted are a mix of statutory consultees and the general public. The Council considers all representations received. Having regard to them, a final version of the SPD will be drafted for adoption. In addition a statement is written setting out the main issues raised during consultation and how they have been addressed in the SPD. The SPD, the statement and any other relevant documents are published and made generally available when the document is adopted.

How will you be consulted?

3.15 It is unlikely that a single consultation method would reach the full range of consultees. In addition, the resources required for different methods in terms of both time and cost are very variable. The minimum consultation methods to be employed for each stage of a development plan document (DPD) are summarised in Table 3.1 below. Additional methods that could be used when beneficial and financially viable are set out in Appendix C.

3.16 The methods for making representations and the time by which representations must be received will be set out clearly to ensure that people who want to comment can. Where possible, the County Council will use a standard response form to assist the public in making representations. It is important that responses can be given easily to maximise the representations received. The information provided by the Authority will therefore be as clear and comprehensive as possible.

3.17 The County Council will make every reasonable effort to encourage “hard-to-reach” individuals and groups to participate in the development of minerals and waste planning policy. Documents will be written in language suited to the readership and a brief guidance note will be issued with all documents to assist non-specialist readers. SCC is required to provide documents in a variety of formats, such as Braille or in foreign languages, on request to ensure that they are accessible by everyone.

3.18 Only a single phase of consultation is required for SPDs (unless the SPD includes proposals that would have a significant effects on the environment). The consultation period is limited to not less than four weeks by statute. The consultation is public and would include the following methods for publicising the documents:

- Advertising the consultation via local/social media
- Making the SPD and other relevant documents available to view at the county and district planning office during working hours
- Publishing the SPD on the County Council's website

- Issuing the SPD to the statutory consultees and a selection of non-statutory consultees, either in hard copy or by direction to a downloadable copy via e-mail or letter, as preferred by the consultee, who are considered relevant to the topics or geographical areas covered by the SPD. As with the DPDs it will be made clear how representations can be made and when they must be received by

3.19 Following consultation the representations received during the consultation period are reviewed and addressed. The amended document can then be adopted. The adopted SPD is published on the County Council’s website and made available to view at the same places as during the consultation. Notification of adoption will be sent to those who requested it.

3.20 The Town and Country Planning (Local Planning) England Regulations 2012 highlight the importance of electronic communication as an equally valid method of communication to hard copy communication.

Table 3-1: Consultation methods to be used in Plan production

Who will be consulted?	Consultation methods
Issues and Options – 6 weeks minimum consultation period (Regulation 18)	
Statutory and non-statutory consultees (also see Appendix B)	<p>Inspection documents (consultation document(s) and supporting evidence) available at local planning authority offices and via county libraries.</p> <p>Inspection documents available on the County Council website.</p> <p>Consultation document(s) sent to all statutory consultees and selected non-statutory consultees either in hard copy or by direction to a downloadable copy via e-mail or letter, as preferred by the consultee.</p> <p>Advertise consultation via local/social media.</p> <p>Produce summary leaflets and/or further supporting documents as appropriate.</p> <p>Attend Parish/Local group meetings where appropriate and requested. Arrange public exhibitions or meetings as required (using an experienced facilitator when considered necessary).</p> <p>Consult relevant panels and forums for geographical and topic-based issues.</p>

Submission document – 6 weeks (statutory) consultation period (Regulation 19)	
<p>Statutory and non-statutory consultees (also see Appendix B).</p> <p>The general public.</p>	<p>As for Regulation 18 plus notice will be given, either by letter or by e-mail, as preferred by the consultee, to those persons who requested to be notified of the submission of the document to the Secretary of State.</p> <p>Following submission of the document to the Secretary of State, the appointed Inspector will (via an appointed Programme Officer) invite further representations on matters to be discussed, with the opportunity to participate in related hearings.</p>
Inspector’s report – Not for consultation – for information only (Regulation 25)	
	<p>As soon as reasonably practicable, make the report available for viewing at all the places used during the Regulation 19 consultation.</p> <p>Publish the report on the County Council website.</p> <p>Notice will be given, either by letter or by e-mail, as preferred by the consultee, to those persons who requested to be notified of the publication during the Issues and Options or submission consultation phases.</p>
Adoption – Not for consultation – for information only	
	<p>As soon as reasonably practicable, make the report and supporting documents available for viewing at all the places used during the Regulation 19 consultation.</p> <p>Publish the report on the County Council website.</p> <p>Notice will be given, either by letter or by e-mail, as preferred by the consultee, to those persons who requested to be notified of the adoption of the document.</p>

The Duty to Co-operate

- 3.21 The Localism Act 2011 introduced a “Duty to Co-operate” which requires the County Council to engage constructively with other local authorities and prescribed bodies on matters when preparing Minerals and Waste Local Plans. This duty is in addition to the pre-existing requirements for consultation with prescribed bodies in the preparation of plans.
- 3.22 The Town and Country Planning (Local Planning) (England) Regulations 2012 states the bodies prescribed to fulfil the Duty to Co-operate in relation to planning of sustainable development.
- 3.23 Thus, the Duty to Cooperate must be considered as appropriate in planning matters by Somerset County Council. Cooperation should take place throughout the Local Plan preparation. It is important not to confine cooperation to any one point in the process.
- 3.24 Failure to demonstrate compliance with the duty at the Local Plan examination cannot be corrected after the Local Plan has been submitted for examination. The most likely outcome of a failure to demonstrate compliance will be that the local planning authority will withdraw the Local Plan.

4. Community involvement – planning applications

- 4.1 As the Minerals, Waste and County Planning Authority, SCC is responsible for determining planning applications relating to:
- Minerals development
 - Waste development
 - Regulation 3 of the Town and Country Regulations 1992 (applications for development being carried out by or on behalf of SCC and /or for development on land which SCC owns or has a significant interest in) in order to comply with its duties
- 4.2 This SCI applies in cases when SCC is the planning authority. Each local planning authority in a two tier authority area such as Somerset has its own SCI which, in combination with relevant arrangements for Community Infrastructure Levy (CIL), help to inform the approach taken.
- 4.3 In September 2004 the County Council published the Charter for Planning Control Service, which sets out the standards of service that can be expected by the public, applicants and external bodies. An Addendum to the Charter was published in October 2008. Hard copies of the Charter can be obtained by calling 01823358254 or e-mailing planning@somerset.gov.uk.
- 4.4 This Charter, whilst now dated, will continue to form the basis of the County Council's approach to community involvement when dealing with planning applications as those principles remain the same. In due course the Charter will be updated to reflect the significant changes in planning process since 2004. In particular, planning officers are able to provide high quality professional advice to the County Council's members, applicants and the public with regard to planning applications.
- 4.5 According to the National Planning Policy Framework (NPPF) issued in March 2012, local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 4.6 When determining a planning application, the planning control team carries out various consultation methods depending on the type and scale of application.

When will you be consulted?

4.7 There are three key stages in the planning application process when the County Council will encourage stakeholder and community involvement:

- Pre-application
- On registration and advertisement of a planning application
- Reporting on the Authority's decision

Pre-application

4.8 The County Council will encourage developers to engage with the local community and the Planning Authority, ensuring a better mutual understanding of objectives and the constraints that exist. Proposals can then be adapted to ensure that they better reflect community aspirations, that applications are complete and that every effort is made to address all the relevant issues.

4.9 The County Council has produced a pre-application protocol, providing guidance on what information is required when submitting an application. Relevant documentation is available for download from <http://www.somerset.gov.uk/environment-and-planning/planning/apply-for-planning-permission/>

4.10 The County Council will encourage and support developers in consulting the local community and stakeholders, so that issues can be raised and addressed early in the process. Also, where there is an appropriate liaison group, the County Council will encourage developers to consult these groups on any development proposal prior to the submission of a planning application. The County Council will advise developers to report on the results of pre-application community consultation as part of the planning application process.

4.11 Although SCC encourages developers to engage with local communities at pre-application stage not all of SCC pre-application requests are yet in the public domain and as such it is not always possible to engage with the community at this stage.

4.12 The Government has stated that the County Council cannot refuse to accept a valid application because they disagree with the way in which an applicant has consulted the community.³ However, failure by the applicant to consult could lead to objections being made which could be material to the determination of the application. The onus is upon the applicant to seek views early in the planning process, with a view to addressing them as part of any formal application to the County Council.

³ Regulations now require that applications for two or more wind turbines or one that exceeds 15 metres must carry out pre-application consultation and submit a Statement of Community Involvement with their application. However, it is unusual for SCC to deal with an application of this nature.

Information support planning applications

4.13 To achieve a professional and efficient Planning Control service, it is important that applicants submit quality applications to us. The purpose of the Validation Checklist is to provide applicants and their agents with guidance on the information required by the County Council and provide applicants with greater clarity on what information is required when submitting a planning application. This will then help to:

- Ensure submissions are complete and include all the necessary information to enable the application to be determined and the planning permission and conditions to be drafted
- Speed up the planning application process and make it more efficient by minimising the need for the County Council to request more information during the processing period
- Ensure more consistency when we register and validate applications while recognising the need for variation depending on the nature of the proposal

4.14 SCC's last Validation Checklist is dated 2010. It is intended that the document (being updated) will be in accordance with the requirements of the National Planning Policy Framework (NPPF) and to reflect the guidance from 'Guidance on Information Requirements and Validation' published by the Department for Communities and Local Government (DCLG) in March 2010 and Growth and Infrastructure Bill 2013.

4.15 There is a requirement for Somerset County Council to review and make any necessary updates to this document every two years. Different types of applications will require different levels of supporting information to be submitted.

4.16 Certain items are always required by law when an application is submitted. These requirements can be found in 'the National List' and is contained within the 'Town and Country Planning Development Management Procedure Order 2015 (as amended):

- The appropriate application form
- Sufficient information to describe the development
- Certificate of notices served
- A fee
- And, for all full applications except mineral and waste applications, a design and access statement

4.17 Planning legislation⁴ requires all valid planning applications received by the County Council to be publicised. The Statement of Community Involvement will build upon these requirements. A very high proportion of the planning applications which we deal with fall into the category of “major applications”.⁵ In consequence, our SCI is intended to relate specifically to these, and does not make separate reference to the smaller number of “minor” applications that come our way.

Who will be consulted?

4.18 Whilst anyone can comment on a planning application, typically consultees on planning applications can be divided into groups:

- Statutory consultees
- Non-statutory consultees
- Those who could be affected by the proposal because of where they live and/or work

4.19 Statutory consultees are required to respond to an application providing specialist advice on particular aspects of a proposal as appropriate; for example Natural England, Historic England, the Environment Agency and District and Parish Councils.

4.20 The County Council also consults organisations if their particular interest may be affected or they may be able to provide additional specialist advice (non-statutory consultees such as the Somerset Wildlife Trust, the Mendip Society or RSPB).

4.21 The level of direct consultation is decided on a case by case basis by the Case Officer.

4.22 Statutory consultees as listed in the Town and Country Planning (Development Management Procedures)(England) Order 2015 will be directly notified.

4.23 Individuals including, neighbouring homes/businesses, in the vicinity of the development and individuals who have expressed a particular interest will be notified that an application has been received.

4.24 The extent of neighbour notification will be determined by the case officer dependent on the scale and effects of the proposal.

⁴ The Town and Country Planning (Development Management Procedure) (England) Order 2015

⁵ Planning Performance Agreements (PPAs) may be used for a minority of applications which due to their scale and/or complexity will require significant officer input compared with other cases. Extensions of Time will be agreed with applicants as necessary.

How will representations be sought?

- 4.25 The method by which a particular application is publicised will depend upon the nature, scale and location of the development proposed. There are a number of different consultation methods that the County Council will use to engage and inform the community on planning applications, as set out in the Town and Country Planning (Development Management Procedures) (England) Order 2015. These methods include the statutory planning register held by the district councils; site notices; neighbour notification letters; advertisements in the press; public meetings; and public speaking at regulation committee. A complete list of available methods is included in Appendix C.⁶
- 4.26 Applications will be available for inspection at County Hall, Taunton during normal working hours. Applications can also be viewed on the County Council website www.somerset.gov.uk. All Somerset County Council's libraries now have internet access, which means that applications can be viewed when visiting libraries.
- 4.27 The statements below set out how the County Council will notify the public following the receipt of a planning application.
- The County Council will ensure that all planning applications it registers are recorded on the Statutory Register at the relevant district council office
 - Upon registration of a planning application the County Council will notify all the relevant statutory consultees of the proposal and clearly state when their views must be submitted by
 - Upon registration of a planning application for the County Council's own development (for example a planning application for a classroom extension submitted by a local authority school) the County Council will ensure that either a notice is placed on site and/or an advertisement is placed in the local press
 - For any minerals or waste planning application the County Council will place an advertisement in the local press and ensure that a notice is placed on site
 - The County Council will consult the appropriate parish and district council of any planning application for development within their administrative boundary. The County Council, where deemed appropriate, will consult adjacent parishes, providing there are no significant additional costs generated as a consequence
 - The County Council will consult other organisations if their particular interest may be affected or they may be able to provide additional specialist advice
 - Where appropriate, near neighbours to a development site will be notified in writing of the application

⁶ The Case Officer will decide on the necessary level of consultation based on statutory requirements and the nature and location of the application.

4.28 All comments on a planning application are scanned (if not supplied electronically), placed on to an electronic document management system and become public information available to view on the planning website. Personal information such as personal phone numbers, personal email addresses and signatures will be removed before publishing on the website.

How long will the consultation period be?

4.29 Once an application has been registered and the relevant organisations and individuals have been informed, all consultees and any other interested parties will have a minimum period of three weeks to send their comments to the County Council. If revised plans/details are received during the processing of a planning application the County Council will provide a re-consultation period of a minimum of 14 days. If comments are received after the consultation deadline, it is at the County Council's discretion whether it chooses to take these comments into account when determining the application.

4.30 The methods for making representations and the time by which representations must be received will be set out clearly by the Authority to ensure that people who want to comment can.

How to make a representation?

4.31 Anyone who has an interest in an application can make representations on the application.

4.32 Representations can be made by completing the online form, emailing Planning@somerset.gov.uk or by post to Planning Control, Enforcement and Compliance, Somerset County Council, County Hall, Taunton TA1 4DY. Please quote the application number and case officer name if known.

4.33 Please be aware that due to the volume of representations received it is not always possible for the Case Officer to respond individually to each representation.

How are the representations reviewed?

- 4.34 SCC can only take into consideration representations which raise material planning issues.⁷
- 4.35 After the consultation process on the application is complete, the Case Officer dealing with the application prepares a detailed report taking into account responses received.
- 4.36 A decision is then made as to whether an application should go before Regulation Committee or be dealt with under delegated powers. More information about the Council and its Constitution (including Schemes of Delegation) is available on the SCC website: www.somerset.gov.uk
- 4.37 The Case Officer's report is available to view on the planning portal: <http://webapp1.somerset.gov.uk/ePlanning/>
- 4.38 Applications that invite significant planning objections are presented to the Council's Regulation Committee.⁸ Meetings are usually held at County Hall, Taunton, and the Case Officer's report is available 5 clear working days before the meeting. More information is available on the SCC website: <http://www.somerset.gov.uk/environment-and-planning/planning/planning-control/>
- 4.39 At the Regulation Committee meeting the chairman will allow members of the public to make representations on applications that are being considered at that meeting. If you have made a comment on a planning application you will be informed of the day and time of the meeting in advanced and given the opportunity to register to speak. Each speaker will normally be allowed to speak for three minutes and the length of public question time will not exceed thirty minutes in total.
- 4.40 Please also be advised that:
- Any questions and comments must be directed through the Chairman
 - Each speaker will normally be allowed 3 minutes
 - If a large number of people attending the meeting wish to speak on one item, it is helpful if a representative is nominated to present the views of the group
 - An issue will not be deferred if you are unable to attend the meeting
 - The length of public question time will not exceed thirty minutes in total

⁷ Some examples of what amounts to a material planning consideration can be found here: <http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf>

⁸ It's not necessarily the number of objections received (such as a large petition) that determines if an item goes to Committee but how substantive the objection is.

How long does it typically take to determine an application?

- 4.41 **EIA applications:** applications that require Environmental Impact Assessment (EIA), when the application is accompanied by an Environmental Statement, are usually determined within 16 weeks.
- 4.42 **Major Applications:** applications that do not come under EIA applications but are defined as a major development according to the Town and Country Planning (Development Management Procedures)(England) Order 2015 are typically determines in 13 weeks. Such development involves one or more of the following:
- The winning and working of minerals or the use of land for mineral-working deposits
 - Waste development
 - The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more
 - Development carried out on a site having an area of one hectare or more
- 4.43 **Minor applications:** an application not covered by EIA or major applications as defined above has an anticipated determination time of 8 weeks.
- 4.44 Please note that these determination dates are targets and determination may be quicker or take longer depending on the level of objection and issues raised and potentially the need to report the application to regulation committee.
- 4.45 **Other types of submissions and applications** include:
- Non-material amendments and Section 73 applications to vary the conditions of a permission: the Planning authority will consult and notify in the same way as a full application would be notified and consulted upon
 - Scoping opinions: the Planning Authority will consult statutory consultees and may consult non statutory consultees. Due to the shortened timescale to responds to such a request, the consultation period will be limited to 14 days
 - Discharge of Conditions – Article 27 applications: where permission is granted subject to condition for a scheme must be approved or details agreed with the planning authority. The Planning Authority may consult as appropriate with other bodies including statutory and non-statutory consultees. These applications must (a) be made in writing to the local planning authority and must give sufficient information to enable the authority to identify the planning permission in respect of which it is made; and (b) include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the application

4.46 There are no statutory requirements to publicise or consult on the following submissions/application, however, certain levels of consultation are carried out as follows:

- Non material minor amendments: no consultations are likely to be carried out as such an amendment is deemed to be insignificant
- Screening Opinions: the Planning Authority may consult statutory consultees but is not obliged to do so. The timescale for responding to an applicant is 3 weeks unless extended by mutual agreement
- Certificate of Lawfulness of Existing Use or Development: these applications are essentially confirmation that a use of land having happened for a period of time, is protected from enforcement action and that use is established. The merits of that use are not considered. The Planning Authority may consult other bodies and near neighbours to establish the facts in such cases. It should be noted that it is not possible to apply for such a certificate for mineral or landfill development
- Certificate of Lawfulness of Proposed Use or Development: these certificates are a formal determination of whether the proposed activity constitutes development which is not permitted development and therefore express planning permission required

Reporting on the Authority's decision

4.47 All those who made representations will be informed of the decision within 10 working days of issue of the formal Decision Notice. Information will also be available via the Planning Control Service website at www.somerset.gov.uk/somerset/ete/planning.

Appeals

4.48 Information on how to take part in a Planning Appeal which is conducted by The Planning Inspectorate can be found here:
<https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

4.49 The Council will consult statutory consultees and non-statutory consultees in the same way as applications are consulted upon. Notification of appeals including neighbour notifications, site notices and local media notices will be undertaken as per statutory requirements and also published on the SCC planning web pages.

Monitoring and enforcement

- 4.50 Planning Officers carry out formal monitoring visits to mineral and waste sites across the county to check for compliance with planning conditions. There are set monitoring fees for these types of visits and a subsequent monitoring report is produced detailing what was witnessed onsite. These reports also outline any necessary actions or measures that the operator is required to undertake to ensure they are in compliance with their planning permission.
- 4.51 Any issues arising from these inspections would normally be dealt with by discussions between the planning officer and the operator concerned. However, if remedial actions were not taken within an agreed time, this could result in the implementation of enforcement action being taken.

5. Resource allocation

- 5.1 This document commits the County Council to a minimum level of consultation. That level exceeds what is required by statute. It falls into two parts:

Consultation in respect of planning applications:

The proposals in the SCI are already being operated by the Council's development control staff, assisted by a computerised administration system.

Consultation in respect of the preparation and review of the Minerals and Waste Development Framework:

Historically SCC has made use of Planning Delivery Grant (PDG) to appoint temporary staff, commission expert consultancy support where needed and cover the additional costs associated with public exhibitions and public hearings. Going forward, the Council must be realistic in what it can achieve in the current age of austerity and reduced funding from central government.

6. Links with other strategies

- 6.1 Minerals and waste planning does not exist in isolation from other planning strategies. Changes to the planning system have resulted in a number of strategies at regional, county and local level. The County Council's website presents information on SCC's evolving plans and policies: www.somerset.gov.uk.
- 6.2 It is important that planning policies are in accord with the Somerset Municipal Waste Strategy which is managed and updated by the Somerset Waste Partnership.
- 6.3 Somerset County Council will also consult groups and bodies established by district planning authorities to assist them in the production of their Development Frameworks.

7. Independent guidance

- 7.1 Free and impartial advice on planning matters, including how to get involved in consultation, can be obtained from an organisation known as Planning Aid. Contact details are provided in Appendix D. Other organisations that may be of assistance in dealing with planning issues are the Environmental Law Foundation and the Local Government Ombudsman, also detailed in Appendix D.

8. Glossary

AMR – Annual Monitoring Report

DPD – Development Plan Document

EiP – Examination in Public

LDS – Local Development Scheme (see also MWDS)

LDF – Local Development Framework (see also MWDF)

MPA – Mineral Planning Authority

MWDF – Minerals and Waste Development Framework

MWDS – Minerals and Waste Development Scheme

NPPF – National Planning Policy Framework

PPG – Planning Practice Guidance

PINs – Planning Inspectorate

SA – Sustainability Appraisal

SCI – Statement of Community Involvement

SPD – Supplementary Planning Document

Somerset – Where reference is made to Somerset in this document it means Somerset excluding Exmoor National Park.

Appendix A: Regulations on plan-making and development management

Regulations have been introduced that impact on how Local Planning Authorities engage with stakeholders on plan-making and development management. Some of the recent Regulations published include:

- The Town and Country Planning (Local Development) (England) Regulations 2004
- The Town and Country Planning (Regional Planning) (England) Regulations 2004
- The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008
- The Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008
- The Town and Country Planning (Regional Strategy) (England) Regulations 2010
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Community Infrastructure Levy Regulations 2010
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- The Town and Country Planning (Development Management Procedure) (England) Order 2015
- The Town and Country Planning (General Permitted Development) (England) Order 2015

Appendix B: Statutory consultees

Statutory Consultation on a planning application is carried out in accordance with legislation. In addition to the public advertising of an application, the County Planning Authority are also required to carry out other statutory consultations. Statutory consultees are determined on a case by case basis.

Current requirements for statutory consultation are outlined in Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (available to download from www.legislation.gov.uk) These statutory consultees include, for example, The Environment Agency, The Local Highway Authority or Sport England.

Somerset County Council will always consult the Local District or Borough Council concerned and the Local Parish or Town Council concerned, as they are statutory consultees.

All applications for planning permission are publicised on our website. The way in which an application is further advertised to the public depends on the type of application.

For applications which are considered to be **EIA** (Environment Impact Assessment) and are accompanied by an environmental statement, **do not accord with the development plan** in force in the area or **would affect a right of way** to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way) then the application must be publicised by site notice in at least one place on or near the land which the application relates to for at least 21 days and by publication of the notice in a newspaper circulating in the locality.

If the development is considered to be a **major application** then the application is advertised by either by a site notice or by serving the notice on any adjoining landowner or occupier and by publication of the notice in a newspaper circulating in the locality.

Where none of the instances apply (for example **minor applications**) the application must be advertised by either a site notice or by serving notice on adjoining landowners.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (also available to download from <http://www.legislation.gov.uk>) sets regulations on plan-making that include definitions of:

- **Public bodies subject to the Duty to Cooperate:** see Regulation 4 in the 2012 Regulations.
- **Specific consultation bodies:** see Regulation 2 in the 2012 Regulations.

Appendix C: List of consultation methods

Methods	Main considerations
Documents (such as “Issues and Options” consultation document and/or planning applications) available for inspection at local planning authority offices during set consultation period	<p>It will be made clear in the consultation process when and how people can view these documents. Offices may not be conveniently located or open at convenient times.</p> <p>Offices and documents should be accessible to those with disabilities.</p>
Documents (such as “Issues and Options” consultation document) available for inspection at sites convenient to local communities	Different sites can be selected depending on the area. Public libraries may be particularly useful as they are often open outside of normal working hours some evenings and Saturdays.
Letters to statutory bodies / direct consultation	Can highlight the broad issues and direct specific consultation bodies to more detailed information if they want to respond.
<p>Website:</p> <p><i>Planning policy:</i> www.somerset.gov.uk/mineralsandwaste</p> <p><i>Planning applications:</i> http://webapp1.somerset.gov.uk/ePlanning/searchPageLoad.do</p>	<p>User-friendly summarised documents and the full documents can be made available for viewing and downloading from the County Council website. Useful for feedback. Accessible to many people from their own homes and therefore at times that suit them. Large documents can be slow to download, particularly in areas without broadband.</p> <p>Documents may also be placed on other organisations’ websites as a way of disseminating information to members, such as Parish websites. Any comments can also be submitted via the website, and contacts can be added to the database.</p>
E-mailshot	Useful for maintaining contact with and informing organisations, groups and other interested parties. Low resource requirements with an effective database.

Media (local press, TV and radio)	There is a statutory requirement to advertise planning applications in the local media. In addition local media can be useful for raising the profile of planning issues and reach a wide audience. This type of publicity may not encourage public participation as effectively as other methods but is useful for keeping people informed, including feeding back information when consultation is concluded and decisions are made.
Leaflets/brochures	Useful for presenting a summary and encouraging the public to take part in consultation. May be combined with a return slip to aid response. Can direct to more detailed information located at libraries, on websites, etc. Easily distributed via local newspapers, Parish newsletters, leaflet drops to local residents. This form of consultation could be easily adapted to highlight differing key issues relevant to specific areas or groups of people.
Public exhibitions/ displays/stalls/ roadshows	Good medium for disseminating information, allowing communities to air their views. Fairly resource intensive and attendees are self-selecting. Should be held in accessible locations that are relevant to the subject under discussion. May need to be held over several days and at varying times to ensure all sections of the community have an opportunity to attend. Material must be presented in a clear and concise way and be accessible to people with disabilities.
Formal written consultation/ referenda/ community surveys	Good introduction to main issues. Responses can help to identify key interests and groups. Provide a focus to the consultation around a number of targeted questions. This can also restrict the responses and limit thinking. However, this method is useful for issues focused in a geographical area.

<p>One-to-one meetings/presentations with selected stakeholders</p>	<p>Useful means of identifying main issues, getting the key people involved and achieving alignment with other strategies and initiatives. This is resource intensive requiring senior staff involvement together with the expectation that commitments will be made and fulfilled. Can be effective for disseminating information more widely such as through Town Councils or Parish Councils, which have a remit to keep local people informed, and through resources such as websites and Parish newsletters.</p>
<p>Public meetings/area, town and village meetings</p>	<p>Particularly useful for issues affecting specific areas. Open and inclusive way for people to engage in debate. Attendees are self-selecting. Meetings must be carefully prepared and effectively chaired to avoid attention focusing on a single issue of particular interest to a limited number of people. Can be resource intensive.</p> <p>Location of meetings should be selected to be accessible and convenient for as many people as possible and timed to give a broad section of society an opportunity to attend.</p>
<p>Existing and/or specially arranged groups, forums or panels, including:</p> <ul style="list-style-type: none"> • Focus groups - selected groups of participants with particular characteristics; • Citizen panels - randomly selected participants; • Pre-existing panels, forums, design teams; • Area groups and/or steering/advisory groups 	<p>Useful for area-based discussions and presentation of options. Can help authorities to gain more understanding of public concerns. Provides opportunity to explore issues in depth.</p> <p>Developer panels comprising regular applicants or agents can provide a forum for authorities to disseminate information and canvass professional opinion. Makes use of existing pools of knowledge. Can provide targeted feedback from those in regular contact with the Authority, with a view to improving its planning service.</p> <p>Tailor-made forums to discuss issues relevant to the area, especially appropriate for area-based policies or specific applications. Good for creating long-term communication routes.</p>

	<p>Steering/advisory groups can provide a mechanism for getting key organisations involved in overseeing or acting as a sounding board. Particularly appropriate for area action plans or topic-based policies. Role of the group (steering or advising) needs to be clear and there should be a transparent approach to selecting members. Can tend to attract the same people and doesn't reach the wider community</p>
<p>Workshops (interactive): 'enquiry by design' and 'planning for real' exercises</p>	<p>Means of engaging local communities on planning applications and developing 'ownership' of proposals. Need to involve the right people and require significant preparation to allow a structured approach and report back, and can therefore be resource intensive. Useful for identifying and focusing discussion around difficult issues and key themes.</p>

Appendix D: additional resources available to communities and individuals

Two organisations that may be useful to groups and organisations unsure of the most effective way to get involved with the planning process or who feel they require expert advice are:

Planning Aid - During the consultation processes this organisation may be able to offer useful advice in how to be involved in the planning process. Planning Aid provides free, independent and professional town planning advice and support to communities and individuals who cannot afford to pay fees to a planning consultant. It complements the work of local planning authorities, but is wholly independent of them. Their contact details are:

Planning Aid Direct

Tel: 0330 123 9244

E-mail: advice@planningaid.rtpi.org.uk

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

Environmental Law Foundation – Another potential source of information and support is the Environmental Law Foundation, a national UK charity linking communities and individuals to legal and technical expertise to prevent damage to the environment and to improve the quality for all. Through its network of members, ELF provides people with information and advice on how the law can help resolve environmental problems such as pollution, development and health. Their contact details are:

Environmental Law Foundation

Helpline: 0330 123 0169

e-mail: info@elflaw.org

Other websites

Other websites that may potentially be of interest:

- My Community website:
<http://mycommunity.org.uk/programme/neighbourhood-planning/>
- The Community Council for Somerset also provide support around Community led planning: <http://somersestrcc.org.uk/community-led-planning-2/>

Complaints

Whilst it is intended that in following the processes set out in the Statement of Community Involvement the community and other stakeholders will feel that they have had a fair opportunity to comment and their comments have been considered in a reasoned manner. There may be times when groups or individuals are not satisfied however, and would like to involve other bodies to address their concerns. Somerset County Council has procedures in place for dealing with complaints. In the first instance complaints can be addressed to the relevant department and should be acknowledged and responded to within 10 days. Contact details for the Council are provided at the front of this document.

If you are still not satisfied you can contact the Local Government Ombudsman at the following address:

PO Box 4771

Coventry

CV4 0EH

Telephone: 0300 0610614

Text 'call-back' to: 0762 481 1595

Fax: 024 7682 0001

Website: www.lgo.org.uk