

Somerset County Council

Statement of Community Involvement

CONSULTATION STATEMENT

1. Introduction

- 1.1. This document summarises the consultation undertaken by Somerset County Council (SCC) to inform the production of a revised Statement of Community Involvement (SCI) in Planning.
- 1.2. Section 2 outlines how the consultation was undertaken and section 3 summarises the responses made during the consultation and how these responses have been addressed.
- 1.3. It is noted that the regulations governing the production of SCIs have changed. The 2004 Planning & Compulsory Purchase Act remains the legal driver under which SCIs are produced. But SCIs are no longer examined by an independent Inspector.

2. How did SCC consult on the revised SCI?

- 2.1. SCC consulted on the revised SCI from 13 May to the 24 June 2016.
- 2.2. Copies of the SCI were available free of charge, during normal opening hours, at the following locations:
 - In printed copy at Somerset County Council, County Hall, Taunton, TA1 4DY
 - In printed copy at District Council offices in Somerset
 - Online at www.somerset.gov.uk/mineralsandwaste and via Somerset's public libraries.

3. Comments received on the SCI

- 3.1. Seven responses were received to the consultation on the draft Statement of Community Involvement in Planning.
- 3.2. The responses are summarised in Table 1 below, split into the different representations (where appropriate) from each respondent and accompanied by comments from SCC on how each representation will be addressed.

Table 1: Schedule of comments on the draft revised SCI

| Representation organisation | Section mentioned (if at all) | Summary of main issue raised | Proposed SCC response | Proposed modification to the SCI |
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| Environment Agency | | No comments | Noted | No change |
| Historic England | | No comments | Noted | No change |
| Natural England | | No comments | Noted | No change |
| Network Rail | | <i>Developments within 10 m of relevant railway land</i> Network Rail draws SCC's attention to <i>The Town and Country Planning (Development Management Procedure) (England) Order 2015</i> regarding publicity for applications for planning permission within 10 metres of relevant railway land. Section 16 of the Order refers. | Noted As drafted, the revised SCI makes several references to the Town and Country Planning (Development Management Procedure) (England) Order 2015. Adherence to the Order requires the Planning Authority to notify Network Rail regarding certain applications. Having referred to the Order in the SCI, we do not think those circumstances need to be repeated in the SCI. | No change |

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| <p>Network Rail</p> | | <p><i>Developer Contribution</i> Network Rail highlights that the SCI should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure. Network Rail asks that a Policy is included within the document which requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from new development. Furthermore, the role and content of a Transport Assessment (submitted in support of a planning application) is highlighted, whereby it can be used to quantify in detail the likely impact on the rail network. Quoting from the response: “To ensure that developer contributions can deliver appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail and should include the following:</p> <ul style="list-style-type: none"> • A requirement for development contributions to deliver improvements to the rail network where appropriate. • A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated. • A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. We would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail’s remit.” | <p>We do not consider it is appropriate to use the SCI to set Developer Contributions or measures associated with the content of Transport Assessment.</p> <p>District Local Plans, Minerals Plans and Waste Plans are a more appropriate document and route for setting this strategic context. In Somerset the adopted Somerset Minerals Plan (adopted 2015) and the Somerset Waste Core Strategy (adopted 2013) already do.</p> <p>The commitment to consult Network Rail on any applications that may impact on the rail network and may require rail infrastructure improvements is already embedded within the Development Management Procure Order 2015 as mentioned above.</p> | <p>No change</p> |
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| Network Rail | | <p><i>Level Crossings</i></p> <p>Network Rail highlights Somerset County Council's statutory responsibility under planning legislation (Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) order, 2010) to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over the railway.</p> | Noted | No change |
| Network Rail | | <p><i>Planning Applications</i></p> <p>We would appreciate Somerset County Council providing Network Rail with an opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above).</p> | Noted | No change |
| Woodland Trust | 3.6 | The Woodland Trust would like to be included as an interest group (environmental) for minerals and waste planning policy. | <p>The Woodland Trust is included in the County Council's contact database for minerals and waste planning policy and is represented under the umbrella of "environmental groups" in section 3.6.</p> <p>That said we are happy to include reference to the Woodland Trust in the SCI to help exemplify the type of interest group that we would consult on a case by case basis.</p> | Amend paragraph 4.20 – see below. |

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| Woodland Trust | 4.20 | In order to improve consultation on planning applications, the Woodland Trust would like this SCI to commit to consulting the Woodland Trust on any planning applications that destroy, degrade or threaten the irreplaceable habitat of ancient woodland. The National Policy Planning Framework clearly states: "...planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland..." (DCLG, March 2012, para 118). The Woodland Trust therefore needs to be informed of these development cases. | Agreed | Amend paragraph 4.20 as follows: <i>"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, the <u>Woodland Trust</u> or RSPB).</i> |
| Woodland Trust | | We draw your attention to (a) details of the location of ancient woodland are available through the county Ancient Woodland Inventory (Natural England) and ancient trees can be identified by the Ancient Tree Hunt data (http://www.ancient-tree-hunt.org.uk/). And (b) we also draw your attention to Natural England and the Forestry Commission's standing advice for Ancient woodland and veteran trees: protecting them from development - https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences | Noted | No change |

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| Somerset Geology Group | | With regard to the current consultation on a new Statement of community involvement you may like to be aware that we are in the process of revitalising the Somerset Geology Group - a specialist group of the Somerset Wildlife Trust - working closely with the Somerset Environmental Record Centre. | Noted. We will ensure that the Somerset Geology Group is included in the County Council's contact database for minerals and waste planning policy. | No change |
| Somerset Geology Group | | We are a member of GeoConservationUK, the Association of UK 'RIGS' groups, whose mission is to: 'encourage the appreciation, conservation and promotion of local/regional geological sites for education and public benefit'. We are planning to review Somerset's local geological sites as a first step as Somerset was amongst the first group of counties to identify their local geological sites in the 1980s and 90s and there is now more recent guidance from DEFRA on local sites (published in 2006). In the last few years there have also been several initiatives encouraging awareness of geo-diversity at a landscape scale – so there is now the wider context of our work contributing to the UK Geodiversity Action Plan (www.ukgap.org.uk) and the England Geodiversity Charter, published last autumn (www.englishgeodiversityforum.org). | Noted | No change |
| Somerset Geology Group | | Some members of our network are also variously involved in practical conservation and educational use of individual sites. Vallis Vale and Tedbury Camp are, for example, one of a series of sites nationally that have had educational material developed for them, for different key stages, that is available online via the GeoconservationUK website. There is also now we understand an annual Mendips Rocks festival organised by the Mendip AONB. | Noted | No change |

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| <p>Frack Free Exmoor Quantocks and Sedgemoor (Frack Free EQS)</p> | <p>3.8 3.17 3.18</p> | <p>The response emphasised the value of accessible, public-facing events (face-to-face discussions) when consulting the public, reaching out to customers in a meaningful way. This is a general comment and also a comment about the SCI consultation itself.</p> <p>Set in this context, it is requested that Section 3.8 be broadened to include public information events and that section 3.17 be broadened to include accommodations such as interpreters, information to be provided in plain English, and all meeting venues to be fully physically accessible etc.</p> <p>Further clarification is also requested concerning the use of local/social media as referenced in section 3.18 to ensure that a broad offering be provided in a variety of mediums and formats for the purposes of accessibility and inclusivity.</p> | <p>We have held public-facing events on minerals and waste planning policy and will no doubt do so again on future planning work. This must be considered on a case by case basis.</p> <p>Public-facing events in plan-making are mentioned within Table 3-1. It is not considered necessary to repeat that commitment in section 3.8.</p> <p>Accessibility of events and consultation are in line with SCC Equality Policy – “Fairness and Equality for All”, available via the following link: http://www.somerset.gov.uk/policies-and-plans/policies/equality/</p> <p>All decisions are accompanied by an impact assessment, not least to ensure that the impacts on different groups are considered. This is underpinned by Somerset County Council’s Customer Service Charter, which sets out the authority’s</p> | <p>No change</p> |
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| | | | <p>commitment to good quality accessible services.</p> <p>The SCI is a high-level document which cannot be overly prescriptive, but will meet with our corporate policy and statutory responsibilities as a minimum requirement. Over and above this, flexibility must be allowed to deliver what is appropriate on a case by case basis.</p> | |
| Frack Free Exmoor Quantocks and Sedgemoor | 4.7 | The response states that SCC has been unwilling to conduct any meaningful pre-application activities regarding onshore oil and gas development. The response states that SCC should honour its commitments regarding pre-application activities. | <p>To date, there have been no planning applications for oil and gas development in Somerset. Planning applications can only come forward once the legal agreements for the PEDLs are signed (at the time of writing, this has not yet been done).</p> <p>SCC's approach regarding pre-application activity are articulated in sections 4.8 to 4.12 and these remain in place regarding oil and gas development, alongside the commitments made in the adopted Somerset</p> | No change |

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| | | | Minerals Plan to encourage early community engagement on this issue. | |
| Frack Free Exmoor Quantocks and Sedgemoor | 4.23 4.24 | The response highlights the need for clarity about the definitions of “ <i>vicinity</i> ” and “ <i>neighbour</i> ” with regard to consultation on proposals for hydraulic fracturing (fracking) | Neighbour notifications are only one statutory method of notifying the public on receipt of an application. Other ways are a site notice and, for major applications, newspaper notices. Neighbour notifications are determined on a case by case basis, as stated in paragraph 4.24. | Combine paragraphs 4.23 and 4.24 |
| Frack Free Exmoor Quantocks and Sedgemoor | 3.6 | The response suggests that consultation should include those on leasehold arrangements, not just landowners | This is a “Certificate B” matter. When any applicant is applying for planning permission they have to certify that they have given the requisite notice to certain people with an ownership interest in the land. This requirement (along with other national requirements) on the information that must be supplied is available on the Planning Practice Guidance portal at: http://planningguidance.communities.gov.uk/blog/guidance/making-an-application/validation- | No change |

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| | | | requirements/national-information-requirements/ | |
| Frack Free Exmoor Quantocks and Sedgemoor | 3.6 | The response highlights it is important to ensure that all voices are treated equally and that no bias exists within any consultation process, nor should vested private commercial interests be strengthened. It is requested that a clause be inserted within Section 3.6 to address this concern, particularly with regard to the management of waste water from the fracking process. | <p>SCC's waste plan and SWP's evolving strategy for managing local authority collected waste need to inform each other.</p> <p>We agree that planning decisions should treat industry voices equally, whilst mindful of the commercial contracts agreed, which are made adhering to relevant regulations.</p> <p>The management of waste water from a fracking process will not be prescribed by local waste planning policy. The main regulator of such management is the Environment Agency.</p> | No change |
| Frack Free Exmoor Quantocks and Sedgemoor | 4.21 | The response emphasises the need to make transparent the criteria used by a case officer to discuss the level of direct consultation | The paragraph in question refers to consultation with specialist groups linked with paragraph 4.20. For clarity these paragraphs could be combined. | Combine paragraphs 4.20 and 4.21 |

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| <p>Frack Free Exmoor Quantocks and Sedgemoor</p> | <p>4.29</p> | <p>The response states that the consultation period in section 4.29 seems short and should be presented in working weeks or days.</p> | <p>These are the minimum period as stated in The Town and Country Planning (Development Management Procedure) (England) Order 2015. However, we can acknowledge that these periods may be extended.</p> | <p>Amend paragraph 4.29 as follows:</p> <p><i>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 <u>21 days</u>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. <u>These are minimum consultation periods, as prescribed in The Town and Country Planning (Development Management Procedure) (England) Order 2015, which</u></i></p> |
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| | | | | <p><i>the County may extend in extenuating circumstances for some major applications. 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.</i></p> |
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