

Statement of Community

Involvement

Consultation Statement

1. Introduction

- 1.1 The Statement of Community Involvement (SCI) explains how East Herts District Council intends to involve the community in the preparation, alteration or review of local planning policies or in determining planning applications. The planning system can be complex and the SCI aims to address uncertainty by setting out how the Council will engage with people at various stages of the planning process.
- 1.2 The preparation of an SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. The legislation requires that the SCI is reviewed every five years. In addition there have been changes to legislation and some of the Council's procedures so it is important that the SCI is revised to reflect these changes.

2. Consultation undertaken

- 2.1 Formal public consultation was undertaken on the draft SCI for a period of six weeks from **20 June to 1 August 2019**. The Council consulted widely on the SCI in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) via email; or post where no email address was provided. This has included the Specific Consultation Bodies, community organisations including resident's associations, developers and agents, and a range of other national, regional and local organisations. The SPD consultation was also advertised via the Council's website (www.eastherts.gov.uk/sci), social media and newsletter Network.
- 2.2 Representations could be made via the Council's consultation portal <http://consult.eastherts.gov.uk/portal>; emailed to planningpolicy@eastherts.gov.uk

or sent to; Planning Policy, East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.

3. Issues raised during the consultation

3.1 During the consultation, 17 representations were received, made by 10 respondents. Of the representations 5 were objections, 6 of the representations were supports and 5 were comments.

3.2 The main issues raised include:

- More clarity about the definitions of planning policy consultees;
- Amendment to planning application consultations or procedures ;
- Membership of masterplan steering groups;
- Notification of proposed Neighbourhood Planning Areas.

3.3 A summary of the consultation responses is set out in the schedule below. This table outlines the comments by topic, the Council's response to these issues and any consequential changes to the SPD. If text is to be deleted from the draft SPD it is shown ~~struck through~~. If new text is to be inserted it is shown underlined.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
General Comments					
1 – C. Jones		Support	An excellent document, clearly explained, informative and easy to read.	Support noted	No amendment in response to this issue.
10- Natural England		Support	Supportive of the principle of meaningful and early engagement with community, community organisations and statutory bodies. Unable to comment in detail on individual Statements of Community Involvement.	Noted	No amendment in response to this issue.
11- Hertfordshire County Council			No comment on the draft SCI.	Noted	No amendment in response to this issue.
12- Hertford Town Council		Support	Discussed at Planning Sub-committee in July 2019. Supportive of the document.	Support noted	No amendment in response to this issue.
3. Planning Policy Documents					
3 Historic England	Who will we consult (3.7- 3.11)	Support	Support general aims and approach to the draft Statement of Community Involvement. Welcome the acknowledgement of Historic England as a Statutory consultee and Duty to Cooperate body. Would like Historic England listed as a Specific consultee in paragraph 3.7, in addition to	Support noted. Paragraph 3.7 outlines that the statutory consultees include 'national agencies' and details that statutory consultees are defined in appendix A. Historic England is listed in Appendix A as a 'Specific Consultee' so it is clear it is a statutory consultee. It is not considered necessary to list all	No amendment in response to this issue.

			appendix A.	the statutory consultees twice in the SCI, especially as the document aims to be concise.	
8- Roydon Parish Council	Who will we consult (3.7)		Seek amendment to paragraph 3.7 to include reference to statutory consultation with adjoining parish and town councils, such as Roydon.	Agreed. The Regulations identify that specific consultation bodies include: <i>'a relevant authority any part of whose area is in or adjoins the local planning authority's area within or adjoining the local authority'</i> . Relevant authorities include parish/town councils, so the SCI should make it clearer that adjoining parish/town councils are consulted.	Add text to the third bullet point of paragraph 3.7 as follows: <ul style="list-style-type: none"> Parish or town councils <u>within or adjoining East Herts.</u> Amend Appendix A to add text to the following bullet point relating to specific consultation bodies: <ul style="list-style-type: none"> Parish and town councils <u>within or adjoining East Herts.</u>
7- Bishop Stortford Civic Federation	Who will we consult (3.7)	Object	Concerned about lack of clarity in paragraph 3.7 between the description of <i>'voluntary organisations that represent the interests of specific parts of the community'</i> as statutory consultees and the description of <i>'community groups'</i> as other consultees. The Bishops Stortford Civic Federation complies with the description of a voluntary organisation as is the case for many community groups. The SCI should clarify the status of such organisations.	Noted. The Town and Country (Local Planning) (England) Regulations 2012 set out the 'Specific Consultation Bodies' and 'General Consultation Bodies' that local planning authorities should consider when preparing planning policies. The Regulations allow the Council to consult the Specific or General Consultation bodies that have an interest in the document or as considered appropriate. Unlike for Specific Consultees, General Consultation Bodies	Amend paragraph 3.7 and 3.8 as follows, to provide more clarity about the status of different consultees. Specific and General bodies 3.7 We are legally required to consult a range of specific and general consultees <u>when preparing planning policy documents. who are relevant to the document being prepared.</u> These are groups with particular knowledge in certain areas or those that represent specific interest groups. <u>The Regulations allow councils to select 'such of' the Specific and General Consultation Bodies that may have an interest and/or the 'local planning authority consider appropriate' to the consultation</u>

			<p>are not identified in the legislation. However, it is agreed that the Civic Federation meet the definition of a General Consultation Body in the Regulations (as set out in Appendix A). As such, when relevant, they will be consulted on planning policy documents in accordance with the Regulations. East Herts Council generally consults all consultees on the database for each planning policy consultation, so exceeds the requirements of the legislation.</p> <p>It is agreed that the status of consultees in the SCI is slightly confusing and more clarity would be helpful to ensure the SCI more closely reflect the regulations. The list of other consultees should be refined to avoid repetition.</p>	<p><u>document being prepared.</u></p> <p>These consultation bodies statutory consultees are defined in appendix A but include:</p> <ul style="list-style-type: none"> • Hertfordshire County Council • Adjoining local authorities • Parish or town councils • Organisations that represent the interests of specific parts of the community • Voluntary Organisations that represent the interests of specific parts of the community • Infrastructure providers • National agencies or bodies <p>Other consultees Legally the Council must also notify and consult, as appropriate <u>such local residents or other persons carrying out businesses as they consider appropriate- those that live, work and carryout business in the area.</u> This includes those that have asked to be consulted. The Council recognises that the views of the wider community are important and consults a range of groups and individuals who do not fall into the above categories. These may include the following:</p> <ul style="list-style-type: none"> • Community groups • Residents' Associations • Social, economic and
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					<ul style="list-style-type: none"> environmental organisations • Businesses or members of the general public who have asked to be consulted. • Developers, <u>agents</u> and landowners
16- Bishop Stortford Civic Federation	Who will we consult (3.9)	Object	Support the use of a consultee database. However, assume it will not just be users on the Council's general consultation portal but a database of interested stakeholders for all planning consultation processes.	<p>The consultation database referred to in paragraph 3.9 is used for planning policy consultations and incorporates a range of consultees. The Council generally exceeds the statutory requirement and consults all those registered for each policy consultation.</p> <p>With regard to planning applications, there are separate admin processes for contacting consultees in accordance with legislative requirements. This is set out in section 6 of the SCI.</p> <p>However, it may be helpful to add reference to using the weekly lists of planning applications on the website. This can help inform people of</p>	<p>Insert a new paragraph after table 5 as follows:</p> <p><u>All new applications can be viewed on the Council's website. People can also use pre-set searches to see weekly lists of planning applications received or determined.</u></p>

				applications they may wish to comment on.	
15 - Bishop Stortford Civic Federation	When will we consult (3.1 and 3.13)	Object	In some cases, for example site BISH8, SPDs are required to provide the framework for masterplanning and pre-application process for major developments. SCI should specify more clearly the sequencing of public and other stakeholder consultation opportunities and requirements before the SPD process is engaged.	<p>The production of both SPDs and masterplanning frameworks are separate processes and it is appropriate that they are explained separately in the SCI.</p> <p>That does not preclude the integration of the two processes as is the case for BISH8.</p>	No amendment in response to this issue.
4. Neighbourhood Planning					
17- Historic England	When and how are we involved in plan consultation (Table 3)		<p>Would welcome notification of proposed neighbourhood planning areas as well as consultation on draft plans. The regulations state that Historic England should be consulted on draft plans where their interests are considered to be affected.</p> <p>Would welcome consultation at an informal level, in addition to the requirements of the legislation, where issues may benefit from our early involvement.</p>	<p>The Council acknowledges that the legislation requires that Historic England is consulted at Regulations stages 14 and 16, where relevant. Table 3 sets out the different stages of the consultation process.</p> <p>As in other aspects of planning, the Council is supportive of early engagement with Historic England, to help address potential issues at an early stage.</p> <p>Where appropriate and possible the Council will engage early with Historic England. However, it is not considered necessary to</p>	No amendment in response to this issue.

				require this approach for non-statutory consultation (as is the case for notifying Historic England of Neighbourhood Area Designation). Given the potential resource implications early engagement is better considered on a site specific basis and not prescribed in the SCI.	
5. Harlow and Gilston Garden Town					
9-Roydon Parish Council	Steering group engagement		Would like to become a member of the Gilston steering group.	<p>Noted. Detailed information about steering group membership is outside the scope of the SCI because it relates to site-specific masterplan processes.</p> <p>However, the request will be considered by the Council and existing steering group members and Roydon Parish Council will be informed as soon as possible.</p>	No amendment in response to this issue.
6. Planning applications					
6- Bishops Stortford Civic Federation	Masterplan process (6.7-6.9)	Object	Expresses concern that for some sites, the Bishop's Stortford steering group has not involved appropriate stakeholders. Therefore, the SCI should be more explicit about which stakeholders and community organisations	<p>Noted.</p> <p>The SCI identifies the approach to masterplanning set out in the District Plan. The broad principles are outlined, but the detail will vary depending on the local context. Membership</p>	<p>Amend paragraph 6.9, as follows:</p> <p>Masterplans must involve collaboration with East Herts District Council, other stakeholders and the local community, including town/parish councils. Engagement from an early stage should inform the</p>

			<p>should participate in the masterplan process.</p>	<p>of the steering group and the approach to wider participation will depend on the issues and circumstances relevant to the site.</p> <p>Therefore it is not appropriate or necessary for the SCI to be too prescriptive. New text will be added to provide more clarity about the role of the steering groups, but will not prescribe membership.</p>	<p>development of the master plan. <u>Steering groups have been established for each town in the District to help inform the development of strategic sites allocated in the adopted District Plan. These often comprise of East Herts councillors, town and parish councillors, representatives of the local community and other interested groups, where appropriate. Membership of the steering groups will be determined on a site by site basis, depending on the local issues and circumstances.</u> Wider public participation should also be undertaken as appropriate. methods, such as community events or displays, may also be used if required.</p>
13- Thames Water	Pre-application		<p>Would welcome inclusion of text in the section of pre-application advice to advise developers to liaise with Thames Water to discuss wastewater infrastructure requirements ahead of the submission of any application.</p>	<p>Recognise the importance of pre-application discussions to address issues early in the planning process and to ensure timely infrastructure provision.</p>	<p>Insert the following sentences as a new footnote at the end of paragraph 6.10:</p> <p><u>It could also be helpful to have pre-app discussions with other relevant agencies. This may include Hertfordshire County Council, Thames Water and the Environment Agency.</u></p>
4- Much Hadham Parish Council	Application Stage (6.17)	Support	<p>Outlines that the Parish Council often have to apply for an extension due to the timing of parish meetings. Ask if the SCI should include a section on the process by which extension to the consultation</p>	<p>The Council generally allows time extensions beyond the statutory consultation period for Parish and Town Councils, in accordance with their meeting timetable. In general late representations are taken</p>	<p>No amendment in response to this issue.</p>

			period may be requested and the criteria for whether such a request would be granted?	into account up until the point of determination of the application. However, the Council prefer that comments are received during the time period indicated in the publicity. Therefore it is not considered appropriate to mention or encourage the use of extensions in the SCI.	
5- Much Hadham Parish Council	How will Council deal with responses (6.21)	Support	Seek clarification that comments will be made publicly available via the planning portal, so will be visible online.	Paragraph 6.21 specifies that all comments received will be made publicly available. For clarity should make it clear that comments will be published online.	For clarity amend paragraph 6.21 (now 6.22) as follows: All comments will be made publicly available <u>online alongside the planning application documents.</u>
14- Bishops Stortford Civic Federation	Decision Stage	Object	Raise the following concerns about the planning application process that the SCI should take the opportunity to rethink: <ul style="list-style-type: none"> Length of consultation period should be increased to 42 days for major developments. The location of the DMC meeting- major developments should have a dedicated meeting as close as possible to the location of the proposed 	Noted. The Council now allow supporters/ objectors 6 minutes to speak at DMC committee for major sites so the SCI should be updated to reflect this. However, no other changes are considered appropriate for the following reasons: <ul style="list-style-type: none"> The length of the consultation period reflects statutory guidance. Given the number of applications from across the district it is 	Amend paragraph 6.28 (now 6.29) and footnote 10 (now 11) as follows: The Council allows supporters, objectors and town/parish council representatives to make a short (normally 3 minute) oral statement to the Development Management Committee on any of the planning applications which are being considered by the Committee. Footnote 10: For clarity delete the following text in footnote 10: Up to <u>One</u> person may be allowed

			<p>development.</p> <ul style="list-style-type: none"> • Increase the number of objectors and supporters allowed to speak (particularly those registered on the database) • Increase the time periods for preparation of a response by ensuring officer reports are • Increase the time for delivering the statement to 6 minutes. 	<p>not feasible or practical to have dedicated DMC committees at different locations for each major site. Committees are filmed via the webcast so can be viewed across the district. Equally, when requested, the Council will consider showing the committee at alternative venues. This will be determined on a case by case basis and does not need to be prescribed in the SCI.</p> <ul style="list-style-type: none"> • Increasing the number of speakers is not practical given that number of applications to be considered at committee. • In most cases the officers' reports are published around 2 weeks before committee, but occasionally they are published closer to the committee date due to particular circumstances. The SCI aims to be flexible so seeks to avoid setting rigid timescales for non- 	<p>to speak in support of an application, and one person to speak in objection to each application at the meeting. Each person or group of people opposing or supporting the proposal will be allowed up to three minutes <u>(or 6 minutes for strategic sites allocated in the District Plan)</u> to speak to the Committee. How to register to speak and the rules for these meetings are explained in greater detail on the Council's website http://www.eastherts.gov.uk</p>
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				statutory processes.	
Appendix A					
2- Canal and River Trust	Specific Consultees		The Canal and River Trust is a statutory consultee in the Development Management Process. The organisation should be consulted if an application is going to affect any inland waterway or canal feeder canal. Early engagement in both the plan making and with planning applications is key. Would like to be included in the list of 'Specific Consultees' in appendix A.	<p>Noted and East Herts Council welcome engagement with the Canal and River Trust. It is recognised that the Canal and River Trust are prescribed as a statutory consultee for Development Management purposes in The Town and Country Planning (Development Management Procedure) (England) Order 2015. As such they will be consulted about relevant planning applications, in accordance with legislation</p> <p>However, the list of Specific Consultees in appendix A relates to the requirements of the Town and Country Planning (Local Planning) (England) Regulations. As a voluntary organisation The Trust would be considered a General Consultee and meet the criteria set out in Appendix A: <i>'voluntary bodies some or all of whose activities benefit any part of the local planning authority' area'</i></p>	No amendment in response to this issue.

Additional Officer modifications

There are also several additional minor factual or grammatical errors noticed by officers, as follows:

- In Appendix A in the list of Specific Bodies add the following text for clarity:
Primary Care Trust (now known as Clinical Commissioning Group- CCG);
- In Appendix A delete reference to the ~~Metropolitan police~~ in the list of Specific Bodies, as this is an only relevant in London.