

Cabinet Report

24 June 2015



Title	Statement of Community Involvement		
Purpose of the report	To make a decision		
Report Author	John Devonshire		
Cabinet Member	Councillor Vivienne Leighton	Confidential	No
Corporate Priority	This item is not in the current list of Corporate priorities but still requires a Cabinet decision		
Cabinet Values	Community		
Recommendations	To agree the changes to the draft Statement of Community Involvement set out in Appendix B and recommend its adoption to Council.		

1. Key issues

- 1.1 The Council is required to have an up to date Statement of Community Involvement (SCI) in relation to its planning functions. This must cover both Local Plan preparation and the way the Council involves people on planning applications.
- 1.2 Following agreement from Cabinet on 24th February, the Council undertook public consultation on a draft SCI for a 4 week period. 21 responses were received and are set out in Appendix A. In summary the main points are:
 - Publicity for the consultation was inadequate;
 - Council should emphasise that they will undertake early engagement;
 - Evidence documents should be published as they are completed;
 - Consultation should be fair, with sufficient reason given for proposals and views taken into account;
 - Comments on evidence base methodologies should be taken into account;
 - Consultation through selected groups limits community consultation;
 - All submissions and Officer recommendations should be made public;
 - Information to a Local Plan Forum should be supplied in advance;
 - A Local Plan Forum should provide minuted recommendations to the Local Plans Working Party; and
 - Pre-application engagement should be mandatory.
- 1.3 Detailed responses to these points and how they have been taken into account are set out within Appendix A.

- 1.4 Again in summary, the level of consultation on the draft SCI was considered appropriate given that consultation is discretionary. All residents of the Borough will be notified of statutory consultation stages through the Borough Bulletin and not just selected stakeholder groups.
- 1.5 Amendments to the draft SCI are proposed to clarify when the Council will undertake early engagement, when evidence base documents will be published, that comments on evidence base methodologies can be made and that information to be discussed at Local Plan Forum events will be supplied in advance.
- 1.6 The points raised with respect to publishing comments, Officer responses and taking views into account (including minuted recommendations) are already set out in paragraphs 3.11 – 3.15 of the draft SCI and do not require a change. The SCI also points out that engagement on pre-applications is discretionary and the Council cannot require this.
- 1.7 Since consultation of the draft SCI the Deregulation Bill referred to in paragraphs 1.4 to 1.12 of the draft SCI has become the Deregulation Act 2015 which repealed the Duty to Involve. The Town & Country Planning (Development Management Procedure) Order has also been updated. These changes have been carried through into the final SCI.
- 1.8 Appendix B contains the SCI with track changes shown for ease of reference. Changes arising from consultation are shown in red with additional changes following LPWP and the changes arising from updated legislation are shown in blue.

2. Options analysis and proposal

- 2.1 Having an SCI is a statutory requirement given by Section 18 of the Planning & Compulsory Purchase Act 2004 (as amended). The 2004 Act also identifies that Local Development Documents (which includes an SCI) must be adopted by resolution of the Local Planning Authority.

The options are:

- (i) To **AGREE** the changes to the draft SCI set out in Appendix B and recommend its adoption to Council;
- (ii) To **AGREE** the changes to the draft SCI as set out in Appendix B with any further changes proposed by Cabinet and recommend its adoption to Council;
- (iii) To **NOT AGREE** the changes to the draft SCI as set out in Appendix B but recommend its adoption to Council;
- (iv) To **NOT AGREE** the changes to the draft SCI and to not recommend its adoption to Council.

It is proposed that Option (i) be agreed by Cabinet.

3. Financial implications

- 3.1 There are no direct costs from adopting the SCI.

4. Other considerations

4.1 There are none.

5. Timetable for implementation

It is proposed that the final SCI and the comments and responses be published following adoption of the SCI by Council.

Background papers: None

Appendices: Appendix A – Table of Comments and Officer Responses

Appendix B – Final SCI with changes shown

Table of Comments and Officer Responses

Document Section or Question	Name	Comment	Response	Amendment Agreed?
Whole	The Royal Borough Of Windsor And Maidenhead	RBWM has no comments to make on the Statement of Community Involvement.	Noted.	N/A.
Whole	Runnymede Borough Council	RBC has no comment to make on the Draft SCI.	Noted.	N/A.
Whole	London Borough Of Richmond Upon Thames	Spelthorne's Statement of Community Involvement is thorough and clear in explaining how the Council intends to effectively involve all sections of the community in the review of the Local Plan, preparation of other planning documents and determination of planning applications. LBRuT does not have any specific comments or suggestions for improvement.	Noted.	N/A.
Whole	Mr Alan Doyle Keep Kempton Green	We welcome this opportunity to submit our comments on the Spelthorne Draft Statement of Community Involvement.		

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		<p>In drawing up this submission, we have taken advice from a specialist solicitor in the field of Public Law, and a leading QC in the field of Public, Planning and Environmental Law. We refer you to a petition of almost 500 signatures from all corners of Spelthorne endorsing the overall purpose of this submission, as follows:</p> <p>In summary:</p> <ul style="list-style-type: none"> * The Draft Statement of Community Involvement does not go far enough to satisfy the requirements of the relevant legislation and guidance for community involvement * Consultation must be undertaken at a time when proposals are still at a formative stage * Consultation must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response * Adequate time must be given for this purpose * The product of consultation (including the current consultation on the Draft Statement of Community Involvement) must be conscientiously taken into account when the ultimate decision is taken 	<p>Noted.</p> <p>Comments on these points are made elsewhere.</p>	<p>See comments against separate chapters.</p>

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		<p>These summary points are discussed in detail in what follows.</p>		
Whole	Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</p> <p>We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at: https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals</p> <p>We now ask that all planning consultations are sent electronically to the central hub</p>	Noted.	N/A.

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		for our planning and development advisory service at the following address: consultations@naturalengland.org.uk. This system enables us to deliver the most efficient and effective service to our customers.		
Whole	Staines Town Society	Staines Town Society appreciates Spelthorne Borough Council's decision to consult on the draft Statement of Community Involvement.	Noted.	N/A.
Whole	Lower Sunbury Residents Association (LOSRA)	The draft Statement of Community Involvement is a welcome document and one which clearly embraces the principles suggested by its title. Whilst supportive of its general thrust and intent, our Association nevertheless feels obliged to make the following comments:	Noted.	See comments against separate chapters.
Whole	Kempton Residents Association	From the way in which your document has been worded, it is evident that the extent to which the Council is obliged to engage in consultation is left to the discretion of the Council. Understandably, it would be unrealistic to expect a consultation on every issue relating to the Local Plan. However, we	Noted. Whilst the Council does have some discretion over certain engagement/involvement, it also has statutory requirements for consultation which must be met. Noted.	N/A.

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		<p>would urge the Council to inform us on matters of concern to our residents, particularly those relating to Green Belt policy and housing strategy.</p> <p>Please notify our Association when the SCI has been adopted, and ensure that we are kept on your consultation database.</p>	Noted.	
Whole	Environment Agency	We look forward to working with you on your review of your Local Plan and are pleased to note that in the SCI we are listed as a 'specific consultation body' to be consulted under the Town and Country (Local Planning) Regulations 2012.	Noted.	N/A.
Whole	Health & Safety Executive	We have concluded that we have no representation to make on this occasion. This is because your consultation request is not concerned with the potential encroachment of future development on the consultation zones of major hazard installations or MAHPs. As the request is not relevant for HSEs land-use planning policy, we do not need to be informed of the next stages in the adoption of the Statement of Community Involvement.	Noted.	N/A

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Whole	Waverley Borough Council	Thank you for consulting Waverley on the above documents. We have no comments to make.	Noted.	N/A.
Whole	Spelthorne Business Forum Dr Sabine Lohmann	<p>Overall I applaud the document for being very clear and detailed. However this leads directly to my question, is there a way to streamline the document a little bit to make it easier to read and follow? Can similar processes be combined in the PowerPoint parts of the document or can chapters who are of less interest to the wider stakeholder group be shifted to an appendix?</p> <p>Additionally as the Chairman of the Spelthorne Business Forum it would be in the interest of our members to be informed on any developments where they could either comments or apply to be involved with the applying party. As such is it possible to be included in the stakeholder list on page 32 of the document?</p>	<p>The tables in section 3 set out the procedures for involving stakeholders for different types of planning document and section 4 the different stages of the planning application process. Whilst some of the procedures will be similar, there are subtle differences for each type of planning document and for different types of planning application. As such, the document is considered to be as streamlined as it can be. The earlier sections of the SCI are considered necessary to set the context of the document and are not best placed as an appendix.</p> <p>Appendix B sets out the General Consultation Bodies which includes bodies representing persons carrying on a business in the area. The Spelthorne Business Forum already fall into this stakeholder group and as such will be consulted on future planning documents of</p>	<p>No change.</p> <p>No change.</p>

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			interest to the group. In terms of being informed of developments, the Council publishes a list of all planning applications received on a weekly basis which is available on the Council's web-site.	
Whole	The Equality And Human Rights Commission	<p>The Commission does not have the resources to respond to all consultations, but will respond to consultations where it considers they raise issues of strategic importance.</p> <p>Local and other public authorities have obligations under the Public Sector Quality Duty (PSED) in the Equality Act 2010 to consider the effect of their policies and decisions on people sharing particular protected characteristics. We provide advice for public authorities on how to apply the PSED, which is an on-going legal obligation and must be complied with as part of the planning process. Thus, the PSED is the mechanism through which public authorities involved in the planning process should consider the potential for planning proposals to have an impact on equality for different groups of people. To assist, you will find our technical guidance at www.equalityhumanrights.com using the search term: 'Technical Guidance on</p>	Noted.	N/A

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		the Public Sector Equality Duty'.		
Whole	Office Of Rail Regulation	<p>Thanks for your e-mail of 26.02.15 in regard to the Spelthorne Borough Council Duty to Co-operate scoping statement & Draft Statement of Community Involvement. We have reviewed your proposals & note that your proposals do not affect the current or (future) operation of the mainline network in Great Britain.</p> <p>It might be helpful if I explain that the office has a number of key functions and duties in our role as the independent regulator of Britain's Railways. If your plans relate to the development of the current railway network including the operation of passenger and freight services, stations, stabling and freight sites (including the granting of track and station access rights and safety approvals) within your administrative area, we would be happy to discuss these with you once they become more developed so we can explain any regulatory and statutory issues that may arise.</p> <p>I have attached a copy of our localism guidance for reference, which can be found at: http://www.rail-reg.gov.uk/upload/pdf/localism-</p>	Noted.	N/A.

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		guidance.pdf		
Chapter 1	Mr Lawrence Nichols	<p>Paragraphs 1.5 & 1.6</p> <p>The Council should be seeking to improve the level of consultation in the whole area of planning. For example the latest Borough Bulletin does not mention this current consultation - this would have cost nothing. The Local plan will affect every resident for the rest of the time that they live in the borough. We are currently living with previous failures to defend the borough (e.g. London Irish building on protected urban open space and the so-called Eco-Park at Charlton). In considering the "the possible benefits of involvement against costs" the Council should be looking at ways to genuinely involve the public to the greatest degree possible. The way Kempton Park is being handled by the Council has eroded public confidence in the transparency and motivation of the Council.</p> <p>Paragraph 1.7</p> <p>Irrespective of government requirements the Council should absolutely commit to the greatest level of community possible.</p>	<p>Publicity for the SCI consultation included the Council's web-site (latest news on the front page, current consultations page and Planning Policy pages), contacting specific groups and individuals on the Planning Policy database as well as contacting all individuals who have signed up for the e-newsletter from the Council and notifying the Spelthorne Business Forum. This level of publicity is considered to be appropriate for this non-statutory consultation. Further, the consultation could not use the Borough Bulletin in this instance due to the long lead in time to publication and the fact that the bulletin is only published 3 times a year.</p> <p>Noted. The draft SCI does set out how the Council intends to go 'beyond' the statutory minimum for</p>	<p>No change.</p> <p>No change.</p>

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		This is our borough.	involvement in planning documents.	
Chapter 1	Mrs Caroline Nichols	<p>Spelthorne Borough Council is already in danger of failing at community engagement (SCI) if this document is indicative of what is to follow. This seems to be the first official communication concerning the review of the Local Plan (although I am aware that the process was mentioned at the public meeting of 3rd February 2015 on possible development at Kempton Park). This 38-page SCI document is complicated and time consuming to digest and it seems to have been sent out only to a few selected 'stakeholders' rather than to all residents. The SCI process is not clearly advertised on SBC's website and it is not mentioned in the Borough Bulletin.</p>	<p>Publicity for the SCI consultation included the Council's web-site (latest news on the front page, current consultations page and Planning Policy pages), contacting specific groups and individuals on the Planning Policy database as well as contacting all individuals who have signed up for the e-newsletter from the Council and notifying the Spelthorne Business Forum. This level of publicity is considered to be appropriate for this non-statutory consultation. Further, the consultation could not use the Borough Bulletin in this instance due to the long lead in time to publication and the fact that the bulletin is only published 3 times a year.</p> <p>The Tables in the SCI set out the procedures for the preparation of planning documents and planning applications and are shown as a stage by stage process with involvement at each of those stages highlighted.</p>	<p>No change.</p> <p>See comments listed elsewhere.</p>

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		<p>I am reluctant to indulge SBC by responding to each paragraph having done so on the previous Local Plan to no effect other than to give a spurious legitimacy to a process which was designed by SBC to control public involvement rather than genuinely engage with and respond to it. However, in order to comply with the SCI process which demands that specific paragraphs are referenced, please refer to the submission by Mr Lawrence Nichols, 29th March 2015, which I endorse in full concerning the following paragraphs -</p> <p>1.5, 1.6, 1.7, 3.5 and appendix B, 3.9, 3.10, Table 3-4 Evidence based studies, 3.13, 3.14 and 3.15, 4.22, 4.23 and 4.27, 4.26.</p>	Noted. Points raised by Mr Lawrence Nichols have been considered and responded to elsewhere.	
Chapter 2	Mr Alan Doyle Keep Kempton Green	<p>5. Other matters</p> <p>5.1 In Chapter 2, the draft Statement of Community Involvement specifically links the new Local Plan to:</p> <ul style="list-style-type: none"> * the Spelthorne Community Plan * the Spelthorne Corporate Plan * the Spelthorne Economic Strategy * the Draft Spelthorne Housing Strategy 	Noted.	Reference to be added that the Local Plan will need to take account of the Leisure & Culture Strategy.

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		<p>The Spelthorne Leisure & Culture Strategy is not linked in the same way, however.</p> <p>5.2 A paragraph 2.11 should be inserted as follows:</p> <p>2.11 The Local Plan will need to take account of the Leisure and Culture Strategy.</p>		
Chapter 2	Staines Bowls Club	<p>Chapter/paragraph: 2.10 point 6</p> <p>Staines Bowling club would wish to be included in the above as any decisions made by the Council could affect us and how we function in the future.</p> <p>Our primary concern is to keep up our membership numbers and to attract new members and to keep up the number of fixtures during the season. This includes the lucrative Middlesex County games that we host which bring us in extra revenue that in turn keeps the club financially viable. This is currently being made much more difficult because of the parking difficulties in the currently owned by Surrey County Council (and used by health centre patients, school visitors and staff and long term commuters using the station). Any new parking restrictions in</p>	<p>Noted. The SCI sets out how local communities and other stakeholders such as the Bowls Club will be notified and/or involved in the planning process and not about specific issues that may affect the club. However, as set out in the SCI the Club will be notified of any planning applications which may affect it and continue to be involved in the Local Plan process.</p> <p>Comments have been forwarded to the Spelthorne Leisure Team as they also refer to the Spelthorne Leisure and Culture Strategy 2014-2016.</p>	N/A.

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		<p>the area could make matters worse.</p> <p>Over the last three years approaches to Surrey C.C about this have made no progress in spite of consultations with both County and local meetings regarding the problems. In fact the Club committee feel that there is no likelihood of help from County at all.</p> <p>Application was made 2 years ago for signage on Burges way to indicate where Bowls Club was and the answer was no as they were pursuing a "decluttering" policy and anyway a bowls club would not qualify.</p> <p>All of these rather negative responses are combining to make bowls at Staines less rather than more accessible in the physical sense. Meanwhile the Club itself is doing its best with Opendays etc to make it as accessible as possible in other ways</p>		
Chapter 2	NHS NW Surrey Clinical Commissioning Group	<p>Theme 3: Health & Wellbeing Aim: To improve the health and well-being of Spelthorne residents</p> <p>As you know, the NHS North West Surrey Clinical Commissioning Group works in partnership with Spelthorne Borough Council on a number of initiatives to</p>	Noted.	N/A.

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		<p>enable all people within North West Surrey to enjoy the best possible health.</p> <p>With a significantly ageing population, frailty is a fast-growing challenge to the delivery and affordability of health and care services in the future.</p> <p>In response to this challenge North West Surrey CCG, in partnership with social care, local GP practices and colleagues in acute, community and mental health providers, aims to integrate services around the needs of the patient and make them accessible through one point - the Locality Hub, an integrated care model focusing on enhancing support to the frail and elderly.</p> <p>This programme will provide Spelthorne residents with the best possible, fully integrated, appropriate and most cost-effective care; delivering better outcomes for one of our most vulnerable groups of patients.</p> <p>The NHS North West Surrey Clinical Commissioning is actively engaging with the Spelthorne Local Area Committee and local residents on this, and other, programmes.</p>		

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		The local engagement strategy is well thought out, appropriately structured and includes all key stakeholders.		
Chapter 3	Mr Alan Doyle Keep Kempton Green	<p>1. An adequate response?</p> <p>1.1 The Council's proposals for community engagement are set out in the tables in chapter 3 of the document. Table 3.2 deals with Methods of Involvement in Local Plans, Table 3.3 Methods of Involvement in Supplementary Planning Documents and Table 3.4 Methods of Involvement in Local Plan Evidence Base Studies. The relevant parts of all of these tables concern early community/stakeholder involvement. An overview of the Council's position is set out in table 3.2 and the principle contained there is reproduced in tables 3.3 and 3.4.</p> <p>1.2 The Council's position is summarised as follows:</p> <p>"Dependent upon the subject matter of the Local Plan Document or individual local plan issue, the Local Planning Authority may undertake early engagement as deemed appropriate including on evidence</p>	<p>Points are noted, however it is the intention of the Borough Council to involve a range of stakeholders in the preparation of the Local Plan including the preparation of evidence studies where involvement/engagement has been cited by the Planning Practice Guidance (PPG). Indeed the paragraphs cited from the National Planning Policy Framework (NPPF) and from the PPG are covered by those set out within Appendix A of the draft SCI to which the Council has had regard.</p>	<p>See comments below regarding early engagement process.</p>

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		<p>based documents."</p> <p>1.3 The advice we have been given is that this is not an adequate response to the requirement to involve the community in the Local Plan Review.</p> <p>1.4 Extracts from the relevant legislation and guidance for community involvement are as follows. (The parts highlighted in bold are our emphasis.)</p> <p>1.5 National Planning Policy Framework (NPPF)</p> <p>a) Paragraph 69:</p> <p>"... local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions and should facilitate neighbourhood planning."</p> <p>b) Paragraph 155:</p> <p>"Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential"</p> <p>1.6 Planning Practice Guidance (PPG)</p> <p>a) Housing and Economic Development</p>		

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		<p>Needs Assessments (paragraph 007):</p> <p>"Local communities, partner organisations, Local Enterprise Partnerships, businesses and business representative organisations, universities and higher education establishments, house builders (including those specialising in older people's housing), parish and town councils, designated neighbourhood forums preparing neighbourhood plans and housing associations should be involved from the earliest stages of plan preparation, which includes the preparation of the evidence base in relation to development needs."</p> <p>b) Housing and Economic Land Availability Assessments (paragraph 008):</p> <p>"The following should be involved from the earliest stages of plan preparation, which includes the evidence base in relation to land availability: developers; those with land interests; land promoters; local property agents; local communities; partner organisations, Local Enterprise Partnerships; business and business representative organisations; parish and town councils; neighbourhood forums preparing neighbourhood plans."</p>		

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		<p>c) Local Plans (paragraph 014)</p> <p>"Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests to consider the issues and engage with the authority at an early stage in developing the Local Plan. It will also help communities bringing forward neighbourhood plans, who may be able to use this evidence to inform the development of their own plans."</p> <p>1.7 Thus, stakeholders, including local community organisations, should be involved "from the earliest stages" of plan preparation including the preparation of the various evidence bases. Further, local planning authorities should publish documents that form part of the evidence base as they are completed.</p> <p>1.8 From the above it is clear that the Council's response to the need for community involvement is insufficient.</p> <p>1.9 Rather than committing to community</p>	<p>It is the Council's intention to involve stakeholders at the earliest opportunity and to publish evidence studies prior to either Issues & Options or pre-Submission consultation. As an example the draft Retail & Other Town Centre Uses Study has been open to stakeholder engagement. In July 2013 the Council consulted on a draft Local Economic Assessment, albeit that this was not part of a review of the Local Plan but background work to a review of</p>	<p>See comments below regarding early engagement process.</p>

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		<p>engagement, the Council states that it "may undertake engagement depending on the circumstances."</p> <p>1.10 In other words, the Council's formulation is that generally speaking it will not engage unless it deems it appropriate, and that the onus is really on the community to show why engagement should take place.</p> <p>1.11 The guidance, however, is consistent with an approach where the Council should consult unless there are exceptional circumstances which mean that this is not possible. In this approach, the onus is on the Council to demonstrate why it will not engage.</p> <p>3. General consultation principles</p> <p>3.1 The classic statement of consultation principles are those set out in the judgment of Lord Woolf in the case of R v North and East Devon Health Authority Ex Parte Coughlan [2001] QB 213, where he stated that:</p> <p>"To be proper, consultation must be undertaken at a time when proposals are still at a formative stage. It must include sufficient reasons for particular proposals</p>	<p>existing evidence and preparation of an Economic Strategy.</p> <p>It is not the case that it will be for the community to show why early engagement should take place and the Council is not proposing that it should. Where the NPPF/PPG guides which stakeholders should be involved in plan or evidence preparation then the Council will engage with those stakeholders as identified by the NPPF/PPG for that particular issue either through a Forum or by targeted consultation. This ensures that the mechanisms for involvement remain flexible taking into account the resources available to the Council.</p>	<p>Clarification to be added to the SCI in terms of the early engagement process.</p>

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		<p>to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken."</p> <p>In <i>Moseley v Haringey</i> [2014] UKSC 56, the Supreme Court has recently analysed the nature of obligations arising where consultation is required. In its judgment the Court makes clear the obligation - even where not specifically required by a statutory consultation scheme - for consultees to be provided with adequate information about alternative options.</p> <p>3.2 Lord Wilson (with whom Lord Kerr agreed) explained that:</p> <p>"23 A public authority's duty to consult those interested before taking a decision can arise in a variety of ways. Most commonly, as here, the duty is generated by statute. Not infrequently, however, it is generated by the duty cast by the common law upon a public authority to act fairly. The search for the demands of fairness in this context is often illuminated by the doctrine of legitimate expectation; such was the source, for example, of its duty to</p>		

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		<p>consult the residents of a care home for the elderly before deciding whether to close it in R v Devon County Council, Ex p Baker [1995] 1 All ER 73. But irrespective of how the duty to consult has been generated, that same common law duty of procedural fairness will inform the manner in which the consultation should be conducted.</p> <p>24 Fairness is a protean concept, not susceptible of much generalised enlargement. But its requirements in this context must be linked to the purposes of consultation. In R (Osborn) v Parole Board [2014] AC 1115, this court addressed the common law duty of procedural fairness in the determination of a person's legal rights. Nevertheless the first two of the purposes of procedural fairness in that somewhat different context, identified by Lord Reed JSC in paras 67 and 68 of his judgment, equally underlie the requirement that a consultation should be fair. First, the requirement "is liable to result in better decisions, by ensuring that the decision-maker receives all relevant information and that it is properly tested": para 67. Second, it avoids "the sense of injustice which the person who is the subject of the decision will otherwise feel.": para 68. Such are two valuable practical</p>		

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		<p>consequences of fair consultation. But underlying it is also a third purpose, reflective of the democratic principle at the heart of our society. This third purpose is particularly relevant in a case like the present, in which the question was not: "Yes or no, should we close this particular care home, this particular school etc?" It was: "Required, as we are, to make a taxation-related scheme for application to all the inhabitants of our borough, should we make one in the terms which we here propose?"</p> <p>3.3 Lord Reed explained that:</p> <p>"38. The purpose of this particular statutory duty to consult must, in my opinion, be to ensure public participation in the local authority's decision-making process.</p> <p>39 In order for the consultation to achieve that objective, it must fulfil certain minimum requirements. Meaningful public participation in this particular decision-making process, in a context with which the general public cannot be expected to be familiar, requires that the consultees should be provided not only with information about the draft scheme, but</p>		

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		<p>also with an outline of the realistic alternatives, and an indication of the main reasons for the authority's adoption of the draft scheme. That follows, in this context, from the general obligation to let consultees know "what the proposal is and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent response": R v North and East Devon Health Authority, Ex p Coughlan [2001] QS 213, para 112, per Lord Woolf MR.</p> <p>3.4 As can be seen proper consultation places specific requirements on the local authority - not least the obligation to provide sufficient reasons for particular proposals and to take the product of consultation into account conscientiously. This is more than simply sharing information which could be characterised as engaging with the local community.</p>	<p>Reference to Case Law is noted. The Council is seeking to adhere to 'Gunning Principles' in its approach to consultation, namely:</p> <p>(i) Consultation must take place when the proposal is still at a formative stage - The Council will be engaging and consulting with the stakeholders identified in the NPPF/PPG for that related issue/evidence study. The Council will also consult on a borough wide basis on Issues & Options, pre-Submission or on draft SPD and this is set out in the draft SCI in Tables 3-2 to 3-4.</p>	<p>See comment above regarding early engagement process.</p>

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			<p>(ii) Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response - The Issues & Options and pre-Submission documents will explain why options have been put forward and/or preferred and the reasons/evidence for this.</p> <p>(iii) Adequate time must be given for consideration and response - For statutory consultations the periods set out by the Town & Country Planning (Local Planning)(England) Regulations 2012 for SPDs and Local Plans will be adequate and the Council may adopt these for non-statutory engagement/consultation as well i.e. periods of 4 or 6 weeks.</p> <p>(iv) The product of consultation must be conscientiously taken into account and that alternative options require consideration - The draft SCI sets out in paragraphs 3.11 to 3.17 how the Council will take consultation comments into account and the process for considering them. Further, Local Plan documents are required to be supported by Sustainability Appraisal (incorporating Strategic</p>	

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		<p>4. The nature of consultation on the Local Plan Review</p> <p>4.1 As stated above, the advice we have been given is that the onus is on the council to follow the guidance.</p> <p>a) Housing and Economic Development Needs Assessments (paragraph 007) says that involvement should be:</p> <p>"from the earliest stages of plan preparation, which includes the preparation of the evidence base in relation to development needs."</p>	<p>Environmental Assessment), which appraises a range of options and alternatives considered by the Council. The SA/SEA is a public document available for comment at each stage of plan preparation. Also, the Issues & Options and pre-Submission versions of the Local Plan will need to justify the options chosen, why certain options are preferred and why others were rejected. This has been a fundamental element of plan making since 2004.</p>	

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		<p>b) Housing and Economic Land Availability Assessments (paragraph 008) says that involvement should be:</p> <p>"from the earliest stages of plan preparation, which includes the evidence base in relation to land availability"</p> <p>4.2 In light of a) and b) above, paragraph 3.10 should be removed from the Statement of Community Involvement.</p> <p>Residents should be free as part of consultation to suggest inputs to the methodology whose output will be the evidence base. The product of such consultation should be conscientiously taken into account by the Council.</p> <p>4.3 Once such evidence base studies are completed (including the conscientious taking-into- account of the product of consultation), such studies should be published, rather than waiting for the Issues and Options stage of the process.</p>	<p>Paragraph 3.10 is pointing out that for many evidence studies, methodologies have been established either because they are set out in government guidance or because they have been scrutinised at previous Local Plan examinations and found to be robust. The Council is not closed to others making suggestions on methodologies or the assumptions that underlie the evidence but any departure will require a strong justification that another methodology/assumption is more suitable, has been tested elsewhere and found to be robust. Paragraph 3.10 can be amended to reflect this, but its deletion is not agreed.</p> <p>In addition to any consultation/involvement on draft evidence, the Council intends to</p>	<p>Paragraph 3.10 to be amended with regard to input on methodologies/ assumptions but not deleted.</p> <p>Clarification to be added to the SCI that evidence studies will be</p>

Document Section or Question	Name	Comment	Response	Amendment Agreed?
			publish evidence studies once they are complete and prior to Issues & Options and/or pre-Submission. This can be clarified in the SCI, although there may be occasions when this is not possible due to circumstances beyond the control of the Council i.e. a change in national policy necessitating additional or updated evidence which occurs after issues/options or pre-Submission.	published once completed and the location where they can be inspected.
Chapter 3	Terence O'Rourke	<p>Paragraph 3.8</p> <p>Local Plan Stakeholder Forum.</p> <p>Terence O' Rourke Limited are planning consultants with a number of active clients with interests across the Borough. If the Council decides to create a Local Plan Stakeholder Forum, we would request an invitation to be involved.</p> <p>Table 3.2 & 3.4</p> <p>Paragraph 14 of the section on Local Plans within the Planning Practice Guidance (PPG) states that Local Planning authorities should publish documents that form part of the evidence base as they are completed, rather than</p>	<p>Noted.</p> <p>The Council intends to publish evidence studies once they are complete and prior to Issues & Options and/or pre-Submission. This can be clarified in the SCI, although there may be occasions when this is</p>	<p>N/A.</p> <p>Clarification to be added to the SCI that evidence studies will be published once completed and the location where they can be inspected.</p>

Document Section or Question	Name	Comment	Response	Amendment Agreed?
		<p>waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan.</p> <p>Evidence base studies that are being produced to support the local plan should be made available to all, as they are completed. There should be an explicit reference to such a commitment within the SCI, along with details of how stakeholders will be notified of the publication of such documents.</p>	<p>not possible due to circumstances beyond the control of the Council i.e. a change in national policy necessitating additional or updated evidence which occurs after issues/options or pre-Submission</p> <p>The Council will consider how it notifies stakeholders when evidence studies are published, both in draft for comments and final formats. Reference to this can be added to the SCI.</p>	<p>Add reference to how stakeholders will be notified.</p>
Chapter 3	Mrs Caroline Nichols	<p>I wish to add one further comment to Mr Nichols submission as follows:</p> <p>Please would the Council publish in full and on a regular basis an analysis of all costs associated with the review of the Local Plan.</p> <p>In considering "the possible benefits of involvement against costs" the impression given is that SBC sees the opportunity to consult with all residents (as opposed to a group of selected stakeholders) as a cost to be regretted rather than an investment</p>	<p>The Council's budget for Planning Policy is set out within its Coded Budget Book which is available on the Council's web-site at https://www.spelthorne.gov.uk/article/2134/Coded-Budget-Book-201415</p> <p>Spelthorne Borough Council will consult with all residents of Spelthorne at the earliest statutory consultation stages of plan preparation and not just with a list of identified stakeholders. This will be</p>	<p>N/A.</p> <p>N/A.</p>

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		<p>to be embraced. This is a pity as good quality public consultation has the potential to save costs over the long term as well as recognising that the most important stakeholders are the residents. If residents can see all the costs they can decide how much they are willing to pay to be consulted.</p>	<p>via the other engagement techniques identified in Table 3-2 such as articles in the Borough Bulletin and issuing press releases. However, when it comes to non-statutory stages of plan preparation e.g. evidence studies, the Council is seeking to engage stakeholders which represent the widest range of individuals, communities and businesses and therefore have the widest reach. In setting up a Forum, the Council has to be mindful of the costs and resources available against the need to involve communities as fully as possible in the planning process. It is considered that the proposals in the draft SCI take a balanced approach to achieving this.</p>	
Chapter 3	Mr Lawrence Nichols	<p>Paragraph 3.5 & appendix B</p> <p>The channelling of consultation through selected groups is just a way of limiting real community consultation. There should be ways which genuinely give opportunities for individuals who do not feel that residents associations or other groups represent their view in the compilation of the evidence base.</p>	<p>The groups set out in Appendix B reflect the specific and general consultation bodies as set out in the Town & Country Planning (Local Planning)(England) 2012 Regulations. It also contains a range of other groups many of whom will represent a variety of different</p>	No change.

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		<p>Paragraph 3.9</p> <p>The use of the Forum will allow the Council to manage community engagement by regulated who can be involved. There should be opportunities for individuals to be involved.</p> <p>Paragraph 3.10</p> <p>The statement that "involvement to discuss how these studies might be undertaken is unlikely to be of value" says a great deal about how the Council sees consultation. Given this view the involvement of the Forum at the "draft study stage" would appear to be irrelevant.</p>	<p>stakeholders including individuals. The purpose of the list is not to limit community engagement but to ensure that those who would not normally respond to engagement events are represented by bodies/groups who will. Further, the list in Appendix B is not exhaustive. Further, as explained in paragraph 3.9 the Council's resources are limited and therefore any forum needs to take this into consideration whilst enabling the widest involvement possible. It is considered that the draft SCI aims to strike this balance.</p> <p>The involvement of a forum at the draft stage of an evidence study is not considered to be irrelevant. Paragraph 3.10 is pointing out that many evidence studies are required to be undertaken in line with methodologies as set out in national planning policy advice and to depart from them is unlikely to be appropriate. However, should a member of the forum be able to provide an alternative methodology which can be justified and has been</p>	<p>Paragraph 3.10 to be amended with regard to input on methodologies/ assumptions but not deleted.</p>

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		<p>Table 3-4 - Evidence based studies</p> <p>There should be an absolute commitment to consult on the evidence based studies. There are a number of unique characteristics of the borough that must be properly considered e.g. flood plain, high proportion of water area relative to the total area and how these should relate to future levels of sustainable development.</p> <p>3.13, 3.14 & 3.15</p> <p>The Council's Local Plan Working Party should meet in public and its papers should be made available to residents prior to the meetings. As well as having all</p>	<p>tested through examination then this can be considered by the Council and other forum members. The forum would also be the place to consider the assumptions that have fed into the study and how robust they are. This can be made more explicit in the SCI.</p> <p>The Council will engage with stakeholders on evidence base studies where appropriate. Where the NPPF/PPG guides which stakeholders should be involved in plan or evidence preparation then the Council will engage with those stakeholders as identified by the NPPF/PPG for that particular issue either through a Forum or by targeted consultation. This ensures that the mechanisms for involvement remain flexible taking into account the resources available to the Council.</p> <p>Noted, although it is a summary of the representations that is proposed not a summary of Officer recommendations. However, the</p>	<p>Clarification to be added to the SCI in terms of the early engagement process.</p> <p>No change.</p>

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		<p>submissions made public, the Officers recommendations should also be publicised instead of just a summary as proposed. Under the proposed arrangements it will be possible for comments and representations to be ignored without any reasons ever being given, with only proposed changes being commented on. This is a serious failure of transparency.</p>	<p>proposals in the SCI set out that all representations will be considered with an Officer response where appropriate with an indication of where changes are to be made or not. The reasons for justifying a change or not i.e. how the representation has been taken into account will be a public document available on the Council's web-site. The representations, Officer comments and how the Council has taken these into account will be considered by the Local Plans Working Party (LPWP) and where necessary Cabinet. Comments and responses will be made public after LPWP or if required Cabinet.</p>	
Chapter 3	Staines Town Society	<p>Most sections of tables 3-2, 3-3 and 3-4 describe standard practice, but the first sections of 3-2 and 3-3, on early engagement, need amplification and greater emphasis. We urge SBC to commit to implementing the offer of early community and stakeholder involvement. This is in line with the principles of the NPPF and relevant PPGs, and is the best time for community input, at an early stage when there is still some plasticity in plans.</p>	<p>Noted. Where the NPPF/PPG guides which stakeholders should be involved in plan or evidence preparation then the Council will engage with those stakeholders as identified by the NPPF/PPG for that particular issue either through a Forum or by targeted consultation. This ensures that the mechanisms for involvement remain flexible taking into account the resources available to the Council. The Council</p>	<p>Clarification to be added to the SCI in terms of the early engagement process.</p>

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		<p>Whether done through consultation or by setting up a forum, the same principles apply:</p> <p>a) the relevant information must be supplied - if to a forum, this means documents available in advance, and officers present to give background information and answer questions</p> <p>b) there must be a clear statement of the mechanism by which the collected views of the community will be considered as part of the Plan process. Without a definite commitment to take account of its output, a forum is just a public relations exercise. Para 3.11 states that representations will be published on SBC website, but does not state how and where they will influence the Plan process.</p> <p>In particular (3-4) there should be early</p>	<p>is also aware of the publication passed to them by the Staines Town Society 'Collaborative Planning For All' by the Civic Society. The Council will consider whether any aspects of this publication could apply to a Forum.</p> <p>Noted. The SCI can clarify the timing of documents to the Forum.</p> <p>Paragraphs 3.12-3-15 set out how representations will be taken into account at different stages of plan preparation, SPD and evidence studies. Specifically paragraph 3.15 sets out how comments made at early engagement events including Officer response will be reported to the Local Plans Working Party and Cabinet and published on the Council's web-site.</p> <p>Noted. Any list of evidence studies in</p>	<p>SCI to clarify when documents will be made available to a Local Plan Forum.</p> <p>No change.</p> <p>No change.</p>

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		<p>engagement on the evidence base documents, and discussion of their findings, as stated in 3.10. The SCI should include a list of existing and proposed evidence base documents: we assume they include the Economic Strategy, on which there was early engagement and formal consultation, and the draft retail study, which seems to be in the early engagement stage, with formal consultation to come. What other documents have been completed, and which are to come, and will the same procedure be followed?</p> <p>The publication of Issues & Options in the Borough Bulletin as part of the previous planning process was a clear and straightforward way of presenting the main issues to the general public and collecting their replies, and we hope it will be repeated.</p> <p>We welcome para 3.13. Publication of a table of representations, officer responses and explanation, and recommended changes allows senders of representations to see that their views have been considered, and reasons given for their acceptance or rejection. This reassures the public and increases trust in the process. Indeed, we have in the past held</p>	<p>the SCI would not be exhaustive and may not reflect the final evidence base. Some studies may not eventually be undertaken and others may yet be identified as issues arise during plan preparation that the Council are unaware of or national policy/legislation changes. The procedures for involving stakeholders in the Forum are not prescriptive which allows for greater flexibility given that different types of stakeholder are likely to require different methods of involvement.</p> <p>The intention is to include notification of the Issues & Options in the Borough Bulletin prior to or early in its publication.</p> <p>Noted.</p>	<p>N/A.</p> <p>N/A.</p>

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		this up as an example of good practice to Health Authorities and commissioners planning service changes.		
Chapter 3	Lower Sunbury Residents Association (LOSRA)	<p>Page 6, Para. 3.8. Whilst mindful of 'consideration of cost and resource' (para. 1.6), this passage amounts to not much more than a vague aspiration; and actually commits very little by way of stakeholder involvement. In the final document we would expect to see evidence of firmer intent, to wit; 'The Council will create a Local Plan Stakeholder Forum....'.</p> <p>Furthermore, and for similar reasons, Forum events taking place 'as and when required' is unsatisfactory. It invites the inevitable question; by whom such events would be required, SBC or the stakeholders? It is the Association's view that the LPSF should be held at prescribed intervals (eg. Quarterly) and more frequently should the Local Plan's rate of progress so dictate.</p>	<p>Paragraph 3.8 states that the Council is only considering creating a Local Plan Stakeholder Forum because at the time of writing the level of interest in a forum was unknown. Hence, should sufficient stakeholders show an interest to be engaged through a forum, then the Council will set one up. This could take on different forms (i.e. discussion events/written consultations/workshops) depending on the subject matter and/or the level of interest. The SCI can give greater clarification as to the types of format for Forum events.</p> <p>There will be times when events may be required within short timeframes and periods with nothing to report. Further, different types of stakeholder (i.e. businesses, communities or developers) involved in the Local Plan are likely to require different methods of involvement. Therefore the reason for proposing forum events as and when required maintains a degree of flexibility.</p>	Amend SCI to read that the Council will set up a Local Plan Forum and clarify format of Forum events.

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		<p>The notion of the LPSF taking 'the form of either a discussion group or consultation exercise' brings to mind a 'talking shop' which lacks teeth. If the LPSF is to be accorded the status which we believe it deserves, it should provide a platform for debate and the formulation of minuted recommendations to the Local Plan Steering Group. In short, as Para. 3.8 is currently presented, it leaves the impression of a cosmetic device designed to satisfy the minimum requirements of s.18 PCPA 2004.</p> <p>Pages 10 & 14, tables 3-2 & 3-3, under columns headed 'How will you be involved?' the word 'may' should be replaced by 'will' so as to read: 'The Borough Council will hold....'</p> <p>Page 7, Para. 3.10 & Page 16, Table 3-4.</p>	<p>The Local Plan Forum is not intended to be a 'talking shop'. As already stated different types of stakeholder involved in the Local Plan are likely to require different methods of involvement. Paragraph 3.15 of the draft SCI sets out that a summary of oral/written comments made at early engagement events and an Officer response will be reported to the Local Plans Working Party and Cabinet. Any recommendations to Members by the forum would have to be justified by evidence and be consistent with the NPPF.</p> <p>Where the NPPF/PPG guides which stakeholders should be involved in plan or evidence preparation then the Council will engage with those stakeholders as identified by the NPPF/PPG for that particular issue either through a Forum or by targeted consultation. This ensures that the mechanisms for involvement remain flexible taking into account the resources available to the Council.</p> <p>Paragraph 3.10 is pointing out that</p>	<p>No change.</p> <p>Clarification to be added to the SCI in terms of the early engagement process.</p> <p>Paragraph 3.10 to be amended with regard to input on</p>

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		<p>The proposed Methods of Involvement seem to imply that, because the methodology for evidence studies is very prescriptive, there is unlikely to be any early stakeholder involvement; and that the Council will consider involvement only at the 'draft study stage'. It is presumed that this will mean the final draft of the study. If so, there will be little opportunity for meaningful stakeholder involvement. It is accepted that models for economic growth, employment generation, demographic projections and housing demand are well established and prescriptive; but the input parameters and assumptions accompanying them are not* . In short, we see it as imperative that there should be earlier stakeholder involvement in the evidence studies which precede the draft study stage.</p> <p>In conclusion, and subject to the comments described above, the Association is grateful for this opportunity to influence the final SCI document. In this connection we are aware of the submission by Keep Kempton Green (KKG) and the legal opinion which underpins it. LOSRA has no reason other than to endorse that submission.</p> <p>*Runnymede and Spelthorne Borough</p>	<p>for many evidence studies, methodologies have been established either because they are set out in government guidance or because they have been scrutinised at previous Local Plan examinations and found to be robust. The Council is not closed to others making suggestions on methodologies or the assumptions that underlie evidence studies but any departure will require a strong justification that another methodology/assumption are more suitable, has been tested elsewhere and found to be robust. Paragraph 3.10 can be amended to reflect this, however, draft study stage is considered an appropriate time for stakeholder involvement.</p> <p>Noted. A separate response has been made to the Keep Kempton Green representation.</p> <p>Noted, however draft SHMA</p>	<p>methodologies/assumptions.</p> <p>See responses to Keep Kempton Green submission.</p> <p>N/A.</p>

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		<p>Councils have commissioned GL Hearne to undertake a Strategic Housing Market Study for both authorities with publication due in February 2015. Additionally, it is understood that Arups have recently completed a review of Green Belt land within Runnymede Borough with the object of helping to meet housing targets. Given that Runnymede is the identified adjoining local authority, it may be reasonable to suppose that a similar review will be conducted within SBC?</p>	<p>publication is likely to be summer 2015 with stakeholder involvement to follow. Spelthorne is likely to have to undertake an assessment of its Green Belt to ensure that all land designated as such still meets the Green Belt purposes as set out in paragraph 80 of the NPPF. This is not however the same as a Green Belt Review.</p>	
Chapter 4	Mr Alan Doyle Keep Kempton Green	<p>5. Other matters</p> <p>5.3 Viability Reports</p> <p>Case law regarding making public developers' Viability Reports (and Local Authorities' assessments of them) is changing.</p> <p>See Royal Borough of Greenwich v IC and Shane Brownie</p> <p>http://www.informationtribunal.gov.uk/DBFiles/Decision/i1478/Royal%20Borough%20of%2</p>		

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		<p>0Greenwich%20EA.2014.0122%20(30.01.15).pdf</p> <p>and</p> <p>London Borough of Southwark v IC and Lend Lease (Elephant and Castle) Ltd and Adrian Glasspool</p> <p>http://www.informationtribunal.gov.uk/DBFiles/Decision/i1279/London%20Borough%20of%20Southwark%20EA.2013.0162%20%2809.05.14%29.pdf</p> <p>and</p> <p>Elmbridge Borough Council v IC and Gladedale Group Ltd</p> <p>http://www.informationtribunal.gov.uk/DBFiles/Decision/i479/%5B2011%5DUKFTT_EA20100106_(GRC)_20110104.pdf</p> <p>and others.)</p> <p>5.4 Paragraph 4.11 of the draft Statement of Community Involvement should be amended to read:</p> <p>4.11 All planning applications including plans and supporting documentation, and developers' Viability Reports and the</p>	<p>Reference to Information Rights Tribunal Decisions are noted. Paragraph 4.11 of the draft SCI states that planning applications and supporting documentation will be available to view on the Council's web-site. The term 'supporting</p>	<p>Clarify that public interest vs confidentiality will be considered on a case by case basis.</p>

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		<p>Council's assessments of those Viability Reports, will be available to view on the Council's web-site via the 'Planning Applications On-line' search facility and/or at the Council Offices. Residents of Spelthorne can also sign up to 'My Alerts' on the Council's web-site. The 'My Alerts' service sends an email to residents (who have registered) whenever something of interest happens near their property including the submission of planning applications. Residents can opt to have alerts sent to them for interests up to 500m from their property.</p>	<p>documentation' will include viability studies submitted by an applicant and the Council's appraisal of this, where the public interest overrides confidentiality. However, public interest vs confidentiality will need to be considered on a case by case basis rather than covered by a blanket approach. This can be explained in paragraph 4.11.</p>	
Chapter 4	Mr Staveley Ferguson	<p>Chapter 8, paragraphs 8.11 and 8.12</p> <p>At pre-application stage on major developments, consultation not just with local amenity groups but also interested local residents.</p>	<p>Table 4-1 sets out that the Council will encourage applicants to carry out early consultation with neighbours/communities by letter or leaflet and/or by holding public meetings/exhibitions/workshops. The Council would expect this to include invitation to interested individuals and the SCI could clarify this. However, the scale of involvement will very much depend on the scale of development i.e. how many neighbours/properties to leaflet.</p>	<p>SCI to clarify that applicants should include interested individuals in pre-application events.</p>

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		<p>Chapter 8, Planning</p> <p>On major planning applications an explanation and justification of how infrastructure issues are being addresses: roads, access to utilities, schools, local GPs and hospitals, parking, etc. In recent major developments in Lower Sunbury, such as London Irish, The Police College site, and the Thames Water development, there was little evidence of these being considered in advance.</p> <p>Chapter 8, Planning</p> <p>Serious scrutiny of the scale of major</p>	<p>Noted. The Council's local list of requirements sets out the scale of information which should be submitted with a planning application and for major applications includes:</p> <p>Flood Risk Assessment Foul Sewage and Utilities Assessment Transport Assessment Travel Plan Sustainable Urban Drainage Systems</p> <p>The Council would expect developers to address infrastructure requirements as part of this information. Further, for Major applications the Council will consult with a number of infrastructure providers including Surrey County Council for education and transport infrastructure.</p> <p>It is not the role of the SCI to set out the Council's policy approach to the</p>	<p>No Change.</p> <p>No change.</p>

Document Section or Question	Name	Comment	Response	Amendment Agreed?
		development proposals, and a presumption in favour of the defence of Green Belt land.	Green Belt. The consideration of impacts on the Green Belt are made in accordance with national planning policy in the NPPF and Local Plan policy GB1.	
Chapter 4	Staines Town Society	<p>In section 4, Planning Applications, we note inconsistency in paras 4.5 and 4.6. A minor development is 1 - 9 units or less than 0.5 ha. A major development is at least 10 units or more than 0.5 ha. These can't both be 'or': one must be 'and' if they are distinct categories. The prospect of high-rise development makes this obvious. For example the 15 storey Masonic development was for 140 units (major) on 0.3 ha (minor). Mrs Spinks's recent letter referring to SuDs makes it clear that the 'or' should be in the definition of major development. Minor development should be defined as 1 - 9 units and less than 0.5 ha. Same applies to non-housing categories.</p> <p>We accept with regret 4.27, Council can only request developers to discuss their plans with the local community, and ask for a firmer statement that such requests be emphasised.</p>	<p>Noted.</p> <p>Noted. Engagement by the applicant at pre-application stage is discretionary and the Council can only encourage this in line with the suggestions set out in Table 4-1 of</p>	SCI to clarify definition of major and minor development.

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		<p>The SCI should include details of how compliance will be monitored, in the Plan period for sec 3 and indefinitely for sec 4. The stimulus for this comment arises from our experience of breaches of 4.14, when letters have only been added to the website up to two months after receipt, and after repeated reminders; but the comment is general. How will SBC check compliance with all the requirements of the SCI?</p>	<p>the draft SCI.</p> <p>Compliance with section 3 can be monitored through the Planning Monitoring Report published annually. The SCI could be clarified in para 4.14 that letters of representation will be published on the Council's web-site within a specified time, however this will depend upon the level of resources in the planning department at the time and there may be circumstances when a representation cannot be published within the timeframe. As such, it is considered better to ensure that representations are published on the website as soon as is practicable from date of receipt.</p>	<p>SCI to clarify timeframe for publishing comments on planning applications.</p>
Chapter 4	Mr Lawrence Nichols	<p>Paragraph 4.22</p> <p>Pre-application advice to developers is important and potentially a very valuable service which should enhance the quality of major applications. However the fact that these are confidential should be reconsidered. When an application is received the details of pre-application meetings should be disclosed together</p>	<p>Noted. However, the confidentiality of pre-application advice is standard practice within local planning authorities and supports early contact with the authority so applicants are made aware of whether or not their proposals are likely to be acceptable. This enables</p>	<p>No change.</p>

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		<p>with any fees paid. In recent years developers have run rings round the Council and this is why residents are so sceptical about the way the Council relates to developers. The recent secret dialogue with Kempton Park has eroded the confidence the public has in the Council to protect resident's interests. Planning law favours developers to a considerable degree and the Council should promote and maintain the greatest level of transparency possible to demonstrate how it is working for residents and not for the builders.</p> <p>Paragraph 4.23 & 4.27</p> <p>The Council should tell residents (and the Planning Committee) when a developer refuses to undertake an adequate level of community engagement. The "suggestions for approaches that could be adopted by applicants" (Table 4-1) should be stated as a minimum expectation on developers and something that they are expected to meet. This could be sought as a condition for pre-application engagement.</p>	<p>applicants to abandon inappropriate proposals at an early stage or modify them so better proposals are submitted.</p> <p>The Council recognises that engagement by the applicant at pre-application stage is very valuable to local communities, however there are no statutory powers to require it and the Council can only encourage this in line with the suggestions set out in Table 4-1 of the draft SCI. As such, the Council cannot make engagement a condition of pre-application advice. Further, the refusal of an applicant to undertake such consultation cannot be prejudicial to the merits of the application and any decision the</p>	<p>No change.</p>

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		<p>Paragraph 4.26</p> <p>The whole planning process is far from "impartial" as the law is vastly in favour of developers and it is up to the Council to be actively work in the interests of residents (voters).</p>	<p>Council may wish to take.</p> <p>Paragraph 4.26 is highlighting that any consultation event for a pre-application will be down to the applicant not the Council and that the Council must remain impartial during this process.</p>	No change.
Chapter 4	Environment Agency	<p>With regard to planning application consultations, as noted in your paragraph 4.8 you consult under the Development Management Procedure Order (DMPO) 2010. As a statutory consultee we would be consulted on applications within our remit through this process. You will be aware that Government has recently consulted on changes to the DMPO and that the categories under which you will need to consult us will be changing. In anticipation of this we nationally are revising our external consultation list for all local planning authorities. When it is finalised we will be distributing it to all the local authorities we work with, including yourselves.</p>	Noted.	SCI to be checked against the new DMPO.
Appendix A	Mrs Elleke Carling	NPPF Paragraph 69		

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		<p>This should include: Guaranteed supportive infrastructure and weight granted to Local opinion must be decisive factors when it comes to developers being allowed to build.</p>	<p>Appendix A is merely repeating paragraph 69 of the National Planning Policy Framework to emphasis when stakeholders should be involved in the planning process. However, all planning applications must be considered on their merits on a case by case basis. This will include a consideration of the impact on local infrastructure and the infrastructure provided by the development and/or material objections raised by the local community.</p>	<p>No change.</p>

Spelthorne Local Plan

~~Draft~~ Statement of
Community Involvement

Date TBC February 2015



SPELTHORNE
BOROUGH COUNCIL

Foreword

This ~~draft~~ Statement of Community Involvement (SCI) has been prepared in accordance with Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). This ~~draft~~ SCI sets out how the Council proposes to involve the community in the preparation of the Spelthorne Local Plan, [Supplementary Planning Documents \(SPD\)](#) and planning applications.

~~Whilst not a requirement of the Planning & Compulsory Purchase Act, this draft SCI is open to consultation for a period of 4 weeks from Friday 27th February 2015 to Monday 30th March 2015.~~

~~Comments on this draft SCI are welcomed and can be returned by email to:~~

~~planning.policy@spelthorne.gov.uk~~

~~or by post to:~~

~~Planning Policy & Implementation
Spelthorne Borough Council
Council Offices
Knowle Green
Staines-upon-Thames
Surrey
TW18 1XB~~

~~Representations cannot be treated as confidential and will be made publicly available on the Council's web-site either in full or in summary. Whilst the names of those responding and their comments will be made publicly available personal details such as addresses or contact details will not.~~

Should you have any queries regarding this document including whether you would like a copy in large print, Braille or another language, please contact the Council on 01784 446345 or alternatively email planning.policy@spelthorne.gov.uk

Glossary of Terms

Delegated Authority

Some decisions on planning applications can be made by Planning Officers rather than being made by the Council's Planning Committee. As such, Officers have 'delegated' powers to determine most minor planning applications.

Evidence Base Studies

Local Plan documents and their policies must be based on robust evidence. The evidence will be set out in various studies which will cover a range of planning issues facing the Borough.

General Consultation Bodies

A range of bodies as set out in the Town & Country Planning (Local Planning)(England) Regulations 2012 which the Council will consult in the preparation of a Local Plan document as considered appropriate. A list of the types of general consultation body is set out in Appendix B.

Independent Examination

The Council must submit its publication Local Plan to the Secretary of State for independent examination. The examination will be a public hearing and will be overseen by an independent Planning Inspector who will consider the 'soundness' of the plan.

Issues & Options

Issues & Options will be the first stage of formal consultation on the Spelthorne Local Plan. An Issues & Options document will set out the main planning issues facing Spelthorne and all of the options the Council is considering to address these.

Localism Act 2011

The Localism Act 2011 introduced the Duty to Cooperate. The Duty to Cooperate requires all local planning authorities and other bodies to engage with each other on planning issues which extend across local authority boundaries. The 2011 Act made amendments to the Planning & Compulsory Purchase Act 2004 including removing the requirement to consult the Secretary of State on Local Development Schemes (LDS).

Local Development Scheme (LDS)

The LDS is a document which sets out the Council's timetable for preparing its Local Plan Documents. The LDS enables individuals, organisations and businesses to find out what is proposed and when consultation will take place.

Local Plan

The Local Plan is the document which sets out the Council's vision, objectives and detailed planning policies and allocations for future development of Spelthorne up to 2034. The Local Plan will include the amount, type and location of development which is expected to come forward up to 2034.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) is national planning policy guidance which sets out how local authorities should address planning issues within their areas. Local Plan documents must be consistent with the policies set out in the NPPF.

Planning & Compulsory Purchase Act 2004

The Planning & Compulsory Purchase Act 2004 is the act of parliament which sets out the planning documents that the Council must prepare and what they must take into account. The requirement to prepare a Statement of Community Involvement is contained in Section 18 of the Act.

Planning Act 2008

The Planning Act 2008 made amendments to the Planning & Compulsory Purchase Act 2004. The 2008 Act removed the requirement for a Statement of Community Involvement to be considered at an examination in public.

Planning Monitoring Report (PMR)

The Planning Monitoring Report (PMR) is a report prepared by the Council which monitors the performance and implementation of adopted planning policies against a set of indicators and targets.

Planning Practice Guidance (PPG)

The Planning Practice Guidance (PPG) contains a series of technical notes which expand on the policies in the NPPF on how local authorities should approach certain issues and evidence base studies. The PPG is guidance only and is not policy.

Pre-Publication Local Plan

This will be a draft version of the Local Plan which outlines the options and site allocations the Council has chosen to take forward and its draft policies on a range of planning issues.

Publication Local Plan

This is the version of the Local Plan that the Council proposes to submit to the Secretary of State for examination and will be the last formal opportunity for consultation.

Specific Consultation Bodies

A specific set of bodies set out in the Town & Country Planning (Local Planning)(England) Regulations 2012 which the Council will consult in the preparation of a Local Plan document if they consider that they have an interest in the Local Plan. A list of the specific consultation bodies are set out in Appendix B.

Stakeholders

Stakeholders can be anyone with an interest in the preparation of planning documents or in the determination of planning applications. Stakeholders can be individuals, communities, interest groups, organisations and businesses. A list of the type of stakeholders who may have an interest in planning is set out in Appendix B.

Strategic Environmental Assessment (SEA)

Strategic Environmental Assessment (SEA) is an assessment of how plans and their policies perform against a set of environmental objectives. SEA is normally incorporated into the Sustainability Appraisal (see below). SEA is a requirement of a European Directive.

Supplementary Planning Document (SPD)

Supplementary Planning Documents (SPD) contain guidance and explain in more detail how policies within the Local Plan will be applied.

Sustainability Appraisal (SA)

Sustainability Appraisal (SA) is an assessment of how plans and their policies perform against economic, social and environmental objectives. Sustainability

Appraisal of Local Plan documents is required by the Planning & Compulsory Purchase Act 2004. Several stages of Sustainability Appraisal are required to accompany the different stages of plan preparation. This includes a Scoping Report to highlight issues, Initial Reports to appraise plan options, allocations and draft policies and a final report to accompany the Publication Local Plan.

Sustainable Development

Sustainable development is defined as ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs’. In terms of Local Plan documents sustainable development requires a balance between economic, social and environmental objectives.

Town & Country Planning (Local Planning)(England) Regulations 2012

The Regulations set out how the Council must prepare and consult on Local Plan documents and Supplementary Planning Documents and who they should consult. The Regulations do not however, set out how the Council should prepare a Statement of Community Involvement.

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1. Introduction

What is the Statement of Community Involvement?

- 1.1 The Statement of Community Involvement (SCI) sets out how the Council intends to achieve effective community involvement in the review of the Local Plan, preparation of other planning documents and determination of planning applications within Spelthorne.

Why do we need a Statement of Community Involvement?

- 1.2 Local Planning Authorities are required to produce an SCI. This is set out in Section 18 of the Planning & Compulsory Purchase Act 2004 (as amended). There are also a number of other relevant pieces of legislation and guidance in terms of how and/or when the Council needs to involve the community in preparing a Local Plan or in the consideration and determination of planning applications. Details of all relevant legislation and guidance are set out in Appendix A.
- 1.3 An SCI ensures that all sections of the community (local residents, businesses, landowners, groups, organisations) and stakeholders (national and regional organisations) know how they will have the opportunity to be actively involved at an early stage of the planning process. As such this SCI explains:

- 1) How and when you and other interested parties can get involved in the Local Plan, Supplementary Planning Documents and evidence base studies which support the Local Plan (explained in Section 3); and
- 2) How you can find out about planning applications and make your views known on them (explained in Section 4).

What do we mean by Involvement?

~~1.4—The Planning and Compulsory Purchase Act 2004 (as amended) does not set out how communities and stakeholders should be involved in Local Plan preparation. There ~~was~~ ~~however~~ a duty to involve that was introduced through the Local Government & Public Involvement in Health Act 2007¹ with associated Government guidance *Creating Strong, Safe and Prosperous Communities*². ~~The duty to involve has now been repealed by Section 103 of the Deregulation Act 2015~~ ~~The guidance sets out the steps that local authorities can take to involve representatives of local people as they consider appropriate. This can include:~~~~

- ~~● Providing Information;~~
- ~~● Consultation;~~
- ~~● Involving in another way~~

~~1.5—The Council already provides information and undertakes consultation as part of its planning work. In terms of ‘involving in another way’, the government’s guidance states that authorities should consider, where it is appropriate, to provide representatives of~~

¹ Section 138 Local Government & Public Involvement in Health Act 2007. Available at: <http://www.legislation.gov.uk/ukpga/2007/28/contents>

² Creating Strong, Safe & Prosperous Communities (2008) CLG. Available at: <http://ec.europa.eu/ourcoast/download.cfm?fileID=781>

~~local people with opportunities to have their say over and above being informed and consulted.~~

~~1.6 The guidance also sets out that in meeting the duty to involve, authorities should consider (amongst other things) the possible benefits of involvement against costs. Therefore, involvement which goes beyond information/consultation will require a consideration of cost and resource. This is considered a reasonable approach by the Council so as to achieve a balance between involving the community as appropriate and the costs of doing so given resources available to the Council.~~

~~1.71.4 The Government is currently taking a Deregulation Bill through parliament which will, if enacted, remove the duty to involve and cancel the associated guidance.~~

4.81.5 Further guidance in terms of involvement can be found in the National Planning Policy Framework (NPPF) and various Planning Practice Guidance (PPG) notes.

4.91.6 The National Planning Policy Framework (NPPF) is national policy guidance produced by central government which sets out how local authorities should address planning issues within their areas. This includes guidance on how local authorities should approach issues such as housing need, economic development, infrastructure provision and the protection of areas such as Green Belt or areas at risk of flooding. The NPPF also advises that local planning authorities should aim to involve all sections of the community in the development of Local Plans and planning decisions.

4.101.7 The Planning Practice Guidance (PPG) contains a series of technical notes which expand on the policies in the NPPF on how local authorities should approach certain issues and evidence base studies. The PPG notes are not policy in the same way as the NPPF but are a material consideration in preparing the Local Plan or taking planning decisions.

1.8 Several of the PPG notes set out advice on community involvement, although none actually set out how communities and stakeholders should be involved. Many of the PPG notes use a range of words including **consult, involve, participate, engage, discuss and collaborate**, depending on the subject matter of the PPG note and some only relate to specific areas of work. As such, the Borough Council will need to consider which mechanisms are appropriate to involve communities and stakeholders depending on the issue at hand.

4.141.9 Involvement which goes beyond information/consultation will require a consideration of cost and resource. This is considered a reasonable approach by the Council so as to achieve a balance between involving the community as appropriate and the costs of doing so given resources available to the Council.

4.121.10 Sections 3 and 4 of this Statement of Community Involvement set out how the Borough Council will involve its local communities and stakeholders in Local Plan preparation, evidence base preparation, Supplementary Planning Documents (SPD) and the determination of planning applications.

2. Links to Other Strategies

Spelthorne Community Plan

2.1 Local authorities in England and Wales ~~were~~ **are** required to produce a Sustainable Community Strategy³ with the ~~strategie~~ aims of promoting the social, economic and environmental well-being of their area and contribute to the achievement of sustainable development in the United Kingdom. A Sustainable Community Strategy sets out the long term vision for the area, supported by action plans to achieve it. In Spelthorne this is the Spelthorne Community Plan 2013⁴. [Section 100 of the Deregulation Act 2015 has repealed the requirement for local authorities to prepare Sustainable Community Strategies although the Council's Community Plan remains in force. The Council can still prepare a Sustainable Community Strategy on a voluntary basis.](#)

2.2 The vision of the Community Plan is '*To make Spelthorne a safe, healthy, inclusive, prosperous and sustainable community*'. The Community Plan contains 4 themes, each with their own aim as follows: -

Theme 1: Safer Stronger

Aim: To build a safer community.

Theme 2: Children and Young People

Aim: To involve all young people so that they are engaged and given every opportunity to succeed.

Theme 3: Health & Wellbeing

Aim: To improve the health and well-being of Spelthorne residents.

Theme 4: Environment and Economic Development

Aim: To support and develop opportunities for businesses in the Borough to survive and thrive.

2.3 The Local Plan will need to take into account and play a role in delivering these aims.

Spelthorne Corporate Plan 2013-2015

2.4 The Spelthorne Corporate Plan⁵ sets out a vision, priorities and key objectives for the Council. The Local Plan and determination of planning applications has particular relevance to the following priority areas and key objectives:

Priority Area: Economic Development

Key Objectives: Enhance and improve the Borough's image as a good place to visit and do business; and
Promoting Spelthorne with a clear plan to stimulate more investment, jobs and visitors.

Priority Area: Planning & Housing

Key Objective: Planning process more accessible and responsive.

³ Section 4 of the Local Government Act 2000 (as amended).

⁴ Spelthorne Community Plan (2013) Spelthorne Together. Available at: <https://www.spelthorne.gov.uk/article/366/Community-Plan>

⁵ Spelthorne Corporate Plan (2013) Spelthorne Borough Council. Available at: <https://www.spelthorne.gov.uk/corporateplan>

Priority Area: Council Assets

Key Objective: Efficient use of land and assets to achieve best value in terms of

- income

- provision of facilities

to help support our communities and the voluntary sector

Spelthorne Economic Strategy

2.5 The Spelthorne Economic Strategy⁶ sets out an economic vision and four themes. The vision is *'To secure sustained growth of the local economy for the benefit of businesses and residents whilst protecting the Borough's environment and character.'* The four themes are:

Theme 1: Implementing and maintaining a capacity for growth

Theme 2: Developing skills and employability

Theme 3: Supporting business

Theme 4: Improving transport infrastructure

2.6 The Local Plan will need to take account of the economic strategy.

Draft Spelthorne Housing Strategy 2014-2017

2.7 The Draft Spelthorne Housing Strategy⁷ was open to consultation during the autumn of 2014. The Draft Strategy has a vision statement of *'Ensuring best quality homes in a thriving and sustainable community'* and five strategic priorities 2014-2019 which are:

- Increasing the supply of new homes and improve the tenure mix especially the provision of more private rented accommodation;
- Improve the quality of existing homes;
- Prevent homelessness;
- Support residents to access affordable, well-managed market rent and social rented properties;
- Prioritise social housing allocations to those who contribute.

2.8 The Local Plan will need to take account of the Housing Strategy.

Spelthorne Leisure & Culture Strategy 2014-2016

2.9 The Leisure & Culture Strategy explains how the Council will develop and promote high quality and accessible leisure and culture activities in Spelthorne until 2016. The Strategy contains the following vision *'To provide the opportunity for everyone to improve their quality of life through access to good leisure and cultural activities'*.

2.10 The Strategy has 10 objectives and an action plan to achieve these. The 10 objectives are:

⁶ Spelthorne Economic Strategy (2013) Spelthorne Borough Council. Available at: <https://www.spelthorne.gov.uk/econstrat>

⁷ Draft Spelthorne Housing Strategy 2014-2017

- To support our corporate priorities and vision for Leisure and Culture;
- To promote the importance of leisure and culture for the well-being and enjoyment of people in the Borough of Spelthorne;
- To improve leisure and cultural provision within the Borough;
- To help to promote Spelthorne as a tourist destination;
- To set priorities for the development of leisure and culture based on local needs;
- To make leisure and cultural activities more accessible;
- To promote and extend partnerships by working with the private, public and voluntary sector, to maximise leisure opportunities within the Borough;
- To provide local direction for working towards national and regional objectives in Spelthorne;
- To help identify and achieve external funding opportunities;
- To help provide the best value leisure and cultural provision.

[4.2.11 The Local Plan will need to take account of the Leisure & Culture Strategy.](#)

3. Local Plan, Supplementary Planning Documents & Local Plan Evidence Base Studies

- 3.1 Spelthorne Borough Council is required to prepare Local Plans as set out in the Planning & Compulsory Purchase Act 2004 (as amended) and the Town & Country Planning (Local Planning)(England) Regulations 2012.
- 3.2 The Regulations set out when the Council must formally consult at different stages of Local Plan or SPD preparation⁸. The diagram on the next page is taken from the PPG note on Local Plans and sets out the process of Local Plan preparation including when consultation must take place. For both Local Plans and SPD the Regulations do not set out how communities or stakeholders should be involved other than through consultation. Neither do the Regulations contain any reference to consultation or involvement in the preparation of Local Plan evidence base studies.
- 3.3 However the Borough Council is mindful of the ~~general duty to involve (for so long as it remains in force) and the~~ guidance set out in the PPG notes on involvement. As such, the Borough Council will go beyond the statutory consultation process set out in the 2012 Regulations.

Who will be Involved?

- 3.4 The 2012 Regulations and the PPG notes set out the types of group with which the Council should seek involvement. This includes a number of 'specific' and 'general' consultation bodies as set out in the 2012 Regulations as well as a number of other groups stated in the PPG notes. The 'specific' and 'general' consultation bodies are set out in Appendix B along with the groups identified in the PPG notes and those groups set out in the Statement of Community Involvement 2006 which are not covered by the 2012 Regulations or PPG notes.
- 3.5 Community involvement will be inclusive seeking to reach those most affected through an appropriately chosen representative group. Special effort will be made to try to include groups that are traditionally hard to reach. In seeking to involve different groups in either Local Plan/SPD preparation or Local Plan evidence base studies, the Council will need to have regard to the resource and cost of doing so.
- 3.6 As such, the Council will take a pragmatic approach to the level of involvement depending on the Local Plan issue or subject matter of the SPD and/or Local Plan evidence base study. This is set out in Tables 3-2 to 3-4. Table 3-1 sets out documents which the Council are required to prepare but which are not Local Plan documents, SPD or Local Plan evidence base studies.

How will you be Involved?

- 3.7 The Borough Council will employ different methods of involvement depending on the stage of Local Plan, SPD or Local Plan evidence base preparation and dependent on the issue at hand.
- 3.8 The Council is ~~considering~~ creating a Local Plan Stakeholder Forum to give stakeholders an opportunity to discuss a variety of planning issues related to the Local Plan at the early stages of plan preparation. Forum events ~~will~~ ~~could~~ take place as and when required. ~~and could take the format of~~ forum events will depend on the issue

⁸ Regulations 12, 13, 18, 19 & 20 of the Town & Country Planning (Local Development)(England) Regulations 2012

under consideration and/or the stakeholders involved but could take the form of a discussion group or consultation exercise. ~~either a discussion group or consultation exercise depending on the issue under consideration.~~

3.9 Whilst the Council will not invite individuals to the Forum, it will invite representatives of stakeholder groups set out in Appendix B. In setting up the Forum the Council will need to have regard to keeping the Forum as manageable as possible with the resources available.

3.10 The Council is mindful that government advice can be very prescriptive on the type and source of evidence which should be used to inform Local Plan preparation. There are also well established methodologies which are used to form ~~the~~ evidence studies which have been tested through examination and found to be robust. ~~The Council will publish evidence base methodologies on their web-site for comment, although any responses suggesting alternative methodologies/assumptions will need to demonstrate that they are robust and have been tested at examination. Therefore involvement to discuss how these studies might be undertaken is unlikely to be of value, although.~~ ~~†~~ The Council will consider involvement at the draft study stage to discuss findings through a the Stakeholder Forum or targeted/general consultation exercise.

~~3.10~~3.11 If discussed through a Forum draft evidence studies will be made available in advance. Evidence studies will be published on the Council's website when completed and anyone who has commented will be notified of publication by e-mail or via Spelthorne 'My Alerts'.

Figure 1: Local Plan Preparation Process (taken from PPG Note: *Local Plans*)

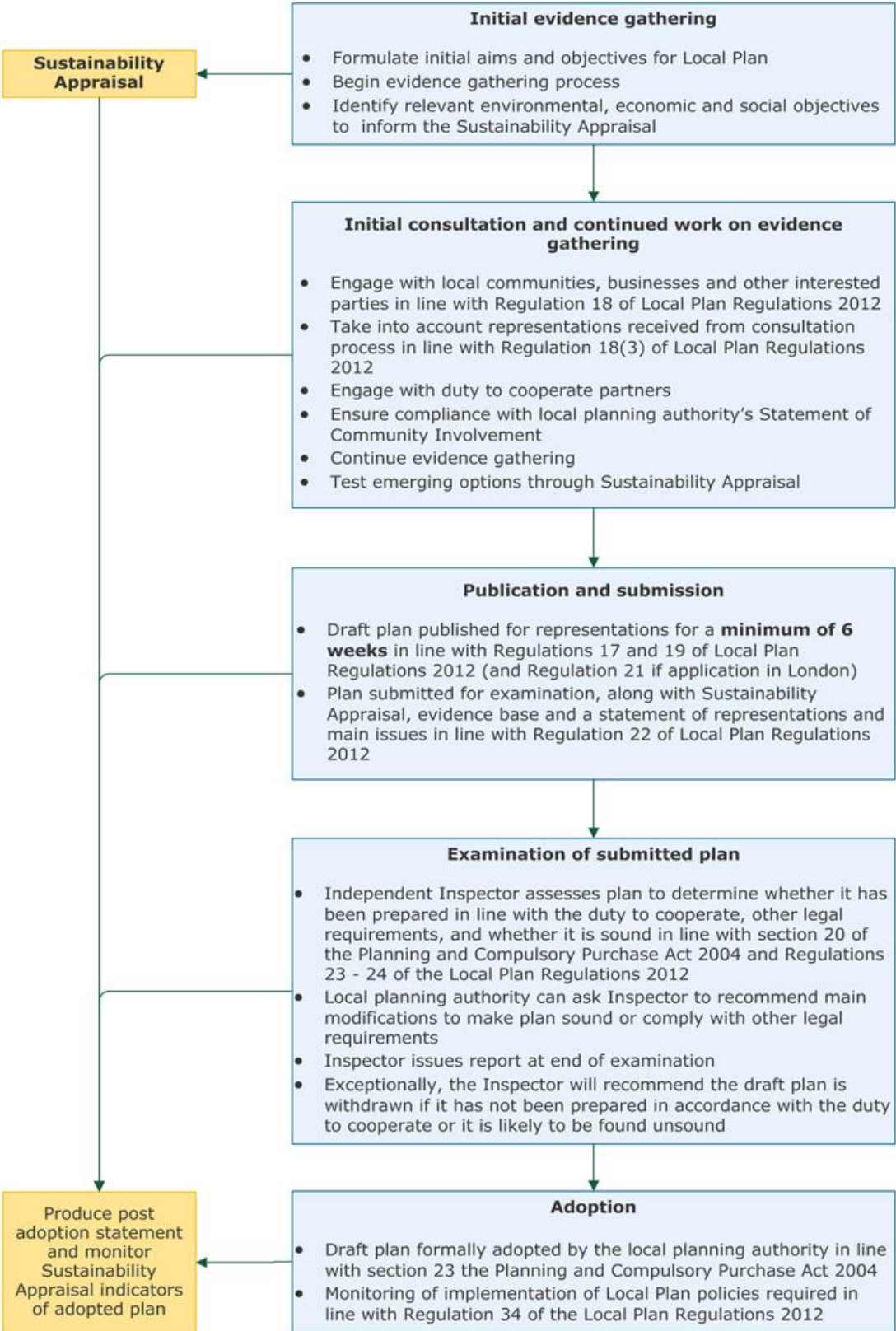


Table 3-1: Involvement in Planning Documents which are not Local Plan Documents, SPD or Local Plan Evidence Base Studies

Document	Consultation & Notification What we will do	When will you be involved?	How will you be involved?
Local Development Scheme (LDS)	<p>Provisions to consult the Secretary of State have been removed by the enactment of the Localism Act 2011. There is now no legal requirement for any consultation or notification.</p> <p>It is for the local authority to decide what its programme for preparing Local Plans will be.</p>	N/A	<p>The LDS will be monitored on an annual basis. The Council will accept representations seeking changes to the LDS at any time which will be considered at the time of the LDS review. The LDS will be published on the Council website, available to view at the Council Offices and available for purchase on request.</p>
Statement of Community Involvement	<p>Provisions to consult on the SCI have been revoked following the publication of the Town and Country Planning (Local Development) (England) Regulations 2012.</p> <p>However, in order to take account of views on how the Council should involve the community in plan preparation or planning applications the Council will undertake consultation on a draft SCI.</p>	<p>All bodies set out in Appendix B which are held on the Planning Policy database will be consulted at Draft SCI Stage for 4 weeks. SCI will also be open to consultation from any individual or organisation who wishes to comment within the 4 week period.</p>	<p>The Draft SCI will be placed on the Council's website and at the Council Offices for representations from any party.</p> <p>Consultation with all bodies set out in Appendix B which are on the Planning Policy database in writing either by letter or e-mail.</p> <p>Final SCI will be published on the Council's web-site and available to view at the Council Offices and available to</p>

			purchase on request.
Planning Monitoring Report (PMR)	The PMR will continue to be produced on an annual basis. Following the enactment of the Localism Act 2011, the provision to consult the Secretary of State has been repealed.	N/A	The PMR will be prepared annually. The PMR will be published on the Council website, available to view at the Council Offices and available for purchase on request.

Table 3-2: Methods of Involvement in Local Plan Documents

Document	Consultation & Notification What we will do	When will you be involved?	How will you be involved?
Early Community/Stakeholder Involvement	Dependent upon the subject matter of the Local Plan Document or individual Local Plan issue, The Local Planning Authority will may undertake early engagement <u>with the bodies identified in Appendix B</u> as deemed appropriate <u>to the subject matter of the Local Plan Document or Local Plan issue</u> including on evidence based documents.	If early engagement is carried out, this will be prior to publication of the Issues & Options and/or Pre-submission Local Plan document(s).	The Borough Council may hold early engagement through one or more of the following: <ul style="list-style-type: none"> • Targeted or general consultation; • Local Plan Forum⁹
Issues & Options and Pre-Publication Stages (Regulation 18)	Notify specific and general consultation bodies as the local planning authority consider appropriate by email or letter.	Specific and general consultation bodies and all parties on the Planning Policy database will be notified of the consultation period prior to the publication	Documents open to consultation will be made available on the Council website and at the Council Offices.

⁹ A list of the type of stakeholder groups the Council may engage is set out in Appendix B.

	<p>Notify all parties on the Planning Policy database by email or letter.</p> <p>Dependent upon the subject matter of the Local Plan, the Council may employ further engagement techniques as deemed appropriate e.g.</p> <ul style="list-style-type: none"> Articles in the Council's Borough Bulletin; Issue press release(s); 	<p>of the Issues & Options document or Pre-Publication Local Plan.</p> <p>The consultation will run for a period not less than 6 weeks.</p>	
<p>Publication of Local Plan (Regulation 19) and representations relating to a Local Plan (Regulation 20)</p>	<p>Notify specific and general consultation bodies as the local planning authority consider appropriate by email or letter.</p> <p>Notify all parties on the Planning Policy database by e-mail or letter.</p> <p>Send to the specific and general consultation bodies invited to make representations under Regulation 18 and all parties on the Planning Policy database who responded at the Regulation 18 stage:</p> <ul style="list-style-type: none"> A statement of the 	<p>Specific and general consultation bodies and parties on the Planning Policy database will be notified of the consultation period prior to the publication of the document.</p> <p>The consultation will run for a period not less than 6 weeks.</p>	<p>Documents will be made available on the Council's website and at the Council Offices.</p> <p>Any person may make representations about a local plan which the local planning authority proposes to submit.</p> <p>Send to each of the statutory Consultation Bodies¹¹ a copy of the Publication Local Plan.</p>

¹¹ As defined by The Environmental Assessment of Plans & Programmes Regulations 2004

	<p>representations procedure;</p> <ul style="list-style-type: none"> • A statement of the fact that the Submission Documents are available and when and where they can be inspected <p>Provide copies of the Publication Documents to persons on request¹⁰.</p>		
Submission of Local Plan Document(s) (Regulation 22)	<p>As soon as is reasonably practical following submission the Council will make available on their web-site and at the Council Offices:</p> <ul style="list-style-type: none"> • A copy of the Local Plan document & Policies Map; • A copy of the Sustainability Appraisal Report; • A Consultation Statement¹²; • Where practicable, copies of representations (redacted) and evidence base studies; 	<p>Specific and general consultation bodies and parties on the Planning Policy database will be notified when a Local Plan Document has been submitted and that the documents as listed in Regulation 22(3)(a)(i-iii) are:</p> <ul style="list-style-type: none"> • available for inspection; • When and where the documents can be inspected 	<p>All those who have submitted a representation will be notified that the Council has submitted the Local Plan Document.</p>
Independent Examination (Regulation 24)	<p>At least 6 weeks before the examination starts, the Council will publish on its web-site, make available at its Council Offices and notify</p>	<p>All those who have submitted a representation will be notified of the dates and times of the Examination and/or Pre-Examination¹³.</p>	<p>All those who have submitted a representation will be invited to attend both the Pre-Examination and Examination. An Independent Programme Officer appointed to</p>

¹⁰ A charge may apply

¹² Consultation Statement in Accordance with Regulation 22(1)(c) of the Town & Country Planning (Local Development)(England) Regulations 2012.

¹³ A Pre-Examination may be held by the Independent Planning Inspector appointed to carry out the Examination if they consider this is necessary.

	<p>any person who has made representations under Regulation 20 and not withdrawn them of:</p> <ul style="list-style-type: none"> • The date, time and place at which the examination will be held; and • the name of the person appointed to carry out the examination 		<p>oversee the Examination process will advise these individuals / organisations of the timetable on behalf of the Planning Inspector.</p> <p>Those that have previously stated their intent to provide oral evidence at the Examination will be asked whether they still wish to do so.</p>
Publication of Inspectors Report (Regulation 25)	<p>The Inspector's Report will be made available:</p> <ul style="list-style-type: none"> • On the Council's web-site; • At the Council Offices 	As soon as is reasonably practicable after the Council has received the Inspector's Report.	Notice will be sent either by e-mail or post to all parties who requested to be notified that the Inspector's Report has been published.
Adoption (Regulation 26)	<p>As soon as is reasonably practicable after the Council has adopted a Local Plan document they will:</p> <ul style="list-style-type: none"> • Make available for inspection the adopted Local Plan document; • Make available for inspection for at least 6 weeks the Adoption Statement¹⁴/ Sustainability Appraisal Report; • Make available for at least 6 weeks on the Council's web- 	N/A	<p>Copies of the adopted Local Plan document, Adoption Statement and Sustainability Appraisal Report will be made available for inspection on the Council's website and at the Council Offices.</p> <p>Copies of the Local Plan and Sustainability Appraisal Report will be made available to purchase¹⁵.</p>

¹⁴ Statement in accordance with Regulation 17 of the Town & Country Planning (Local Planning)(England) Regulations 2012.

¹⁵ A charge may apply.

	<p>site and at the Council Offices details of where and when the documents can be inspected;</p> <ul style="list-style-type: none"> • Send a copy of the Adoption Statement to anyone who requested to be notified of adoption; • Send an Adoption Statement to the Secretary of State. 		
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Table 3-3: Methods of Involvement in Supplementary Planning Documents (SPD)

Document	Consultation & Notification What we will do	When will you be involved?	How will you be involved?
Early Community/Stakeholder Involvement	<p>Dependent upon the subject matter of the Supplementary Planning Document (SPD), †The Local Planning Authority may undertake early engagement as deemed appropriate, including on evidence based documents. <u>with the bodies identified in Appendix B as deemed appropriate to the subject matter of the SPD.</u></p>	If early engagement is carried out, this will be prior to publication of the draft SPD.	<p>The Borough Council may hold early engagement through one or more of the following:</p> <ul style="list-style-type: none"> • Targeted or General consultation • Local Plan Forum¹⁶
Public Participation (Regulation 12)	Copies of SPD document(s) and the SPD Consultation Statement ¹⁷ will be made available for inspection on the Council's web-	Specific and general consultation bodies and parties on the Planning Policy database, identified by the Council as	Documents will be open to consultation and made available on the Council website and at the Council Offices.

¹⁶ A list of the type of stakeholder groups the Council may engage is set out in Appendix B.

¹⁷ Statement in accordance with Regulation 12(a) of the Town & Country Planning (Local Planning)(England) Regulations 2012.

Document	Consultation & Notification What we will do	When will you be involved?	How will you be involved?
	<p>site and at the Council Offices along with details of:</p> <ul style="list-style-type: none"> • The date by which representations must be returned; and • The address to which they must be sent. <p>The Council may also undertake;</p> <ul style="list-style-type: none"> • Press releases • Targeted engagement with local residents for site or issue specific SPD's. 	<p>relevant to the context of the SPD, will be notified of the consultation prior to the publication of the document.</p> <p>The consultation will run for a period not less than 4 weeks. The Council may opt to consult for 6 weeks depending on the subject of the SPD to ensure maximum opportunity for engagement.</p>	
Adoption (Regulation 14)	<p>As soon as is reasonably practicable after the Council adopts the SPD they will make available for inspection on the Council's website and at the Council Offices:</p> <ul style="list-style-type: none"> • The adopted document, • The adoption statement¹⁸ and a summary of issues raised during consultation and how they were addressed; 		<p>All relevant statutory/general consultation bodies and anyone else who submitted a representation will be sent the adoption statement.</p>

¹⁸ Statement in accordance with Regulation 11(2) of the Town & Country Planning (Local Planning)(England) Regulations 2012.

Table 3-4: Methods of Involvement in Local Plan Evidence Base Studies

Document	Consultation & Notification What we will do	When will you be involved?	How will you be involved?
Evidence Base Studies	<p>There is no statutory requirement to consult on Local Plan evidence base studies.</p> <p>However, dependent upon the subject matter of the evidence study, the Council will may undertake early engagement with the bodies identified in Appendix B as deemed appropriate to the subject matter of the evidence base.</p> <p><u>However, the Council will</u> <u>may</u> undertake early engagement <u>with the bodies identified in Appendix B as deemed appropriate to the subject matter of the evidence base.</u></p>	<p>If early engagement is carried out, this will be upon publication of the draft evidence base study.</p>	<p>Based on the subject matter of the evidence base, the Council may hold early engagement through one or more of the following:</p> <ul style="list-style-type: none"> • Targeted or general consultation; • Local Plan Forum¹⁹
Strategic Environmental Assessment/ Sustainability Appraisal	<p>The Council will:</p> <ul style="list-style-type: none"> • Prepare a Scoping Report for 	<p>For Scoping Reports engagement will be prior to consultation of the Issues & Options Local Plan</p>	<p>Stakeholders and forums may be invited to participate in the Scoping process, in particular</p>

¹⁹ A list of the type of stakeholder groups the Council may engage with is set out in Appendix B.

Document	Consultation & Notification What we will do	When will you be involved?	How will you be involved?
Scoping Report & Initial Report	<p>statutory consultation bodies to comment²⁰ prior to Issues & Options Consultation on Local Plan Documents and SPD²¹;</p> <ul style="list-style-type: none"> • Prepare an Initial Sustainability Report for statutory consultation bodies and the public to comment on. This will be prepared at the same time as the Issues & Options consultation or Pre-Publication Local Plan Documents. 	<p>Documents.</p> <p>For Initial Reports this will be at the same time as consultation on the Issues & Options or Pre-Publication Local Plan Document.</p>	<p>English Heritage, Natural England and the Environment Agency.</p> <p>Draft versions of final documents will be sent to statutory consultees for comment before final publication.</p> <p>Documents will be available on the Council's website and at the Council Offices. Comments will be invited as part of the work on the relevant Local Plan Document.</p>
Strategic Environmental Assessment/ Sustainability Appraisal Final Report & Post Adoption	<p>For the Final Environmental Report the Council will:</p> <ul style="list-style-type: none"> • Send a copy to each statutory consultation body; • Publicise the Plan & Report to all those having an interest in or likely to be affected by the Plan; • Advise where the document can be viewed or purchased²². • Invite comments and advise that any person may make 	<p>For the Final Report, consultation will be at the same time as the Publication Local Plan Document(s) or Draft SPD.</p>	<p>Where the SA/SEA is the subject of an objection through the Local Plan process, all those who have submitted a representation of objection will be invited to attend the Examination. The Programme Officer will advise these individuals / organisations of the timetable on behalf of the Inspector.</p> <p>At adoption all statutory consultation bodies and anyone else who submitted a representation will be notified of</p>

²⁰ In accordance with Regulation 12(5) of the Environmental Assessment of Plans and Programmes Regulations 2004.

²¹ SPD's are not required to undergo Sustainability Appraisal but a Strategic Environmental Assessment (SEA) may be required.

²² A charge may apply.

Document	Consultation & Notification What we will do	When will you be involved?	How will you be involved?
	<p>comments to the address and during the period specified;</p> <p>On adoption of the Local Plan document or SPD the Council will as soon as reasonably practicable:</p> <ul style="list-style-type: none"> • Make copies of the adopted plan and Environmental report available for inspection; • Publicise the Plan & Report²³ • Inform statutory and public consultees and the Secretary of State of adoption matters²⁴ 		<p>the adoption matters.</p> <p>Copies of the adopted document, Environmental Report, Adoption Matters & Post Adoption Statement will be made available on the website and at the Council Offices.</p> <p>Copies of the adopted document & Environmental Report will also be available for purchase²².</p>

²³ In accordance with Regulation 16(1)(b) of the Environmental Assessment of Plans & Programmes Regulations 2004.

²⁴ In accordance with Regulation 16(3) of the Environmental Assessment of Plans & Programmes Regulations 2004.

How will Comments and Responses on Local Plan Documents, SPD and Local Plan Evidence Base Studies be dealt with?

~~3.14~~3.12 For early engagement events and/or consultations for Local Plan Documents at Issues & Options or Pre-Publication stage and draft SPD stage, the Council will publish all representations received on the Council's web-site either in summary or redacted form and summary copies can be made available on request.

~~3.12~~3.13 At the publication stage for Local Plan Documents (Regulation 19) a standard response form will be prepared which those wishing to comment will be encouraged to use.

~~3.13~~3.14 For Issues & Options or Pre-Publication Local Plan Documents and Draft SPD's, a report to the Council's Local Plan Working Party and Cabinet will be prepared listing a summary of all representations received, and if appropriate, an Officer Response. The reports will also carry a recommendation as to what change(s), if any, should be made in light of the representations received. The summary of representations, officer comments and changes will be made available on the Council's web-site and at the Council's Offices.

~~3.14~~3.15 At publication stage a summary of comments received will be prepared and made available on the Council's website and at the Council's Offices at the time of submission to the Secretary of State.

~~3.15~~3.16 A summary of oral or written comments with Officer Responses will be prepared following early engagement events and reported to the Local Plan Working Party and Cabinet. This will include a recommendation as to what, if any, change(s) should be made in light of the comments received. The summary of comments and Officer Responses will be made available on the Council's web-site and at the Council Offices. Where possible, this will be prior to the publication of the final evidence base study, Issues & Options Local Plan Document or Draft SPD.

~~3.16~~3.17 The Council's Local Development Scheme (LDS) sets out the detailed programme for plan making. The LDS should be referred to, for a general indication of the time scale in which we will consider responses to a Local Plan consultation.

4. Planning Applications

- 4.1 This section explains how the Council proposes to consult and give publicity to planning applications and opportunities to comment on them.
- 4.2 The Council has a duty to consider all valid planning applications it receives, regardless of whether or not they reflect adopted policies. The Council receives over 1,100 planning applications each year, the majority of which are minor developments for which meeting the statutory minimum requirement on consultation is sufficient.
- 4.3 There are a number of opportunities for people to be involved in the planning application process. Government legislation²⁵ sets out the minimum requirements for consulting local residents and stakeholders. In considering how to consult on planning applications the following classifications have been considered.

Householder Developments

- 4.4 Planning applications falling within this category include applications for:
- Development of an existing dwellinghouse or development within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse;

Minor Developments

- 4.5 Planning applications falling within this category include:
- Dwelling schemes of 1-9 units ~~and~~ less than 0.5 hectares in area (ha), including Gypsy and Traveller pitches;
 - For all other uses, a minor development is one where the floorspace to be built is less than 1,000 square metres (sqm) ~~and~~ where the site area is less than 1ha;
 - advertisements;
 - listed building consents;
 - conservation area consents;

Major Developments

- 4.6 Major developments include:
- Dwelling schemes of 10 or more units or 0.5 hectares (ha) or more
 - For all other uses, where the floorspace is 1,000 square metres or more or where the site area is 1ha or more.

Prior Approvals

- 4.7 There are also a number of 'prior approval' applications where the Council are required to undertake consultation. Neighbours will be notified if they adjoin a dwelling which is applying for a larger household extension. With other prior approval applications including the conversion of offices to dwellings the Council is only required to consult various statutory bodies.

²⁵ The Town & Country Planning (Development Management Procedure) Order 2015~~50 (as amended)~~

- 4.8 The Council will consult and give publicity to applications in accordance with the statutory requirements of the Town and Country Planning (Development Management Procedure) Order 2015 ~~50 (as amended)~~. This is shown in Table 4-1 according to the development classifications set out above. In addition the Council will consult other non-statutory bodies and local residents groups which represent specialist interest groups as appropriate.
- 4.9 For householder and minor applications the Council can either inform interested persons by neighbour notification or by site notice. The Council's current procedure is to send neighbour notification letters rather than display a site notice, although the Council does supply a site notice to the applicant for them to display voluntarily. This current procedure will remain unchanged.
- 4.10 Comments supporting or objecting to a proposal may be made by anyone regardless of whether they have received a letter or been individually notified. However, the Council can only take into account material planning considerations.
- 4.11 All planning applications including plans and supporting documentation will be available to view on the Council's web-site via the 'Planning Applications On-line' search facility and/or at the Council Offices. Some supporting documentation such as viability studies may be treated as confidential and in this respect the Council will need to consider the balance between the public interest and confidentiality on a case by case basis.
- ~~4.11~~4.12 Residents of Spelthorne can also sign up to 'My Alerts' on the Council's web-site. The 'My Alerts' service sends an email to residents (who have registered) whenever something of interest happens near their property including the submission of planning applications. Residents can opt to have alerts sent to them for interests up to 500m from their property.
- ~~4.12~~4.13 Interested parties are formally given 21 days to respond to the first notification and 14 days for subsequent notifications of amended plans. However, the Council will endeavour to take into account any representations received up to the date on which the decision is made. The Council will not determine any application within a period of 21 days from the date on which notification letters are sent out.
- ~~4.13~~4.14 Occasionally, it may be necessary to write and publish reports on planning applications for the Planning Applications Committee agenda before the expiration of the 21 day period. In such cases comments received post-publication will be reported orally at the committee meeting. Comments received are made available for public inspection on the Council's website and at the Council Offices and none can be treated as confidential.
- ~~4.14~~4.15 The Council will neither acknowledge nor respond to letters commenting on applications, nor enter into correspondence on the details or merits of proposals and this is stated in the notification letters. However letters will be placed on the Council's website which enables people to check that their representation has been received.
- ~~4.15~~4.16 The Council's practice is not to negotiate amendments to applications unless they are of a minor nature that will not normally require re-consultation. In a few cases though, amendments may be appropriate. Where such revisions are significant and raise new issues that could lead to further comment, the Council will re-notify those who were initially notified of the application and any others who have commented upon it. Such amendments will normally only be accepted where it will still be possible for the application to be determined within the statutory time period. 14 days are usually given for re-consultation comments.

Deciding Applications

4.16**4.17** The majority of applications are determined under authority delegated to the Head of Planning & Housing Strategy after full consideration of all the planning issues and comments received. Some decisions are made by locally elected Councillors who sit on the Council's Planning Committee.

4.17**4.18** Some types of planning application are automatically referred to the Council's Planning Committee depending on the Officer recommendation. Applications for large scale development can be refused by Officers under delegated authority. However, applications for large scale development recommended for approval by Officers are determined by the Planning Committee.

4.18**4.19** The majority of planning applications which are usually delegated to Officers can also be 'called-in' by a Councillor if the circumstances are appropriate. This excludes applications for Lawful Development Certificates (existing or proposed development/use) and permitted development applications for householders, offices, agriculture and schools. Councillors can 'call-in' applications where they disagree with an officer recommendation.

4.19**4.20** Where an Officer is yet to make a recommendation, a Councillor can request an application is 'called-in' depending on the recommendation the Officer is minded to make.

4.20**4.21** Public speaking at Planning Committee is permitted for all planning applications, items seeking to pursue enforcement action or to approve Tree Preservation Orders (TPO). A maximum of one person can register to speak in support of an application and a maximum of one against. Registration is done on a 'first come first served' basis. The Chair of the Planning Committee may allow more than one speaker in exceptional circumstances. Further details regarding public participation are available on the Council's web-site.

Surrey County Council Planning Applications

4.21**4.22** Some planning applications are determined by the County Council, including proposals which are County matters (e.g. schools) and proposals for mineral working and waste disposal. The County Council undertake neighbour notification for applications where they are the decision making authority. The Borough Council is a statutory consultee on these proposals but does not make the ultimate decision. Consultation responses in respect of these applications should be sent to the County Council.

Community Involvement at the Pre –Application Stage²⁶

4.22**4.23** The majority of planning applications are submitted without any prior approach to the Council. However, pre-application advice to prospective developers/applicants is given by Officers to clarify technical matters and are treated as confidential.

²⁶ Further guidance is set out in paragraphs 188 to 195 of the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) note *Before Submitting an Application*

~~4.23~~4.24 The Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application. This will not affect the statutory notifications undertaken by the Council upon registration of the application. Table 4-1 sets out suggestions for approaches that could be adopted by applicants. The benefit of early engagement with the community is that this may highlight issues which can be resolved and reduce delays when an application is submitted. The applicant will also be able to demonstrate how the views of the local community have been incorporated or why this was not possible.

~~4.24~~4.25 In reporting the outcome of any pre-planning application consultation, applicants should indicate:

- The method of consultation used;
- Who was consulted and the level of involvement;
- How the matters raised in the consultation were addressed by the applicant.

~~4.25~~4.26 The level of pre-application consultation should reflect the scale of the proposed development.

~~4.26~~4.27 The Borough Council will remain impartial during any pre-application engagement by the applicant.

~~4.27~~4.28 The Council can only request, not require developers to involve the local community in pre-application discussions²⁷. The Council cannot refuse planning applications because a developer refuses to contact and involve the local community.

Appeals

~~4.28~~4.29 Applicants can appeal the Council's decision of an application. If that happens the Council copy all the representations received on that application and send to the Planning Inspector who will consider the appeal. The Council is required to write to all those who sent representations at the application stage and explain the appeal process. Notice of the Planning Inspector's decision will be sent by the Planning Inspectorate to every person who specifically requests it.

²⁷ The exception is for development of more than 2 wind turbines or where hub height of any turbine exceeds 15m (Part ~~2(3)(1)4A~~ of the Town & Country Planning (Development Management Procedure)(England) Order 201~~50~~~~(as amended)~~).

Table 4-1: Consultation & Publicity Arrangements at Different Stages of Planning Applications

Stage	Type of Application	Type of Consultation/Involvement
Pre-Application: Voluntary Consultation	Major Application Householder and Minor Applications	Encourage applicants to: <ul style="list-style-type: none"> • Undertake early consultation with neighbours/individuals/community by letter or leaflet; • Hold public meetings/exhibitions/workshops with local community; Encourage applicants to: <ul style="list-style-type: none"> • Undertake early consultation with neighbours/individuals/community by letter/discussions;
Application	Applications which <ul style="list-style-type: none"> • Require Environmental Assessment²⁸ • Are a ‘departure’ from the Development Plan • Would affect a right of way²⁹ • Major applications • Listed Building Consent • Conservation Area Consent Applications which <ul style="list-style-type: none"> • Are Householder and Minor Applications (excluding listed building & conservations area) 	<ul style="list-style-type: none"> • Advertise by site notice for not less than 21 days³⁰; • Advertise in a local newspaper; • Publicise on the Council’s website³¹; • Send neighbour notifications to any adjoining owner or occupier. <ul style="list-style-type: none"> • Publicise on the Council’s website³²; • Send neighbour notifications to any adjoining owner or occupier.

²⁸ Under Regulation 2(1) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011

²⁹ A right of way to which Part 3 of the Wildlife and Countryside Act 1981 (as amended) applies

³⁰ Subject to [Part 3\(15\) Article 13\(6\)](#) of the Town & Country Planning (Development Management Procedure)(England) Order 2015 ~~50 (as amended)~~

³¹ In accordance with [Part 3\(15\)\(7\) Article 13\(7\)](#) of the Town & Country Planning (Development Management Procedure)(England) Order 2015 ~~50 (as amended)~~

³² In accordance with [Part 3\(15\)\(7\) Article 13\(7\)](#) of the Town & Country Planning (Development Management Procedure)(England) Order 2015 ~~50 (as amended)~~

Stage	Type of Application	Type of Consultation/Involvement
	consents)	
Decision	All Applications	<ul style="list-style-type: none"> • Where an application is to be decided by the Planning Committee a copy of the Committee Report will be available on the Council's website at least 5 working days prior to the Committee meeting. Public speaking at the Planning Committee is allowed subject to the provisions set out in paragraph 4.16 of this SCI. • Where an application has been decided under delegated authority a copy of the Officer's delegated report will be available to view on the Council's web-site as soon as practicable after the decision has been issued.

Stage	Type of Application	Type of Consultation/Involvement
Post Decision	All Applications	<ul style="list-style-type: none"> • Minutes of Planning Committee meetings are available on the Council's website; • All planning decisions are published and made available on the Council's website as soon as practicable after a decision is issued; • Applicants or their agents will be informed of the decision in writing. • Where an applicant has appealed the Council's decision, the Council will inform all who made representations at the application stage that an appeal has been lodged and send on their representations to the Planning Inspectorate. Notice of the Inspector's decision will be sent by the Planning Inspectorate to every person who specifically requests it.

Appendix A

Relevant Legislation and Guidance for Community Involvement in the Preparation of Local Plans and Planning Applications

Planning & Compulsory Purchase Act 2004 (as amended)³³

The requirement to prepare an SCI is given by Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). Section 19(3) of the Act also requires that the Council complies with the Statement of Community Involvement in the preparation of Local Plans.

However, the Act, does not set out how local communities and stakeholders should be involved.

~~Local Government & Public Involvement in Health Act 2007³⁴~~

~~Section 138 of the Local Government and Public Involvement in Health Act 2007 imposes on all local authorities a duty to involve local representatives when carrying out any of its functions. The idea is that local authorities must consult a balanced selection of individuals, groups, businesses or organisations the authority considers likely to be affected by, or have an interest in, their actions and functions.~~

~~The duty is wide ranging and applies to the delivery of services, policy, and decision making. Authorities must not discriminate in the way they inform, consult or involve local people. They must promote equal opportunities for people to engage and get involved.~~

Localism Act 2011 - Duty to Cooperate³⁵

The duty to co-operate is a legal requirement on local planning authorities to take into account and plan for matters which extend beyond their local area. These matters are described as strategic cross boundary matters which require local authorities, county councils and a number of prescribed bodies³⁶ to engage with one another constructively, actively and on an ongoing basis.

The duty to cooperate does not apply to how the Council engages with its local community through this Statement of Community Involvement.

National Planning Policy Framework³⁷

Words in **bold** text have been highlighted by the Council for emphasis with the most relevant text of the particular paragraph shown below:

Paragraph 69

The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to **involve** all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.

³³ Planning & Compulsory Purchase Act 2004 (as amended). Available at: <http://www.legislation.gov.uk/ukpga/2004/5/contents>

³⁴ ~~Local Government and Public Involvement in Health Act 2007 (as amended). Available at: <http://www.legislation.gov.uk/ukpga/2007/28/contents>~~

³⁵ Localism Act 2011. Available at <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

³⁶ Prescribed bodies are given in Regulation 4 of the Town & Country Planning (Local Development)(England) Regulations 2012 (as amended).

³⁷ National Planning Policy Framework (2012) CLG. Available at: <http://planningguidance.planningportal.gov.uk/>

Paragraph 155

Early and meaningful **engagement** and **collaboration** with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively **engaged**, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.

Planning Practice Guidance³⁸

Words in **bold** text have been highlighted by the Council for emphasis with the most relevant text of the particular paragraph shown below:

Climate Change (paragraph 003)

Engaging with appropriate partners, including utility providers, communities, health authorities, regulators and emergency planners, statutory environmental bodies, Local Nature Partnerships, Local Resilience Forums, and climate change partnerships will help to identify relevant local approaches.

Design (paragraph 031)

Local communities play a vital part in good design. Those who live and work in an area often best understand the way in which places operate and their strengths. Local plans must evolve in a way that genuinely allows for local leadership and **participation**.

Health & Wellbeing – (Paragraph 003).

Working with the advice and support of the Director of Public Health and their team, local authority planners should also consider **engaging** and **consulting** appropriately with the following key groups in the local health and wellbeing system:

- **Engagement** with the local community is also important. As part of this work, local planning authorities should consider approaching their local Healthwatch³⁹ organisation (which represents users of health and social care services) and other community groups as appropriate.

Housing & Economic Development Needs Assessments (paragraph 007)

Local planning authorities should assess their development needs working with the other local authorities in the relevant housing market area or functional economic market area in line with the duty to cooperate. This is because such needs are rarely constrained precisely by local authority administrative boundaries.

Where Local Plans are at different stages of production, local planning authorities can build upon the existing evidence base of partner local authorities in their housing market area but should co-ordinate future housing reviews so they take place at the same time.

Local communities, partner organisations, Local Enterprise Partnerships, businesses and business representative organisations, house builders, parish and town councils, designated neighbourhood forums preparing neighbourhood plans and housing

³⁸ Planning Practice Guidance (2014) CLG. Available at: <http://planningguidance.planningportal.gov.uk/>

³⁹ Information on Healthwatch Surrey is available at: <http://www.healthwatchesurrey.co.uk/>

associations should be **involved** from the earliest stages of plan preparation, which includes the preparation of the evidence base in relation to development needs.

Housing & Economic Land Availability Assessments (Paragraph 008)

The following should be **involved** from the earliest stages of plan preparation, which includes the evidence base in relation to land availability: developers; those with land interests; land promoters; local property agents; local communities; partner organisations; Local Enterprise Partnerships; businesses and business representative organisations; parish and town councils; neighbourhood forums preparing neighbourhood plans.

Housing & Economic Land Availability Assessments (Paragraph 013)

Plan makers should issue a call for potential sites and broad locations for development, which should be aimed at as wide an audience as is practicable so that those not normally **involved** in property development have the opportunity to contribute. This should include parish councils and neighbourhood forums, landowners, developers, businesses and relevant local interest groups, and local notification/publicity. It may be possible to include notification of a call for sites in other local authority documentation (such as notification of local elections) to minimise costs.

Local Plans (Paragraph 003)

Local planning authorities develop a Local Plan by assessing the future needs and opportunities of their area, developing options for addressing these and then identifying a preferred approach. This involves gathering evidence, carrying out a Sustainability Appraisal to inform the preparation of the Local Plan and effective **discussion** and **consultation** with local communities, businesses and other interested parties.

There is considerable flexibility open to local planning authorities in how they carry out the initial stages of plan production, provided they comply with the specific requirements in regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, ('the Local Plan Regulations') on **consultation**, and with the commitments in their Statement of Community Involvement. **Consultation** exercises on emerging options are often termed "issues and options", "preferred options" or "pre-publication". Local planning authorities should always make clear how any **consultation** fits within the wider Local Plan process.

Local planning authorities must publicise the version of their Local Plan that they intend to submit to the Planning Inspectorate for examination to enable representations to come forward that can be considered at examination. This is known as the publication stage.

Local planning authorities must also **publicise** their intended timetable for producing the Local Plan. This information is contained within a Local Development Scheme, which local planning authorities should publish on their web site and must keep up to date. Up-to-date and accessible reporting on the Local Development Scheme in an Authority's Monitoring Report is an important way in which Local Planning Authorities can keep communities informed of plan making activity.

Local Plans (Paragraph 014)

Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and **engage** with the authority at an early stage in

developing the Local Plan. It will also help communities bringing forward neighbourhood plans, who may be able to use this evidence to inform the development of their own plans.

Consultation and pre-decision matters (Paragraph 001)

After a local planning authority has received a planning application, it will undertake a period of **consultation** where views on the proposed development can be expressed. The formal **consultation** period will normally last for 21 days, and the local planning authority will identify and **consult** a number of different groups.

The main types of local planning authority consultation are:

Public consultation – including consultation with neighbouring residents and community groups.

Following the initial period of consultation, it may be that further **additional consultation** on changes submitted by an applicant, prior to any decision being made, is considered necessary.

Consultation and pre-decision matters (Paragraph 002, 003 & 005)

Local planning authorities are required to undertake a formal period of **public consultation**, prior to deciding a planning application. This is prescribed in Article 13 of the Development Management Procedure Order and its amendment. There are separate arrangements for listed building and conservation area consent which are set out in Regulation 5 of the Listed Building and Conservation Area Regulations and its amendment.

Local Authorities have discretion about how they inform communities and other interested parties about planning applications. Article 13 of the Development Management Procedure Order and its amendment sets out minimum statutory requirements.

In addition, local authorities may set out more detail on how they will **consult** the community on planning applications in their Statement of Community Involvement, prepared under Section 18 of the Planning and Compulsory Purchase Act 2004.

Publishing information online in an open data format can help facilitate **engagement** with the public on planning applications.

The time period for making comments will be set out in the publicity accompanying the planning application. This will be not less than 21 days, or 14 days where a notice is published in a newspaper.

Once the consultation period has concluded a local planning authority can proceed to determine the planning application. To ensure comments are taken in to account it is important to make comments before the statutory deadline.

Consultation and pre-decision matters (Paragraph 026)

Where an application has been amended it is up to the local planning authority to decide whether further **publicity and consultation** is necessary.

In deciding whether this is necessary the following considerations may be relevant:

- were objections or reservations raised in the original consultation stage substantial and, in the view of the local planning authority, enough to justify further publicity?

- are the proposed changes significant?
- did earlier views cover the issues raised by the proposed changes?
- are the issues raised by the proposed changes likely to be of concern to parties not previously notified?

Where the local planning authority has decided that **re-consultation** is necessary, it is open to them to set the timeframe for responses, balancing the need for consultees to be given time to consider the issue that is being re-consulted upon and respond against the need for efficient decision making.

The Town & Country Planning (Development Management Procedure)(England) Order 2010 (as amended)⁴⁰

The Town & Country Planning (Development Management Procedure)(England) Order 2010 (as amended), sets out steps that local planning authorities must undertake when giving publicity to planning applications (Article 13) and notifying interested parties of planning decisions (Article 28(2)).

The Planning (Listed Buildings & Conservation Areas) Regulations 1990⁴¹

Regulation 5 of The Planning (Listed Buildings & Conservation Areas) Regulations 1990 sets out how local planning authorities should give publicity to applications for listed building and/or conservation area consent.

⁴⁰ Town & Country Planning (Development Management Procedure)(England) Order 2010 ~~50~~ (as amended). Available at: <http://www.legislation.gov.uk/ukxi/2015/595/contents/made>
<http://www.legislation.gov.uk/ukxi/2010/2184/contents/made>

⁴¹ The Planning (Listed Buildings & Conservation Areas) Regulations 1990

Appendix B
Specific & General Consultation Bodies
and Other Stakeholder Groups

Specific Consultation Bodies⁴²

The Coal Authority	Authority areas within or adjoining the local authority area including parishes, County Councils, the Greater London Authority (GLA) and policing bodies
Environment Agency*	Telecommunications operators
English Heritage*	Clinical Care Commissioning Groups
The Marine Management Organisation	Statutory Undertakers for: Electricity Gas Sewerage Water
Natural England*	
Network Rail Infrastructure Ltd	
Highways Agency	
Homes & Communities Agency (HCA)	

*Statutory Consultees under the Environmental Assessment of Plans & Programmes Regulations 2004

General Consultation Bodies⁴³

Voluntary bodies	Bodies representing the interests of disabled persons
Bodies representing different racial, ethnic or national groups	Bodies representing persons carrying on a business in the area
Bodies representing different religious groups	

Other Stakeholders

Amenity Societies & Resident Associations	Sport/Leisure Bodies
Educational Organisations	Youth Groups & Bodies
Groups representing the Elderly	Developers & Planning Agents
Groups representing Women	House Builders
Health/Social Care Groups & Bodies	Registered Providers
Transport Groups & Bodies	Environmental Groups
Local Enterprise Partnerships (LEP)	Infrastructure Providers
Mayor of London	Charitable organisations
Emergency Services	Civil Aviation Authority
Spelthorne Together	Spelthorne Safer Stronger Partnership

⁴² As given by Regulation 2 of The Town & Country (Local Planning) Regulations 2012

⁴³ As given by Regulation 2 of The Town & Country (Local Planning) Regulations 2012