

STATEMENT OF COMMUNITY INVOLVEMENT



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1. INTRODUCTION

- 1.0 In Leicestershire the planning authorities comprises Leicestershire County Council, and the seven district and borough councils (Blaby, Charnwood, Harborough, Hinckley & Bosworth, Melton, North West Leicestershire and Oadby & Wigston). The district and borough councils are responsible for most types of development planning but Leicestershire County Council is responsible for determining applications which relate to minerals and waste development. This is a distinct area of planning dealt with by county councils and unitary authorities. All authorities are also responsible for determining planning applications for their own development. In Leicestershire County Council's case this would include, for example, applications for schools (not academies) and roads.
- 1.1 Planning authorities determine planning applications in accordance with a document called the Local Plan, which provides policies and proposals about how that local authority's area should be planned and developed. Each district and borough planning authority has a Local Plan for their area. Leicestershire County Council is producing a Minerals and Waste Local Plan for Leicestershire.
- 1.2 The purpose of the Statement of Community Involvement (SCI) is to explain how and when the community will be able to take part in the production of the Minerals and Waste Local Plan and how they will be consulted on development management matters, such as applications for planning permission. By community the County Council means any individual, organisation or group, including elected Councillors as representatives of their electorate. Members of the Council that choose to get involved in planning matters will need to ensure that they adhere to the relevant code of conduct.

2. MINERALS AND WASTE LOCAL PLAN

What the community will be involved in

- 2.0 There are several stages in the preparation of a Minerals and Waste Local Plan. The initial stages are the production of a draft document that as the stages progress becomes closer to the document the Council wishes to adopt. Consultation is undertaken at each stage prior to the submission of the Local Plan to the Secretary of State and each stage will be subject to a minimum six weeks' consultation period during which comments can be made to the Council. All comments received will be taken into account in the production of the subsequent version of the Local Plan. Following each stage the County Council will publish the comments received and explain how they have been addressed.
- 2.1 The penultimate stage of the production of a Local Plan is the submission of the Local Plan to the Secretary of State which is then followed by an examination in public of the Local Plan by an independent planning inspector. It is at this final stage that the inspector decides whether or not the Local Plan has met the legal requirements and is "sound", that is, is it fit for purpose. The inspector can recommend that changes are made to make the Local Plan "sound" provided the changes have been consulted on.
- 2.2 Alongside the production of draft versions of the Local Plan the County Council will publish a sustainability appraisal report which assesses the social, economic and environmental consequences of each version of the Local Plan. These reports will be made available for comment with each version of the Local Plan they appraise, and again for a minimum of six weeks' consultation.
- 2.3 When the County Council agrees the timescales for undertaking each stage, they will be published and will be set out in the Council's Minerals and Waste Development Scheme (MWDS), which can be viewed on Leicestershire County Council's website at www.leics.gov.uk or a hard copy can be requested from the Planning Group, telephone: 0116 3057292.
- 2.4 Should any supplementary planning documents be produced, though a particular need for these has not currently been identified, the approach to community involvement described above would, where relevant, apply to their production.

Who will be involved

2.5 Organisations which will be consulted fall into two distinct groups - those whom the government says must be involved known as “statutory consultees”, and those whom the County Council chooses to consult. Examples of statutory consultees would be district, borough and parish councils (or their equivalent), councils which adjoin Leicestershire and specific government agencies such as the Highways Agency. Beyond the statutory consultees the County Council has discretion to decide which organisations to involve but the consultations are open to anyone to respond to. Individuals, groups or organisations that the County Council might think are interested are likely to be drawn from the following categories:

- The waste and minerals industries;
- Interest groups such as the RSPB or the Ramblers' Association;
- Communities known to be affected by specific proposals; and
- People who have expressed a particular interest.

How the community will be involved

2.6 Consultation will be undertaken using a range of methods of which the County Council will select the most appropriate. In the first instance for much of the communications from the County Council electronic means will be used. The indicative list below presents the different techniques that may be made use of:

- Advertisement in local press;
- Correspondence and/or documents sent directly to organisations and individuals;
- Information on the Council website;
- Liaison committees;
- Newsletters and questionnaires through Parish Councils/Meetings and libraries;
- One-to-one meetings;
- Press releases and articles in County Council publications;
- Printed matter in public buildings such as County Hall, libraries, community centres and town halls;
- Public exhibitions; and
- Workshops.

When the community will be involved

- 2.7 The community will be invited to be involved at each stage of the preparation of the Minerals and Waste Local Plan. People will be able to join in or drop out of the Minerals and Waste Local Plan preparation process as they choose. However, it is the Council's hope that consultees will become involved as early as possible and will remain involved. The main source of information for the consultation documents will be the Council's website at www.leics.gov.uk. This will be kept up-to-date with the latest stage of the Local Plan production and explain how to become involved. Selected consultees will be provided information on consultations either by letter or email.

How community involvement will influence planning policy

- 2.8 The earlier people become involved the greater the opportunity to help set policy direction. But, it is important that people understand the reality of what the County Council needs to achieve and the importance of having a Local Plan which is balanced and effective. All comments made to the County Council will be taken into account by the County Council in producing each subsequent version of their Local Plan. Although Leicestershire County Council is bound to consider all representations properly, it does not have to change its proposals as a result. There are two reasons for this: the first is that, if two people or groups made comments that were in complete opposition (as is often the case), it may be impossible to resolve the conflict. The second is that Leicestershire County Council has a responsibility to deliver the Local Plan and has to make decisions for the good of everybody, so it cannot always be swayed by individual arguments. However, it will take on board comments and suggestions as far as it can and will provide reasons for any changes made and any representations rejected.

3. DEVELOPMENT MANAGEMENT

What the community will be involved in

- 3.0 In addition to its role in helping to define the content of the Minerals and Waste Local Plan, the community can also influence decisions on planning applications for individual developments. The various matters in which the community can become involved are set out below.

Planning applications

- 3.1 The County Council deals with two types of planning applications: applications which involve minerals and waste development, and applications for the development it needs for the services it provides.
- 3.2 Minerals and waste development includes such matters as quarries, mines, waste recycling facilities, waste treatment plants and landfill sites, many of which will be quite large. The law lays down how consultation on planning applications should be carried out once a planning application is registered. The County Council must comply with this.
- 3.3 In many cases the County Council exceeds the legal requirements to ensure that all those who wish to comment are able to do so. In the case of large scale applications such as quarries, it is essential that all households and businesses that may be significantly affected by the development are aware of what is proposed.
- 3.4 The County Council also needs to consult the community on the applications it deals with for its own development for things like libraries, schools and roads. Some of these applications will be major proposals; others will be more minor, like new temporary classrooms or small extensions to libraries.
- 3.5 The kind of consultation appropriate for small or non-contentious applications is likely to involve only the legal requirement, and will be different to the wider range of methods that may be needed for larger proposals. The scale and type of these range of methods beyond the legal requirement is at the discretion of the County Council and, in the main, will be made by the case officer handling the planning application taking account of their understanding of the impacts of the development.

- 3.6 Applications will be advertised by a notice(s) posted in the vicinity of the application, unless circumstances make this inappropriate. The County Council will, where applicable, notify occupiers of properties immediately adjoining the application area of the receipt of the application by letter. For larger development proposal applications other neighbours in the immediate vicinity of the application will be notified by letter. When deciding which neighbours to notify, the County Council will make a judgement in each case having regard to the likely effects of the proposal and the costs of carrying out that notification. Major applications and certain specialist proposals (e.g. listed building consent) applications will also be publicised by advertisements in local newspapers or in accordance with legal requirements.
- 3.7 Information on site notices and in neighbour notification letters are for indicative purposes only and interested persons should obtain the actual application details from the sources referred to in the notice or letter. Where a public meeting or exhibition is to be held by the County Council about a planning application then the County Council will send out neighbour notification letters which will include the date, time and venue of the public meeting or exhibition and in these cases a delay may be necessary in sending out letters because of the need for venue arrangements to be made.
- 3.8 The County Council has a procedure whereby, if the application is determined by the Development Control and Regulatory Board, people who have made representations on the application have the right to address the Board before it comes to its decision. More information on this procedure is available by request or on the County Council's web pages: <http://www.leics.gov.uk>.

Other development management procedures

- 3.9 Alongside planning applications there are other consents that the County Council will handle, such as listed building or hazardous substances consents. As with planning applications legal requirements for consultation are required which the County Council will meet. Consultation above these legal requirements will be undertaken where appropriate and to a level commensurate to the scale and nature of the consent being sought. The Council also has to determine submissions which do not form part of the standard planning application process. These include requests for the approval of further details submitted to comply with planning conditions and the prior notification of works to be undertaken under permitted development rights. Consultation on these matters is discretionary and not prescribed by law. Frequently these

matters are technical in nature and will require consultation with the organisation able to provide the appropriate technical advice. The Council may also choose to consult those whom it would consult in a formal planning application e.g. neighbouring households and businesses.

Planning appeals

- 3.10 In the event of an appeal against a Council decision, all bodies and individuals who were consulted on the original matter or who made written comments will be informed. Any appeal made on a Council decision will be determined either by a Planning Inspector or the Secretary of State.

Enforcement against unlawful development

- 3.11 Where breaches of planning control have taken place, the County Council is entitled to take enforcement action when necessary. Unlike planning applications, there is no statutory third party consultation requirement for enforcement action. However, the Council may choose to consult those who were involved in the original application, if there was one or, if not, those whom it would have consulted i.e. neighbouring households and businesses.

Who will be involved

- 3.12 Consultation on development management issues generally involves two groups: those who, by virtue of their location, would be affected by the proposal; and those whom the Council look to provide specialist comment and advice. For applications for planning permission there are bodies within either group which the Council is legally required to consult. These are known as statutory consultees and include relevant district, borough and parish councils and other specific government organisations. How many organisations and individuals are consulted on a given application will depend upon the size and nature of that application.

How the community will be involved

3.13 Consultation on planning applications can be undertaken via a number of ways and the methods set out below will form the basis of the Council's approach:

- Neighbour notification letters;
- Planning application placed on the Council's website;
- Press advertisements;
- Public meetings and exhibitions;
- Public speaking at the Development Control Board;
- Site notices; and
- Statutory Register held at District Council offices.

3.14 For smaller and non-contentious planning applications, letters to immediately adjoining neighbours and/or site notices will be appropriate, although press advertisements may also be legally required. All public documents of each proposal submitted by the applicant will be placed on the Council's website and all reasonable requests to view paper copies of planning documents at County Hall will also be accommodated.

3.15 For applications where there are complicated matters or issues of concern a different approach may be required, as set out below:

- Letters to neighbours beyond those immediately adjoining the application site;
- Correspondence to organisations and individuals with a special interest in the application (these may be followed up with one-to-one meetings);
- Public meetings and exhibitions may be held;
- The Council will work with the district or borough council, parish councils/meetings, site liaison committees, and other community groups, as appropriate, to disperse information to the community where possible; and
- The Council will work with the local media to help to ensure a balanced picture.

3.16 Members of the public and applicants can speak at the Development Control and Regulatory Board. Details of how to do this will be sent to all people making written comments on planning applications and information is available on the Council's website.

3.17 Members of the public may also wish to make use of Planning Aid England, which provides free independent, professional advice and support on planning issues to people and communities who could not

otherwise afford it. Further information can be found at www.rtpi.org.uk/planning-aid/.

When the community will be involved

- 3.18 Whatever the size of the planning application, consultees will have a minimum period of three weeks to send their comments to the County Council. However, the Council may, if it chooses, consider comments received after the three week deadline. In some specific instances when a longer period of time to comment on applications is allowed in law the Council will comply with this. If significant changes are made to the application, the notification procedure may be repeated as appropriate and a further period will be allowed for comment, which is usually limited to 14 days.
- 3.19 Leicestershire County Council is very much in favour of applicants holding pre-application discussions with stakeholders and the local community as this often allows problem areas to be addressed before the proposals are finalised. This, in turn, can ensure that consultation after the application has been submitted is smoother and more constructive. Where liaison committees are available these are good forums for making and introducing draft proposals.
- 3.20 An applicant should try to ensure early and effective involvement with the community. Currently, proposals for wind turbines involving more than 2 turbines or where the hub height of any turbine exceeds 15 metres are statutorily required to undertake pre-application consultation with the community. However, other forms of development are not so prescribed and whilst the Council cannot insist that applicants involve stakeholders and the community before they submit a planning application, many already do and the Council would wish to encourage those who as yet do not to adopt the practice.

Where the community can get involved

- 3.21 All applications considered by the County Council can be viewed on the County Council's website. Anyone interested in speaking to a planning officer about a particular application may do so within working hours at the County Council offices. It is advisable to make an appointment before visiting the County Council offices to obtain information about a specific application.

- 3.22 Public meetings, and exhibitions will generally be held at the nearest suitable and available venue to the application site. This is likely to be a village or church hall, community centre, or school. Details of the venue will be advertised in the local area as widely and as far ahead as possible.

How community involvement will influence decision making

- 3.23 Pre-application discussions provide the opportunity to influence the proposal while it is still being drawn up. Pre-application discussions can avoid lengthy and resource intensive amendments to planning applications and can thus help to speed up the decision making process.
- 3.24 Consultation on applications is the main way in which the community can influence planning decision making. The County Council is bound to record and consider any representations it receives during the official consultation period and may then go back to the applicant to ask that more information is provided or amendments are made. If significant changes are made to the application, the consultation procedure may be repeated and a further period will be allowed for comment.