

North Hertfordshire District Council
Statement of Community Involvement
for Planning
July 2020

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1. Introduction

- 1.1. The Statement of Community Involvement (SCI) sets out how you can influence planning matters in North Hertfordshire. This includes explaining how you can be involved in:
 - ❖ The preparation and review of the Local Plan;
 - ❖ Neighbourhood planning; and
 - ❖ Individual planning applications for development.
- 1.2. In addition, the SCI sets out the Council's expectations upon developers with regard to involving the community in planning proposals.
- 1.3. The SCI reflects the latest planning policy guidance and changes to legislation. The Council, as the local planning authority, is required to prepare an SCI in accordance with Section 18 of the Planning and Compulsory Purchase Act 2004.
- 1.4. The first Statement of Community Involvement (SCI) was adopted by the Council in 2006 with further revisions in 2012 and 2015.
- 1.5. The SCI needs to be reviewed as the legislation has been amended to include a duty on local planning authorities to review their SCIs every five years. Additionally, the Neighbourhood Planning Act 2017 has introduced a requirement on local planning authorities to include within their SCIs their policies for giving advice and assistance on making and modifying neighbourhood development plans and on making neighbourhood development orders.
- 1.6. The District Council published a Consultation Strategy in September 2015. Whilst the SCI has been prepared with reference to the Consultation Strategy, it is specifically written for planning policy consultations and consultations associated with planning applications.
- 1.7. In light of the ongoing COVID-19 outbreak and in any comparable circumstances in the future, there may be circumstances when the District Council may be unable to fully comply with the policies outlined in this Statement of Community Involvement. This is particularly the case where consultation documents are usually placed in the Council Offices and local libraries for inspection. The Council is committed to effective consultation and communication with its residents, and in order to continue this, some consultation methods may have to change temporarily. This is to protect both our community and staff in line with Government advice and guidance. The Council will continue to monitor the situation and will actively work to find new and innovative ways to consult at this challenging time.
- 1.8. Where we are unable to meet all of the requirements set out in this document, but have made every reasonable effort to do so, we will consider that the conditions have been met.

2. The Local Plan

- 2.1. The timetable for preparing the Local Plan and the documents associated with it is set out in the Local Development Scheme (LDS). The LDS is kept under review and is available to view on the Council's website.
- 2.2. There are three types of local planning documents:
- ❖ the local plan which includes the key policies which will guide development in the district and will be used in determining planning applications;
 - ❖ supplementary planning documents which provide more detailed advice or guidance in respect of adopted local plan policies; and
 - ❖ neighbourhood plans which are typically focused on a single parish and are prepared by the local community.

The stages of preparation for these documents are set out in the following sections.

- 2.3. Local Plans. There are a number of stages in preparing a local plan, a summary is set out in Table 1. There are opportunities for you to be involved in the preparation of a local plan, particularly in the early stages of preparation before the local plan is submitted to the Secretary of State for "examination". The Council is currently preparing a Local Plan which will include strategic policies, development management policies and land allocations.

Table 1: Stages of Plan Preparation

| Stage of Plan Preparation | Commentary |
|-------------------------------|---|
| Research | <p>During the early stages of plan preparation, the Council will gather information and evidence about the area in order to understand the issues facing the District.</p> <p>Consultation during these early stages may include detailed stakeholder consultations or wider more extensive consultations.</p> <p>The Council will also assess the requirements of government guidance, other corporate strategies and technical information in order to put a draft document together.</p> <p>We also have a duty to cooperate with local planning authorities and other bodies to consider the strategic issues which might be relevant to future development in North Hertfordshire.</p> |
| Draft Plan (Regulation 18) | <p>A draft plan may be published to get some feedback from both the community and stakeholders. Any draft document would be made available for public consultation for a minimum period of six weeks, allowing written representations to be made. In some circumstances the consultation period may be extended if, for example, it coincides with a holiday period such as Christmas or Easter.</p> |

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| | <p>Any comments and feedback received during these consultation periods will be used in the preparation and revision of the development plan document before moving onto the next stages. The comments will be made available on the website.</p> <p>At this stage the draft local plan will be subject to a Strategic Environmental Appraisal (SEA) and Sustainability Appraisal (SA) and further technical work maybe commissioned.</p> |
| <p>Publication (Regulation 19)</p> | <p>A draft local plan document will be published for a formal consultation period. We will ask you for your written comments on the content of the documents subject to consultation.</p> <p>At this stage the six week consultation period will be advertised and the documents circulated to all the statutory consultees. We will make the consultation documents available on our website and in local libraries.</p> <p>At this stage, making comments or representations on the draft document becomes more formal. Representations can only relate to whether the policies and proposals in the draft local plan have been prepared in accordance with the Duty to Cooperate, the relevant legal and procedural requirements and whether the local plan is “sound”.</p> <p>Your comments will be published on our website. The Council will prepare a summary of the representations which will be presented to the Inspector at the examination.</p> |
| <p>Submission (Regulation 22)</p> | <p>Once consultation has been completed, the document will be submitted to the Secretary of State (represented by the Planning Inspectorate) for independent examination. All the supporting background evidence, the SEA/SA and a statement of public involvement in the process will also be submitted for examination and made available on the council’s website.</p> |
| <p>Examination (Regulation 24)</p> | <p>An examination will be held by an Inspector, appointed by the Planning Inspectorate. The Inspector will examine the documents submitted and may ask the council for additional information before opening the formal examination. In some cases, an Inspector will hold a Pre-Hearing Meeting to explore the main issues.</p> <p>The Council will appoint a Programme Officer who will be the point of contact with the Planning Inspector. The Programme Officer’s details will be published on the Council’s website.</p> <p>The hearing sessions will be arranged with six weeks notice given in advance of the beginning of the hearings. Only those people who submitted representations at the publication stage (Regulation 19) are entitled to be heard at the examination, although third parties can be invited by the Inspector at their discretion.</p> |

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| | <p>The Inspector will assess the “soundness” of the plan and will prepare a report for the Council. That report will set out the Inspector’s recommendations to the Council. The Council must then consider the report and the recommendations.</p> |
| <p>Adoption (Regulation 26)</p> | <p>The Council will adopt the local plan as soon as practicable following consideration of the Inspector’s report. The local plan will then become part of the statutory development plan for the District.</p> <p>The documents will be published on the Council’s website and all of those people who made representations will be informed.</p> <p>Hard copies will be available to view at the Council Offices and may be available to purchase.</p> |

3. Supplementary Planning Documents and Planning Briefs

- 3.1. A Supplementary Planning Document (SPD) should provide more detailed advice or guidance in respect of adopted local plan policies. Supplementary Planning Documents (SPDs) can be used to provide further guidance for development on specific issues or sites allocated for development but they cannot introduce new planning policies. SPDs are capable of being a material consideration in respect of a planning decision but they do not form part of the development plan.
- 3.2. Supplementary Planning Documents (SPDs) or Planning Briefs prepared by the Council will be subject to public consultation but they are not subject to examination by a Planning Inspector before they are adopted.
- 3.3. There are a number of stages involved in the preparation of a SPD or Planning Brief, as outlined in the table below.

Table 2 : Supplementary Planning Documents – Stages of preparation

| Stage of SPD Preparation | Commentary |
|--------------------------|---|
| Research | <p>Collation of background information which might include government policy and advice, best practice examples, survey work or statistical analysis.</p> <p>This information will be used to prepare a draft supplementary document which will be presented to Cabinet before it is published for public consultation.</p> |
| Consultation | <p>A draft SPD will be subject to public consultation for a minimum of four weeks. The council will seek involvement from a variety of relevant stakeholders which might include: statutory consultees, landowners, agents, developers, residents, local businesses and community organisations.</p> <p>(Individuals will only be consulted where they have explicitly stated that they would like to be consulted on an SPD).</p> <p>We will publish the consultation documents on the council’s website and place them in the local libraries where appropriate.</p> <p>All comments will be considered and amendments will be made to the final document where it is considered to be appropriate.</p> |
| Adoption | <p>When a Supplementary Planning Document is adopted by the Council it will be published on the website together with a statement of the representations received, the response to those representations and an adoption statement. All those who made comments will be informed.</p> <p>The adopted SPD will be available to view on the council’s website.</p> |

4. Neighbourhood Plans or Neighbourhood Development Orders

- 4.1. Neighbourhood plans are community led documents, prepared by Parish Councils or a Neighbourhood Planning Forum. The District Council is committed to supporting local communities preparing neighbourhood plans and they form an important part of how the local community can be engaged in the planning system.
- 4.2. The Neighbourhood Planning (General) Regulations 2012 (as amended) set out the statutory requirements for the preparation of neighbourhood plans. Consultation during the early stages of neighbourhood plan preparation is undertaken by the Parish Council or the neighbourhood forum and is not covered by the requirements of this Statement of Community Involvement. However, the SCI might still contain guidance which is useful to groups preparing neighbourhood plans.
- 4.3. When a neighbourhood plan is “made” it becomes part of the statutory development plan for the District, this means that there are a number of legal requirements that the neighbourhood plan must meet. These are known as the “Basic Conditions”. A neighbourhood plan must:
- ❖ have regard to national planning policy;
 - ❖ be in general conformity with the strategic policies in the saved Local Plan;
 - ❖ contribute to the achievement of sustainable development;
 - ❖ be compatible with environmental obligations; and
 - ❖ be compatible with human rights requirements.
- 4.4. The table below sets out the key steps for neighbourhood planning and also outlines the level of support that can be expected from the District Council. Further information can be found in Appendix 1 or on the Council’s website: <https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning>

Table 3 : Neighbourhood Plans – Stages of Preparation

| Stage of Preparation | Commentary |
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| Designation of a neighbourhood planning area | <p>A Town or Parish Council needs to apply for a neighbourhood planning area to be designated. Where an application is received to designate the whole parish area, the District Council must designate the whole area.</p> <p>At this stage, the Parish Council or the qualifying body neighbourhood will be expected to provide a formal request to designate the neighbourhood planning area and a map which shows the extent of the neighbourhood planning area.</p> <p>Where consultation on designating a neighbourhood planning area is required, the District Council will consult statutory consultees and those people and organisations who have expressed an interest in that neighbourhood planning area. The District Council</p> |

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| | <p>will advertise the application through its website and social media and will ask the relevant qualifying body to assist in publicising the consultation through its own local mechanisms, for example through a parish newsletter or local website.</p> |
| <p>Preparation of the first draft neighbourhood plan</p> | <p>During this stage of plan preparation, the District Council has a duty to support the preparation of neighbourhood plans. This could include advice on:</p> <ul style="list-style-type: none"> possible themes and topics for your neighbourhood plan; useful evidence for your neighbourhood planning policies; the legal requirements that have to be met; ways to consult the local community; providing maps where appropriate; and providing advice on policy writing. <p>This list is not exhaustive; however assistance will be limited to resources available at any given time. If you have a detailed project plan in place, it will be easier to identify when you might need assistance from the District Council.</p> <p>At this stage in the neighbourhood planning process, the Strategic Planning Team will offer 30 hours of support for each neighbourhood planning group. Our GIS team can also provide some limited help with digital mapping. Beyond this allowance, further assistance can be provided but will be charged at a rate of £30 per hour to cover the Council's costs.</p> <p>Whilst the District Council has a duty to support neighbourhood planning, this does not extend to financial assistance. There are other sources of funding which might be available to neighbourhood planning groups. Further information is available through Locality: https://locality.org.uk/</p> |
| <p>Pre-submission consultation on the neighbourhood plan</p> | <p>Once a draft plan has been prepared it will need to be consulted on for six weeks. This consultation is carried out by the Parish Council or the Neighbourhood Forum. The consultation can be used to make any changes to the neighbourhood plan as a result of comments from the public in advance of the submitting the plan.</p> <p>Whilst consultation at this stage should be focussed in the local community, the District Council can help Parish Councils and qualifying bodies with the contact details for statutory consultees. Parish Councils and qualifying bodies are encouraged to consult with the wider community which might include landowners, businesses and developers.</p> |

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| <p>Submission of the neighbourhood plan to NHDC</p> | <p>Once the neighbourhood plan has been prepared and consulted on for six weeks, the plan will be submitted to NHDC to publicise and consult on for six weeks.</p> <p>The District Council will ensure that all of the documents submitted are correct and will arrange for consultation to take place. In most cases, delegated authority will be sought to start the consultation but there are exceptions to this where the neighbourhood planning area includes two or more electoral wards. In these circumstances, the consultation will be referred to Cabinet as a key decision. It may be that the consultation will be undertaken with other local planning consultations to ensure the efficient use of resources.</p> <p>The District Council will publicise the consultation through its website, news releases and through social media. Emails and letters will be sent to statutory consultees, any organisation referred to in the consultation statement, organisations in the local area and anyone who has “opted-in” to be notified of consultations for that particular neighbourhood planning area.</p> <p>The District Council will work in collaboration with the qualifying body to encourage the use of local media sources (e.g newsletters, social media pages) to publicise the consultation.</p> |
| <p>Independent examination of a neighbourhood plan</p> | <p>The District Council will source an independent examiner at the end of the consultation period, once all of the representations have been confirmed to request the details of a suitable and available examiner to undertake the examination of the plan. A decision to appoint an examiner will be made in collaboration with the Parish Council.</p> <p>The District Council will ensure that the independent examiner receives all of the relevant documentation for the examination.</p> <p>It is normal for neighbourhood plan examinations to be conducted by written representations, however, if the examiner decides that an exploratory meeting or a hearing session is necessary, the District Council will make the appropriate arrangements in consultation with the Qualifying Body and the examiner.</p> |
| <p>Receipt of Examiner’s report</p> | <p>The examiner will prepare a report which will recommend that the neighbourhood plan proceeds to a referendum with or without further modifications and that the referendum area is to be extended beyond the designated neighbourhood planning area.</p> |

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| Referendum | The District Council will make the necessary arrangements for a neighbourhood plan referendum where the neighbourhood plan meets the basic conditions. |
| Making the neighbourhood plan | Once there has been a successful referendum, the neighbourhood plan will become part of the statutory development plan for the District and will be used in determining planning applications. |

5. Community Involvement in Local Planning

5.1. The council is committed to involving as many local people, groups and organisations as possible in developing its planning policies for the District. An extensive consultation database is already in place which includes the following types of organisations:

- ❖ Statutory consultees; (see Appendix 2)
- ❖ Central government departments;
- ❖ Town, Parish and Community Councils;
- ❖ Neighbourhood Planning Steering Groups;
- ❖ Parish Meetings;
- ❖ Hertfordshire County Council;
- ❖ Hertfordshire District and Borough Councils;
- ❖ Neighbouring local authorities;
- ❖ Neighbouring Parish Councils;
- ❖ The North Hertfordshire Partnership (LSP);
- ❖ Letchworth Garden City Heritage Foundation;
- ❖ Local community groups and organisations;
- ❖ Black and minority ethnic groups;
- ❖ Religious / faith groups;
- ❖ Disabled persons organisations;
- ❖ Developers, landowners and agents;
- ❖ Businesses and business interest groups; and
- ❖ Individual members of the public.

This list is illustrative, not definitive.

5.2. The Town and Country Planning (Local Planning) (England) Regulations 2012 defines “specific consultation bodies” and “general consultation bodies” and these are listed in Appendix 2.

5.3. During consultations, we will ensure that we meet the requirements of the Equality Act 2010, which aims to promote equality, eliminate discrimination and encourage good relations between different groups associated with age, disability, gender, race, religion and other protected characteristics. It is recognised that some parts of the community are not always adequately represented in planning consultations and in the planning process.

5.4. In North Hertfordshire these groups are considered to be:

- ❖ People with disabilities;
- ❖ Black and ethnic minority groups;
- ❖ Working age people;
- ❖ Young people; and
- ❖ Gypsy and traveller communities

5.5. The council’s Policy and Community Engagement Team has established links with these “hard to reach groups”. In preparing planning documents the Strategic Planning and Strategic Infrastructure and Projects Team will work with the Policy and Community Engagement Team to further develop those links and try to encourage more involvement in the future.

- 5.6. The consultation list for the local plan and neighbourhood plans is always open to new consultees. If you would like to add your name to that list, the best way is by registering your contact details through the website: <https://north-herts.oc2.uk/register>. Registering your interest this way, allows you to decide which areas of local planning work you are interested in and amend your details when necessary.
- 5.7. You can also register your interest by contacting the Strategic Planning Team using the details below:
Strategic Planning Team
North Hertfordshire District Council
PO Box 10613
Nottingham
NG6 6DW
Email : localplans@north-herts.gov.uk
Telephone : 01462 474000
- 5.8. To ensure that you receive all the information that you are interested in, we will need your name, organisation (where appropriate), either an email address or a postal address and an indication of the types of local planning issues you might be interested in. We will only contact you if you “opt-in” to receive details about particular types of local planning documents.
- 5.9. The privacy notice for the Regulatory Directorate sets out how your personal data will be used and by whom. This privacy notice is available on the Council’s website¹
- 5.10. We will review our local plan consultation list on a regular basis. We may contact you from time-to-time to ensure that your details are kept up to date and that you do not receive any information which you have not requested. Please do not ignore these emails and letters. If you do not respond we may have to delete you from our database. This is because of changes in the laws which say how we must protect your data and personal information.

¹ Privacy Notice - <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/personal-information-and-privacy-notice-gdpr>

6. Local Planning – Methods of Consultation

- 6.1 Some of the methods we can use for community involvement are listed in the table below. The list is not definitive but it includes those methods which we consider to be the most effective, practical and cost effective for preparing the local plan and supplementary planning documents. We will use a variety of these methods to engage and consult with the community as and where appropriate.

Table 4 : Methods of consultation for local planning consultations

| Methods for notifying and consulting | Comments |
|--------------------------------------|---|
| Council Offices and Libraries | Copies of consultation documents will normally be placed at the Council Offices and in the local libraries across the District. These will be available for inspection during normal opening times. As well as paper copies our reception provides access to a computer linked to the NHDC website for those who cannot access or easily use the internet. |
| Letters and email | It is a statutory requirement that all statutory consultees are notified in writing (which maybe by email) when a document is published for consultation. In some circumstances a number of general consultees may also be notified in writing, where a document may be of particular interest. The council will encourage greater use of email in the future as this helps to reduce costs. |
| Website | It is a statutory requirement that documents are available to view on the council's website; www.north-herts.gov.uk The website will also include information and updates on the local plan and background documents supporting the local plan. There will also be the opportunity to comment directly on consultation documents through the website during open consultation periods. |
| Advertisements | The council usually publicises all major consultations for the local plan in the local newspapers which are circulated in the District. This presently includes The Comet, The Royston Crow and the Luton Herald and Post. However, advertisements in local newspapers are not used for neighbourhood planning consultations as the newspapers are not necessarily available in these communities. The following types of planning applications are advertised in local newspapers; major planning applications; departures from the development plan; listed building consents and conservation area consents. |

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| Local Media | <p>Press releases are prepared at the start of the consultation period for local plan documents. These can be supplemented during the consultation period where particular issues are raised or to further raise awareness.</p> |
| Town, Parish and Community Councils | <p>The council will consult the Town, Parish and Community Councils within the local authority area and in adjoining local authority areas where appropriate.</p> <p>The council will also encourage the Town and Parish Councils to use their own newsletters, magazines and notice boards to further publicise consultations for the local plan, supplementary planning documents (where relevant) and neighbourhood plans.</p> |
| Exhibitions | <p>In some circumstances the council may decide to hold exhibitions to help explain the content of a consultation document.</p> <p>However, exhibitions can be expensive to stage in terms of exhibition material, publicity, venue charges and staff time and we need to carefully balance the benefits of these events against the impact on relevant services.</p> |
| Focus Groups / Discussion Workshops | <p>Focus groups or discussion groups may be used by the council to explore selected issues with particular groups within the community. These groups can be expensive to run and require significant amounts of staff time, however participants can be recruited from the council's Citizens Panel database. They may provide an opportunity to explore issues in some depth and gain detailed and focussed comments.</p> |
| Posters and Leaflets | <p>Posters and leaflets can be a useful and immediate way to draw attention to a local plan consultation.</p> <p>Posters can be particularly effective where there are community notice boards and large numbers of people passing them.</p> <p>There are however issues to be considered in producing leaflets as they can be relatively expensive if delivered to every household and business in the District.</p> |
| NHDC Outlook Magazine | <p>We have consistently used Outlook to inform residents and local businesses about preparation of the local plan. However, the publication dates for the council's newsletter do not always coincide with consultation periods. We will continue to provide updates on the local plan through Outlook when appropriate.</p> |
| Social Media | <p>The council uses Facebook, Instagram and Twitter to inform residents, local groups and organisations about consultations for the local plan, supplementary planning documents and neighbourhood plans. The use of social media may increase in</p> |

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| | importance as a method of raising awareness of the issues and documents being prepared for consultation as well as the publicising the methods of responding to a consultation. For example, the Council has a YouTube channel but there is only very limited content on it at present. At the moment, the Council is not using these social media outlets as a mechanism for collecting consultation responses. |
| Questionnaires and Surveys | Questionnaires and surveys can be an effective way of gaining focussed views on a consultation document, particularly in the early stages of the local planning process. |
| Response forms | The council provides a response form for all local plan consultations. These are accepted in addition to responses by email or correspondence. |
| Use of existing partnerships, forums and panels | These organisations, such as the North Hertfordshire Partnership (LSP), the Local Enterprise Partnership, local educational establishments and the North Herts Health and Wellbeing Partnership can provide representative views from a range of organisations and agencies as well as specific community groups. |

6.2 Comments in response to a consultation document can be made by:

- ❖ using the council's online consultation software;
- ❖ email; or
- ❖ in writing.

Full details of how to make comments are included in all consultation documents and in the advertisements that the council places in local newspapers.

6.3 In some instances, the council receives hard copy petitions in response to local plan consultation documents. For the purposes of recording representations made in this way, the subject of the petition will be noted as a representation and the person responsible for submitting the petition will be recorded and will be kept informed of the progress on the Local Plan. The signatories to the petition will not be recorded or added to the local plan database but the number of signatories will be recorded. The Council will treat on-line petitions in the same way.

6.4 Increasingly, comments and objections are posted onto social media web pages and on-line petitions. There are a wide variety of social media pages and groups of which the council is not necessarily aware, e.g private Facebook groups and does not have the resources to monitor the activity on these sites. Comments and objections made in this way therefore will not be taken into account when formally considering all the representations made in response to a consultation document, unless they have been formally submitted to the council, in which case they will be recorded and considered in accordance with paragraph 6.3. Comments made on the council's own Twitter feed and Facebook page will be monitored but will not be taken as formal representations to a local planning consultation.

- 6.5 Comments are sometimes submitted to councillors and other elected representatives by email, letter or by other methods. These comments will not be considered as formal representations, unless they are copied to the Strategic Planning team within the consultation period.
- 6.6 Comments by telephone are not accepted as formal representations to consultation documents.

7. What will we do with your comments?

- 7.1. The council will ensure that when consultation is undertaken, all appropriate comments will be used to inform the content of the planning documents. Inevitably there will be some conflict between the comments and the representations and it will not be possible for the council to amend the planning documents to suit everyone but the council will consider all the comments carefully in preparing the local planning documents. The Council will not respond to all comments and representations individually.
- 7.2. At the end of a consultation period, the council will analyse all of the comments received and will prepare a summary of the comments. This summary will be presented to Cabinet or Full Council as a background paper to any recommendation for changes to the planning document. When the council submits a planning document to the Secretary of State it must be accompanied by a statement of consultation which sets out a summary of the representations received and the main issues raised. All of the comments and reports will be made available to view on the council's website and at the council's offices on request.
- 7.3. Any individual or organisation making comments on any local planning document, a supplementary planning document or a neighbourhood plan will be added as a consultee for that particular consultation document on our database.
- 7.4. Please note that the council, in its absolute discretion, reserves the right not to consider or include comments which are inappropriate including:
 - ❖ comments of a discriminatory nature (age, gender, disability, ethnicity, religious belief and sexual orientation) including racist and homophobic comments;
 - ❖ inflammatory or offensive comments (of a foul or abusive nature); or
 - ❖ any other comments of a similar nature that it deems inappropriate.

If a written response to a consultation is received which contains inappropriate content as listed above, this will be discarded from the consultation and, where there is a postal address, will be returned. In these circumstances the respondent will be given an opportunity to make their comments using more appropriate language so that they can be considered as part of the consultation process.

8. Community Involvement in the Development Management Process

- 8.1. Development management is the process by which the council determines whether a proposal for development should be granted planning permission. Planning applications must be determined in accordance with the Development Plan (the current Local Plan and any adopted neighbourhood plan where appropriate) unless material considerations (such as the National Planning Policy Framework (NPPF) or a draft replacement Local Plan) suggest otherwise.
- 8.2. Planning applications can be determined in one of two ways:
- ❖ determination by Councillors on the Planning Control Committee; or
 - ❖ determination by development management officers under the delegated decision making procedure.
- Further information is given on the website: <https://www.north-herts.gov.uk/home/planning/planning-advice-and-guidance/planning-applications-decision-making-process>.
- 8.3. The greatest influence the community can have is when those policies that will be used to decide planning applications are being prepared. However, many people only interact with the planning system when they wish to make a planning application of their own or make comments on an application which affects them.
- 8.4. It is important to ensure that the community is involved in the determination of planning applications, particularly major applications. The council is required to undertake consultation on all planning applications that it receives.

Pre-Application Consultation

- 8.5. Anyone considering making an application for planning permission can approach the council for informal views prior to submitting a formal application. Any advice given at this stage is not binding, but it can help to save the applicant's time and money in pursuing schemes which may need radical alteration to be acceptable. There are no statutory requirements for pre-application discussions. The council does make a charge for pre-application advice for certain types of development proposal including;
- ❖ Significant or major proposals - Large scale, complex development
 - ❖ Category "A" Proposals - Large scale, complex development – including schemes of between 100 – 499 dwellings;
 - ❖ Category "B" – including schemes of between 25 and 99 residential units, 2000sq m or more of commercial floorspace, mixed use development on a site of more than 1 hectare (ha) or development requiring an Environmental Impact Assessment (EIA);
 - ❖ Category "C" Proposals - Other major development – including schemes of between 10 and 24 residential units, provision of 1000sq m – 1999sq m of commercial floorspace, mixed use development on a site between 0.5 and 1ha or change of use proposals for buildings on land exceeding 500sq m; and

- ❖ Category “D” Proposals – including proposals of up to 9 dwellings, advertisements, provision of up to 999sq m of non residential floorspace or change of use of buildings on land exceeding 499sq m; and
- ❖ Category E – Householder and listed buildings.

Full details of the current charges can be found on the council’s website: <https://www.north-herts.gov.uk/home/planning/apply-planning-permission/do-i-need-planning-permission>.

At the moment we consult the relevant statutory consultees, e.g. the Environment Agency.

- 8.6. As part of the council’s Member protocol, a summary of officer’s pre-application advice to applicants on Category A schemes will be sent to relevant local ward Members for their information.
- 8.7. The council cannot insist on pre-application discussions with applicants but they are recommended. Where major schemes are proposed, the council will encourage developers to engage with the local interest groups and residents. However, it is important that councillors observe the council’s Planning Code of Good Practice.
- 8.8. Not all planning proposals are discussed with the council before an application is made. Therefore the tables below set out how the applicant will consult at the pre-application stage, where this is appropriate, whether they are significant or more minor applications.

Table 5 : Public Consultation at the Pre-Application Stage for Planning Applications
(Includes all applications made under the Town and Country Planning Act and associated legislation).

| Pre – Application Stage – Major Applications (see Appendix 3) | | |
|--|--|----------------------------|
| Consultation Methods | Suggested Course of Action | By Whom |
| Letters to inform local residents / interest groups of the planning application site | Send letters / emails to local residents / interest groups / relevant statutory consultees | Planning applicant / agent |
| Public exhibition or public meeting | Publicise & prepare proposals for public consultation. | Planning applicant / agent |
| Pre – Application Stage – Other Applications | | |
| Consultation Methods | Suggested Course of Action | By Whom |
| Inform neighbours in the immediate vicinity | Verbal consultation | Planning applicant / agent |

- 8.9. Local residents often express concern regarding construction management and in particular construction vehicle access routes to development sites. Developers are strongly advised to consider construction management issues at the earliest possible stage of the planning process. It is best practice to consider sensitive and well thought out construction management plans at the pre-application stage (as part of engagement with Hertfordshire County Council Highways and the District Council) and to seek the views of the local community before planning applications are submitted. The feedback from any public consultation on construction management (including construction vehicle access routes) should then be incorporated into the formal submission of a planning application.
- 8.10. For strategic site development proposals or schemes of significant scale and local interest, developers may also consider carrying presentations to the relevant Area Committee of the District Council. The Council's Constitution (January 2020) presently states that Area Committees can receive presentations from developers for schemes for 100 dwellings or more. This threshold may change over the lifetime of this SCI. Whilst Member input into these discussions must be limited in order to avoid pre-determination by Members of the Planning Control Committee and substitutes, Area Committees would welcome early engagement for large scale development proposals through this forum.

Public consultation for planning applications

8.11. When a planning application is submitted, the council will publicise it in accordance with the legislative requirements. Where required by the legislation, this will include the following:

- ❖ Notices published in local newspapers;
- ❖ Application details published on the web site for inspection;
- ❖ Site notices;
- ❖ Letters sent to adjoining properties; and
- ❖ Details of all planning, listed buildings and conservation area consent applications are sent weekly to all councillors, the relevant town and parish councils where these exist.

8.12. The council aims to determine all planning applications within a statutory time period, therefore all consultations that take place once a planning application has been submitted must also take place within these time limits. However, bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.

8.13. The tables below set out how the council will consult at the application stage for planning proposals in the District, whether they are significant or more minor applications.

Table 6 : Public consultation for planning applications

| Planning Application Stage | | |
|--|---|---|
| Consultation Methods | Requirements | By Whom |
| Copies of planning applications for inspection available at Council Offices | Prepare information | NHDC Officers |
| Copies of planning applications available at the libraries via the NHDC website | Prepare information | NHDC Officers |
| Site notice | Prepare site notice and display on site | NHDC Officers |
| Neighbour notification letters | Prepare & send out letters | NHDC Officers |
| Invite representations from statutory & non statutory consultees | Prepare & send out letters | NHDC Officers |
| Public notice in local paper | Prepare advertisement | NHDC Officers |
| Further consultations by way of exhibitions / public meetings for major applications | This would depend on the types of consultation that have taken place beforehand | Planning Applicant / Agent NHDC Officers |

- 8.14. In some cases there may be significant amendments to the submitted plans, in which case the council will advise those people who were notified when the application was received. Where representations and comments are received, they will be taken into account in the determination of applications insofar as they are material to the application. Some things are not material planning considerations, such as the impact of a scheme on property values, and therefore cannot be taken into account.
- 8.15. Local planning authorities are required to make a statement on each planning decision notice as to how they have acted pro-actively in their dealings with applicants. Even if a proposal is fundamentally unacceptable the council will handle the application in a pro-active way, which will involve regular communication with the applicant or their representatives throughout the determination process. This requirement in no way suggests that the application will not be assessed objectively weighing up any concerns expressed by consultees against the planning merits of the case.
- 8.16. Decisions on planning applications will either be made by the relevant Committee or under powers delegated to the Development and Conservation Manager and Principal Planning Officer (Development Management). Any councillor can request that an application is decided by Committee instead of being determined under delegated powers, where they have a contrary view to the officer as to the probable decision or consider it raises issues of wider public interest.
- 8.17. In the case of those applications which will be reported to the Committees for decision, there is the opportunity for individuals to address the Committee to express their support or objection to the proposals. Anyone who has submitted representations will be informed if an application will be brought before committee for decision.

Post decision information

- 8.18. Once a decision has been made, the details of the decision are published online. Planning files will remain open for inspection once decisions have been made (the Part 2 register). A register of associated legal agreements (Section 106 and Section 278 agreements) will also be available for inspection.
- 8.19. The table below sets out how the council will inform the community of the decisions made on all planning applications.

Table 7 : Public Involvement - Post Decisions

| Post Application Stage | | |
|--------------------------------------|--|---------------|
| Consultation Methods | Requirements | By Whom |
| Update web site | Ensure that latest information is on the website | NHDC Officers |
| Press release for major applications | Prepare information | NHDC Officers |

9. Social Media

- 9.1. The Council does use Facebook, Instagram and Twitter to inform residents, local groups and organisations about Council activities. The Council will continue to make use of social media platforms to promote future consultations for the local plan, supplementary planning documents and neighbourhood plans. The use of social media may increase in importance as a method of raising awareness of the issues and documents being prepared for consultation as well as the publicising the methods of responding to a consultation.
- 9.2. At the moment, the Council is not using these social media outlets as a mechanism for collecting formal consultation responses; however any comments made will be reviewed and may be used to review consultation methods in the future.
- 9.3. As the use of mobile technology changes and increases, the Council will need to respond to these changes and will consider how to make future planning consultation documents and accompanying documentation, including digital mapping, as easy as possible to use. Most of our planning documents and maps are presently made available as PDF files. However these can be large and lengthy and are not always easy to navigate, particularly if readers are interested in a single topic or a specific geographical area. They are a simple electronic copy of the physical document(s) we are consulting on. This approach doesn't necessarily fit well with modern preferences such as:
- ❖ receiving bite-size information;
 - ❖ 'swipe and tap' mobile technology such as tablets and smartphones; and
 - ❖ Interactive and shareable content
- 9.4. We need to strike an appropriate balance between responding to changing trends and technologies, producing the documents we are legally required to and the resources available to the Council.

10. NHDC Resource Availability

- 10.1. The SCI is based on a realistic assessment of the likely resources available to the council in the foreseeable future. The council does not have either the staff or the financial resources to undertake large scale community and stakeholder events without impacting upon our ability to deliver important day-to-day services. The SCI sets out how the council will undertake a programme of consultation which is achievable and realistic but which will not raise expectations. In order to make the best uses of resources, the council will endeavour to combine local plan consultations with other consultations for council initiatives where this is appropriate and timely.
- 10.2. The council will be responsible for making the appropriate resources available to implement the consultation methods set out in this SCI. It is envisaged that the proposed consultation measures can be met in house.
- 10.3. The Service Director – Regulatory will be responsible for managing the overall consultation process and its implementation will be the responsibility of the Strategic Planning or the Strategic Infrastructure and Projects Teams.
- 10.4. Public consultation in relation to planning applications will be the responsibility of the council's Planning Control and Conservation Manager.

11. Reviewing the SCI

- 11.1. As required by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, the SCI will be reviewed no later than five years after adoption.
- 11.2. However, there may be changes in national legislation, regulations or policies on the preparation of local plans, SPDs, SCIs and Neighbourhood Plans. These will be monitored and if there are any significant changes, the SCI might be subject to a more immediate review.
- 11.3. The SCI will also need to be compliant with any legal requirements for the processing of data or changes to anti-discrimination laws and changes in NHDC policy.
- 11.4. The database of people and organisations will be kept up to date to comply with the General Data Protection Regulations 2016.

12. Appendices

Appendix 1 : Guidance for Neighbourhood Planning Groups

How NHDC will provide advice and support for neighbourhood planning groups

Getting Started

Before starting work on a neighbourhood plan, the District Council can help a Parish Council or prospective neighbourhood planning forum with advice and general information about neighbourhood planning.

Planning officers will meet representatives from a Parish Council or prospective neighbourhood forum who may be interested in preparing a neighbourhood plan to discuss the practicalities and requirements of neighbourhood planning.

Designating a Neighbourhood Area

Where a Parish Council applies to designate a whole parish area as a neighbourhood planning area, the District Council will designate the neighbourhood planning area through a delegated decision, within four weeks of receipt of the application.

The Parish Council or neighbourhood forum will need to provide a signed letter and a map of the proposed neighbourhood planning area.

Where a proposed neighbourhood planning area includes two or more electoral wards, any decision to designate a neighbourhood planning area must be considered by Cabinet as a “key decision”.

Where there is no Town or Parish Council, a neighbourhood forum must be established to guide neighbourhood planning for that area. Consultation on both a neighbourhood planning area and the composition of a neighbourhood forum must be undertaken before a decision can be made to designate a neighbourhood planning area and a neighbourhood forum. In this case the decision will be made by the Cabinet of NHDC.

Where Parish Councils decide to prepare a joint neighbourhood plan, the application to designate a neighbourhood planning area must be consulted on and a decision may be made by Cabinet as a “key decision”.

The District Council can help in preparing the application by providing a map of the proposed neighbourhood planning area.

Where the District Council needs to undertake consultation for the designation of a neighbourhood planning area, this will be undertaken in accordance with the SCI.

Preparing the Plan and Evidence Base

During this stage of plan preparation, the District Council has a duty to support the preparation of neighbourhood plans. This could include advice on:

the saved Local Plan;

the emerging Local Plan, including policies and land allocations;

possible themes and topics for your neighbourhood plan.

This might include considering (but is not limited to) whether:

There is evidence to support certain types of housing being provided in your area – such as self-build, affordable housing or accommodation suitable for older people;

There are important facilities or areas for play and recreation that would benefit from policies to protect them;

There are particular local design characteristics which should influence any new development;

Important historic features (heritage assets) should be identified;

useful evidence for your neighbourhood planning policies;

the legal requirements that have to be met;

consulting the local community;

providing maps where appropriate;

consultation methods and contact details for statutory consultees; and

how to write the policies in your plan.

This list is not exhaustive, however assistance will be limited to resources available at any given time. If you have a detailed project plan in place, it will be easier to identify when you might need assistance from the District Council.

Whilst the District Council has a duty to support neighbourhood planning, this does not extend to financial assistance. There are other sources of funding available to neighbourhood planning groups which the District Council will be able to advise on.

Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Habitat Regulation Assessment (HRA)

There is a requirement that neighbourhood plans carry out a SEA and HRA screening to ensure that:

The emerging neighbourhood plan provides a high level of protection of the environment (SEA); and

The emerging neighbourhood plan protects and improves Europe's most protected species and habitats (HRA).

The District Council has published a template for both the SEA and the HRA to be used by neighbourhood planning groups as they prepare their draft neighbourhood plans. These templates are available on the website.

Where a full SEA or Sustainability Appraisal might be required, the District Council can advise on further sources of assistance.

Pre-Submission consultation and preparing the plan for submission

The pre-submission consultation for a neighbourhood plan is the responsibility of the Parish Council or qualifying body. There is help and advice available to groups preparing neighbourhood plans through Locality and it is possible to pay for a health check to be undertaken on the pre-submission neighbourhood plan.

The District Council can offer advice about the consultation and can assist by providing contact details for statutory consultees.

The District Council will provide formal detailed comments on the neighbourhood plan as part of this consultation.

Preparing your neighbourhood plan for submission

In submitting a neighbourhood plan to the District Council, there are a number of documents which are required:

The neighbourhood plan;

A consultation statement;

A statement which sets out how the plan fulfils the "basic conditions";

SEA Screening Determination or Strategic Environmental Assessment; and

A map (or statement) which identifies the area to which the plan relates.

To assist the District Council to undertake public consultation on the neighbourhood plan, neighbourhood planning groups are encouraged to submit PDF versions of the documents and a

copy of the neighbourhood plan in Word where any photographs have been deleted, the policies are clearly marked and with as few tables as possible.

Submission of the neighbourhood plan for public examination

Once the Parish Council or the qualifying body has submitted the neighbourhood plan, the District Council will check that all the documentation required is submitted with the neighbourhood plan and prepare a delegated decision report before consultation can take place. Where a neighbourhood planning area includes two or more electoral wards, this decision must be made by Cabinet.

The District Council will normally set up the consultation within four weeks of receiving the submission documents. Comments received will be processed by the District Council and will be made available on the Council's website within 4 weeks of the end of the consultation period.

Independent examination of the neighbourhood plan

The District Council will approach suitable and available examiners at the end of the consultation period, once all the representations have been confirmed to request the details of suitable and available examiners. These will be considered by both the District Council and the Parish Council and an appointment made by the District Council. The Council presently procures and pays for the independent examiner.

The District Council currently uses the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) for neighbourhood planning examiners. NPIERS provides access to expert, impartial examiners at a fixed cost. The cost of using this service will be kept under review. The District Council will ensure that the independent examiner receives all the relevant documentation for the examination.

If the examiner decides that an exploratory meeting or a hearing session is necessary, the District Council will make the appropriate arrangements in consultation with the Qualifying Body and the examiner.

Following the examination, the examiner will send a report to the District Council and the qualifying body. The District Council will liaise with the qualifying body over any issues or proposed modifications raised by the examiner.

If the examiner has recommended that the neighbourhood plan can proceed to a referendum, the District Council will prepare a report for Cabinet to authorise the preparations for the referendum.

Public referendum and adoption

Where the outcome of a neighbourhood plan examination is successful, NHDC will prepare a report for Cabinet to approve any proposed modifications that have been put forward and to authorise the Counting Officer to prepare and undertake a referendum.

The organisation and publicity for the referendum will be undertaken by the Electoral Services Team.

Subject to a successful referendum, the Neighbourhood Plan will normally be “made” by delegated decision and will become part of the statutory development plan.

Appendix 2 : Specific and General Consultation Bodies

In the Town and Country Planning (Local Planning)(England) Regulations 2012 “general consultation bodies” means the following

- a) voluntary bodies some or all of whose activities benefit any part of the local planning authority’s area,
- b) bodies which represent the interests of different racial, ethnic or national groups in the local planning authority’s area,
- c) bodies which represent the interests of different religious groups in the local planning authority’s area,
- d) bodies which represent the interests of disabled persons in the local planning authority’s area,
- e) bodies which represent the interests of persons carrying on business in the local planning authority’s area;

“specific consultation bodies” means the following—

- (a) the Coal Authority,
- (b) the Environment Agency,
- (c) the Historic Buildings and Monuments Commission for England (known as English Heritage),
- (d) the Marine Management Organisation,
- (e) Natural England,
- (f) Network Rail Infrastructure Limited (company number 2904587),
- (g) the Highways Agency,
- (h) a relevant authority any part of whose area is in or adjoins the local planning authority’s area,
- (i) any person—
 - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
 - (ii) who owns or controls electronic communications apparatus situated in any part of the local planning authority’s area,
- (j) if it exercises functions in any part of the local planning authority’s area—
 - (i) a Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section;
 - (ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989;
 - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986;
 - (iv) a sewerage undertaker; and

- (v) a water undertaker;
- (k) the Homes and Communities Agency; and
- (l) where the local planning authority are a London borough council, the Mayor of London;

Extract from the Town and Country Planning (Local Planning)(England) Regulations 2012

Appendix 3 : Definition of Major Development

The Town and Country Planning (General Development Procedure) Order 1995 (as amended)

“Major development” means development involving any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where -
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.