Colchester City Council

# STATEMENT OF COMMUNITY INVOLVEMENT

February 2023

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# 1. Introduction

## What is a Statement of Community Involvement?

1.1 Local Planning Authorities are required to prepare a Statement of Community Involvement (SCI) under Section 18 of the Planning and Compulsory Purchase Act 2004.

1.2 An SCI sets out what consultation will take place with the community and other stakeholders on planning policy documents and planning applications. The document states who the Council will consult with, when and how.

1.3 The SCI provides clarity on the extent of community involvement that will take place. It sets out clear consultation procedures and standards that the Council will follow when undertaking consultations on draft planning policy documents and when planning applications are received. This 2023 SCI supersedes the 2020 SCI and has been produced predominantly to reflect changes in national policy and legislation. This update has also provided an opportunity to make the document more concise and user friendly.

## The Impact of COVID-19

1.4 In light of the Covid-19 pandemic and in any comparable situation in the future, there may be circumstances when the Council will be unable to fully comply with this SCI. This is particularly the case where consultation documents are usually placed in the Council offices for inspection. The Council is committed to effective consultation and communication with its residents, and in order to do this, some consultation methods may have to change temporarily, in accordance with any government guidance and advice published at that time. This is to protect both our community and staff.

# 2. Colchester's Approach

## Planning Policy

2.1 Colchester City Council attaches great importance to undertaking effective consultation with all stakeholders. The type and coverage of plans has evolved over the years but the overall requirement to ensure wide consultation remains.

2.2 The continuing source of information and progress on all the Council's planning policy documents continues to be the Local Development Scheme, which is available on the Council's Website.

2.3 The adopted shared strategic Section 1 Local Plan for North Essex includes a proposal for the cross boundary Tendring and Colchester Borders Garden Community. The Council is currently working on a separate development plan document (DPD) for this. The consultations for the Garden Community will need to have regard to the Colchester City and Tendring District SCIs, where appropriate.

2.4 As part of involving the community in the preparation of planning policy documents, Colchester City Council will maintain an up to date consultation database so that any individual or organisation who wishes to be informed of the progress of planning policy documents is directly notified when a document is consulted on. Further information on how the Council will work with the community on planning policy documents is set out in Part one of this document. Anyone wishing to be added to the database can do so by emailing planning.policy@colchester.gov.uk

2.5 Once consultation has taken place on draft planning policy documents, a consultation summary will be produced which will summarise the key points made and provide a response to the issues raised before the document is finalised. This will be published on the Council's website.

## Duty to Cooperate

2.6 As part of the statutory Duty to Cooperate, neighbouring councils and other relevant organisations must work together on strategic planning issues that affect them all. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, Colchester City Council will work together on strategic planning issues with the organisations shown in the following table.

| Duty to Cooperate Consultees | Office of Rail and Road |
|---|---|
| Environment Agency | Highways Agencies |
| Historic England | Integrated Transport Authorities |
| Natural England | Highway Authorities |
| Civil Aviation Authority | Marine Management Organisation |
| Homes and Communities Agency | Local Enterprise Partnerships |
| Clinical Commissioning Groups | Neighbouring Local Authorities |
| NHS England | Essex County Council |

*Table One – Duty to Cooperate Consultees*

2.7 In addition to the above, the Council is required to consult 'specific' and 'general' consultation bodies and other consultees including the community, neighbourhood plan groups, businesses and third sector groups. The following list of organisations will be informed of any consultation being undertaken, as appropriate.

| Specific Consultation Bodies | General Consulting Bodies |
|---|---|
| Neighbouring Local Authorities | Voluntary Bodies |
| All Parish Councils within and adjoining the boundary of Colchester Borough as appropriate. | Ethnic / Racial / National Groups |
| Essex Police | Religious Groups and Churches |
| The Environment Agency | Disabled Groups |
| Historic England | Local Business Support Agencies |
| Natural England | **Other Consultees** |
| The Secretary of State for Transport | Health Agencies |
| Electronic Communication Providers | Learning Agencies |
| Telephone Operators | Schools |
| Electricity Suppliers | Transport Bodies and Groups |
| Gas undertakers | Sports Clubs |
| Sewage Undertakers | Recreation Bodies |
| The Homes and Communities Agency | Infrastructure and Service Providers |
| The Ministry of Housing, Communities and Local Government | Design, Town Planning, Conservation and Landscape and Nature Conservation Bodies |
| Marine Management Organisations | Environmental Groups |
| Network Rail | Planning Consultants and Agents |
| National Highways | The Development Industry |
| Public Health England | Other miscellaneous bodies. |
| Electricity and Gas Suppliers | |
| Sport England | |

*Table Two – Wider Consultees*

## Local Plan Committee and Public Participation at Meetings (Have your say!)

2.8 The Local Plan Committee has been established as a sub-committee of Full Council and is open to the public in the same way as other formal Council committees. The Committee has responsibility for guiding the Development Plan process and takes decisions on the various documents to be produced.

2.9 The public can participate at Local Plan Committee under the scheme 'Have your say!'. The following procedure will apply at the Local Plan Committee Meetings:

- Any member of the public may ask a question or address a meeting on a matter which is on the agenda for the meeting or is within the terms of reference of the Committee except in cases where the Committee is acting in a quasi- judicial capacity or similar or in relation to planning applications, subject to the following procedure.

- Subject to the absolute discretion of the Chairman to extend or limit the time available for public participation, a period of up to fifteen minutes shall be available at the start of a meeting for public participation on issues within the remit of the meeting not otherwise appearing on the agenda for the meeting.

- Where public participation relates to an item on the agenda for the meeting, the Chairman shall invite the participation immediately prior to the consideration of the item by the meeting. The amount of time afforded to public participation on any single item shall be at the absolute discretion of the Chairman but should not normally exceed fifteen minutes.

- At the absolute discretion of the Chairman the order of business for the meeting may be changed for the convenience of the public who wish to participate.

- A member of the public may ask questions or make a statement for a period not exceeding three minutes.

- An answer to a question posed or statement made by a member of the public may take the form of a direct oral answer or where the desired information is contained in a publication of the Council, a reference to that publication or where the reply to the question cannot conveniently be given orally, a written answer which will be reported to a future meeting.

- Following the conclusion of the answer the member of the public may, if they wish, have a further period of up to one minute to ask a supplementary question or comment on the answer provided. At the end of that period of time, the bell will be rung and the speaker will resume their seat whether or not their comments have been concluded. A further response to the speaker's comments may be made.

- In the exercise of absolute discretion, the Chairman may disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.

- Public participation must be made orally at the meeting, either in person or virtually via online participation. Written statements may not be submitted instead of personal attendance unless in exceptional circumstances and up to the discretion of the chairman. Documents including photographs may not be circulated by a member of the public participating in the meeting except for a petition which may be presented to the Chairman.

- The council meetings will be live streamed where possible allowing the public to join the meeting virtually to speak or simply to observe the meeting only and not participate. Information on previous meetings and upcoming dates can be viewed on the Council's Website.

2.10 More information regarding the procedure can be found on the Council's website under the Constitution Part 4 - Procedure Rules.

# 3. The Development Plan

3.1 Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004. The Development Plan is a suite of documents that set out the Local Planning Authorities (LPA) policies and proposals for the development and use of land and buildings in the authority's area. This can include Local Plans and Neighbourhood Plans. Within Colchester this currently includes:

- Section 1 Local Plan (adopted February 2021);
- Section 2 Local Plan (adopted July 2022);
- Tiptree Jam Factory DPD (adopted 2013);
- Neighbourhood Plans.

3.2 Colchester has several adopted and emerging Neighbourhood Plans. A Neighbourhood Plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan for the City. Further information regarding Neighbourhood Plans can be found on the Council's Website.

## Local Plan

3.3 The Local Plan is the main planning policy document produced by the Council; it contains policies to guide the development of an area and includes allocations that indicate where development will take place (normally over a 15 year period from the adoption of the Plan). As required by national planning policy, the Local Plan should be prepared by the Council in consultation with the community. It will be reviewed every 5 years in part or in full.

3.4 The current Local Plan is in 2 Sections, with Section 1 providing a shared strategic policy context and addressing cross boundary matters for North Essex together with Braintree and Tendring Councils. This includes the Tendring Colchester Borders Garden Community and policies setting the overall housing and employment requirements for North Essex up to 2033. This was adopted by the Council on 2 February 2021. Section 2 of the Colchester Local Plan provides the policy framework, site allocations and development management policies for the City up to 2033. This was adopted by the Council on 4 July 2022. The Local Plan documents are available on the Council's Website along with an Interactive Policy Map displaying GIS data and planning policy information.

## Garden Community DPD

3.5 In Partnership with Tendring District Council, a Development Plan Document (DPD) is being prepared to further guide development on the Tendring Colchester Borders Garden Community. The DPD, once adopted by the Council, will include the location and scale of land uses alongside the required infrastructure. As with the Council's Local Plan, the DPD will be reviewed at 5 year intervals, this process will be subject to the appropriate public consultation.

## Plan Making Process

3.6 A Local Plan must be prepared in accordance with national policy, guidance and regulations. The plan making process can be summarised as:

**Stage 1** – Evidence Gathering – reviewing and developing a range of evidence base documents to inform the Plan. These may be completed by the Council or Consultants appointed, depending upon the subject matter.

**Stage 2** – Issues and Options – identifying and understanding the main issues to be addressed in the Local Plan and considering the different approaches, including a public consultation.

**Stage 3** – Preferred Options – Having considered the various options and responses from the consultation, a revised Plan is produced and subject to public consultation. This is known as the Regulation 18 Consultation.

**Stage 4** – Publication Draft – Having considered the latest round of public consultation responses and any further updates to the evidence base, a final draft version of the Local Plan which the Council wishes to submit is prepared and published for consultation. This is known as the Regulation 19 Consultation.

**Stage 5** – Submission. Following the statutory period of consultation, the Publication Draft Local Plan, evidence base and all representations are submitted to the Secretary of State.

**Stage 6** – Examination. The Government will appoint an independent Planning Inspector to carry out an Examination of the Local Plan. This will consider if the Plan has correctly followed the legal process and meets national policy and will include a Public Examination. It will consider the representations received and there will be an opportunity for stakeholders and the public to participate in writing or in person at Hearing sessions. The Council will create an 'Examination website' to keep the public and stakeholders informed.

**Stage 7** – Modifications. Following Examination, the Inspector is likely to recommend some changes to the Local Plan. These modifications will be subject to a public consultation and all representations will be sent to the Inspector for their consideration. The Inspector will then issue a Report, concluding the examination.

**Stage 8** – Adoption. If the Local Plan has passed the examination, the Local Plan, incorporating any modifications recommended by the Inspector, will be presented to Full Council to formally adopt. Once adopted the Plan will have full weight in planning decisions. The Plan will be published on the Council's website.

Throughout the process, the CCC website will be updated with the latest information.

## Consultation Methods

3.7 The following table sets out a summary of the consultation stages and methods that Colchester City Council will use when consulting on Development Plans (the Local Plan and DPD). Alongside the development plans, the relevant Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA) will also be consulted upon. Please see section 6 for further information on Sustainability Appraisals / SEAs.

| Plan Stage | Consultation Duration | Consultation Methods |
|---|---|---|
| Issues and Options | Minimum of 6 weeks | Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments;<br>Consultation documents available on the Council's website and hard copies available at the Council offices, and libraries, as appropriate, and;<br>Invitations for Representations to be made on the document will be through the Council's website and/or social media. The preferred method for submitting representations will be via the consultation portal. |
| Preferred Options Consultation | Minimum of 6 weeks | |
| Submission Consultation and Publicity of a plan proposal | Minimum of 6 weeks | |

*Table Three – DPD Consultations*

# 4. Neighbourhood Plans and Neighbourhood Development Orders

4.1 Neighbourhood Plans, which were introduced by the Localism Act 2011, allow designated groups of local people to prepare plans for their community, against which planning applications will be assessed.

4.2 Neighbourhood Plan Groups can grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development. They can set out planning policies in Neighbourhood Plans to guide the future development of an area, including identifying sites for new housing or safeguarding existing facilities. A Neighbourhood Plan must be in general conformity with local and national policy.

4.3 Once a Neighbourhood Plan or Order is approved it will be used to guide development and to help decide the outcome of planning applications in the area. The Neighbourhood Plan or Order once adopted, becomes part of the Council's Development Plan.

4.4 The statutory stages in the preparation and review of these documents are set out in The Neighbourhood Planning (General) Regulations 2012 (as amended).

4.5 If a community wishes to simplify the process for allowing development a Neighbourhood Development Order (areas where specified development is permitted without the need to apply for planning permission) or a Community Right to Build Order (permission for small scale community led-schemes) can be implemented. These can be instead of, or in conjunction with, a Neighbourhood Plan and would result in effectively granting planning permission for certain types of development in specified areas. These orders, however, can't remove the need for other permissions such as Listed Building or Conservation Area consent.

## Neighbourhood Plan Process

4.6 The Neighbourhood Plan Process can be summarised as:

**Stage 1** – Group Formation. If a Neighbourhood Plan is to be prepared by a Parish Council, no group formation is required, however it should be set out if a Steering/Sub Group are to be established. Where there is no Parish Council, a Neighbourhood Forum can be created which must include 21 members living or working within the neighbourhood. This is known as the Qualifying Body (QB).

**Stage 2** – Area Designation. The QB formally write to Colchester City Council seeking to designate the area the Neighbourhood Plan will cover. This will be decided by the Council in accordance with the Scheme of Delegation.

**Stage 3** – Plan Development. The QB begin plan making, including agreeing the scope of the plan and timescales, engagement with the community, collecting and preparing evidence and drafting a plan. This process will be supported by the Council.

**Stage 4** – Draft Plan. Once a Plan has been prepared, the QB will hold a public consultation, known as the Regulation 14 Consultation. CCC will provide a representation to the consultation, if appropriate.

**Stage 5** – Submission Plan. Taking into account the representations and any further updates to the evidence base, a Final Draft Plan will be prepared. The QB will submit the Plan to CCC alongside the evidence base and submission documents.

**Stage 6** – Publication Consultation. CCC will confirm that it believes the submitted plan meets the Basic Conditions and arrange a public consultation, known as the Regulation 16 Consultation.

**Stage 7** – Examination. In partnership, CCC and the QB will appoint an Independent Examiner to carry out an examination of the Neighbourhood Plan. The Examiner will be provided with the Plan, submission documents and links to the evidence base and all representations received to the Regulation 16 consultation. This will consider if the legal process has been followed and whether the plan meets the Basic Conditions. CCC will finance the Examination and be the main point of contact to the Examiner.

**Stage 8** – Referendum and Adoption. If the Examiner concludes that the Plan passes the examination, a public referendum will be held. If more than 50% of those who vote are in favour, the Neighbourhood Plan will be 'made' or adopted. CCC will organise and finance the referendum. Following the referendum, the Council will formally 'make' the plan at Full Council. Once adopted the Plan will have full weight in planning decisions. The Plan will be published on the Council's website.

Throughout the process, the CCC website will be updated with the latest information.

## Consultation Methods

4.7 As Neighbourhood Plans and Orders aren't prepared by the Council; this SCI can't prescribe what methods of community consultation they should follow. The Council will, however, expect these documents to follow wherever possible the general principles and techniques set out in this SCI.

*4.8* Paragraph 47 of the Neighbourhood Planning - Planning Practice Guidance states:`*'A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:*

- *is kept fully informed of what is being proposed*
- *is able to make their views known throughout the process*

- *has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- *is made aware of how their views have informed the draft neighbourhood plan or Order.'*

4.9 Paragraph 48 of the Neighbourhood Planning - Planning Practice Guidance states:

> *'A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or order proposal. The consultation bodies are set out in Schedule 1 to the Neighbourhood Planning (General) Regulations 2012 (as amended). Other public bodies, landowners and the development industry should, as necessary and appropriate be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.'*

4.10 Once the Neighbourhood Plan has been submitted to the Local Authority, the Council is required to, confirm whether it believes the Basic Conditions have been met and consult with the public at the Submission or Regulation 16 Consultation stage. The table below sets out the requirements for this consultation.

| Neighbourhood plan stage | Consultation Duration | Consultation Methods |
|---|---|---|
| Submission Consultation | Minimum of 6 weeks | Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments; Consultation document available on the Council's website and hard copies available at the Council offices, and libraries. Invitations for Representations to be made on the document will be through the Council's website and/or social media. The preferred method for submitting representations will be via the consultation portal. |

*Table Four –Local Planning Authority held Neighbourhood Plan Consultations*

## What support do we offer to help prepare or review a neighbourhood plan?

4.11 As the LPA, CCC has a duty to give advice and support to parish councils and neighbourhood plan groups / forums to assist in the preparation of a neighbourhood plan / neighbourhood development order.

4.12 Once a Neighbourhood Plan Area has been designated by the Council, an officer from the Planning Policy team will be assigned as the main point of contact for the parish council/neighbourhood plan group. The officer will be able to help and support the group throughout the plan making process.

4.13 The Council strongly supports neighbourhood planning advice and guidance will be provided throughout the process. This may include:

4.14 An overview of the neighbourhood planning process;

- Guidance on where to apply for support and funding available to assist with the preparation of the Plan
- Establishing aims, objectives and vision;
- Engaging with the community;
- Forming an Evidence Base to support the Plan;
- Site appraisals and how to conduct site assessments;
- Reviewing early drafts of the neighbourhood plan to ensure it meets the basic conditions;
- Guidance and support in relation to seeking specialist expertise and appointing consultants;
- Revising policies following public consultation and informed by the evidence base;
- Submitting the Plan;
- The examination and referendum process.

## Further guidance and advice

4.15 The Council is committed to facilitating the production of Neighbourhood Plans and have prepared a Guide to provide further information details of support. This is available to view on the Council's Website. If you would like to find out more please contact Planning.Policy@colchester.gov.uk

4.16 More information on Neighbourhood Plans in the Borough is available on the Council's Website.

4.17 Essex County Council have also prepared a Neighbourhood Planning Guide which includes signposts relevant County Council services and information sources for groups preparing Neighbourhood Plans. This is available to view on the Essex County Council's Website.

# 5. Supplementary Planning Documents

## What are Supplementary Planning Documents?

5.1 Supplementary Planning Documents (SPDs) are intended to explain or provide further detail to policies or site allocations in a Local Plan document. They could take the form of design guides, area development briefs, master plans or issue based documents. They will be used in deciding planning applications and will help the Council defend its decisions at appeals.

5.2 The adopted SPDs are available to view on the Colchester Council's Website.

## Supplementary Planning Document Process

5.3 The SPD Process can be summarised as:

**Stage 1** - Initial background work. Research will be carried out to identify the issues and relevant policy context as part of the evidence gathering. This engagement can involve informal targeted involvement of organisations and service providers as well as informal consultation with key stakeholders, such as Parish Councils, Schools, relevant interest groups, landowners and developers.

**Stage 2** - Publish the draft SPD for consultation. The Council will hold a public consultation. This may be by agreement with the Portfolio Holder or the Local Plan Committee depending on the scope / topic covered by the SPD.

**Stage 3** - Finalise the SPD. The representations submitted during the consultation will be reviewed and any justifiable changes can be made to the SPD.

**Stage 4** - Adoption of the SPD. If agreed by Local Plan Committee, the SPD will be adopted, and it will be published on the council's website along with an adoption statement. Once adopted the SPD's will have material weight in planning decisions.

5.4 Throughout the process, the CCC website will be updated with the latest information.

## Consultation Methods

5.5 The council is committed to involving the community in the preparation of these documents, but the level and scope of consultation will vary according to the nature of the document being produced. When preparing Supplementary Planning Documents the Council will use the following method to engage with the local community

| Stage | Consultation Duration | Consultation Methods |
|---|---|---|
| Draft SPD Consultation | Minimum of 4 weeks | Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments; |

*Table Five –Supplementary Planning Documents Consultation*

5.6 In addition to the above, the Council will provide details of the progress of emerging Supplementary Planning Documents on its website and within the annual Monitoring Report. SPDs will be reviewed in light of consultation responses and where appropriate amended prior to being considered by Committee for formal adoption.

# 6. Sustainability Appraisal and Strategic Environmental Assessment (SEA)

## What are Sustainability Appraisals & Strategic Environmental Assessments?

6.1 Sustainability Appraisal (SA) is a requirement of the Planning and Compulsory Purchase Act 2004. Strategic Environmental Assessment (SEA) derives from the European Union Directive 2001/42/EC and is a requirement of the Environmental Assessment of Plans and Programmes Regulations 2004. It is common and good practice in the UK to combine the two processes into one, which is referred to as Sustainability Appraisal (SA). This process incorporates the requirements of the SEA Directive.

6.2 The Council is required by law to produce a Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) for all development plan documents excluding the Statement of Community Involvement, the Annual Monitoring Report, Supplementary Planning Documents (SPDs) (see paragraph 6.4 below) and the Local Development Scheme. Neighbourhood Plans do not need to undertake Sustainability Appraisals. In some circumstances they may require an SEA and in all cases they are required to indicate how they contribute to Sustainable Development.

6.3 The Council will consult stakeholders in relation to Sustainability Appraisals/ SEAs alongside the Development Plans to which they pertain. Please see table 3 on page 10 for further information.

6.4 The Planning Act 2008 allows Local Planning Authorities to prepare SPDs without undertaking SA/SEA, as long as they screen for the need for Strategic Environmental Assessment (SEA) of the SPD as it is produced. The impact of the SPDs will be restricted to relatively specialist topic areas at a local level or site based considerations. Whilst they will help deliver city wide objectives the issues considered do not need to be as comprehensive as for the Local Plan. The SEA Directive suggests a possible exemption of SEA where the plan or programme would be likely not to have significant environmental effects. Appropriate screening will be undertaken for all SPDs.

# 7. Planning Applications

## Introduction

7.1 Involvement of the community and stakeholders at an early stage of the planning application process is of great benefit to the public, organisations, authorities and the applicant themselves. The following sections explain how the Council will seek to encourage awareness and involvement in the planning application process, starting with pre-application discussions and continuing through to the planning application stage, and in some cases, the planning appeal stage.

## Before Submitting a Planning Application

7.2 Before submitting a planning application, applicants are recommended to consult with immediate neighbours and people who may be affected by proposals. For major applications (such as housing schemes of 10 or more dwellings) we strongly recommend additional measures to engage with the local community. Such measures should be proportionate to the scale of the proposed development and could include:

- Consultation events with the local community;
- Consultation with elected members, town and parish councillors;
- Consultation / engagement with Neighbourhood Plan Groups where made NHPs are in force;
- Making detailed plans available for public view (including online on a website);
- Press notices/leaflets or letters to nearby residents.

7.3 This should be effective in bringing draft proposals to the attention of the public, the local Town or Parish Council and other affected parties and provide opportunity to make comments. The purpose of early discussions between the community and developers is to encourage agreement within the community early on in the process and provide a better chance for schemes to be positively received. This process can benefit both parties. For developers it will ensure that key issues are addressed prior to planning applications being submitted and for the local community it will enable them to have an influence before proposals reach an advanced stage.

7.4 It is essential that any community involvement conducted by the developers be tailored to the nature and scale of the proposal.

7.5 The Council will expect the applicant to submit details of pre-application consultation as well as an explanation on how responses have been taken into account, alongside their planning application. In some cases it can also be a validation consideration, whereby applications will not be processed unless the Council is satisfied that adequate consultation has been undertaken by the developers.

7.6 The Council will engage in pre-application discussions with the developer that are often undertaken in confidence because of the various sensitivities of some schemes at this

stage, but discussions are always recorded and are without prejudice to the later application. At this stage, the Council will be in a position to advise developers and help clarify the format, type and level of consultation to be undertaken. The Council has a schedule of charges for preliminary enquiries and pre-application advice. As part of this process we will also seek to engage elected members through our "Early Member Engagement Protocol" wherever this is applicable. This Protocol forms part of the Council's Constitution and can be read on the Council's Website.

7.7 In the case of larger applications, the Council operates a Planning Performance Agreement (PPA) approach. Details of the applicable charges are available on the Council's Website. A PPA is an agreement between the Council and applicants to provide a project management framework for major applications that may exceed the 13-week period for the determination. The PPA sets out the targets agreed by both parties for the levels and types of consultation required, information gathering process, consideration of options and agreement on design issues.

## Submission of a planning application

7.8 The process of deciding planning applications is often of great public and local interest, and comments on proposals are welcomed. A major application is defined in Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- Residential developments comprising 10 or more dwellings;
- A site area of 0.5 hectares or more where the number of dwellings is unknown;
- Commercial proposals creating more than 1,000 square metres of floor space or on sites of 1 hectare or more; or
- A change of use application involving the above.

7.9 The Government sets targets for the time taken to determine planning applications. These are currently 13 weeks for major applications and 8 weeks for all others. If an Environmental Impact Assessment is required as a result of the scale of development, then this period will extend to 16 weeks, but this is not common. Before a decision is made, the case officer will prepare a report with a recommendation.

7.10 The recommendation will take into account the adopted Development Plan, the National Planning Policy Framework and any comments made by consultees and the public. However, the Council can only take into account comments relating to material planning considerations, which exclude non-planning considerations such as property values, loss of a private view over land, moral objections to development and commercial considerations.

## Major Applications

7.11 The level of consultation carried out for all major planning applications, will be determined by the council to ensure that it is appropriate. Statutory advertisements will be used as a means of consultation if required and as laid out in legislation, which means that it may be

necessary to publish an advertisement in the newspaper and on a site notice to be displayed at the application site. We also recognise that any involvement will need to encourage participation and social inclusion to ensure that the local community is given every opportunity to influence the process.

7.12 A weekly list of all applications received appears on the council's website. Individual letters/emails will be sent in respect of every planning application where neighbouring properties/businesses can be identified. Parish and town councils will be consulted on every application within their parish boundaries. Where Neighbourhood Plans exist or are advanced in their preparation, relevant Groups/Forums will be consulted on all planning applications (and alterations to applications) within the Plan Area. Similarly, the elected ward members will be consulted on applications that fall within their wards.

7.13 It is important to note that whilst statutory requirements are met in all instances, the types of discretionary methods used and the length of consultation will need to suit the type of application and therefore the methods listed above are provided as a guideline of how we may consult but is in no means intended to be prescriptive or exhaustive.

## Other Applications

7.14 With regard to all other types of applications, officers will determine the appropriate level of consultation. Individual letters/emails will be sent to neighbouring properties/businesses and/or site notices used. Parish and town councils will be consulted on every application in their parish and where Neighbourhood Plans exist or are advanced in their preparation, relevant Groups/Forums will be consulted on all planning applications (and alterations to applications) within the Plan Area. Similarly, the elected ward members will be consulted on applications that fall within their wards. All planning applications appear on the website.

## Sources of Information on applications

7.15 Information on planning applications can be found in the following places:

## The Planning Register

7.16 Applications for planning permission must by law, be entered on a register. Maintaining a planning register is a statutory obligation imposed on the Council by the Town and Country Planning Acts and the information is available for inspection by arrangement during office hours. In Colchester, all applications are held in an electronic format, and the register consists of two parts:

- A register containing details of all current applications for planning permission, including plans and drawings;
- A register that contains a permanent record of all applications and decisions since 1 July 1948 (including any order made, appeals and their outcome).

7.17 Current planning applications, including plans and drawings and those dating back to the year 2000 can be viewed online using the Colchester Planning Website.

## Weekly Lists

7.18 The statutory register does have limitations for general use and accordingly we also produce a weekly list. As the name suggests, this is a list of all new applications registered and decisions made the previous week. This can be viewed on the Council's Website and lists the previous 6 months.

## Advertising

7.19 Regulations set out in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Planning (Listed Building and Conservation Areas) Regulations and the Planning (Listed Building and Conservation Areas) Act 1990, state that all planning applications need to be publicised, either by site notice or individual neighbour notification. A press notice and site notice are also required for the following types of application:

- Erection of 10 or more dwellings or site area of 0.5 hectares or more;
- Erection of 1000 square metres of floor space, or site area of 1 hectare or more;
- An application subject of an environmental assessment;
- An application that would affect a right of way, under Part III of the Wildlife and Countryside Act;
- Development affecting listed buildings;
- Development affecting the character or appearance of a conservation area; and
- Departures from the Development Plan.

7.20 These requirements are subject to change and a press notice will only be used where required by legislation.

## Individual Letters

7.21 We are aware of the need to provide an effective and efficient service, and to ensure that budgets are closely controlled. It is sometimes difficult to bring together these objectives with widespread public consultation on planning applications. The actual extent of consultation in each case will be determined having regard to the type of development involved.

7.22 Letters will only usually be sent to those properties directly affected by a proposal, which according to the Development Management Procedure Order 2015 is any adjoining owner or occupier. “Adjoining owner or occupier” means any land sharing a common boundary with the application site. Any further consultation will be at the discretion of the case officer. For example, in the case of rear extensions those to the rear will be consulted whilst those on the opposite side of the road may not be.

## Parish and Town Councils

7.23 The Council is committed to close working with local representative bodies, as provided within Part 8 of the Constitution. We have set up a forum for parish and town council clerks, which is held every two months. Although this is a corporate initiative there is opportunity to report on planning matters on a regular basis.

7.24 Planning workshops for Town and Parish Councillors may cover the following topics, material considerations, influencing the planning process, enforcement, appeals, planning law, design, legal obligations etc. These are usually held annually, while individual Parishes/Towns can ask for liaison meetings in between if they wish to discuss specific issues.

## Website

7.25 Our website is increasingly being used as a tool for consultation. The website includes weekly lists of applications received and decisions made. These can be viewed by application number, address or by ward and comments can be sent direct. Committee agendas, reports, S106 agreements, planning enforcement activity and associated notices and a list of current appeals and appeal decisions can also be viewed. The Colchester Planning website now allows copies of the application forms, plans and drawings, and consultation comments to be viewed online. All enquiries can be made online, while a number of questions can be answered through self-service information.

## Procedure for Dealing with Written Representations to Applications

7.26 We currently notify neighbours within a week of registering a planning application and they are given 21 days to reply. All those wishing to comment on an application are encouraged to do so electronically using the Council's Planning website. Whilst we will accept written letters and e-mails we will not acknowledge their receipt. Any representation received is redacted and placed on the Council's Planning website and is available for viewing by the public. This also allows those people sending such representations to check safe receipt by the Council for themselves.

7.27 The Planning Service does not respond in writing to comments about a planning application unless specifically requested, but all comments received are considered by the case officer, which may result in the application being revised. If the scheme is significantly changed or changed in a manner deemed to have a greater impact upon neighbours than the original submission, we will try to repeat the consultation allowing, where possible, an extra 7-14 days for further comments (at the discretion of the case officer). Sometimes time constraints mean a shorter period is given for comments on revised plans and sometimes it is not possible to re-consult at all.

7.28 We will not directly notify those who have made representations to applications of the proposed committee date for consideration of the application. Interested parties will need to monitor the Council's website where items on the forthcoming agenda are listed. We

receive thousands of representations annually concerning planning applications, we cannot respond individually to the matters raised due to resources. This is confirmed on our website. We will nevertheless afford very careful consideration of the matters raised in all representations received during the consultation period.

# 8. Determination of a planning application

8.1 The majority of applications received by the Council are dealt with under delegated powers by the Planning Service. All applications for Prior Approval, Lawful Development Certificates and Permission in Principle (first stage) will be determined this way. Those planning applications which are significantly contrary to adopted policies or represent a departure from the development plan and are recommended for approval, will be referred to Planning Committee for a decision. Major applications involving a Section 106 agreement, where the terms of that agreement are in dispute, will also be referred to committee, as will applications made by Councillors, Officers or Aldermen and their spouses.

8.2 In the case of all other applications a decision will be made under delegated powers by the Planning Service unless that application has been subject to a 'call-in' by a Councillor. A 'call-in' is subject to a formal process and for it to be triggered automatically a councillor must make a valid request within 25 days of being notified of the application. Anyone can approach their councillor to have an application 'called-in' and thereby determined by the Planning Committee after public debate. It is important to note however that a councillor is not duty bound to request a 'call-in' if asked and should only do so if a material planning consideration is involved and public scrutiny is appropriate. Where an application is being reported to Committee a list of the different material planning considerations raised within the various comments received are summarised in the Committee report. Letters will not be accepted after 5pm on the day before Committee. Once the agenda has been prepared, anything received before 5pm on the day falling 2 days before the day of the committee meeting will be reported on an amendment sheet. Anything received after 5pm on the day falling 2 days before the day of the committee meeting will be reported verbally.

8.3 If an application is to be reported to committee this will be stated on the Council's website. The full committee report is available 5 working days before the meeting via the Council's website and in Colchester Library in Trinity Square. A newsletter is sent out prior to meetings detailing the agenda. Public Participation at Planning Committee is detailed in the below section 'Public Participation at Planning Committee Meetings (Have your Say!)'.

8.4 Ward Members may also speak on behalf of their electorate and will be allowed up to 5 minutes. Other Councillors will also be permitted to speak at the discretion of the Chair having regard to the strategic significance of the proposal and whether it raises matters of Colchester's interest.

8.5 When a decision is reached, the website will state whether the application has been approved or refused and hold a full copy of the decision and approved drawings.

8.6 All decisions will be made by a simple majority of the members of the Committee present at the meeting. Following a meeting of the Committee at which a report (whether oral or in

writing) has been received and a recommendation has been made, the Proper Officer shall ensure that a written statement is kept which must include the following:

- record of the decision;
- record of reasons for the decision;
- details of alternative options considered;
- record of any conflict of interest declared; and
- any dispensation granted by the Monitoring Officer, where appropriate.

## Public Participation at Planning Committee Meetings (Have your Say!)

8.7 The public can participate at Planning Committee under the scheme 'Have your Say!'

8.8 The Planning Committee is a meeting of local authority councillors who are responsible for making decisions on the bigger and more sensitive planning application received by the council. It meets fortnightly and is made up of councillors from all parts of Colchester and the different political parties. During each meeting, the councillors must consider all the planning issues raised and then decide whether to approve or refuse planning applications.

8.9 The following procedure will apply at the Planning Committee Meetings:

- At every meeting the business of which is to determine planning applications, there shall be the opportunity for public participation immediately prior to the consideration of the planning application in question.

- The extent of public participation on each application shall be limited to a single speaker in support of the application and a single speaker objecting to the application each may speak for up to three minutes.

- In the event of more than one person wishing to speak in favour of or against an application or order, they must agree which of them should speak. In the absence of such agreement, no public participation will be allowed on the planning application in question. In very rare and high profile cases the chair can allow more speakers to participate.

- Public participation upon planning applications is limited to the making of statements as described in these Rules. Questions may not be asked and Members may not ask questions of the participant.

- At the absolute discretion of the Chairman the order of business for the meeting may be changed for the convenience of the public who wish to participate.

- Public participation must be made orally at the meeting, either in person or virtually via online participation. Written statements may not be submitted instead of personal attendance unless in exception circumstances and up to the discretion of the chairman. Documents including photographs may not be circulated by a member of the public participating in the meeting except for a petition which may be presented to the Chairman.

- The council meetings will be live streamed where possible allowing the public to join the meeting virtually to speak or simply to observe the meeting only and not participate. Information on previous meetings and upcoming dates can be viewed on the Council's Website.

- In the exercise of absolute discretion, the Chairman may disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.

8.10 Further details on how to comment on planning applications at the Planning Committee can be found in our document Have your Say on Planning Applications which is available on the website. Other relevant information includes Planning Procedures Code of Practice which is in Part 5 of The Constitution and is on the Council's Website. It sets out general guidelines for borough councillors and council officers who are involved in planning applications and the Planning Committee. The information it contains may help provide background information to applicants and those commenting on the planning process. The Localism Act clarifies the ways in which councillors can be involved in the planning process and play an active part in local discussions.

# 9. Appeals

9.1 When an appeal is made against the decision of the Council to refuse an application, all previous correspondence is forwarded to the Planning Inspectorate. Letters/emails are also sent to all those people who had previously been consulted/commented on the application, advising them of the appeal. Further representation can be made direct to the Planning Inspectorate.

9.2 For each inquiry the government appointed inspector will decide the procedure for the appeal, this could be via written representation, a hearing or a public inquiry. This is determined on a case by case basis. The Appeal process will comply with the statutory procedures set out in S78 of the Town and Country Planning Act 1990 and the Guide to taking part in planning and listed building consent appeals proceeding by a hearing - GOV.UK (www.gov.uk).

9.3 Further details and documentation relating to the appeal will be provided via the Council's Website.

# 10. Monitoring and review of the Statement of Community Involvement (SCI)

10.1 The SCI provides flexibility to allow for appropriate changes in our approach to community involvement. Comments received on the quality or effectiveness of our consultation will be considered and used to inform future practice.

10.2 The Town and County Planning (Local Planning) (England) (Amendments) Regulations 2017 requires the Council to undertake a review of the SCI every five years, starting from the date of adoption. Changes in national legislation or guidance may also trigger a review of the SCI.

10.3 Consultation exercises include opportunities for consultees to complete equality monitoring data forms. If completed, this helps us monitor the effectiveness of our policies surrounding equality and diversity and to make changes where required.

# Appendix 1: Further Information

## Legislation

**The Town and Country Planning (Local Planning) (England) Regulations 2012**

http://www.legislation.gov.uk/uksi/2012/767/contents/made

**Neighbourhood Planning (General) Regulations 2012**

http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf

**The Town and Country Planning (Development Management Procedure) (England) Order 2015**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (legislation.gov.uk)

## National Policy/Guidance

**National Planning Policy Framework and Planning Practice Guidance.**

https://www.gov.uk/government/publications/national-planning-policy-framework--2

https://www.gov.uk/government/collections/planning-practice-guidance

**Plain English Guide to the Planning System**

Plain English guide to the planning system - GOV.UK (www.gov.uk)

**Planning Aid**

RTPI | Planning Advice

**Planning Portal**

Planning permission: When you need it - GOV.UK (www.gov.uk)