



South Staffordshire Council

Statement of Community Involvement

2019



Further information can be found at
www.sstaffs.gov.uk



Executive Summary

The Statement of Community Involvement (SCI) is a statutory planning document that sets out how the Local Planning Authority intends to engage with local communities and stakeholders during the process of plan preparation and when determining planning applications. This document replaces the Council's previous versions of the SCI published in 2006 and 2014.

Contained within this document is an outline of some of the challenges associated with undertaking community involvement, along with the benefits which meaningful community engagement can bring. The SCI identifies who will be engaged at each statutory stage of Local Plan document preparation; the minimum timescales for each stage of public consultation and the methods and techniques that will be employed to ensure that residents have an opportunity to influence and shape future development within their community. Included are relevant extracts from the regulations, setting out the Council's statutory minimum requirement for undertaking public consultation.

The SCI sets out the approach the Council will take to community engagement during the preparation of Supplementary Planning Documents (SPDs); any future Community Infrastructure Levy (CIL) charging schedule as well as the Council's policy towards supporting community groups wishing to engage in Neighbourhood Planning activities. The SCI also establishes how the Council will engage with residents in respect of individual planning applications.

This document provides an overview of the Duty to Cooperate which was introduced through the Localism Act 2011. The SCI sets out what arrangements the Council will put in place for meeting the Duty and which neighbouring authorities/representative bodies the Council will need to work with to address cross boundary strategic issues.

Included in the appendices is a list of the Statutory and General Consultation Bodies for both Local Plan document consultations as well as for consultation on planning applications plus details of the methods of consultation as well as a glossary of terms. The appendices for the SCI act as a 'live document' and therefore can be updated without the need for the Council to review the SCI.

South Staffordshire Local Plan Statement of Community Involvement

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1.0 Introduction

1.1 A key role for the planning system is to ensure that residents have an opportunity to influence and shape future development within their community. The planning reforms introduced in the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017) introduced a requirement for Local Planning Authorities to produce a Statement of Community Involvement (SCI). The Council's first SCI was adopted in 2006 and detailed the Council's commitment to community engagement with respect to forward planning and when considering planning applications.

1.2 The SCI committed the Council to taking a proactive approach to community involvement from the outset of Local Plan preparation, with the purpose of shaping a sustainable future for South Staffordshire. An updated SCI was produced in 2014 to take account of reforms to the planning system introduced through the 2011 Localism Act and the publication of the National Planning Policy Framework (NPPF). This current document is a refresh of the Council's SCI to establish the Council's intentions in respect of consultation during the preparation of the new Local Plan and explain how the Council will engage the community during the preparation of any future Community Infrastructure Levy charging schedule and also to reflect recent changes introduced by the Neighbourhood Planning Act 2017.

1.3 The Localism Act introduced in November 2011 placed a strong emphasis on empowering communities, enabling them to shape the places where they live. As well as a renewed emphasis on engaging communities in the preparation of plans at a district level, the Localism Act also introduced Neighbourhood Plans. These plans enable communities to develop their own planning policy documents for their local area. In 2017 the Government introduced legislative changes aimed at strengthening the status of Neighbourhood Plans and requiring Local Planning Authorities to clarify the support they will provide to community groups who wish to produce a Neighbourhood Plan.

1.4 The National Planning Policy Framework supports a plan led system and promotes early and meaningful engagement and states that:

"Plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees"

1.5 In April 2012 the regulations governing the preparation of Local Plans were updated and new regulations governing the preparation of Neighbourhood Plans were introduced, both setting out minimum requirements for consultation.

1.6 This refreshed SCI sets out how the Council will consult with members of the public and other stakeholders from the outset of Local Plan preparation, as well as how the Council will consult on planning applications and the policy of the Council on supporting the production of Neighbourhood Plans, the Local Plan evidence base, CIL charging schedule and on individual planning applications. This document will set out:

- The purpose of the Local Plan for South Staffordshire and the role of community engagement in shaping planning documents

- Details of which individuals/groups will be targeted
- How people can involve themselves in consultation
- When consultation will take place and how that consultation will be undertaken
- Effective means of engaging the community, including a wide variety of techniques to involve a variety of stakeholders, representative organisations and members of the public
- Measures for targeting hard to reach groups
- How people can submit representations when commenting on both individual planning applications and draft planning policy/guidance documents/CIL charging proposals
- How the Council will provide feedback to consultation, along with measures to monitor the effectiveness of public consultation

Your Views

- 1.7** The Council is required to produce an SCI under the Planning and Compulsory Purchase Act 2004. This document was subject to full consultation before being agreed and approved by the Council. You can contact us in the following ways:

By email: localplans@sstaffs.gov.uk

Or write to:

Local Plans Team
South Staffordshire Council
Council Offices
Wolverhampton Road
Codsall
South Staffordshire
WV8 1PX



Data Protection

- 1.8** Our legal basis for processing your ordinary personal data will be either that it is necessary to do so to perform a task carried out in the public interest or in the exercise of official authority vested in us. In respect of any special data [health information etc.] processing this is necessary for the purposes of carrying out our obligations in the field of social security and social protection law.
- 1.9** Officers of the Strategic Planning Team and other officers within the council may receive/process your personal data where it is appropriate to do so. We may share information with other services in the Council where it is appropriate to do so.

For more information about how we process this data see:

<https://www.sstaffs.gov.uk/planning/strategic-planning--data-protection.cfm>

2.0 The Statement of Community Involvement Process

Local Plans

- 2.1** At the heart of the planning system is the requirement to involve local communities and stakeholders in the process of Local Plan preparation at the earliest opportunity. The Government therefore requires the planning system to be:
- transparent and open;
 - one that will be easily understood and accessible to all, including traditionally hard-to-reach groups, and also;
 - has the support of the community and stakeholders with opportunities for participation clearly identified.
- 2.2** The Statement of Community Involvement (SCI) sets out the Council's vision, standards and approach for community and stakeholder involvement in planning matters.
- 2.3** In order for community participation to be successful, an inclusive methodology is required that targets all the different sections of our community and acknowledges the need for different approaches as some individuals are in a better position to contribute than others.
- 2.4** This SCI will therefore outline the most effective way of engaging the community and explain the different techniques that will be used to involve a wide variety of stakeholders, representative organisations and members of the public.
- 2.5** One of the most effective ways of engaging people is through existing groups and organisations. Additionally, to ensure that we engage with people not included in these identified groups and organisations, the Council will maintain a consultation database with details of any person or body who has expressed an interest in the future planning of the district. This will be reviewed and updated on a regular basis.

Development Management

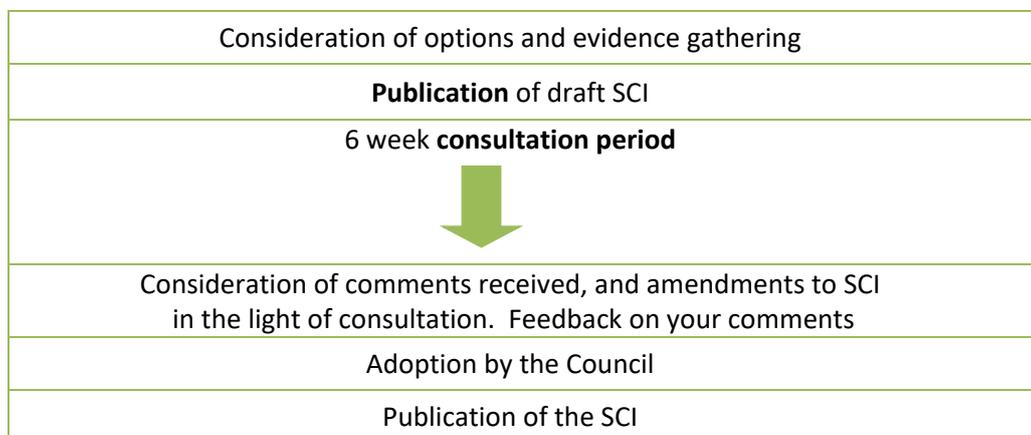
- 2.6** As well as setting out the Council's approach to community involvement in the plan making process, the SCI also sets out how the Council will involve the community in determining planning applications.
- 2.7** There are statutory requirements that govern the Council's procedures for publishing planning applications and inviting comments from the community and these procedures vary depending on the type of application. The Localism Act 2011 sets out further requirements for pre application consultation and the NPPF encourages applicants who are not already required to do so by law to engage with the local community before submitting an application. The Council cannot insist on pre-application consultation. However, developers of major applications are advised to consider carrying out or commissioning a structured form of consultation, thereby allowing them to submit a consultation statement with the application. It is important that residents are given sufficient opportunity to comment on planning applications and that the case officer is then given opportunity to reflect on these when making their recommendation. Full details of how the Council publishes details of planning applications, and how residents can then comment on these are set out in Chapter 10.

Monitoring and Reviewing the SCI

- 2.8** The SCI will need to be reviewed every five years from the date of adoption in accordance with changes in 2017 to the Local Plan Regulations. The appendices to the SCI can be updated without the need for the Council to readopt the SCI.
- 2.9** The Council is also required to prepare an Authority Monitoring Report (AMR). This will consider progress in meeting targets for the production of the Local Plan and the effectiveness of planning policies. The AMR will identify whether documents will need to be reviewed and any changes will need to be reflected in a review of the SCI. When a review is considered necessary, the same procedures taken to produce the SCI will be followed.
- 2.10** The following table outlines the process that the SCI goes through from initial preparation to final adoption.



SCI Process



3.0 Community Engagement

The benefits of community engagement

3.1 It has long been accepted that meaningful consultation has a positive effect on the preparation of planning documents. The Council will continue to place great emphasis on effective consultation and believes that it will deliver the following benefits:

- It gives communities a sense of input into the preparation of planning documents
- Local residents can highlight 'on the ground' issues officers may not be aware of
- It will help inform decisions on planning applications
- It strengthens the evidence base for Local Plans and Neighbourhood Development Plans by giving the Council a greater understanding of the planning problems and issues within the community



3.2 However, the planning system must often balance differing views with the future needs of the district and will be required to make difficult decisions that will not always satisfy everyone.

3.3 Being involved therefore does not guarantee that your views, or a majority consensus, will prevail. There are many different factors which contribute to the decision-making process including statutory requirements, national planning policy and conformity to the development plan. The Council will ensure however, that all material planning issues raised will be considered before reaching a decision.

The principles of engagement

3.4 The Council is committed to engaging the community and stakeholders in the planning system in order to shape a sustainable future for South Staffordshire. The views of local communities and organisations can help us to identify areas where we need to focus our efforts and help us monitor our progress within communities. The principles of our approach to community involvement are:

- To comply with, and in some instances exceed, the minimum legal requirements for consultation in the planning process
- Local communities and organisations should be fully and effectively involved in document preparation, Sustainability Appraisals, and decision making on planning applications.
- Community involvement should be a continuous process, which allows everyone involved to see the development of ideas. This will require feedback to provide local communities and organisations with a sense of ownership.
- Communication with local communities and organisations should use a range of approaches and integrate with a wide cross section of the public. This should include 'hard to reach' groups with the values of equality and diversity applied to all those involved in the consultation process.

- Consultation documents will be prepared with the reader in mind limiting the use of jargon where possible.
- The Council will publicly respond to the collective views of local communities and organisations, and ensure that these opinions are taken into account as an integral part of the decision-making process. As well as reporting on the methods utilised for community involvement, we will also state the outcomes of that involvement in a clear format. In the majority of cases this will be a table of representations where representations will be summarised alongside the Council's response.

Who will be involved in Local Plan consultation?

3.5 Anyone with an interest or who has something to contribute to shaping the future of South Staffordshire will be actively encouraged to get involved in informing plan preparation. The key target groups the Council is eager to engage include the following:

- General public
- Central/Local Government
- Council Members
- Parish Councils
- Residents' Associations
- Statutory Bodies and Groups
- Business Groups
- Developers/Agents/Landowners
- Interest Groups e.g. Local Amenity Organisations
- Youth groups, schools and colleges
- Hard-to-Reach Groups
- The media
- Registered Providers (formerly Registered Social Landlords)
- Local Enterprise Partnerships
- Local Nature Partnerships
- Local Transport Providers

3.6 It is important to remember that the level of involvement will vary depending on the purpose and nature of the document being prepared. Different local planning documents will require different levels of involvement at different stages in the process. As an example, if an Area Action Plan is being prepared, there will be greater opportunities for localised consultation of those who are directly affected, than in the broader, district wide Local Plan documents (for example the Core Strategy). When undertaking consultation during the preparation of the Local Plan documents it is fundamental that the consultation is effective and draws representations from a broad cross section of South Staffordshire communities to reflect the district wide importance of the documents.

Who will be consulted?

3.7 The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out a list of specific and general consultation bodies that Local Planning Authorities are required to consult with throughout the plan making process.

- 3.8** Local Planning Authorities are required to consult specific consultation bodies which they consider may have an interest in the subject of the proposed Local Plan document and the general consultation bodies which it considers are appropriate. The list of specific (statutory) consultees is detailed in Appendix 1. This includes those bodies under the Duty to Cooperate. For further information on the Duty to Cooperate see Chapter 5.
- 3.9** The Council maintains a consultation database containing specific (statutory) consultation bodies and general consultation bodies including members of the public who have requested to be kept informed of Local Plan preparation. Anyone who submits a representation to a consultation will automatically be added to the database. They will receive updates and be notified via email of subsequent consultations until they request that their details are removed from the database. Interested parties wishing to be added to the consultation database should email localplans@sstaffs.gov.uk.
- 3.10** Once on the database individuals will be informed in advance of any public consultation that the LPA intends to undertake, as well as the latest planning updates through any electronic bulletins.

Involving 'hard to reach' groups

- 3.11** The key to successful community involvement is to encourage everyone to participate regardless of age, gender, ethnicity, religious beliefs etc, in order to provide the most balanced solution. South Staffordshire Council is committed to consulting those groups that have had low levels of engagement in the past, especially hard to reach groups.
- 3.12** In order to facilitate the participation, a wide range of techniques must be utilised and some methods will need to be tailored to specifically target certain groups on a case by case basis. This will, where appropriate, include using third party representatives and facilitators to act as 'honest brokers'. Further details of the different methods that may be utilised can be found in Appendix 3.

Council Members

- 3.13** Councillors are elected to represent their constituents and as such have a key role to play in not only decision-making, but in gathering information on the views of the communities they represent. Plan making is considered throughout the process by all Councillors with the final decision to submit and adopt the plan being made by the Full Council. The SCI and any Supplementary Planning Documents (SPDs) produced by the Council are not required by the Government to go to Full Council for approval, however under the constitution of the Council all decisions to adopt formal local planning documents need to be ratified by Full Council. Members will then be able to keep residents in their ward informed of progress on plan-making and of any issues that arise in the local area.

Parish Councils

- 3.14** Parish councils act as representatives of the community at the grass roots level, and also have a crucial role to play. Opportunities will be taken to utilise parish newsletters and attend parish meetings where appropriate. Where parish newsletters are not produced, parish councils will be asked to display information bulletins on parish notice

boards. As most parish councils do not meet weekly, they will be given advance notice of all statutory consultation periods in order to allow them time to meet and provide comments on the proposals within the statutory consultation period. Some parishes may wish to hold their own consultation workshops in order to gauge the community's views before the parish council make representation to the district council. When requested, the Council will offer parish councils advice on how to undertake effective community engagement events.

Accessing Information

- 3.15** The Council will ensure that all consultation material will be available in 'deposit locations'. The main deposit locations are the Council Offices and each of the parish council offices within the district, where a hard copy will be available. In addition, all consultation material will also be available on the Council's website along with a response form allowing people to make a representation electronically.
- 3.16** Where required by the relevant regulations, statutory notices will be available on the Council's website setting out the consultation periods and the times and places where the document(s) can be viewed. The Council will also release a press notice which is sent to local media outlets and displayed on the Council's website.
- 3.17** Every person on the consultation database will be notified of upcoming consultations. This will be done via email unless the consultee has requested to be notified by post, in which case a letter will be sent out.

4.0 The Planning Process

National Planning Policy Framework (NPPF)

- 4.1** In March 2012 the NPPF was published introducing new national policy and guidance which replaced all previous Planning Policy Guidance (PPG) and Planning Policy Statements (PPS). The NPPF and PPG have recently been revised and updated (February 2019) and the Government's aims for the planning system and how policies should be applied, are reflected in a national 'Presumption in Favour of Sustainable Development' approach.
- 4.2** The NPPF refers to the collection of documents that make up the statutory plan for a Local Planning Authority (LPA) as the 'Local Plan'. It stresses the importance of a plan led system and reiterates the role of early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses to produce a Local Plan that reflects the vision and aspirations of local communities.
- 4.3** The NPPF also emphasises the importance of early engagement for the efficiency and effectiveness of the planning application system. The principle being that issues can be resolved through early engagement, which in turn will assist in the issuing of a timely decision once an application is submitted.

Localism Act and the Duty to Cooperate

- 4.4** The Localism Act introduced in November 2011 brought in the Duty to Cooperate which requires planning authorities and other public bodies to actively engage and consider joint approaches to plan making where appropriate. This Council has engaged in meaningful consultation with neighbouring authorities and public bodies in this way for a number of years. Meetings and workshops will therefore continue to take place to ensure that policies set out in the Local Plans are deliverable, and where necessary reflect cross boundary issues. The Council will also ensure that any future Documents are developed with full regard for the Duty to Cooperate.

The Local Planning Process

- 4.5** Following the introduction of the Planning and Compulsory Purchase Act 2004, the Council began work on its Core Strategy. After several years of consultation in accordance with the 2006 SCI, and an Examination in Public (EIP) overseen by the Planning Inspectorate (PINs) in December 2011, the Core Strategy was adopted on 11th December 2012. Prior to adoption, modifications were made to the Core Strategy to ensure consistency with the policies and principles set out in the NPPF.
- 4.6** The Core Strategy sets out the spatial strategy for the district including our broad vision for housing, employment and the natural environment. The document includes details of minimum housing numbers for each of the Main and Local Service Villages that have been identified for future housing growth.
- 4.7** Preparation of the accompanying Site Allocations Document (SAD) was the subject of a Public Examination in Nov/Dec 2017 overseen by the Planning Inspectorate (PINS). The SAD was formally adopted on 11 September 2018. The Site Allocations Document will deliver the Spatial Strategy set out in the Core Strategy by allocating sites in the Main

and Local Service Villages which have been identified for growth, and around employment sites where justified.

- 4.8** Together the Core Strategy and Site Allocations Document will be accompanied by policies maps and a number of Supplementary Planning Documents (SPDs) which will give additional guidance when applying policies, on for example, the provision of affordable housing. This collection of documents will make up the Local Plan for the district until the adoption of a new Local Plan following the on-going Local Plan review process.
- 4.9** The Council has committed to undertaking an early review of the Local Plan to reassess our housing, employment and traveller pitch needs and to determine the contribution which should be made within the district to assist in meeting an identified shortfall of housing provision arising within the wider Housing Market Area of which the district is a part. Preparatory work on the evidence base to support the review has already commenced including a commitment to produce a number of cross boundary evidence base studies with the neighbouring Black Country authorities. Consultation on the local plan review proposals will be undertaken in accordance with the approach set out within this Statement of Community Involvement.
- 4.10** It is essential for planning policy documents to be supported by a robust evidence base in order to ensure they are considered 'sound'. As part of this the Council is legally obliged to carry out a Sustainability Appraisal (SA) to test the sustainability of policies prepared and sites suggested for allocation. A separate Sustainability Appraisal will be prepared to accompany the various stages of the Local Plan review process providing residents and other stakeholders with an opportunity to make representations on the SA.
- 4.11** The SCI along with the Authority Monitoring Report (AMR) and Local Development Scheme (LDS) form the procedural documents that ensure an effective planning process. The LDS is a timetable setting out milestones for the preparation of planning policy documents and includes anticipated dates for the consultation stages of these documents. The LDS is published on the Council's website and will be updated regularly to reflect the current timetable for the production of documents.
- 4.12** The Annual Monitoring Report (AMR) will consider the progress being made in meeting targets for the production of Local Plan documents and the effectiveness of planning policies. The AMR will identify whether any planning documents need to be reviewed. When a review is considered necessary for the SCI, the same procedures taken to produce this SCI will be followed. For this reason, the Appendices do not form part of the SCI and can be updated as and when needed.



5.0 Duty to Cooperate

What does the Duty to Cooperate mean?

- 5.1 The Government recognises that many social, environmental and economic issues can only be effectively addressed at a larger than local scale, and have therefore introduced the Duty to Cooperate to help ensure that cross boundary strategic issues are being considered. The Duty to Cooperate was introduced through the Localism Act 2011, with Section 110 of the Act requiring Councils and Public bodies to ‘engage constructively, actively and on an ongoing basis’ in the preparation of Local Plan documents, including in the preparation of evidence to underpin these documents.
- 5.2 The duty relates to sustainable development or use of land on strategic matters that cross administrative boundaries. These strategic matters should be identified and the authorities should prepare statements of common ground agreeing how they are cooperating in dealing with these cross boundary issues.
- 5.3 The Council will consult with Duty to Cooperate bodies throughout the plan preparation process and hold separate meetings to address any outstanding strategic matters.

What arrangements do we need to put in place?

Who will the Council need to cooperate with?

- 5.4 The Duty to Cooperate requires the Council to undertake co-operation jointly with neighbouring authorities. It may also be appropriate to engage and co-operate with other nearby local authorities that do not adjoin South Staffordshire, depending on the issue to be addressed. For example, it will be necessary to engage with other authorities that do not border the district but are within the Greater Birmingham Housing Market Area (GBHMA). For South Staffordshire Council the authorities that South Staffordshire will need to be engaged with in order to meet the requirements of the Duty to Cooperate are:

County Councils

- Staffordshire County Council
- Worcestershire County Council

Unitary authorities

- Shropshire Council
- Telford and Wrekin Council
- City of Wolverhampton Council
- Walsall Metropolitan Borough Council
- Dudley Metropolitan Borough Council
- Sandwell Metropolitan Borough Council
- Birmingham City Council
- Solihull Metropolitan Borough Council

District/Borough Councils

- Stafford Borough Council
- Cannock Chase Council
- Wyre Forest District Council
- Bromsgrove District Council
- Redditch Borough Council
- Tamworth Borough Council
- North Warwickshire Borough Council
- Stratford on Avon District Council
- Lichfield District Council

5.5 The Council is also required to demonstrate joint working with prescribed bodies as set out in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The prescribed bodies relevant to South Staffordshire are:

- The Environment Agency
- Historic England
- Natural England
- The Civil Aviation Authority
- Homes England
- Clinical Commissioning Groups and NHS Commissioning Board
- Office of the Rail Regulator
- Highways England
- Highway Authorities

5.6 The Localism Act also requires Local Planning Authorities to have regard to:

- Local Enterprise Partnerships
- Local Nature Partnerships
- Private Sector Utility Providers.

5.7 Determining which of the above local authorities or bodies need to be engaged will depend on the strategic issue to be addressed and therefore will need to be considered from the outset of plan preparation. Whilst one local authority may take the view that there is no cross boundary work required to address a particular issue, another authority may have a conflicting view. The Council will therefore need to engage with neighbouring authorities and /or prescribed bodies at an early stage to determine which issues will require joint working.

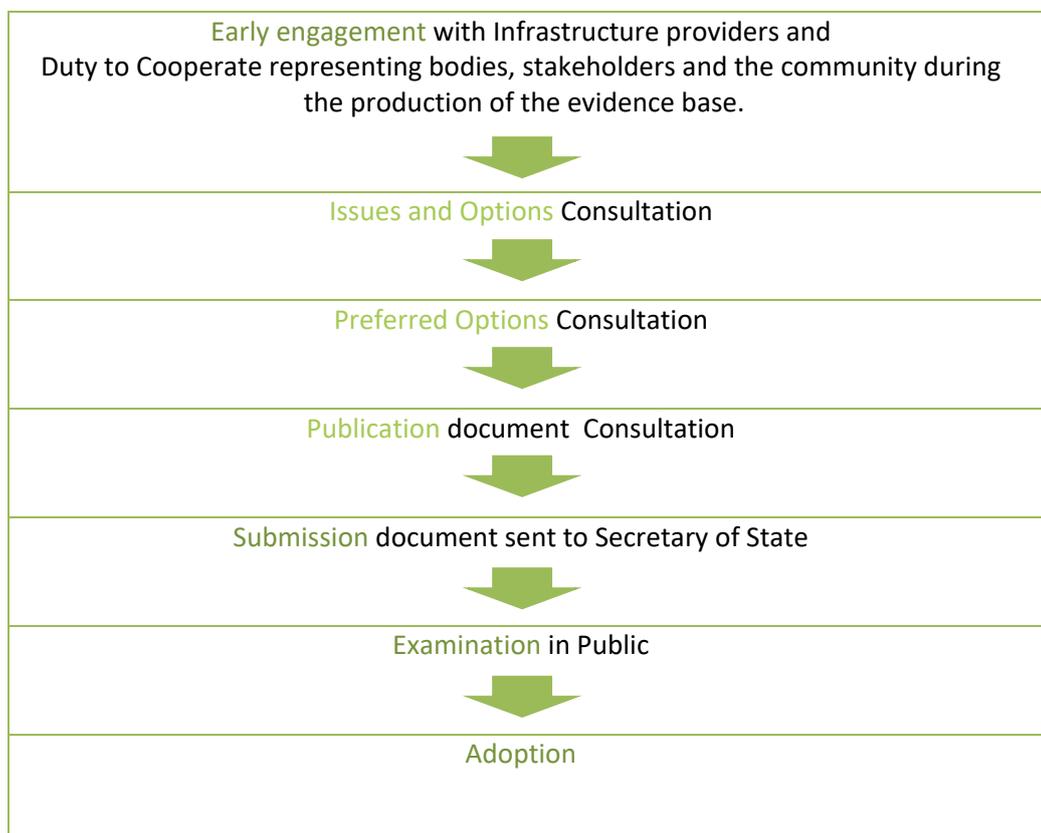
Demonstrating we have met the requirements of the Duty to Cooperate

5.8 Local planning authorities will be expected to demonstrate evidence of having complied with the Duty to Cooperate and effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for independent examination.

- 5.9** There is no fixed format for how this evidence should be presented, nor what it should comprise but it should:
- Be succinct
 - Flow from the issues that have been addressed jointly highlight the practical policy outcomes that have resulted.
- 5.10** A ‘tick box’ approach or a collection of correspondence will not be sufficient. The Council will need to demonstrate how it has considered joint plan-making arrangements, what decisions were reached and why.
- 5.11** When considering what action is appropriate for addressing the various issues the Council should consider a number of options. These include:
- **Statement of Common Ground** which is a formal agreement with each Duty to Cooperate body setting out a framework of co-operation on the strategic issues to be addressed. The SoCG will need to be agreed and signed by the Cabinet Member for Planning and Business Enterprise to demonstrate political support.
 - preparation of joint plans
 - aligned plans
 - cross boundary/multi body action plans
 - joint working protocols
 - joint evidence gathering
 - agreed shared policies
- 5.12** It may be that after initial cross boundary discussions that the collective commissioning of evidence to address cross boundary strategic issues is needed. The evidence will then be used to inform the scale and the type of further co-operation required. As part of the Local Plan review, early identification of matters requiring cross boundary cooperation has already resulted in the commissioning of a number of joint studies. It is anticipated that such cooperation will be an on-going feature of the review process and this will enable the authority to clearly demonstrate that the statutory duty to cooperate requirements have been undertaken.
- 5.13** Each SoCG between two parties should be endorsed by Members and ongoing officer and/or Member working groups should also be set up where appropriate.
- 5.14** The Council will report how the duty is being taking forward on an ongoing basis through the Authority Monitoring Report and a separate Duty to Cooperate paper where appropriate to support Local Plan preparation.

6.0 Stages for undertaking consultation in the preparation of Local Plan documents

6.1 **The Town and Country Planning (Local Planning) (England) Regulations 2012** set out the process which must be followed when producing Local Plans including the stages where we are required to undertake consultation. The flow diagram below shows the key stages of the process:



Early Engagement

6.2 The Council is committed to public engagement at the earliest stage of document preparation. For the Local Plan review the Council has undertaken a 'Call for Sites' to identify potential site options and inform the site selection process going forward. Early stages of plan preparation comprise evidence gathering to inform the production of policies and proposals. Those individuals and groups etc. who have been engaged through the production of local planning documents will be informed of the emerging Local Plan review and will have the opportunity to submit comments and shape the plan as it evolves. The Council will also consult with infrastructure providers prior to publication of the Issues and Options document; this will help to identify any 'showstoppers' or any constraints which need to be considered.



Issues and Options

The regulations set out the legal requirements that LPAs must comply with in relation to early engagement. This is set out in **Regulation 18 – Preparation of a Local Plan** and requires the Council to:

- Notify specific consultation bodies as well as general consultation bodies, residents and other persons that the LPA considers appropriate of the Local Plan that the Local Planning Authority (LPA) proposes to prepare.
- Invite all those invited to make representations to the LPA to comment on what the Local Plan should contain.
- Take into account any representations received when preparing the Draft Local Plan.

- 6.3** The first formal stage when preparing a Local Plan document is to set out and consult on the Issues and Options. The Council will consult with communities and organisations at this early stage as it allows them to share their views on issues that are important to them as well as propose alternative options.
- 6.4** This is the stage where we invite consultees to highlight any issues that may have been missed during evidence gathering. Consulting at this early stage of document preparation is vital as this is before any decisions have been made, thereby giving consultees a genuine opportunity to influence the plan. The Council also recognises that the Sustainability Appraisal will inform the development and refinement of Issues and Options.
- 6.5** The Council maintains a Local Plan database containing statutory consultees (see Appendix 1) and residents and other General Consultation Bodies who have either requested to be kept informed of upcoming consultations, or those who the Council considers should be invited to make a representation.
- 6.6** The Council will also inform residents by advertising the consultation on the Council website, and where possible, through the local newspapers and the Council's Review newspaper which is sent to every household in the district. Copies of the consultation documents will also be available to view at the Council Offices and the offices of Parish Councils. There will be an individual response form to accompany the Issues and Options consultation document (and every other consultation document produced at subsequent stages of the process). This will be available on the Council's website and representations can also be made by email or by letter.
- 6.7** The Council will undertake consultation for a **minimum of 6 weeks**. Where appropriate this may be extended, as was done for the Site Allocations Document Issues and Options consultation in March 2014. It is recognised that allocating areas of search and sites for development is a contentious issue and may have a direct impact on residents. Therefore extensive consultation will be undertaken including exhibitions where appropriate in those areas most directly impacted by development proposals.
- 6.8** This will allow communities to share their aspirations and concerns with planning officers, hopefully resulting in more effective community engagement. When selecting

venues for public meetings consideration will be given to the accessibility of the venue, and the times of the events will be planned to try and attract the widest audience possible. Public consultation events will be advertised on the Council's website and social media accounts and through local media such as the South Staffordshire Review newspaper, where possible.

- 6.9** All representations for Issues and Options consultations will be logged and then summarised. The Council's response to the representations will need to be considered by Members. Once agreed, the summary of representations, and a Consultation Statement will be made available on the Council's website.

Preferred Options

- 6.10** The Preferred Options report will go through the same consultation process as the Issues and Options document - as set out in paragraphs 6.3 to 6.9 - with a further 6 week consultation. Where a document is area or site specific (for example an Area Action Plan) a site notice will be posted on or near the proposed site and public exhibitions arranged and widely publicised through the usual formats. These notices will inform people how to make a representation in respect of the site. Every attempt will be made to engage with local groups or organisation to answer queries.



- 6.11** At this stage the Sustainability Appraisal and draft Local Plan document will need to set out and consult upon the alternative strategy/sites and set out why they were discounted.

- 6.12** Representations made at the Preferred Options stage will not be taken forward for consideration at the independent examination, but the Council will consider any suggested alterations prior to publishing the Publication document. The Council will produce a table of representations summarising each response and a Consultation Statement.

Publication document

Regulation 19 sets out the requirements for the publication stage of DPD preparation. It states that the Council should:

- make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with Regulation 35 (Availability of Documents); and
- ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under Regulation 18(1).

- 6.13** In order to comply with Regulations 19 and 35, the Council will publish a Publication document allowing interested parties a further 6-week period in which to make formal representations to the final document about the soundness of the plan, before it is submitted to the Secretary of State. This period of public consultation will be widely publicised as there will be no opportunity for late representations to be made. This will include contact with everyone on our database and placing notices in the local press. The document will be available at the Council Offices, at the deposit locations, and via the Council's website. The Council will produce a statement of representations procedure and a statement conveying that the documents are ready for inspection, with both statements sent to general and specific consultation bodies.
- 6.14** Representations submitted at the publication stage will be acknowledged by the Council. These representations will be submitted to the Secretary of State (PINS). The Council may wish to produce a schedule of proposed modifications that address some of the objections raised during the Publication stage consultation. The Inspector at the Examination will consider the representations made during this consultation period, but only those seeking change to the document submitted within the advertised publication period will have the opportunity to be heard at the Examination.

Examination in Public through to adoption

Regulations 24-26 – From examination to adoption

Regulations 24 to 26 cover what is required of the Council from examination through to adoption.

Regulation 24 sets out the requirements for the Independent Examination, stating that the Council should:

- Advertise the time, date and place where the hearings are to be held and the name of the person appointed to carry out the examination in accordance with Regulation 35, at least 6 weeks before the hearing is due to start.
- Notify any person who has made a representation at publication stage who has not subsequently withdrawn their representation.

Regulation 25 sets out the requirements in relation to the Inspectors Report stating that the LPA is required to:

- Publish the Inspector's report as soon as practically possible after its receipt. This requires it to be made available in accordance with Regulation 35 and notification that it is available be sent to those people notified of the publication period.
- If the Secretary of State gives a direction or the appointed Inspector makes a recommendation in relation to the Plan this must be published as soon as practicable - this requires it to be made available in accordance with Regulation 35 and notification that it is available to be sent to those people notified of the publication period.

Regulation 26 governs the LPAs requirements in relation to the adoption of the final DPD and states that:

- As soon as reasonably practicable to do so after the LPA adopt the Local Plan the Council must make available in accordance with Regulation 35:
 - The Local Plan document and policies maps
 - The Adoption Statement
 - The Sustainability Appraisal report; and
 - Details of where the Local Plan document is available for inspection and the places and times at which the document can be inspected.
- Send a copy of the Adoption Statement to the Secretary of State and any person who has been asked to be notified of the adoption of the Local Plan document.

- 6.15** Anyone that has an unresolved objection against the Local Plan from the Publication stage has the right to have their representation considered by the Inspector, either by written representations or oral hearing. It is anticipated that most representations will be considered in writing, however whichever method is used, the representation will carry the same weight. The Inspector will principally be examining the whole document for “soundness”, which will examine whether the document was prepared from a sound evidence base with good levels of community participation. The Inspector will check that the plan has been prepared in accordance with the Duty to Cooperate, meets all legal and procedural requirements, and is sound, justified and effective.
- 6.16** In accordance with Regulation 24 the Council will publicise details of the Examination in Public including, date, time, venue and name of the planning inspector at least 6 weeks before the hearing is due to start. This information will be available on the Council’s website and at the Council Offices. Any person who made a representation during the Publication period will also be notified, giving them opportunity to voice their issues to the Planning Inspector.
- 6.17** Following consideration of the representations, the hearing, and the submission document, the Planning Inspector will write a report. Once in receipt of the Inspector’s Report the Council will publish it in accordance with regulation 25 at the earliest opportunity. This will be made available on the Council’s website and will be widely publicised.
- 6.18** If the document is found sound, it will be recommended for adoption before being considered by Full Council. Once adopted, the document, Sustainability Appraisal documents, Proposals Maps and the Adoption Statement will be made available online and in the deposit locations and will be fully publicised in line with Regulation 26. In addition, the Council will make the Habitats Regulations Assessment and Inspector’s Report available at the same time.

7.0 Stages for undertaking consultation in the preparation of Supplementary Planning Documents

- 7.1 Supplementary Planning Documents (SPDs) will be produced by the Council to provide guidance, and support for policies in Local Plan documents. Typically, SPDs provide additional policy guidance on such things as design, affordable housing and landscape character. The principles for community involvement are the same; however it is a much simpler process with only one period of evidence gathering with community involvement and one formal statutory consultation period. SPDs are not subject to an Examination in Public. The initial stage of evidence gathering and public consultation will vary depending on the nature of the document being produced.
- 7.2 **The Town and Country Planning (Local Planning) (England) Regulations 2012** set out the process which must be followed when producing SPDs, including the stages where we are required to undertake consultation.

Early engagement in the Supplementary Planning Document (SPD) preparation

Regulation 12(a) sets out that prior to adopting an SPD the Council must prepare a statement setting out:

- who the LPA consulted,
- what were the main points raised throughout the consultation; and,
- how these were addressed.

Regulation 12(b) and 13 sets out the requirements for seeking representations on the draft SPD, requiring the Council to make copies available of the statement prepared in accordance with Regulation 12(a) and the draft SPD in accordance with Regulation 35 together with details of:

- the date by which representations must be made; and
- the address to which they must be sent.

- 7.3 Once the Council has prepared a draft SPD, a 4-6 week consultation period will begin. The draft document will be made available on the Council's website accompanied by a response form where we invite residents and other key stakeholders to comment. All statutory and general consultees who are on the consultation database will be notified when the draft SPD is available. As with all consultation documents, the draft SPD will also be available for inspection at the Council Offices. Where an SPD covers more technical topics it may be appropriate to hold key stakeholder workshops alongside the 6 week consultation.
- 7.4 All representations received during the consultation period will be acknowledged. All representations will be considered and then summarised alongside a Consultation Statement. Once agreed, the summary of representations and Consultation Statement will be made available on the Council's website.
- 7.5 A Sustainability Appraisal is not usually required for an SPD because it provides guidance on a policy document which has already been subject to the Sustainability

Appraisal process. Where it is necessary, a scoping report will be published prior to the commencement of the SPD and a draft Sustainability Appraisal Report will be published for consultation alongside the draft SPD.

Adoption

Regulation 14 sets out the requirements in relation to the adoption of an SPD. The Council is required to:

Make the SPD and Adoption Statement available in accordance with Regulation 35 as soon as possible after adoption and send a copy of the Adoption Statement to any person who has asked to be notified of the adoption of the SPD.

- 7.6** Following the consultation period modifications will be made to the SPD where justified. A final document will then need to be agreed by Full Council. If endorsed by Members, the SPD will then be adopted. In accordance with Regulation 14 the Council will make the SPD and Adoption Statement available on the Council's website. A copy of the adoption statement will be sent to those individuals that have asked to be notified of the adoption of the SPD.



8.0 Neighbourhood Planning

8.1 The Localism Act 2011 (as amended by the Neighbourhood Planning Act 2017) gave communities the power to produce a Neighbourhood Plan, which if adopted, would form an additional neighbourhood tier to the Development Plan. These Plans are prepared by a 'qualifying body' either a Parish Council or in unparished areas a grouping called a Neighbourhood Forum which forms for the explicit purpose of developing a Neighbourhood Plan. If a Parish exists (as in South Staffordshire which is made up of 27 parishes) then the Parish Council is the identified qualifying body.

8.2 If a community decides to undertake a Neighbourhood Plan then the Local Planning Authority is duty bound to offer advice and support. The Neighbourhood Planning Act 2017 and the Neighbourhood Planning Regulations 2012 identify statutory responsibilities and place a requirement on local planning authorities to set out the advice and assistance which will be offered to local communities to assist in plan preparation.

In addition to the statutory requirements contained within the regulations the District Council will offer the following support to assist during the neighbourhood plan preparation process:

- officer support to attend an initial meeting and advise on the Neighbourhood Planning process
- advice on general planning matters including the national planning policy framework
- provide mapping and evidence base data and documents as appropriate
- establish the relevant strategic context as provided by the strategic policies in the local plan
- provide guidance on undertaking a consultation exercise including a list of statutory consultees
- check the plan prior to formal submission
- provide an overview assessment of the policies by the Development Management Team
- place the Neighbourhood Plan on a dedicated Neighbourhood Planning webpage

8.3 The Council's statutory role includes the responsibility of ensuring that the body preparing the Neighbourhood Plan conforms to the regulations contained within the **Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (Referendums) Regulations 2012**. The requirements of the regulations are summarised below.

Stage 1: Neighbourhood Plans – Designation of a Neighbourhood Area and Forum

Designation of a Neighbourhood Area

Regulation 5 states that were a neighbourhood area application is submitted for a whole Parish Council Authority area the District Council must make the designation as soon as possible following receipt of the request and after being satisfied that the application is valid and complete.

Regulation 6 In other cases, the Council must publish the application on the Council's website; and by other means that are likely to bring the area application to the attention of people who live, work or carry on business in the local area. There will be a period of at least six weeks for the submission of representations on the application. The Council must determine the application within 13 weeks from the date on which the application was first publicised or 20 weeks were the application falls within two or more local planning authorities.

Regulation 7 sets out that as soon as possible after designating a neighbourhood area, the Council must publish:

- a) the name of the neighbourhood area
- b) a map which identifies the area
- c) the name of the relevant body who applied for the designation.

This must be made available on the Council's website and by other means considered appropriate to bring it to the attention of people living, working or carrying out business in the area.

If the application is refused then as soon as is practicably possible the Council must publish a 'decision document' setting out the reasons why the application was not accepted and details of where and when the decision document may be inspected.

- 8.4** Before work on a Neighbourhood Plan can begin the qualifying body must submit an application to the Council defining the plan area. Where the area proposed covers the whole administrative area of the Parish Council, and once the District Council is satisfied that the application is valid and complete, the designation of the whole parish as a neighbourhood area is automatic. In other situations the regulations require that the District Council undertake a six week period of consultation. A determination will then be made by the District Council no later than 13 weeks from commencement of the consultation. Once a decision has been reached this will be advertised, and should the designation be refused this decision and a statement of reasons will be made publicly available.

Designation of a Neighbourhood Forum

Regulation 9 sets out the requirements which the Council must meet when consulting on and determining a neighbourhood forum application. The consultation and determination periods are the same as those established in relation to neighbourhood area designation.

Regulation 10 sets out the requirements for publicising the decision on the Neighbourhood Forum application. This includes publication on the council website of the name of the neighbourhood area and Forum, the Forum's written constitution and the contact details for at least one of the Forum's members.

- 8.5** In areas with a **town or parish council**, this body will be identified as the qualifying body responsible for neighbourhood plan preparation. In areas without a parish council the production of the Neighbourhood Plan will be the responsibility of a formally constituted group – the **Neighbourhood Forum**. It is the responsibility of the Local Planning Authority to ensure that the body proposing to undertake the plan production meets the statutorily defined criteria and are appropriately constituted.

Stage 2 Neighbourhood Plans – Plan Preparation and Pre-submission Consultation.

- 8.6** Once the neighbourhood area has been defined and neighbourhood forum established, the qualifying body can begin work on the Neighbourhood Plan. The responsibility for undertaking consultation during the process of plan formulation resides with the qualifying body. **Regulation 14** sets out the requirements for undertaking pre submission consultation and publicity. A list of prescribed consultation bodies is set out in Schedule 1 of the Neighbourhood Planning (General) Regulations. Here the Council will advise the Parish Council on the appropriate methods of consultation and publicity (such as those highlighted in Appendix 3). There are a number of basic statutory conditions which need to be met by the plan and which will be tested at the independent examination, these conditions are:

- having appropriate regard to national policy
- contributing to the achievement of sustainable development
- be in general conformity with strategic policies in the local area development plan
- be compatible with human rights requirements
- be compatible with EU obligations

- 8.7** The plan will also have to comply with the Habitats Regulations. The Neighbourhood Planning Regulations require that the Local Planning Authority as the 'competent authority' with regard to the Environmental Assessment of Plans provide a screening assessment of whether a formal assessment of the plan will be required.



8.8 Following pre-submission consultation, the qualifying body may decide to amend the plan to take account of the comments received during the consultation. Once the qualifying body is satisfied with the contents of the Neighbourhood Plan in accordance with regulation 15 the following documents need to be submitted to the Local Planning Authority:

- a map or statement identifying the area to which the plan relates
- a consultation statement
- the proposed Neighbourhood Plan
- a statement on how the plan fulfils the basic conditions - see above

Stage 3 Neighbourhood Plans – Submission and Inspection.

Submission, Consultation and Examination

Regulation 15 states that the Neighbourhood Plan is to be submitted to the local planning authority accompanied by an environmental report prepared in accordance with paragraphs (2) and (3) of regulations 12 of the Environmental Assessment of Plans and Programmes Regulations 2004, a consultation statement and a basic condition statement.

Regulation 16 requires that the Local Planning Authority upon receipt of the Neighbourhood Plan publicises the fact that the plan has been submitted and provides details of where the plan can be inspected and details on how to make representations during the six week consultation period. The Local Planning Authority will also notify receipt of the plan to consultations bodies who made representations during the pre-submission plan preparation stages.

Regulation 17 addresses the documentation which is to be sent to the examiner upon appointment.

8.9 Upon receipt of the Plan the Local Planning Authority will check legal compliance prior to undertaking a six week consultation exercise and appointing an independent Examiner. Representations received during the regulation 16 consultation period will be forwarded to the examiner for consideration.

8.10 The Local Planning Authority will submit the relevant documentation and a copy of the representations received during the post-submission consultation to the Examiner. The Examiner will assess whether the proposed plan meets ‘the basic conditions’ which are highlighted above. Following consideration, the examiner will issue a report to the Local Planning Authority and the qualifying body indicating whether the plan should proceed to the referendum stage, whether additional modifications are required or it is considered that no modifications are possible to enable the basic conditions to be met.

8.11 Examiner’s Report and Modifications

Regulation 17A places the responsibility on the local planning authority to decide how the recommendations made by the Examiner are to be addressed.

Regulation 18 identifies what choices are available to the local planning authority when addressing the recommendations in the Examiner’s report. Where the Local Planning Authority is satisfied with the recommendations in the report notification of this decision should be taken within 5 weeks of receipt of the report.

Should the Local Planning Authority be minded to make a decision which differs from the Examiner’s recommendation then the qualifying and consultation bodies and those previously submitting representations must be informed and invited during a six week period to submit further representations. The Local Planning Authority has five weeks to make a decision following the end of the consultation period.

It is open to the Local Plan Authority to refer such matters of difference to independent examination. A decision would be required in this instance five weeks after receipt of the Examiner’s report on the issue(s) of difference.

Once the decision on the report is taken the Council must publish the following documents:

- the ‘decision statement’ which should set out the decision of the Local Planning Authority and the reasons for it
- details of where the ‘decision statement’ can be inspected
- the Examiner’s Report

8.12 It is the responsibility of the Local Planning Authority to determine how to proceed once the Examiner’s Report has been received. The Local Authority may choose, based on the Examiner’s recommendations, to proceed to a referendum, modify the plan prior to the referendum or effectively abandon the plan in its present form.

- 8.13** If it is decided to either modify or reject the report the Local Planning Authority must notify the interested parties of this decision and its reasoning, and invite representations during a six week consultation period. The period for determination following this consultation period is five weeks. It is also open to the Local Planning Authority at this stage to refer any outstanding issues to a further independent examination. If the matter has been sent for further independent examination the local planning authority has five weeks to make a determination once the examiner's report has been received. As soon as possible following the making of decision the local planning authority must publish a 'decision statement'. This statement will be sent to the qualifying body and to any other person who requested to be notified. The Council will also ask the qualifying body to publish the 'decision statement' on their website and to produce posters/flyers to advertise the decision statement in the local community. Should it be determined that the basic conditions have been satisfied the plan will proceed to a neighbourhood referendum.

8.14 **Stage 4: Neighbourhood Plans – Referendum and Making the Plan**

Regulation 18A requires the Local Planning Authority 'make' the plan within eight weeks following the holding of the last applicable referendum.

Regulation 19 requires the Local Planning Authority to publicise the decision regarding the making or refusing of the Plan following the referendum. A copy of the decision notice should also be sent to the qualifying body and any person wishing to be notified.

Regulation 20 states that once the plan has been made the Council must publish the Neighbourhood Plan on its website and by other means that are likely to bring the Neighbourhood Plan to the attention of people who live, work or carry on business in the local area. Notification should be given to any person who has asked to be informed of the making of the Neighbourhood Development Plan and where and when it can be inspected.

- 8.15** The referendum is governed by the 'Neighbourhood Planning (Referendums) Regulations 2012. Twenty-eight working days before the date of the referendum, the local authority is required to publish an 'information statement' indicating that a referendum will be held, a map of the referendum area, the referendum date and referendum question. The Local Planning Authority is also required to make available the following specified documents to accompany the information statement:

- the draft Neighbourhood Plan
- the Examiner's report
- summary of any representations submitted to the Examiner
- a statement that the local planning authority are satisfied that the draft Plan meets the basic conditions

If more than 50% of those voting in the referendum vote 'yes' then the Local Planning Authority will 'make' the plan within eight weeks of the referendum.

9.0 Community Infrastructure Levy

- 9.1 The Community Infrastructure Levy (CIL) is a charge that allows local authorities to raise funds from most types of new development in their area to help fund essential infrastructure. Local authorities who decide to introduce a CIL are known as charging authorities and must produce a charging schedule which sets out the levy rate(s) that the authority will charge. This is charged per square metre of development.
- 9.2 Prior to formal engagement the charging authority prepares the evidence upon which the rates within the preliminary draft charging schedule are based.

Early engagement in the preparation of a Community Infrastructure Levy

Regulation 15 requires a charging authority to prepare a preliminary draft charging schedule for consultation and to invite comment from prescribed consultation bodies, local residents, businesses and voluntary groups. Any representations received need to be taken into account prior to production of a draft charging schedule.

- 9.3 Once the preliminary draft charging schedule has been produced the schedule and studies will be advertised via the council's website, publicised through local media and through direct contact with statutory consultees and interested parties identified on the database. This consultation will precede and inform the production of a Draft Charging Schedule.

Draft Charging Schedule

Regulations 16 requires the charging authority to publish and make available for inspection a draft charging schedule including supporting background documentation. The schedule must be accompanied by a statement of the representations procedure. Notice of the schedule and representation procedure is to be advertised locally and sent to each consultation body. Any person submitting representation has the right to be heard by the Examiner.

Regulation 17 establishes a minimum four week period during which representations can be submitted on the draft charging schedule.

- 9.4 The Draft Charging Schedule is published for a minimum of 4 weeks consultation, though the charging authority has the discretion to extend this period. The consultation will be widely publicised and statutory consultees and previous correspondents will be notified. The draft charging schedule will be available at the Council Offices, on the Council's website and at Local Plan deposit locations. The Council will produce a 'statement of representations procedure' outlining the time frame and process for submitting comments on the draft schedule and enable interested parties to request notification of the progress of the schedule towards approval. The Council will also publish a statement conveying that documents are ready for inspection on its website and through a local advertisement notice.

- 9.5 The period of public consultation will be widely publicised including contacting everyone on our database, newspaper coverage and full access to the documents on the Council website. Representations submitted at this stage will be acknowledged and submitted to the Examiner. Any person submitting representations and making a written request within the stated consultation period will have the right to be heard.

Draft Charging Schedule Modifications

Regulations 19 addresses the situation where the charging authority is minded to make changes to the draft charging schedule following publication and prior to submission. The charging authority is required to publish a statement of any proposed modifications in a ‘Statement of Modifications’. This statement is to be published on the website and interested parties should be notified.

- 9.6 The charging authority may, prior to submitting the schedule for public examination, make modifications. Any changes proposed by the charging authority prior to submission for examination will be published in a ‘statement of modifications.’ The charging authority will need to inform the specified consultation bodies on the publication of the statement of modifications. Anyone who submits a comment on the statement of modifications may ask to be heard by the Examiner so long as that request is submitted within four weeks of the publication of the ‘Statement of Modifications’.

Public Examination

Regulations 21-25 – From examination to publication

Regulations 21 to 25 cover what is required of the Council from examination through to adoption.

Regulation 21 states any person submitting a representation as the right to be heard by the examiner and sets out the requirements for the Independent Examination, stating that the Council should:

- Advertise on the Council website and local press the time, date and place where the hearings are to be held and the name of the person appointed to carry out the examination, at least four weeks before the hearing is due to start.
- Give notice of the examination to any person who has made a representation on the draft charging schedule and who has not subsequently withdrawn their representation.

Regulation 22 deals with the procedure in relation to joint examinations.

Regulation 23 sets out the Charging Authorities requirements in relation to the Examiner's recommendations stating that the authority is required to publish the Examiner's report as soon as practically possible after its receipt. The report and reasoning should be made available for inspection on the Council's website and at the same locations where the draft charging schedule was made available. Notification should also be given to those persons who wished to be notified.

Regulation 24 addresses the issue of error corrections in the inspectors report.

Regulation 25 governs the Local Authorities requirements in relation to the approval and publication of the charging schedule and states that:

- As soon as reasonably practicable after approving the charging schedule the Council must

- publish the charging schedule on the council's website.
- make the charging schedule available for inspection.
- give notice to any persons who wished to be notified of the schedules approval.
- send a copy of the approved schedule to relevant consenting authorities.

- 9.7** It is the responsibility of the Examiner to ensure that the charging authority has produced the schedule in accordance with the legislation and the CIL regulations. This includes an examination of the anticipated costs of the identified infrastructure, potential alternative sources of funding and the potential impact on the viability of development from the proposed charging levels.
- 9.8** In accordance with regulation 21 the Council will publicise details of the hearing including date, time, venue and name of the Examiner at least four week prior to the start of the hearing. This information will be available on the Council's website and will be widely publicised. Any person who submitted a representation to the draft charging schedule or any subsequent amendment will be given the opportunity to present their issues at the public hearing.
- 9.9** Following consideration of the representations, the hearing, and the submission documents, the Examiner will write their report. Once in receipt of the Examiner's Report the Council will publish it in accordance with Regulation 23 at the earliest opportunity. This will be made available on the Council's website and will be widely publicised.
- 9.10** The Examiner's Report may recommend approval, rejection or specify modifications which will enable the approval of the schedule. In recommending approval the Examiner must be satisfied that the draft schedule complies with the relevant legislation; is supported by appropriate evidence and that the proposed rates are viable and would not threaten the delivery of the Plan to which they relate.
- 9.11** The charging schedule must be formally approved by a resolution of the Full Council. This resolution will also specify the date upon which the charging schedule will commence.

10.0 Community Involvement in Planning Application Decisions

- 10.1 The following sets out the processes for consultation with the community and stakeholders in the consideration of planning applications. Applications for development should be determined in accordance with the policies and proposals in the Core Strategy and Site Allocations Document, or subsequent Local Plan, unless there are material planning considerations that indicate otherwise.

What are Planning Applications?

- 10.2 The area of planning that most people engage with is in connection with a planning application. This is known as 'Development Management' and is the process by which the Local Planning Authority determines planning applications for new development, changes of use or alterations and extensions. The Government has set minimum standards for consultation on planning applications and these are to be found in Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Similarly, Sections 67 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply to applications that require listed building or conservation area consent (see Appendix 4 for further details). In addition to the national standards, the Council has adopted a Code of Practice for Members and Officers on the publicity of planning applications, which must be adhered to when determining all planning applications. This can be seen in Appendix 4. South Staffordshire District Council is part of a two-tier local government system and deals with the majority of planning applications within the district whilst Staffordshire County Council deals with applications for minerals and waste disposal.

Pre-application discussions and early community involvement

- 10.3 The Council encourages applicants to enter into pre-application discussions. This can confirm whether the principle of development is acceptable and clarify the format, type and level of detail required to enable an application to be determined. Where necessary this discussion can be kept confidential. For larger scale proposals the Council also gives applicants an option to attend a Development Team meeting where the applicant can get views on the application from the relevant departments within the Council, as well as those from some relevant external organisations and local councillors. The Council charges for this service and details of the fees involved for pre application advice and Development Team meetings can be sought by visiting the Development Management webpage on the Council's website. Please note some external organisations charge their own fee for engaging with pre-application discussions.



10.4 The Localism Act 2011 (section 122) amended the Town and Country Planning Act 1990 so that it requires developers to consult local communities before submitting planning applications for certain developments, including a duty to take account of representations received. The aim of this is to give local people genuine scope to influence proposals.

10.5 Applicants will always be encouraged to consider the benefits of involving the community in developing their proposals whether it is legally required or not. Methods that may be suggested include:

- Questionnaires and surveys
- Public meetings
- Development briefs
- Use of websites
- Site notices

How will the Council inform communities once a planning application has been submitted?

10.6 The Council already meets and exceeds the minimum statutory requirements for consultation and publicity on planning applications but aims to make information about planning applications available to as wide an audience as possible. The Council's website provides guidance on the Development Management process and you can view application details via the 'public access' link. This allows members of the public to check on the progress of applications as well as make representations.



10.7 The easiest way to view planning applications is on the Council's Development Management webpage. Planning applications can also be viewed online and at the Council's main reception at the Council Offices in Codsall between the hours of 8.45am and 5pm Monday to Friday. Alternatively, members of the public can arrange to have a member of planning support staff call them back to discuss any queries on an application. This can be done by contacting the Council's customer contact centre on 01902 696000 and/or via email to planning@sstaffs.gov.uk.

10.8 The Council has a number of procedures currently in place to involve the community in planning application decisions, with further information contained within Appendix 4: Code of Practice for publicity for planning applications. The procedures are:

Neighbour Notification (Via letter)	Individual letters are sent to those properties most likely to be affected by the proposal. This means at least those properties who immediately adjoin and are immediately opposite the site will receive details of the proposals. The case officer may request that additional letters are sent where it is deemed appropriate. Normally, additional letters will be sent where the case officer considers that the nature and scale of the development is likely to have a significant impact on neighbouring residents.
Site Notices	A site notice is posted for applications where the adjoining landowner is not known or where the Regulations specify. This gives details of the application number, the nature of the proposed development, how to contact the Council and view the plans, and the date by which representations should be made. Consultees will normally have at least 21 days to comment. The case officer may decide to post site notices, in addition to individual letters, in order to ensure that a development proposal achieves wider publicity in the local community.
Weekly List	The Council produces a list of all applications validated and this can also be viewed on the Council's website at www.sstaffs.gov.uk through 'Public Access'. The list is also sent to a number of statutory and non-statutory bodies by arrangement and at a reasonable charge.
Advertisements	Under the Regulations, the Council is required to publish details of certain types of application for example, all major planning applications, any which will be a departure from the Development Plan and those involving a listed building or conservation area. An advertisement is placed in the Express & Star fortnightly.
Parish Councils	Parish Councils are sent electronic notification of all planning applications within their locality both to comment on formally and to make available to Parish Councillors for comment. Paper copies of planning applications will only be provided on request.
District Councillors	District Councillors receive a weekly list of applications and can request copies of any application, within or outside their Ward. In addition, Ward Councillors receive notification by e-mail of planning applications in their Ward as soon as they are registered as valid.
Statutory and Non-Statutory Consultees	The Council consults a range of statutory and non-statutory consultees and a list is enclosed as Appendix 2. It should be noted that not all those on the list would be consulted on each application, as this will vary with the nature and scale of the proposal. Consultees are notified electronically or in writing and normally have 21 days in which to respond.

10.9 The following matrix breaks down what publicity the Council will undertake for each type of planning application:

Nature of Development	Statutory Publicity Required	South Staffordshire Council Code of Practice
Development where application accompanied by environmental statement	<ul style="list-style-type: none"> • Advertisement in a local newspaper • Site notice 	<ul style="list-style-type: none"> • Advertisement in local newspaper • Site notice • Neighbour notification • Website
Proposal departs from development plan	<ul style="list-style-type: none"> • Advertisement in a local newspaper • Site notice 	<ul style="list-style-type: none"> • Advertisement in local newspaper • Site notice • Neighbour notification • Website
Proposal affects a public right of way	<ul style="list-style-type: none"> • Advertisement in a local newspaper • Site notice 	<ul style="list-style-type: none"> • Advertisement in local newspaper • Site notice • Neighbour notification • Website
Major development	<ul style="list-style-type: none"> • Advertisement in a local newspaper • Site notice OR neighbour notification 	<ul style="list-style-type: none"> • Advertisement in local newspaper • Site notice • Neighbour notification • Website
Other development	<ul style="list-style-type: none"> • Site notice OR neighbour notification 	<ul style="list-style-type: none"> • Neighbour notification and possibly site notice at case officer's discretion • Site notice where no adjoining neighbours • Website
Development affecting the setting of a listed building	<ul style="list-style-type: none"> • Advertisement in local newspaper AND site notice 	<ul style="list-style-type: none"> • Advertisement in local newspaper • Site notice • Neighbour notification • Website
Development affecting the character or appearance of a Conservation Area	<ul style="list-style-type: none"> • Advertisement in local newspaper AND site notice 	<ul style="list-style-type: none"> • Advertisement in local newspaper • Site notice • Neighbour notification • Website
Telecommunications permitted development prior notification to local planning authority	<ul style="list-style-type: none"> • Departure and affecting a Right of Way – site notice and advert • Site area of 1ha or more – site notice and neighbour consultation • All others – site notice and neighbour consultation 	<ul style="list-style-type: none"> • Advertisement in local newspaper – departure only • Site notice • Neighbour notification

Other permitted development prior notification to the local planning authority	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Site notice • Neighbour notification • Website
Prior Approval Householder Applications (EXT)	<ul style="list-style-type: none"> • Neighbour Notification 	<ul style="list-style-type: none"> • Neighbour Notification
Other Prior Approval Applications	<ul style="list-style-type: none"> • Site notice • Neighbour notification 	<ul style="list-style-type: none"> • Site notice • Neighbour notification

10.10 There are processes that the Council has decided to follow which are not required by law and these are:

- Most application sites are visited and a written site inspection note made
- Neighbours are notified and site notices posted (legally they are alternatives)
- Most consultees receive notification of the decision on each application
- A copy of the decision and officer's report will be made available on the website after the application has been determined

The results of consultation will be reported and taken into account in decisions made by, and on behalf of, the Council.

10.11 Sometimes, minor amendments are made to applications to meet the needs of the applicant. The Council may re-notify consultees and other parties dependent on the nature and scale of the changes. However, this is at the discretion of the case officer, and so that the determination of the application is not unduly delayed, it is not always considered necessary to re-consult all parties. Amended plans are always available on the website or at the Council's Offices.

Decisions

10.12 Decisions on planning applications are dealt with in two ways. The majority of applications are determined under delegated powers by the Development Management Team Manager. Where the Development Management Team Manager has no delegated powers, or Councillors wish to consider the applications that are included on the weekly list they receive, they will be determined by the Planning Committee. Should a member of the public wish that an application is moved from delegated powers to being determined by Planning Committee, they should contact their District Councillor, who may consider requesting that the application be determined by Planning Committee. Planning applications which are contrary to policy, but which have been recommended for approval by the Development Management Team Manager will be determined by the Planning Committee.

- 10.13** The Planning Committee consists of 21 Councillors and meets approximately every 3/4 weeks. Members of the public are given the opportunity to speak at the committee meeting, with procedures in place allowing members of the public a maximum of 5 minutes to share their views on Major Applications and 3 minutes for all other applications. Details of dates of meetings and agendas can be found on the Council's website, or alternatively by contacting the Council's customer contact centre on 01902 696000.
- 10.14** Once an application has been determined, a copy of the decision and officer's report will be available on the website. Neighbours who have submitted comments will be notified of the decision.

Appeals

- 10.15** Applicants have a right of appeal if the application is refused or they do not agree with conditions attached to the permission. Applicants also have the right to appeal if their application is not dealt with in the statutory period (known as a non-determination). There is no third party right of appeal in the planning system that operates in England & Wales. Anyone who made comments on the application will be notified of an appeal. The Planning Inspectorate will receive all information on the planning application, including any comments made, and it will not be necessary to resubmit comments/objections. Ward Councillors are also notified separately. Where an informal Hearing or Public Inquiry is to be held, an appeal site notice is posted and the appeal details are publicised in the local press. Third parties are allowed to attend both hearings and Inquiries, providing the Inspectorate is notified beforehand. It is important to note that Appeals are outside of the Council's control and are conducted by the Planning Inspectorate. For further details of this process visit www.gov.uk/pins.

11.0 Reviewing the SCI

- 11.1** In line with the Local Plan Regulations (as amended) a review of the SCI will be completed five years following the date of adoption. Once a review is undertaken, the Council will go through the same process as has been applied to this SCI, with a period of consultation for people to comment on the draft. Once finalised, the SCI will need to be formally adopted by the Full Council. Please note that the appendices can and will be updated without full re-adoption.

Further Information

Local Plans Team
South Staffordshire Council
Council Offices
Wolverhampton Road
Codsall
South Staffordshire
WV8 1PX

Or Email:

localplans@sstaffs.gov.uk

Or Telephone: (01902) 696000



Appendix 1

Local Plan Consultees

Statutory Consultation Bodies

- South Staffordshire Council Members
- South Staffordshire Parish Councils
- Staffordshire County Councillors for South Staffordshire (who are not District Councillors)
- MPs for South Staffordshire
- MEPs
- Duty to Cooperate neighbouring authorities and bodies

Staffordshire County Council

Staffordshire Authorities

- Stafford Borough Council
- Cannock Chase District Council
- Lichfield District Council
- Tamworth Borough Council
- East Staffordshire Borough Council
- Newcastle-under-Lyme Borough Council
- Stoke-on-Trent City Council
- Staffordshire Moorlands District Council

Adjacent Authorities

- Worcestershire County Council
- Shropshire Council
- Wolverhampton City Council
- Wyre Forest District Council
- Bromsgrove District Council
- Walsall Metropolitan Borough Council
- Dudley Metropolitan Borough Council
- Sandwell Metropolitan Borough Council
- Telford and Wrekin Borough Council

GBHMA Bodies (not already listed above)

- Birmingham City Council
- Redditch Borough Council
- Solihull Council
- North Warwickshire District Council
- Stratford on Avon District Council

Adjoining Parish Councils

- Albrighton Parish Council
- Alveley Parish Council
- Badger Parish Council
- Beckbury Parish Council
- Berkswich Parish Council

- Boningale Parish Council
- Boscobel Parish Council
- Bradley Parish Council
- Bridgtown Parish Council
- Brindley Heath Parish Council
- Brocton Parish Council
- Chaddesley Corbett Parish Council
- Chetwynd Aston & Woodcote Parish Council
- Church Eaton Parish Council
- Churchill and Blakedown Parish Council
- Claverley Parish Council
- Donnington with Boscobel Parish Council
- Gnosall Parish Council
- Hagley Parish Council
- Hednesford Town Council
- Hyde Lea Parish Council
- Norton Canes Parish Council
- Romsley Parish Council
- Rudge Parish Council
- Sheriffhales Parish Council
- Shifnal Parish Council
- Tong Parish Council
- Upper Arley Parish Council
- Wolverley And Cookley Parish Council
- Worfield Parish Council

OTHER

- Planning Inspectorate (PINS)
- Historic England
- Natural England
- Environment Agency
- BT
- Coal Authority
- Highways England
- Network Rail
- Severn Trent Water plc
- South East Staffordshire and Seisdon Peninsular CCG
- Cannock Chase CCG
- Stafford and Surrounds CCG
- South Staffordshire Water plc
- Staffordshire Fire and Rescue
- Staffordshire Police
- Telecommunications Operators
- West Midlands Leaders Board
- Utility Companies
- Staffordshire and Stoke on Trent Local Enterprise Partnership
- The Black Country Local Enterprise Partnership
- West Midlands Combined Authority
- Greater Birmingham LEP

- South Staffordshire Strategic Partnership

Government Bodies

- Home Office
- Department for Work and Pensions
- Department for Communities and Local Government
- Ministry for Justice
- Department for Culture Media and Sport
- Department for Transport
- Department for Education
- Department of Health
- Department for Business, Innovation and Skills
- Department for the Environment Food and Rural Affairs
- Office of Government Commerce
- Department of Energy and Climate Change
- Ministry of Defence

General Consultation bodies

The Government has defined General Consultation bodies as voluntary bodies some or all of whose activities benefit any part of the authority's area and other bodies who represent, in the authority's area, the interests of different racial, ethnic or national groups; different religious groups; disabled persons; and business interests

Below is a list of examples of General Consultation bodies that the Council will consult with. Please note that the list is not exhaustive:

Amenity and Community Groups

- Acton Trussell Amenity Society
- Brewood Civic Society
- CAMRA
- Community Council for Staffordshire
- FAME
- Friends of the Bratch
- Kinver Civic Society
- Kinver Green Belt Action Group
- Pattingham Local History and Civic Society
- Penkridge Civic Society
- South Staffordshire Community and Voluntary Action
- Wombourne Civic Society

Countryside/Conservation Groups

- British Geological Survey
- Campaign to Protect Rural England
- Cannock Chase AONB Groups
- Centre for Ecology and Hydrology
- Estates Groups – Pattingham Church, Enville and Stalybridge, Wyrley, Dunston
- Friends of Cannock Chase
- Forest of Mercia
- Forestry Commission GB

- Garden History Society
- Inland Waterways Association
- Lichfield and Hatherton Canal Restoration Trust
- National Farmers Union
- National Trust
- Ramblers
- RSPB
- Sow and Penk Internal Drainage Board
- Staffordshire Gardens and Parks Trust
- Staffordshire Wildlife Trust
- Wombourne Conservation Group
- Woodland Trust

Built Environment Groups

- Midlands Architecture and Design Environment

Minority Groups

- Commission for Equality and Human Rights
- Derbyshire Gypsy Liaison Group
- Gypsy Communities
- Showman's Guild of Great Britain

Housing Groups

- Housing Plus Group
- Bromford Group
- Wrekin Housing Trust
- Walsall Housing Group
- Accord Housing
- Home Builders Federation
- Homes England
- Housebuilders in the district

Culture and Recreation groups

- Arts Council West Midlands
- Enjoy Staffordshire
- Fields in Trust
- Museums, Libraries & Archive Council West Midlands
- Sport England
- Theatres Trust
- Tourism West Midlands

Local Business/Industry Groups

- Chamber of Commerce – Birmingham, Black Country, Staffordshire and Stoke-on-Trent
- Confederation of British Industry
- Make It Stoke-on-Trent & Staffordshire
- Retailers
- Southern Staffordshire Partnership

Transport Groups

- Airport Operators including Birmingham International Airport and Wolverhampton Halfpenny Green Airport
- Civil Aviation Authority
- Freight Transport Association
- Local Transport Operators
- Rail Companies including Network Rail and the Rail Freight Group
- Road groups and Road Haulage Association
- South Staffordshire Rural Transport Partnership

Religious Groups

- Church Commissioners
- Stafford Gospel Hall Trust

Older Persons Groups

- Age UK

Energy providers

- British Wind Energy Association
- Electricity, Gas and the National Grid including Eon, Transco, nPower

Other groups

- Citizens Advice Bureau
- Canal and River Trust
- Crown Estate
- Diocesan Board of Finance
- Health and Safety Executive
- HM Prison Service
- LGA Group
- Neighbourhood Watch
- Shropshire and Staffordshire Strategic Health Authority
- Staffordshire Parish Councils Association
- West Midlands Ambulance Service
- West Midlands Councils
- West Midlands Planning Aid
- West Midlands Public Health Observatory

And, anyone who has expressed an interest in being involved in the preparation of the Local Plan including land owners, planning agents, developers and residents.

The list of consultees given here also relates to successor bodies where re-organisations occur.

Appendix 2

Statutory Consultees for Planning Applications: Town and Country Planning (General Permitted Development) Order 1995 (Article 10).

- Canal and River Trust
- Coal Authority
- County Highways
- County Waste and Minerals
- DEFRA
- Director of Development Service – Staffordshire County Council
- English Heritage and National Amenity Societies
- Environment Agency
- Health and Safety Executive
- Highways England
- Historic Buildings and Monuments Commission
- Lead Local Flood Authority
- Natural England
- South Staffordshire Parish Councils
- Sport England
- West Midlands Councils

Other Consultees (Planning Applications)

The Council will also consult, where appropriate:

- Adjoining Local Authorities
- Amenity and Community Groups
- CAMRA
- Cannock Chase AONB groups
- FAME
- Kinver Green Belt Action Group
- Local History Societies
- Wolverhampton Airport Action Group
- Residents' Groups
- Ancient Monuments Society
- AONB Officer
- Architectural Liaison Officer
- British Horse Society
- British Pipeline Agency
- British Wind Energy Association
- Civic Societies – e.g. Brewood, Pattingham, Kinver, Penkridge, Wombourne
- Civil Aviation Authority
- Council for British Archaeology
- County Archaeologist
- County Environment and Countryside Unit
- County Property Services
- Campaign to Protect Rural England
- Electricity Undertakers
- Fields in Trust

- Forest of Mercia
- Forestry Commission
- Garden History Society
- Gas Undertakers
- Georgian Group
- GPU Power
- Home Builders Federation
- Inland Waterways Association
- Lichfield and Hatherton Canals Restoration Trust
- National Grid
- National Trust
- Network Rail
- Open Spaces Society
- Ramblers
- RSPB
- Severn Trent Water
- Shropshire Union Canal Society
- Society for the Protection of Ancient Buildings
- South Staffordshire and Shropshire Healthcare NHS Foundation Trust
- South Staffordshire Water Plc.
- South Staffordshire PCT
- Sports Council
- Staffordshire and Worcester Canal Society
- Staffordshire Badger Conservation Group
- Staffordshire Fire and Rescue
- Staffordshire Gardens and Parks Trust
- Staffordshire Police
- Staffordshire Wildlife Trust
- Stourbridge Navigation Trust
- Transco
- Twentieth Century Society
- Victorian Society
- Wolverhampton Halfpenny Green Airport
- Woodland Trust
- WS Atkins

Internal Consultees

Building Control Officers
Environmental Health Officers
Landscape/Arboriculture Officers
Housing Officers
Conservation Officer
Local Plans Officers

The list of consultees given here also relates to successor bodies where re-organisations occur.

Appendix 3

Methods of Consultation

The table below details various methods that the Council will consider utilising when consulting with members of the public. Many of these methods will also be useful for communities to use when consulting on their neighbourhood plan, and the Council will be advising communities which methods will be the most effective. It is recognised that different methods may be suitable for different consultations and need to be considered on a case by case basis. Please note that this list is not exhaustive as additional consultation methods may be required in individual cases.

Consultation Method	
Consultation Documents Available for Inspection	Making documents available for inspection at the Council Offices is a minimum statutory requirement. Copies of Local Plan documents will also be made available at Parish Councils.
Internet	Documents will be published on the Council's website with response forms and questionnaires published online. Problems may occur as some interested parties have no internet access, so must be combined with other methods.
Letters and emails	Written notification to statutory bodies is a minimum legal requirement. Letters enable the Council to target groups and organisations directly and a consultation database will be maintained and regularly updated. During all consultation, interested parties will be added to this database if they have not already done so in order to increase local representation. In the interest of sustainability and efficiency, we will encourage those on the database to provide us with email address so we can keep them updated electronically.
Media	Press releases, local newspapers (including free papers where appropriate) and the Council's newspaper South Staffordshire Review will be used to publicise planning documents to as wide an audience as possible.
Public Exhibitions and workshops	Where appropriate public exhibitions can be used to display information and encourage people to become more involved in the planning process. Exhibitions can take the form of local displays in village halls, to static more permanent displays at the Council Offices. In some case interactive workshops may be appropriate utilising maps and models. Exhibiting at varying locations will increase residents' ability to make their comments known, however it may only obtain views of a small number of people who may not be representative of the target population. For this

	reason, effective promotion of the exhibitions is essential.
Through third party 'honest brokers' and facilitators	It is useful to work with third party representative organisations who are more accustomed to working with hard to reach groups (such as gypsies and travellers). Engaging with these organisations can be invaluable in providing insight into the issues to be addressed, and can facilitate direct access to hard to reach groups.
Surveys and Questionnaires	Useful at providing initial introduction to the main issues affecting the district by concentrating responses around a number of key questions. Also helps to identify interested parties and key interests and quantify opinions, attitudes and satisfaction. Surveys can be combined with other Council department research in order to obtain the views of as many different sectors of the community as possible.
Residents' Panel	Will gather quantifiable information from a demographically representative cross-section of the population. A problem with this methodology is that the panel is only contracted to undertake a limited number of full surveys in any one year.
Roundtable Discussions	Will range from one-to-one meetings between Council Officers and Developers, to public meetings with any interested parties. Open and inclusive method for generating debate on the issues. Problems with this methodology are that it does not target hard-to-reach groups, as it is self-selecting.
Focus Groups	An excellent method for presenting options and gaining greater understanding of public concerns and ideas. Provides opportunity to discuss issues in depth at a local level, however would require other consultation methods aimed at a wider audience to also be used.
Seminars/Presentations	Useful method for publicising information and allowing questions and concerns to be raised by attendees. These will be carried out on request where resources allow in local communities and at the Council Offices. Problem can occur, as the scale of the target audience will mean that other methods need to be utilised in conjunction with this.
Leaflets	Dissemination of information to a wide audience highlighting opportunities for greater public involvement.

Appendix 4: DM Publicity for Planning Applications

South Staffordshire Council Code of Practice for Members and Officers Publicity for Planning Applications

*Development Management Services April 2005.
Updated April 2014*

Our Approach to Publicity

The publicity of planning applications is an essential part of the development management process and the Council has for many years given publicity to planning applications even when there has been no statutory requirement to do so.

Since 1992 it has been a statutory requirement to give some form of publicity to all planning applications and the requirements have periodically been extended. In addition the Council reviews the practice of publicity beyond the statutory minimum.

Publicity can take a number of different forms, including neighbour notification, site notices, and advertisements in the press. More recently website based publicity through PublicAccess has become available. However, neighbour notifications by letter will remain the cornerstone of publicity arrangements as we feel this provides the best way of bringing development proposals to the attention of individual local residents who may be immediately and directly affected by development proposals.

- Our policy is therefore to carry out publicity based on neighbour notification by letter wherever possible and in addition to follow the statutory requirements set out in this code of practice.
- Government advice relating to publicity can be found on-line in planning Practice Guidance <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>
- Anyone can also find out about the applications submitted to the Council by logging onto the Council's website at www.sstaffs.gov.uk and following the links to PublicAccess which then gives weekly lists of applications submitted and decided.

Guidelines for Publicity

Some form of publicity will be given to all planning applications. The statutory requirements vary for different types of applications and the Council considers that this constitutes the minimum standard. Additional publicity will be given where appropriate for example by the notification of neighbours by letter even when publicity by another means is already required.

Neighbour notification by letter will continue to be the cornerstone of publicity. The letter will set out the description of development, where the plans can be inspected, the time for response, normally 21 days, and the name of the Planning Officer and their contact details.

It also specifies that comments must be made in writing and any representations are open to public view.

Publicity will be given to other types of application such as listed building consent, conservation area consent, advertisement consent and notifications following the same principles. In some cases the Council has a limited time itself to deal with the application, and the time for response may therefore be shorter.

Where residential property adjoins the application site neighbour notification will be undertaken in addition to statutory newspaper and/or site notices.

'Neighbours' will not be just residential properties but will include commercial, industrial or other uses, where the adjoining properties can be identified from the relevant Ordnance Survey Plans.

The Government advice in Circular 15/92 was to use the definition of "neighbouring land" from the Scottish legislation to help in deciding which neighbours to consult, and this still forms the basis of neighbour notification. In brief the definition says that neighbouring land includes any land or parts of a building which has a common boundary or is within 4m of a common boundary and where the property fronts onto a road then the road is disregarded and properties on the other side of the road are also notified.

In isolated areas, and where there are no adjoining neighbours, only a site notice will be displayed.

Consultation of properties on the opposite side of the road will take place as recommended by former Circular 15/92.

Applications which are significant departures from the development plan will be advertised at the initial publicity stage.

Where a proposal affects a public right of way it will be advertised and appropriate bodies and interest groups will be consulted.

Depending on the type of development and where it is situated other organisations such as Environment Agency, Natural England, Highways England etc. will be consulted.

We notify District Councillors by means of a weekly list of applications and Parish Councils are notified of all applications received in their areas. In addition, we notify local Ward Councillors by e-mail as soon as a planning application is registered as valid. In exceptional circumstances where a major development may affect adjoining parishes they may also be notified.

Consultation responses are required to be in writing by letter or e-mail. The formal period for response to a consultation is 21 days. In practice the Council will consider representations up to the date the decision is made or the date of a Committee Meeting where applicable. However, to be sure that comments are considered, they should be made in writing before the date given in any notification letter.

Whilst there is now a formal procedure for the dealing with non-material amendments following the grant of planning permission, there is no statutory requirement to give publicity to amended plans. However when amended plans are received, re-notification and

re-consultation will be carried out where the changes are considered significant enough to warrant further publicity. Usually a shorter period will be given to respond to amended plans in order to maintain performance in relation to National performance criteria for the determination of applications.

Responses to Publicity

Responses to publicity can be made either by:

1. In writing to the Development Management Team at the following address:

South Staffordshire Council
Council Offices
Wolverhampton Road
Codsall
South Staffordshire
WV8 1PX

2. Through the Public Access part of the website at www.sstaffs.gov.uk where there is a Comments form (Submit Comments) attached to each current application so that comments can be sent by email.
3. By email to planning@sstaffs.gov.uk

All responses received will be acknowledged in writing within 7 days of receipt. The acknowledgment form gives information as to how the responses will be dealt with and how the decision process takes place. The acknowledgement also gives details of the Case Officer and their contact details.

Once an application has been determined, a copy of the decision and officer's report will be available on the website.

Staff in the Council's Contact Centre (Tel: 01902 696000) may be able to provide basic information about the process OR alternatively if your questions are about the specific application then they will raise a service request. We aim to respond to all service requests by 5pm the day after the request has been made.

CODE OF PRACTICE FOR PUBLICITY FOR PLANNING APPLICATIONS

<i>NATURE OF DEVELOPMENT</i>	<i>STATUTORY PUBLICITY REQUIRED</i>	<i>SOUTH STAFFORDSHIRE COUNCIL CODE OF PRACTICE</i>
Development where application accompanied by environmental statement	Advertisement in local newspaper Site notice	Advertisement in local newspaper Site notice Neighbour notification Advertisement on website
Proposal departs from development plan	Advertisement in local newspaper Site notice	Advertisement in local newspaper Site notice Neighbour notification Advertisement on website
Proposal affects a public right of way	Advertisement in local newspaper Site notice	Advertisement in local newspaper Site notice Neighbour notification Advertisement on website
Major development	Advertisement in local newspaper Site notice or neighbour notification	Advertisement in local newspaper Site notice Neighbour notification Advertisement on website
Other development	Site notice or neighbour notification	Neighbour notification and possibly Site Notice at case officer's discretion Site notice where no adjoining neighbours Advertisement on website

Development affecting the setting of a listed building	Advertisement in local newspaper and site notice	Advertisement in local newspaper Site notice Neighbour notification Advertisement on website
Development affecting the character or appearance of a Conservation Area	Advertisement in local newspaper and site notice	Advertisement in local newspaper Site notice Neighbour notification Advertisement on website
Telecommunications permitted development prior notification to local planning authority	Departure and affecting a Right of Way – site notice and advert Site area of 1ha or more – site notice and neighbour consultation All others – site notice and neighbour consultation	Advertisement in local newspaper – departure only Site notice Neighbour notification
Other permitted development prior notification to local planning authority	None	Site notice Neighbour notification
Prior Approval Householder applications (EXT)	Neighbour Notification	Neighbour Notification
Other prior approval applications	Neighbour Notification Site Notice	Neighbour Notification Site Notice

Appendix 5: SCI Glossary

Adopted Core Strategy (2012) – Part of the Local Plan - A Development Plan Document (DPD), that sets out the long-term spatial vision and spatial objectives for the LPA area and the strategic policies and proposals to deliver that vision. Includes broad locations for development and minimum housing numbers for the villages that have been identified for growth.

Authority Monitoring Report (AMR) – A report produced by the LPA to show how the LPA is performing against all agreed targets.

Area Action Plan (AAP) – A Development Plan Document (DPD) that will provide a planning framework for areas of significant change or conservation.

Charging Schedule – Establishes the charge to be paid by specific types of development in respect of the Community Infrastructure Levy.

Community Infrastructure Levy (CIL) – A levy allowing local authorities to raise funds towards infrastructure improvements from owners or developers of land undertaking new building projects in their area.

Community Strategy – The plan which Local Authorities are required to prepare through the Local Strategic Partnership (LSP) for improving the long term economic, environmental and social wellbeing of the district through partnership working and the active involvement of local communities.

Development Plan - This will consist of the Local Plan (see definition). In communities where Area Action Plans or Neighbourhood Plans have been adopted the Development Plan will also include these documents.

Development Plan Documents (DPDs) – Spatial planning documents prepared by the LPA and subject to **Independent Examination**. They include **the Core Strategy, Site Allocations**, DPDs are required to have a **Sustainability Appraisal (SA)** and **Strategic Environmental Assessment (SEA)**.

Duty to Cooperate – Section 109 of the Localism Act requires Local Planning Authorities, County Council's and a number of other bodies to 'engage constructively, actively and on an ongoing basis' on strategic issues when preparing DPDs and LDDs. Local Authorities will then need to provide evidence to the Planning Inspectorate (PINS) that the Duty to Cooperate has been undertaken appropriately.

Environmental Report – The report produced for the SEA that identifies, describes and evaluates the likely significant effects of implementing policies and proposals.

Evidence Base – The researched, documented, analysed and verified basis for all the components of a Local Plan.

Examination – All DPDs and the SCI will be subject to independent examination by a person (the Inspector) appointed by the Secretary of State. The purpose of the examination is to determine the "soundness" of the plan. Following the examination the Inspector will produce a report, which will be binding on the Local Planning Authority (LPA).

Front-loading - The important pre-production community participation processes involved in preparation of **Local Development Documents (LDDs)**. Seen by the DCLG as the key to efficient production and examination of LDDs. The **Statement of Community Involvement (SCI)**, **Local Development Scheme (LDS)** and the **Authority Monitoring Report (AMR)** play a large part in ensuring front-loading.

General Policies for the Control of Development – A suite of general criteria-based policies that are required to ensure that all development within the area meets the vision and aims set out in the **Core Strategy**. They will cover matters such as the protection of the environment, but will not simply repeat national **policy and guidance**.

Issues and Options – produced during the early production stage of the preparation of Development Plan Documents and may be issued for consultation.

Local Development Document (LDD) – A local planning document which can be either a statutory Development Plan Document (DPD) or non- statutory Supplementary Planning Document (SPD)

Local Development Scheme (LDS) – A document setting out the LPA’s programme for the preparation of the **Local Development Documents (LDD’s)** within a three-year period and a timetable for their production and review. It will also state which policies will be saved from the existing Local Plan.

Local Plan (new) – A collection of statutory Development Plan Documents (DPDs) [prepared by the LPA that sets out policies and allocations for delivering the economic, environmental and social aims of the area. A number of SPDs will also provide additional guidance to the policies contained in the Local Plan. For South Staffordshire the Local Plan consists of the following DPDs:

- The Core Strategy;
- The Site Allocations DPD; and
- The Policies Map.

Local Plan Review – A review of the current Local Plan which will roll forward the plan period to 2037.

Local Strategic Partnerships (LSPs) – Responsible for producing the **Community Strategy**. The **Staffordshire Strategic Partnership** is an over-arching partnership of key stakeholders.

Localism Act 2011 – The Localism Bill was introduced to Parliament in December 2010, and was given Royal Assent on 15 November 2011, becoming an Act. The Localism Act includes wide ranging changes to local government, housing and planning and seeks to shift power from central government back into the hands of individuals, communities and councils. It sets the direction for change to the national and local planning system.

Major Application – Planning applications for development involving any one 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 dwelling houses where –

- i. The number of dwelling houses 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 its 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 1000m² or more; or
- e) Development carried out on a site having an area of 1 hectare or more.

Material Consideration – Any consideration relevant to the use and development of land and which is taken into account in determining a planning application is capable of being a material consideration. Material considerations include traffic impact, building design & layout, whether a proposal affects people's rights to privacy and daylight. Issues such as loss of a view, or effect on property values are not material considerations.

Minor Application – applications that fall under the limits set out under **Major Applications** above.

National Planning Policy Framework (NPPF) - The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflects the needs and priorities of their communities.

Neighbourhood Development Order – An Order made by a local planning authority through which Parish Councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood Plan – A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.

Neighbourhood Planning Act (2017) – This legislation was given Royal Assent on 27th April 2017. The intention of the Act is to strengthen the role of neighbourhood plans within the planning system. The Act also introduced additional powers to enable the Secretary of State to direct authorities to undertake a joint development plan and specify the prescribed intervals for the review of local development documents.

Plan-led System – The principle that decisions upon planning applications should be made in accordance with adopted development plans (and DPDs), unless there are other material considerations that may indicate otherwise.

Planning Aid – Voluntary provision by planners of free and independent professional advice on planning to individuals or groups unable to pay for the full costs of such advice.

Planning and Compulsory Purchase Act 2004 – The legislation introducing the revised Development Plan System which saw the introduction of Local Development Frameworks. The Act commenced in September 2004.

Policies Map – The component of a Local Plan showing the location of proposals in the plan, on an ordinance survey base map.

Preferred Options – During formal public consultation on a **Development Plan Document (DPD)**, the LPA will offer preferred options and proposals. The Council will offer those options, which are reasoned to be the most appropriate.

Site Allocations DPD – A policy document that allocates sites for development to meet the LPAs requirements set out in the Core Strategy. Policies will identify any specific requirements for individual proposals.

Spatial Planning – a system that brings together and integrates policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. This will include policies that impact on the use of land but which are not capable of being delivered solely or mainly through the granting of planning permission and may be delivered through other means. Spatial planning moves focus from a land-use planning approach based on regulation and control of land, to a wider more far ranging approach that aims to ensure the best use of land by assessing competing demands. To this end social, economic and environmental factors are taken into account in producing a decision that is more conducive to sustainable development. The factors can include health, education, employment, crime prevention, leisure, biodiversity, recycling, energy etc.

Statement of Community Involvement (SCI) – A **Local Development Document (LDD)** that sets out the standards which the LPA intends to achieve in relation to involving the community in the preparation, alteration and continuing review of all **Local Development Documents (LDDs)** and in significant development management decisions, and also how the Local Planning Authority intends to achieve those standards. The **Statement of Community Involvement (SCI)** will not be a **Development Plan Document (DPD)**.

Strategic Environmental Assessment (SEA) - A generic term used internationally to describe environmental assessment as applied to policies, plans and programmes. The SEA will form an integral part of the preparation process for all **Local Development Documents (LDDs)** and will be used to explain the environmental implications of policies and development as part of a **Sustainability Appraisal (SA)**.

Strategy – An overall plan, which can be short, medium or long term, which clearly shows what is going to be achieved.

Supplementary Planning Documents (SPDs) – A guidance document that supplements policies and proposals in **Development Plan Documents (DPDs)**. It will be subject to public consultation, but will not form part of the **Development Plan** or be subject to **Independent Examination**.

Sustainability Appraisal (SA) – The examination of a **Local Development Documents (LDDs)** to ascertain whether its policies and proposals accord with the principles of sustainable development. The Sustainability Appraisal will incorporate a **Strategic Environmental Assessment (SEA)**.

Sustainable Development – environmentally, social and economically responsible development, commonly defined as “development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs”.

Stakeholders – People who have an interest in the activities and achievements of the Council, including residents, local communities of interest, partners, employees, customers, shareholders, suppliers, opinion leaders, regulators and “hard to reach” groups.



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