



## **Consultation Statement**

Planning and Compulsory Purchase Act 2004

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

Regulation 12

### **Statement of Community Involvement (SCI) Review 2016**

The Council is reviewing its Statement of Community Involvement to reflect a number of changes to the planning system and to reconsider the most effective methods of involving the community in the planning process. Consultation ran from 23<sup>rd</sup> May 2016 to 18<sup>th</sup> July 2016.

The Council wrote to 3398 people on the Forward Planning consultation database. These comprised:

- Mid Devon elected members
- Mid Devon parish/town councils
- Adjoining parishes, neighbouring local authorities and statutory groups (including specific and general consultation bodies)
- General consultation bodies and other consultees including database groups defined as individuals, businesses, landowners and voluntary organisations.

In addition the following methods were used to notify consultees:

- Press releases
- Newspaper notice
- Information on the Council website
- Social media updates

The Council invited people to make representations by post or email. A total of 14 valid responses were received. The following table sets out a summary of the main comments raised during the consultation, along with a response explaining how these have been addressed in the revised Statement of Community Involvement.

Summary of Representation	Response
<b>General Comments</b>	
The Council should continue to make planning documents available at local libraries for inspection as not all residents are computer literate.	Policy SCI1 sets out how the Council will continue to make documents available for inspection. It states that copies of all local plans and supplementary planning documents will be available for inspection at the Council's main office at Phoenix House and at public libraries throughout Mid Devon.
Within the planning department at Mid Devon, there is no longer the all-important balance between the overall policies and the wider local needs of the people which the administration is supposed to represent. Planning Committee often choose to vote against Officer's recommendations.	Comments noted. However, respondent does not suggest any potential changes to the Statement of Community Involvement.
Press releases should go to village magazines such as 'Focus on Thorverton'.	Comments noted. The SCI only lists general contact methods that may be used to notify stakeholders, it does not provide an exhaustive list.
The process that the Council is proposing in the SCI does not seem to allow Mid Devon District Council (MDDC) to revise the Local Plan in light of	Following consultation on the publication version of the Local Plan, the Council drafts a list of proposed changes it considers appropriate having

<p>comments received prior to submission to the Secretary of State.</p>	<p>considered any representations received. The Local Plan, Sustainability Appraisal, any proposed changes and all other relevant documents are then submitted to the Secretary of State for examination. This has now been clarified within the supporting text of paragraph 4.6.</p>
<p><b>Organisations &amp; Public Bodies</b></p>	
<p>Devon County Council (DCC) considered that the scope of the term ‘community’ needed to be made clearer and the SCI should refer to the Duty to Cooperate. In addition, it should be stated that the SCI only applies to plans and applications for which the district council is responsible and minerals, waste and county applications are addressed in DCC’s SCI.</p>	<p>Agreed. The document now clarifies that it only applies to planning documents and applications for which Mid Devon District Council is responsible. In addition, a new paragraph has been added to section 3.0 ‘Local Planning – General Policies’ to reference the Duty to Cooperate. Mid Devon District Council is also a signatory of the Devon Protocol which provides a basis for discussing and understanding strategic issues, evaluating options to address such issues and agreeing shared outcomes and conclusions wherever possible.</p>
<p>Tiverton Civic Society supports the SCI and considers it to be clear and comprehensive. It was suggested that more detail of amendments and variations is added and definitions of ‘material’ and ‘non-material’ amendments are added to the glossary. A small section should be included with regards to procedures for dealing with requests to vary or delete pre-existing planning obligations.</p>	<p>Comments noted. However, it is beyond the scope of the SCI to detail exactly what constitutes a ‘material’ or ‘non-material’ amendment.</p> <p>With regards to procedures for dealing with requests to vary or delete pre-existing planning obligations, it was agreed at Planning Committee on 8<sup>th</sup> January 2014 and 6<sup>th</sup> July 2016 that parish and town councils be advised of requests and its nature and given 14 days within which to respond with comments. The following text has now been added to Section 6 – Planning Applications; ‘The Council may receive requests from developers / landowners to vary or remove planning obligations. Once a request is received, the relevant consultees, the Chairman of Planning Committee, Ward Members and Parish/ Town Councils should be advised of the request and its nature and given 14 days within which to respond with comments.</p>

<p>Network Rail made the following comments:</p> <ul style="list-style-type: none"> <li>• A policy should be added to confirm the Council’s statutory responsibility to consult the statutory rail undertaker where a proposal for development is likely to affect a level crossing over a railway.</li> <li>• Any application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment and the developer is required to fund any required improvements to the level crossing as a direct result of the development proposed.</li> <li>• Network Rail should be consulted on applications for wind turbines as standard as well as involvement in pre-application consultation with Network Rail Asset Protection Team.</li> <li>• Any proposal for a wind turbine or solar farm that necessitated any cabling/high tension lines over the railway would be objected to pending negotiation with the National Business Team.</li> <li>• The Council should provide Network Rail with an opportunity to comment on any future applications should they be submitted for sites adjoining the railway, or within close proximity to the railway.</li> <li>• The Statement of Community Involvement should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure.</li> </ul>	<p>Comments noted. The SCI states that the Council will consult all relevant statutory bodies once a planning application is validated. Network Rail is consulted on any applications for sites adjoining the railway or within close proximity of the railway. Given the limited extent of rail infrastructure in Mid Devon, it is not considered necessary to specifically require consultation with Network Rail on all applications for wind turbines. It is beyond the scope of the SCI to set out a strategic context requiring developer contributions towards rail infrastructure.</p>
<p>The Woodland Trust would like to be consulted on Local Plans, Supplementary Planning Documents and other general policies as a ‘General Consultation Body’. The Woodland Trust would also like to be consulted on</p>	<p>The Woodland Trust is registered on the Council’s Forward Planning consultation database and is already consulted on all Local Plans, Supplementary Planning Documents and other general policies as a general</p>

<p>any planning applications that affect the habitat of ancient woodland.</p>	<p>consultation body. A weekly list of planning applications is published on the Council's website at: <a href="https://www.middevon.gov.uk/residents/planning/weekly-list/">https://www.middevon.gov.uk/residents/planning/weekly-list/</a>. The Woodland Trust are able to check this for any applications that they may wish to comment on.</p>
<p>Natural England supports the principle of meaningful and early engagement of the general community, community organisations and statutory bodies.</p>	<p>Support noted.</p>
<p>Devon County Council Public Health supports the intention to use specific methods to ensure that underrepresented groups are reached and involved in the planning process although the SCI should clarify what these methods are. The SCI should use plain English and state at what point the Council would prepare large print, easy read or versions in other languages.</p>	<p>The SCI does state that specific methods may be used to reach underrepresented groups stating that these could include attendance at relevant community group meeting or forums, and publicity of local plans via social media. In addition, the revised SCI now states the following, "All documents will be written in plain and clear language, aimed at being understood by non-planning professionals. Jargon will be avoided and glossaries will be provided to explain the necessary technical terms. The Council will make reasonable effort to ensure that people with particular requirements will not be overlooked. Documents in other formats will be available where necessary, for example, large print, audio or translation in other languages."</p>
<p>Devon and Cornwall Police would find it useful to be more involved in pre-application discussions where issues such as permeability could be discussed before layouts are agreed; where potential sites for public open space to be used for youths and gypsy and traveller sites. Designing out Crime Officers always request further consultation following outline application so details can be looked at. If Design and Access Statements are still being submitted with major applications, there should be a crime and disorder section.</p>	<p>Comments noted. Whilst the Council does not consider these comments to require a change to the SCI, Planning Officers will endeavour to work closely with Devon and Cornwall Police on planning matters.</p>
<p><b>Parish &amp; Town Councils</b></p>	

<p>Crediton Town Council noted that there is an assumption that every person has access to a computer. Other methods of consultation are required particularly for planning applications. With regards to consulting town and parish councils at the earliest opportunity, would MDDC be prepared to consider this meaning immediately after pre-application discussions and before application submission?</p>	<p>The SCI states that hard copies of all documents will be made available for inspection at the Council’s main office at Phoenix House and at public libraries throughout Mid Devon. It also notes that all planning applications will be publicised by means of a notice, within a local newspaper and make any live applications available for inspection at the Main Council Office.</p> <p>Parish and town councils are already consulted after pre-application discussions and before application submission where the Council considers it appropriate to do so. However, given the confidential nature of pre-application discussions and that there is no guarantee of a subsequent planning application being submitted; no further changes to the SCI are considered necessary. Generally, with pre-application discussions on major applications, Officers would encourage potential applicants to engage early on in the process with parish and town councils.</p>
<p>Willand Parish Council stated that paragraph 2.3 under ‘Consultation Approach’ partially negate the principles set out in the previous two paragraphs.</p> <p>The SCI should state that significant weight will be given to the views of parish and town councils, that parish and town councils should be represented from the outset in pre-application discussions and they should be consulted on all applications in adjoining parishes.</p> <p>Furthermore, parish and town councils should be notified of ‘minor material amendments’ involving ‘variation of condition’ as well as neighbour notification.</p>	<p>Comments noted. It is not agreed that paragraph 2.3 partially negates the principles set out in the first two paragraphs. It clarifies that there needs to be a balance between the effective operation of the planning system and wide involvement of the community, notwithstanding the level of resources available to the Council.</p> <p>The Council publishes a list of planning applications received in a local newspaper and on the Council’s website on a weekly basis. As a result, it is not considered necessary to amend the SCI to consult parish and town councils on all applications in adjoining parishes. However, adjoining town and parish councils will be consulted on all development proposals for wind turbines, ground mounted solar arrays, agricultural buildings over 500m<sup>2</sup> and anaerobic digesters.</p> <p>Parish and town councils already receive e-mail alerts for variation of</p>

	condition. E-mail alerts will be set up for minor material amendments.
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