
South Oxfordshire Draft Statement of Community Involvement January 2017

SODC's own document

1. Introduction

- The suggested web links are welcome.
- It would be helpful to briefly explain within the introduction the role of the Council and the planning Committee in plan making and decision making, against the legislative background of procedures and requirements.

2. Our Principles for Community Engagement and Involvement in Planning

- The intention to use plain English in communicating is laudable but it should perhaps start with the SCI. The explanation, for example, of what a Statement of Community Involvement is currently refers to three separate planning acts or regulations. The Duty to Co-operate section refers to Section 110 of the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012. It is far clearer to make a simple statement along the lines of: "When preparing our plans, the Government has made it our legal duty to give notice to and work with councils over matters that cross council borders. Such matters might include where new housing goes, or how we cope with traffic from people travelling to their work places. The Government has said councils must work together in a positive way, and that any work must be active and ongoing. The council authorities we believe we need to talk to are listed below" (and then perhaps refer to the specific regulations in footnotes or a single statement in an appendix that declares what laws/regulations the SCI has been written with respect to).
- Our Members, and members of the public have expressed difficulties in finding plan and evidence base documents on your website. This may be in part due to SODC's overall website form and structure being declared as clunky, with the included search-engine described by some as "random".
- The planning-application search engine is also frequently criticised as being difficult to use.

3. Possible Methods of Community Involvement

- No contact details are given for "customer services".

4. Duty to Co-operate

- You list neighbouring authorities within your DTC section but do not say what **you** specifically intend to do/how you intend to deal with them. Also, you only list Local Planning Authorities, (but do not describe them as such) but make no mention of neighbouring County authorities. You should not be wholly reliant on Oxfordshire County Council to deal with strategic issues covering matters such as education or highways on your behalf.
- A statement that DTC bodies may change over time, not just as a result of legislation but also (for example) to changes to HMA boundaries would be helpful in giving sufficient leeway in order to prevent legal challenge prior to any further SCI update.

5.1 Policy documents we consult on

- Check the emerging Planning Bill – the move is to ensure all qualifying bodies are operating within or across parish areas; the procedures to form a parish are being simplified to compensate. This may also apply to a community right to build order (which also needs neighbourhood area status).
- A dedicated lead officer for a plan area is welcome; however, support ends following adoption. Most NP areas would benefit from further guidance, for example with monitoring

and review. This has been recognised by Government. Within the Neighbourhood Planning Bill, currently at the Committee Stage of the House of Lords, Section 3, 2B states:

(2B) a statement of community involvement must set out the local planning authority's policies for giving advice or assistance under-

- (a) paragraph 3 of Schedule 4B to the principle Act (advice or assistance on proposals for making of neighbourhood development orders), and
- (b) paragraph 3 of Schedule A2 to this Act (advice or assistance on proposals for modification of neighbourhood development plans).

5.2 Who we consult on planning policy

- You may believe that certain specific consultees will have no interest in your area. It is advisable to contact these (at Regulation 18 stage, for example) and specifically ask them to declare if they have no interests in your area. Although this offers only a small saving in administration for the District, it is welcomed by Inspectors and Programme Officers.

5.4 How we will respond to you on planning policy

- In the interests of transparency you should declare that you will make the most basic consultee details known (company name, surname, and postal town) visible. This will have the benefit of reducing enquiries from interested parties and help prevent consultation fraud. It will particularly ease the ability of interested parties to see who said what at each stage of the plan's progress.
- No mention is made of comments submitted via the Internet (through SNAP, Survey Monkey, Objective, etc.).

6.1 Before an application is submitted

- It is essential that any pre-application discussions on areas of land are inclusive of the body that allocated or are responsible for them. This would include development proposals in areas subject to a Neighbourhood Plan or Development Order. This is essential as wide-reaching neighbourhood plans in particular are not static documents, outlining a shopping list of needs, but act to guide development towards meeting the vision and objectives of the local community. The "qualifying body" as prescribed in law is a plan-making body in the widest sense, and it is vital that any interest in the neighbourhood plan area is made known to them. With a review of the Thame Neighbourhood Plan pending it is vital that any owner/developer interest is known of.
- The above is separate to the idea of the voluntary development forum. This is an excellent and worthy initiative of SODC – but it should not be possible for the developer to refuse involvement from the qualifying body should they choose not to pursue the development forum route.
- Pre-application discussions where a parish council is involved should not be limited to major applications on allocation sites; any pre-application where a potential negative or positive impact exists should involve the parish council. For example, development next to open space.
- It is declared that "once a formal application is submitted, we will disclose any pre-application advice between the applicant and the council. This will be made available on our Planning Application Register, which can be accessed on the council website". It is assumed this is a new initiative. None are visible now. There is no reason why this could not be undertaken with immediate effect; indeed, in the interests of transparency and a greater belief in the fairness of the planning system there is an extremely strong argument to make all pre-application discussions public after sufficient time has elapsed, regardless of whether or not any planning application has resulted. The Government is pushing towards a comprehensive register of land ownership and options through the Housing White Paper; by committing to publication of pre-application discussions you would be future-proofing the SCI.

It will be important to establish the level of detail released regarding pre-application discussions; basic summaries will be insufficient. Officers keep a log of who said what during pre-application discussions. It is normal practice to circulate these between the interested parties, and it is this record that should be released.

- With regards to development forums, it is suggested that those invited should be amended to the following to take account of neighbourhood forums and any voluntary or salaried individuals they choose to represent them:
 - up to two parish councillors from each relevant parish or neighbourhood forum
 - the town or parish clerk
 - up to two representatives from the town or parish council, or neighbourhood forum

6.2 How we publicise and consult on planning applications

- We suggest you add neighbourhood forums to the list of bodies you will consult with over planning applications. Since the clause took effect on 1st October 2016, it is in any case a duty under provision 142 of the Housing and Planning Act 2016 to keep neighbourhood forums informed of any “relevant” (i.e., to and within their defined neighbourhood area) applications, or alterations to them, upon request.
- It is insufficient to merely alert town or parish councils (or neighbourhood forums) to applications “within or immediately adjacent to the town or parish boundary”. Certain applications of a strategic nature can have a significant effect. For example, it would be important to keep the towns aware of any significant retail developments proposed across the District due to the potential harm to town centre vitality. It is recommended that where uncertainty exists the Development Management section either consult their planning or transportation policy colleagues for advice on the reach of significant applications, or choose to be inclusive during consultations. It is better to receive “false” alerts than no notice at all.
- Neighbour notification letters – can it be made clear in notification letters going to neighbours etc. that the parish/town council is likely to discuss the application in an open forum. It could be recommended that interested parties contact their parish council for further details of attending committee meetings, the right to speak, etc.
- The current system of neighbour notification requires intervention beyond the automatic definition of a 5-metre boundary. For example, in Thame a key Gateway site has recently had a planning application submitted on it. The application was for a major planning application involving demolition of a police station, replacement with 40 flats and a possible change in ownership of the controlling road and pedestrian access to our main supermarket and at least 10 other businesses. Only one domestic neighbour was identified using the 5 metre buffer method. Greater human intervention is required in such circumstances to ensure the expected level of transparency within the planning system is maintained. On a similar matter, comments and complaints have been registered with the Town Council over the notification given on minor and householder applications; frequently, changes to homes have resulted in new windows, or significant changes to the external appearance of properties yet the neighbours arguably most impacted on – the ones on the opposite side of the street – do not receive any notification. The complaints tend to centre on legitimate concerns around overlooking, but feelings of anger are commonly expressed as opposite neighbours *expect* to be informed of such applications.

6.4 How decisions on planning applications are made

- It would be helpful to the public to give examples of the types of applications that will be delegated. Advice should also be given to refer interested parties to the latest delegated applications scheme.