

# Taunton Deane Borough Council

**Executive – 16 April 2014**

## **Report on Statement of Community Involvement**

### **Report of the Planning Policy Officer**

This matter is the responsibility of Executive Councillor Mark Edwards (Planning and Transport)

#### **1. Executive Summary**

TDBC's Statement of Community Involvement (SCI) sets out how Taunton Deane Borough Council will involve the community and stakeholders in the preparation, alteration and review of local planning policy and the consideration of planning applications.

The 2013 review simplified the 2007 adopted SCI document to take account of changes to planning policy nationally and the way in which the Council is structured and organised. The aim is to create a clear and concise document which sets out:

- When and how people can get involved with the preparation of local planning policy and comment on planning applications;
- How the Council will notify people of the opportunity to engage with the planning policy and development management process.

SCI is a useful document for the Council, stakeholders and general public.

Executive are asked to support the Statement of Community Involvement and adopt it as Council policy.

## **2. Background**

- 2.1. Taunton Deane Borough Council has a legal duty to consult in the preparation of local plans and on planning applications.

The Council has an SCI adopted in 2007. The review of this document takes account of changes to planning policy nationally and the way in which the Council is structured and organised.

Our Statement of Community Involvement (SCI) sets out how Taunton Deane Borough Council will involve the community and stakeholders in the preparation, alteration and review of local planning policy and the consideration of planning applications.

## **3. Full Report**

The Council has an SCI adopted in 2007. This document was a statutory requirement and subject to Examination in Public. It needed updating to reflect changes to planning policy nationally, recent guidance and the Council's policies.

Whilst a SCI document is no longer a statutory requirement the Legislation states that local planning policy should be based on co-operation with neighbouring authorities, public, voluntary and private sectors. Consultation should be undertaken with the any persons interested in the development of planning policy. Neighbourhood Plans should be the shared vision of a community. Decisions on Planning Applications should take account of the views of those affected by the proposed development. To this end the SCI is a useful document for the Council, stakeholders and general public.

Regulations and Acts set out specific statutory undertakings for consultation. The SCI sets out how the Council will meet its legal obligations to consult statutory stakeholders and those with an interest in shaping planning policy and planning decisions in the Borough.

The Council's Corporate Consultation Policy identifies Core Values by which Taunton Deane aims to be a Council for the Community.

- Aim for the highest standard of consultation practice;
- Seek community's views as an essential part of the evidence base for its decision making;
- Work towards full involvement of all elements of community and recognise different viewpoints via appropriate consultation techniques;
- Flexible approach to seeking views and diverse ways of consulting and involving the public;

- Target planning of our services by sharing information on established needs and aspirations of the community;
- Add value by sharing information with resources across partner agencies;
- Invest in building the skills of our staff as researchers and consultation experts.

The SCI builds on these, linking them to specific things we will do to engage the community and stakeholders in the plan-led and decision-making processes.

Content of the SCI sets out clearly, concisely and in plain English information on:

- The Planning System – what it is;
- Local Plan Coverage – how national, local and community plans fit together;
- What the various planning policy documents are;
- When we expect others to consult us, stakeholders and the community;
- When we will consult;
- Who we will consult;
- How we will consult;
- What we do with representations received;
- What to do if someone thinks they've been unfairly treated;
- Stakeholders to be consulted;
- Definition of planning application types;
- Glossary of Town and Planning Terms.

The draft SCI was subjected to consultation.

- Local Development Framework Steering Group (August 2013)
- Taunton Deane Partnership Community Planning Working Group (September 2013)
- Public Consultation – six weeks consultation including stakeholder, general public and equalities groups - (October 2013)

A report on the consultation was produced and published on the Council's Consultation Portal. There were no substantive comments however; some representations suggested minor amendments to the document which have been incorporated into the final SCI.

#### **4. Finance Comments**

Taunton Deane Borough Council has a legal duty to consult in the preparation of local plans and on planning applications. The planning policy and development management budgets take account of these requirements.

There may be additional financial cost if the Council fails to meet its statutory obligations; Appeals, Legal Challenges which will delay the progression of Development Plan Documents and planning application decisions.

#### **5. Legal Comments**

5.1. The Council's statutory obligations are set out in:

- National Planning Policy Framework (2012);
- Town and Country Planning (Local Planning) (England) Regulations 2012;
- The Neighbourhood Planning (General) Regulations 2012: statutory instrument 2012 No. 637
- Localism Act 2011;
- Town and Country Planning (Development Management Procedure) (England) Order (2010) (as amended);
- Planning Act 2008;
- Planning and Compulsory Purchase Act 2004;
- Planning (Listed Building and Conservation Areas) Act 1990 to be amended by the Planning and Compulsory Purchase Act 2004
- Town and Country Planning Act 1990;
- Planning (Listed Building and Conservation Areas) Regulations 1990 (as amended).

If the Council fails to meet its statutory obligations this can give rise to potential legal challenge to its planning policy adoption process, possible appeals against planning decisions based on the adopted policies, and delays in the progression of Development Plan Documents and planning application decisions.

#### **6. Links to Corporate Aims**

6.1. Corporate Business Plan 2013-16:

Whilst the SCI is not listed as a key deliverable on its own, the issue of clear,

effective engagement and consultation in the plan-making and decision-making process are incorporated in the following:

**Aim 1 - Quality and Sustainable Growth and Development**

Objective 1 - Facilitate a significant increase in number, quality and range of available houses, including affordable housing; Key Activity – quality housing growth, delivery of sustainable urban extensions, Neighbourhood Plans, identification of housing sites.

Objective 2 – Deliver infrastructure necessary to bring forward development opportunities; Key Activity – Firepool Masterplan, Community Infrastructure Levy.

**Aim 2 – A Vibrant Economic Environment**

Objective 3 - Improve the perception of Taunton as a regional centre of economic growth and a place to do business – attracting new businesses whilst supporting existing ones; Key Activity – develop Taunton Town Centre Retail Strategy.

Objective 4 - Increase the economic activity within the Borough including the number and value of jobs; Key Activity – identification and delivery of strategic employment site, Monkton Heathfield employment land.

**Aim 4 - A vibrant social, cultural and leisure environment**

Objective 5 - improve the lives of our most vulnerable households; Key Activity - reduce health inequalities,

Objective 6 – facilitate and support cultural and leisure opportunities;

## **7. Environmental Implications**

There are no known environmental implications.

## **8. Community Safety Implications**

8.1. There are no known community safety implications

## **9. Equalities Impact**

9.1. An equalities impact assessment is attached to this report.

It's important that the Council takes account of barriers faced by the protected characteristics under the Equalities Act 2010 and try to overcome these by using alternative methods of consultation. The SCI lists various consultation methods, beyond its statutory minimal requirements, which it will endeavour to use to help protected groups to engage with the plan-led and development management process.

The Council will continually review its consultation practices to improve how it engages with the nine protected characteristics.

## **10. Risk Management**

- 10.1. Financial: TDBC is at risk of costs associated with legal challenge and Appeal if it does not meet its statutory obligations in regard to consultation.
- 10.2. Reputational: Media and public opinion is closely linked to the Council's ability to affectively engage and consult with stakeholders and members of the public on the preparation of planning documents and decisions of planning applications. The SCI assist by clearly setting out the Council's obligations: what it will do, how it will consult and how it will use representations it received.
- 10.3. Legal: TDBC is at risk of legal challenge and Appeal if it does not meet its statutory obligations in regard to consultation.
- 10.4. Community Health: no known community health risks.

## **11. Partnership Implications**

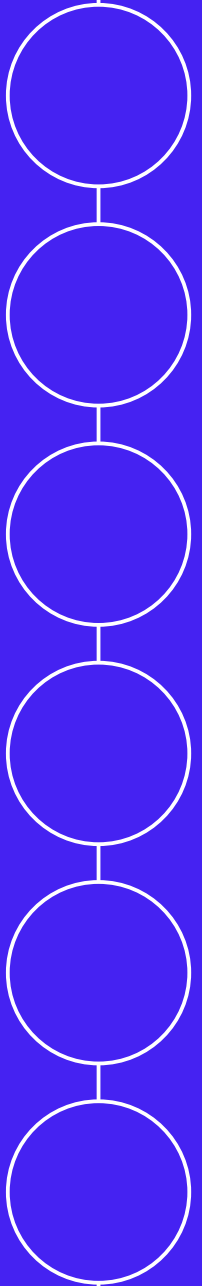
- 11.1. There are no known partnership implications.

## **12. Recommendations**

The Executive is recommended to support the Statement of Community Involvement and adopt it as Council policy.

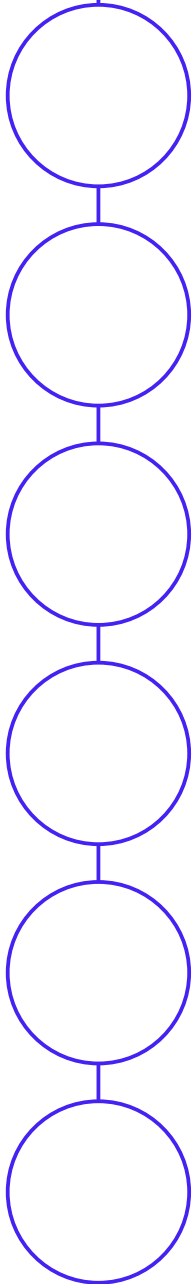
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# Statement of Community Involvement Final



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# What is a Statement of Community Involvement?

1

Our Statement of Community Involvement (SCI) sets out how Taunton Deane Borough Council will involve the community and stakeholders in the preparation, alteration and review of local planning policy and the consideration of planning applications. This is our second SCI and has been prepared to take account of changes to planning policy nationally and the way in which the Council is structured and organised.

## Why have an SCI?

Decisions on where new homes, jobs, shops, services and facilities should go must take account of the capacity of a range of things including, inter alia, local infrastructure, environmental and social constraints. Often, local communities have the best understanding of how their areas work. To this end it is vital that the views of local communities and other stakeholders are taken into account through both plan-making and decision-taking (development management) processes.

We also have a legal duty to consult in the preparation of local plans and on planning applications. These duties and responsibilities are set out in a number of pieces of legislation including the Planning and Compulsory Purchase Act (2004), Localism Act (2011), Town and Country Planning Act (1990), Town & Country Planning (Development Management Procedure) (England) Order (2010) and recent Town and Country Planning (Local Planning) (England) Regulations 2012 and Neighbourhood Planning Regulations (2012).

## How can you get involved?

There are two areas of planning that you can be involved in:

- **Plan preparation** (Development Plan Documents) - setting the policy framework against which development proposals will be assessed. Decisions on planning applications are made in line with these local planning documents.
- **Planning applications** (Development Management) - most types of development require a planning application to be submitted and approved. Anyone can view and make comments on a planning application.

## Corporate Context

Our first SCI was adopted in 2007, it was one of a suite of documents aimed at developing a shared Vision for the future of Taunton Deane. Since 2007 there have been changes to National Planning Policy, Equalities Legislation and the Council's Corporate Policy and wider approach to engagement which should be reflected in an updated SCI.

The Council's Corporate Consultation Policy identifies Core Values by which Taunton Deane aims to being a Council for the Community.

- Aim for the highest standard of consultation practice;

## What is a Statement of Community Involvement?

- Seek community's views as an essential part of the evidence base for its decision making;
- Work towards full involvement of all elements of community and recognise different viewpoints via appropriate consultation techniques;
- Flexible approach to seeking views and diverse ways of consulting and involving the public;
- Target planning of our services by sharing information on established needs and aspirations of the community;
- Add value by sharing information with resources across partner agencies;
- Invest in building the skills of our staff as researchers and consultation experts.

The Taunton Deane Partnership (TPD) previously known as the Local Strategic Partnership (LSP) is a group of representatives from the public, voluntary and private sectors that work together to improve the quality of life of the local community. The Partnership's Community Planning Working Group (CPWG) sub-group assists in the development of Local Planning Policy; including ensuring that community planning is reflected in our emerging local plans and advising on best practice for community consultation. We have worked closely with the CPWG in the shaping of this revised SCI.

The Council produces an Equalities Information Report. This Report provides a profile of the area against the Equality Act's protected characteristics. It is used by us to ensure the needs of particular groups are taken into account in the shaping of Council Policy.

To aid the Council in identifying potential inequality an Equality Impact Analysis (EIA) is undertaken for all reports, policies and significant projects. This enables The Council to anticipate and recommend ways to avoid discriminatory or negative consequences for a particular group. The revised SCI will be subject to an Equality Impact Analysis prior to its adoption.

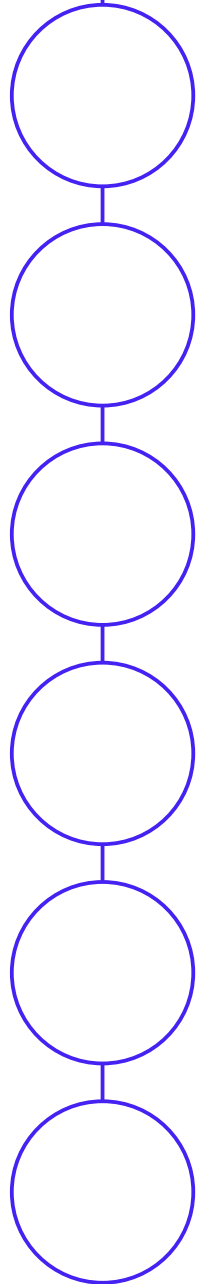
Our new Corporate Business Plan identifies 'Quality Sustainable Growth' as its first aim. Against this aim are two objectives:

- Facilitate a significant increase in the number, quality and range of available houses within the Borough, including the highest achievable proportion of affordable housing;

# What is a Statement of Community Involvement?

- Deliver the infrastructure necessary to bring forward development opportunities.

The Council's SCI builds on the Corporate Consultation Policy to set out how the Council will consult with the development industry, local communities and stakeholders to produce effective and robust planning policy and development management decisions to deliver the necessary housing, employment and infrastructure. The SCI needs to be aware of and take account of the other documents and groups listed above. To this end we have shared and discussed the draft SCI with CPWG and LDF Steering Group as well as Stakeholders and Members of the Public through six weeks public consultation and taken on board a number of their suggestions.



# Community Involvement in Plan Preparation

## The Planning System

The planning system requires local authorities to produce local development documents. These set out the spatial strategy for an area - where people will live, work and spend their leisure time - and provide the basis on which planning applications are determined.

Planning Legislation, Regulations and Guidance set out what documents must be produced, how they must be developed and examined by an independent Examiner.

Further information regarding the Council's programme for preparing development plan documents is contained in the Local Development Scheme.

Copies of the Local Development Scheme are available from:

- the Council's website – [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)
- the Council's office – Deane House, Belvedere Road, Taunton, TA1 1HE

The Statement of Community Involvement will be used by the Council to guide the approach to the consultation undertaken in the preparation of our local plans.

There are two types of local plans:

- Development Plan Documents; and
- Supplementary Planning Documents.

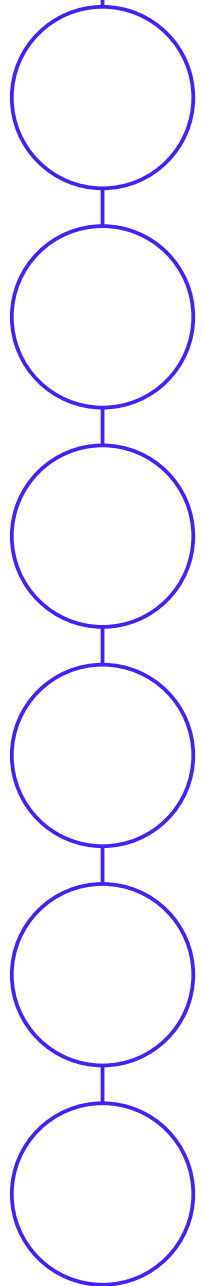
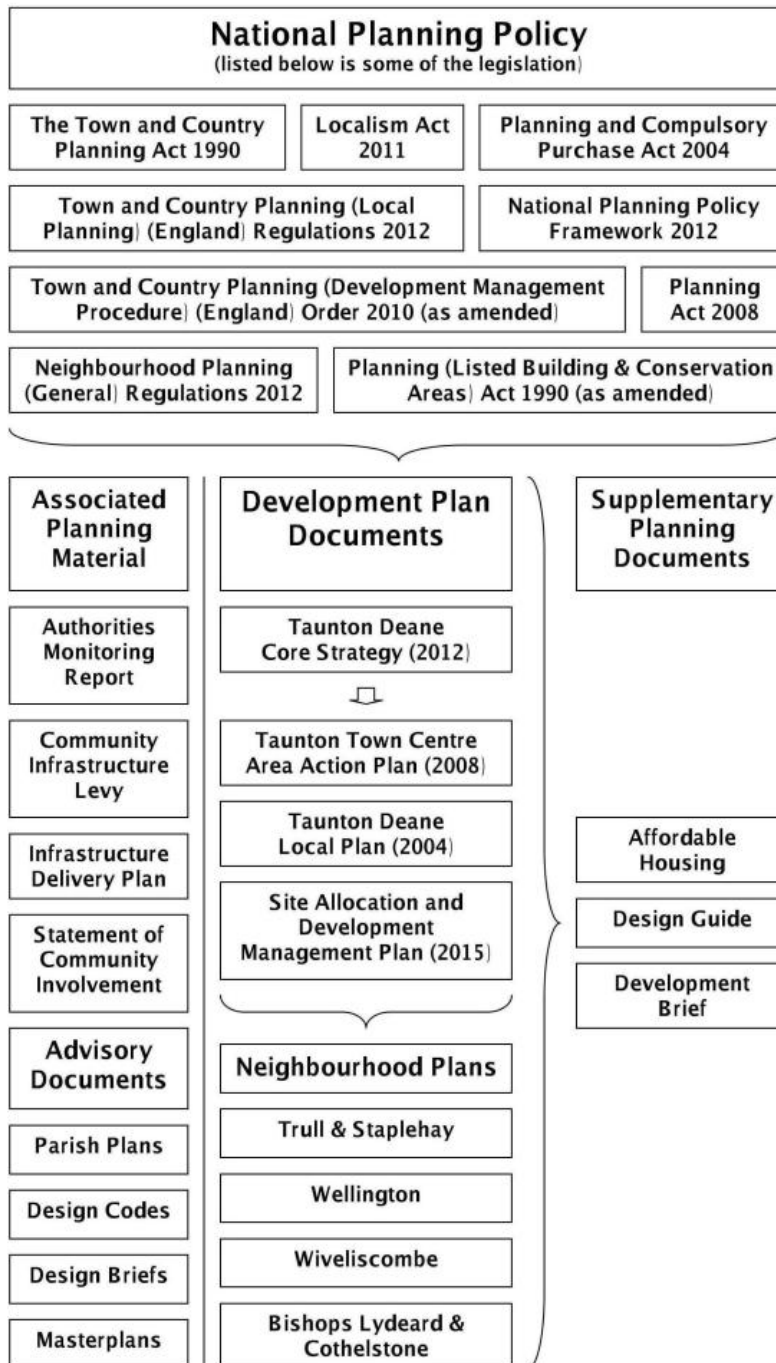
There are also advisory planning documents, such as:

- Town, Parish or Village Plans;
- Design Guides, Statements or Codes;
- Development or Design Briefs;
- Masterplans.

The Statement of Community Involvement should be used by those producing the documents to guide the approach to the consultation undertaken in the preparation of them.

# Community Involvement in Plan Preparation

## Current Local Planning Coverage in Taunton Deane



# Community Involvement in Plan Preparation

## Development Plan Documents

The Core Strategy, Site Allocation and Development Management Plan, Local Plan and Taunton Town Centre Area Action Plan are all types of Development Plan Documents (DPDs). These plans set out policies and proposals for the regulation and use of land within the Borough.

Each DPD goes through a series of formal stages of production prior to adoption. These comprise the consideration of alternative options, public consultation, a publication stage at which formal representations are made and submission for independent examination.

The formal stages in the production of a development plan document are:

- Pre-publication consultation – this could be undertaken once or a number of times. The exact scale and extent of consultation may depend on the scope and content of the Plan being prepared.
- Publication – at which point stakeholders and members of the community can make formal representations on the Plan. These representations are ultimately put before an Examiner considering the soundness of the Plan.
- Submission – the Council must submit the published plan to the Secretary of State along with all representations received at the publication stage.
- Examination – an independently appointed Examiner will consider the soundness of the Development Plan Document against several tests as well as whether the Council has complied with the relevant Regulations.
- Adoption – following receipt of the Examiner's Report (and subject to the Plan being found sound) the Council can formally adopt the Plan as a Development Plan Document.

## Strategic Environmental Assessment and Sustainability Appraisal

The planning system requires DPDs to go through a process called a Strategic Environmental Assessment (SEA). The purpose of an SEA and Sustainability Appraisal (SA) is to assess the effects of the plan on the environment.

An SEA/SA is produced when starting the process of DPD preparation; it is consulted on to allow interested parties to make representations on what it should contain.

An SA is undertaken when preparing each stage of a DPD, and a report is consulted on throughout the plan-making process, at the same time as the DPD.

Where both these documents are required TDBC may combine them into one publication.

# Community Involvement in Plan Preparation

An SA is not generally required for SPD's. <sup>(1)</sup>

## Supplementary Planning Documents

Supplementary Planning Document's (SPD's) provide additional information or detail on the policies in the DPD. Examples include; masterplans, development briefs, design guidance or issue based documents – green space strategy, energy efficiency strategy or affordable housing strategy. The preparation of SPD's has slightly different formal requirements from DPD's.

Following the most recent changes to the Planning Regulations, the only formal stages in the production of a development plan document are:

- Publication – at which point stakeholders and members of the community can make formal representations on the Plan. Representations received will be collated into a report which also says how the issues have been addressed.
- Adoption – following consultation the document will go before Council Members for formal adoption.

## Neighbourhood Planning

In 2012 Government introduced a new community led planning policy tier, Neighbourhood Plans and Neighbourhood Development Orders. These are Development Plan Documents and when adopted form part of the suite of documents used to determine planning applications. The relevant body (Parish Council or Neighbourhood Forum) is responsible for consultation during the development of the document. The Council is responsible for notification of regulatory stages in the process.

The Council expects the relevant body to undertake appropriate and and effective consultation with the community and stakeholders. Such engagement will identify issues that will shape the form and content of the Plan or Development Order.

Every Neighbourhood Plan or Development Order is individual and therefore the scope and form of consultation will vary. Statutory stakeholders have specialist knowledge, information and expertise which can assist in the development and

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1 The Planning Act 2008 altered Section 19(5) of the 2004 Act removing the requirement for local authorities to produce an SA for SPD's. A separate SA is not required if the SPD's do not contain any new policies, but provides supplementary guidance relating to policies set out in overarching local plans that have been subject to SA. If the SPD is likely to give rise to significant effects the impacts of which have not been formally covered in the appraisal of the parent plan or where an assessment is required by the Strategic Environmental Assessment (SEA) Directive then an assessment may be required.



## Community Involvement in Plan Preparation

production of the Neighbourhood DPD. Voluntary Bodies have locally specific knowledge on the range of groups and people in the area. Those who live, work and play in a the area have a specific insight which is invaluable.

The Council expects the relevant body to provide details of the engagement undertaken; including a list of organisations, associations and bodies who were consulted, a summary of their input, how the group have taken account of any relevant issues and how the DPD has been shaped to take account of these.

A number of bodies can advise and provide training and support to Neighbourhood Plan Groups. The Council can assist in identifying appropriate organisations and sources of information.

The Council is responsible for notification and facilitating the following regulatory stages in the Neighbourhood Plan process:

- Designation of an area and appropriate body or forum. Stakeholders and members of the community can make formal representations on the compliance with the regulations of the Neighbourhood Plan Area and the body who want to undertake the Plan.
- Publication of the Draft Neighbourhood Plan. Stakeholders and members of the community can make formal representations on it. These representations are put before an Examiner considering the soundness of the Plan.
- Examination of the Draft Neighbourhood Plan. An independently appointed Examiner will consider the soundness of the Development Plan Document compliance with the relevant Regulations.
- Adoption of the Draft Neighbourhood Plan. Following receipt of the Examiner's Report (and subject to the Plan being found sound) the Neighbourhood Plan is put to a local referendum, if a majority support the Plan the Council can formally adopt it as a Development Plan Document.

The Neighbourhood Planning Regulations <sup>(2)</sup> set out who must be consulted at which stage.

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2 The Neighbourhood Planning (General) Regulations 2012: statutory instrument 2012 No. 637



# Community Involvement in Plan Preparation

## Advisory Planning Documents

Town, Parish or Village Plans; Village Design Statements or Design Codes; Design Briefs and Masterplans are all types of advisory planning documents. These are not statutory documents and therefore their weight in the planning application process is determined by their evidence base and the robustness of consultation undertaken during their production.

The Council expects those producing advisory planning documents to undertake appropriate, proportionate and effective consultation with the community and stakeholders. The Statement of Community Involvement should guide the approach to the consultation.

Details of the engagement undertaken; including a list of organisations, associations and bodies who were consulted, a summary of their input and how the advisory planning document has been shaped to take account of any relevant issues raised should be provided to the Council.

## Who we will consult

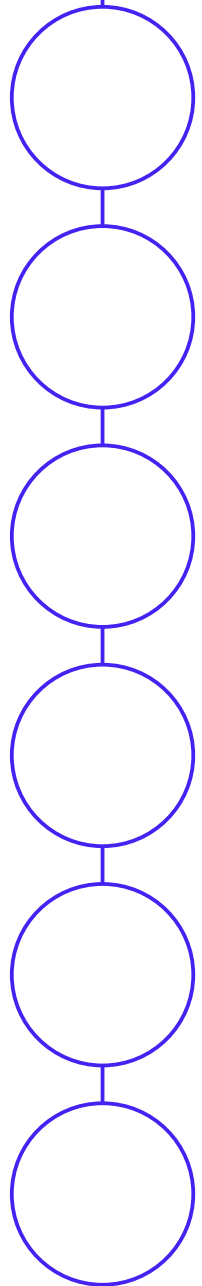
We will consult people at various stages in the development of local plans. The Town and Country Planning Regulations require Local Planning Authorities to meet a minimum level of community involvement and specifically a number of organisations which must be consulted if the Council considers that they will be affected, known as Statutory Consultees and General Consultation Bodies. A list of Statutory Consultees, General Consultation Bodies, and other organisations and groups the Council proposes to involve in plan-making is included in Appendix A.

In addition to meeting its statutory obligations, the Council is committed to ensuring that local groups, organisations and individuals are provided with the opportunity to be involved in the preparation of local development documents.

TDBC has a database of consultees, who have either commented upon or expressed an interest in being involved with the development of local plans. This database is used to keep individuals, companies and organisations informed on the production of any local plans. New consultees can add themselves to the consultation database via the TDBC consultation portal or can write to the Policy Team requesting inclusion on to the database. The Data Protection Act will be followed to ensure personal data is kept securely and personal details are not disclosed.

## Consultation methods

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the minimum requirements for public participation in the preparation of Development Plan Documents. These are marked with an “M”. The Council aims to go beyond these requirements; examples of ways we may do this are listed after the statutory requirements.



# Community Involvement in Plan Preparation

A variety of methods will be used at various stages of the planning process to enable community involvement in the preparation of local plans. These methods include, but are not limited to:

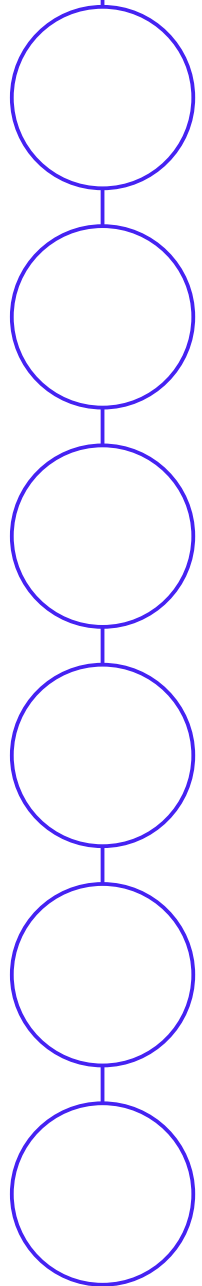
- **The website (M)** – consultation activities will be publicised through the Council's website, on the Planning Policy pages, the home page and dedicated DPD specific pages. Adopted local plans evidence base will also be available for download. Our consultation portal will be available for people to read the comments and provide comments online.
- **Inspection Points (M)** – hard copies of documents will be available for inspection at the Council Offices during consultation periods. In addition we may also make them available at local libraries and community centres. Copies of the evidence base will also be available to view on request at Deane House.
- **E-mails (M)** – notifications will be sent to statutory bodies, stakeholders, relevant groups and other individuals and organisations on our consultation base. The Council's Planning Policy team is contactable via e-mail, [talking-tomorrows@tauntondeane.gov.uk](mailto:talking-tomorrows@tauntondeane.gov.uk).
- **Letters (M)** – where we have no e-mail details notifications will be sent to statutory bodies, stakeholders, relevant groups and other individuals and organisations on our consultation base where we only have a postal address or they have specifically requested to be contacted by post.
- **Local News Media** – Public Notices will be placed in the Somerset Gazette and Wellington Weekly. Advertisements will include details on when and where planning documents can be inspected, how copies can be obtained, the closing date for representations and where to send them. We will also issue a press release to all local news media and utilise the Deane Dispatch pages of the Somerset Gazette to inform people.
- **Involve...** - an electronic newsletter is circulated to all schools, equalities organisations, members, parishes and councils, libraries and community centres, organisations for hard to reach groups in the Borough (i.e. Age UK, Somerset Chinese organisation, compass disability, etc).
- **Leaflets** – leaflets, flyers and brochures may be distributed separately, or with other Council correspondence, to summarise detailed information.
- **Public exhibitions/displays/roadshows** – for larger consultation events, the Council may promote the consultation at an exhibition, display or roadshow. This has the ability to target members of the community who may not get involved through electronic media or more formal methods.

# Community Involvement in Plan Preparation

- **One-to-one meetings** – with individuals, groups, organisations and stakeholders as appropriate, to provide the opportunity for exchange on information, discussions and problem solving. However, it is the responsibility of the individual, group or organisation to submit written comments after the meeting if they wish.
- **Presentations** – to groups, organisations and stakeholders as appropriate, to target particular people in the community who may be interested in a specific issue.
- **Questionnaires, Surveys or focus groups** – such research can target people with particular interests or characteristics and determine attitudes towards particular issues and options.
- **Community and resident meetings and groups** – use of pre-existing community and resident meetings to target people with specific characteristics or interests.
- **Interactive workshops** – used to identify and focus discussion around issues and key themes. This informal environment may help to reach people who might not get involved with more formal processes.
- **Social Media** – we may advertise consultation through the Council's Twitter account with additional tweets if appropriate during the course of the consultation.
- **Council Meetings** – where appropriate plans and evidence base will be taken to the following Members meetings: LDF Steering Group, Leaders, Portfolio Holders Briefing, Political Groups, TDBC's Scrutiny, Executive and Full Council meetings. It may also be useful to take information to the following corporate meetings: Leads and Joint Management Team.

We recognise that some of the methods outlined above may not suit everybody, however it is hoped that the variety of methods will enable a wide range of people to get involved in the consultation process.

In line with the Council's Participation Strategy/Equalities legislation, all of our publications will be written clearly and concisely, explaining any technical terms or language, using images and pictures where practical. A translation facilities box will be included on all consultation and adopted DPDs and SPDs. We will also offer an appropriate timescale for representations to be received to allow everyone to have the chance to participate.



# Community Involvement in Plan Preparation

## Equalities and Diversity

The Equality Act (2010) defines nine “protected characteristics”: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council will aim to ensure that these characteristics do not affect people’s ability to respond to our consultation and have their views heard.

It is recognised that some groups are harder to engage with than others. These can include: those for whom English is not their first language, people with disabilities, children and young people, older people, gypsies and travellers, ethnic minorities, and the homeless. Such groups may not be engaged by or may be unable or unwilling to engage in traditional consultation methods. The Council will endeavour to take account of barriers faced by these groups and try to overcome these by using alternative methods of consultation, or by asking affected groups or individuals how they would like to be involved.

A list of community and voluntary organisations in Taunton Deane with links to equality and diversity groups is included in Appendix A. This is not an exhaustive list, it provides an indication of the breadth of harder to reach groups in the Borough.

## What we do with representations received

We will read and publish all representations received and respond to those which are related to planning policy. Because we get a large number of responses we cannot always respond individually to them, but we will produce a summary document which will be published on our website or consultation portal.

All representations received will be public documents and as such will be available for others to see. In line with the Data Protection Act we will not publish personal information such as e-mails, signatures, telephone numbers or addresses. We cannot keep your name secret.

The Council will not accept comments that are offensive, obscene, racist or illegal. We may pass any such material to the Police.

A statement of consultation will be produced which contains an overview of the consultation activities undertaken, summary of representations and how or what the Council will do to accommodate these into account in the final document. A copy of this statement will be available on the TDBC website and at the Council’s Planning Reception at Deane House.

For Council DPDs and SPDs a report outlining the main issues raised in representations and recommendations for future actions will be taken to the LDF Steering Group.

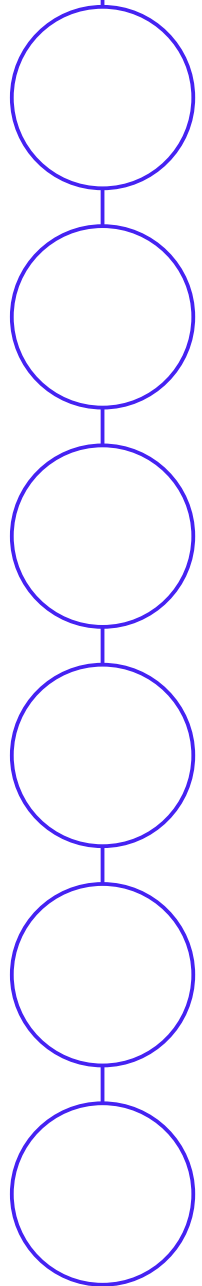
# Community Involvement in Plan Preparation

When submitting a DPD to the Secretary of State the Council is also required to submit a statement of compliance setting out which bodies and other persons have been consulted, how they have been consulted, the main issues that were raised and how these have been addressed.

## What we will do if you feel unfairly treated

The level of service you can expect from the Council is set out in our Customer Charter. If a person is not happy with the service they have received they should contact the Planning Policy team in the first instance. If they are dissatisfied with the response they can make a formal complaint through the Council's Complaint Procedure.

The Local Government Ombudsman investigates complaints of injustice arising from misadministration by Local Government and certain other bodies. The Ombudsman can investigate complaints about how a Council has done something. However, they can not question what a Council has done simply because someone does not agree with it. [www.lgo.org.uk](http://www.lgo.org.uk)



# Community Involvement in Development Management

## The Planning System

The Planning System requires Local Authorities to determine applications for changes of use of land and buildings.

Planning Legislation, Regulations and Guidance set out what should be in an application and the process for making decisions on its acceptability.

Development Management decisions shape the character of an area. The Council determines a range of applications, inter alia, household extensions, fences, listed building and conservation area applications, changes of use, advertisements to major housing and business premises. <sup>(3)</sup> A general guide to application types can found in Appendix D

There are four stages at which the local community and stakeholders may be consulted and/or notified about development proposals:

- pre-application stage - undertaken by the applicant once or a number of times. The exact scale and extent of consultation will depend on the scope and content of the planning application being prepared;
- application stage - undertaken by the Council this is formal consultation on the application;
- when a decision has been made - undertaken by the Council; and
- appeal on a decision - undertaken by the Council on behalf of the Planning Inspectorate (PINS), additional formal comments may be submitted.

Planning Acts, Orders and Regulations set out the approach that the Council and applicants are required to undertake in regard to consultation.

The SCI will be used by the Council to set expectations for applicant led consultation and guide our approach to consultation in the planning application process.

## Pre-application (for the applicant to undertake)

Because Taunton Deane is rarely the applicant for planning permission, this section of the SCI is primarily focused on setting the standards we would expect an applicant to follow prior to making an application for planning permission.

We recommend that all applicants undertake appropriate and effective pre-application consultation with the community before submitting an application. Early engagement with the Council, local community and key stakeholders can identify and address

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3 Applications for waste, minerals and major highway schemes are considered by Somerset County Council. Applications for nationally significant infrastructure projects are considered by the Planning Inspectorate.

# Community Involvement in Development Management

issues before applications are submitted, shape the design of the development and ensure sufficient information is submitted for an application to be registered and a recommendation made.

Engagement with the Council is important and can vary from a short conversation with a Council Officer to a number of meetings with various TDBC departments and Elected Members. Since 2012 pre-application advice has been subject to payment of an appropriate fee. The fee is based on the size and type of development. Details of the fees are on the TDBC web site: [www.tauntondeane.gov.uk/planning](http://www.tauntondeane.gov.uk/planning).

Open and transparent consultation with Parish and Town Councils as well as members of the public at public meetings is recommended. Advice from the Council and Parish or Town Councils is confidential and will be “without prejudice” to any eventual decision of an application. Views from a wide number and range of community members; utilising local and community media, publications and knowledge is expected.

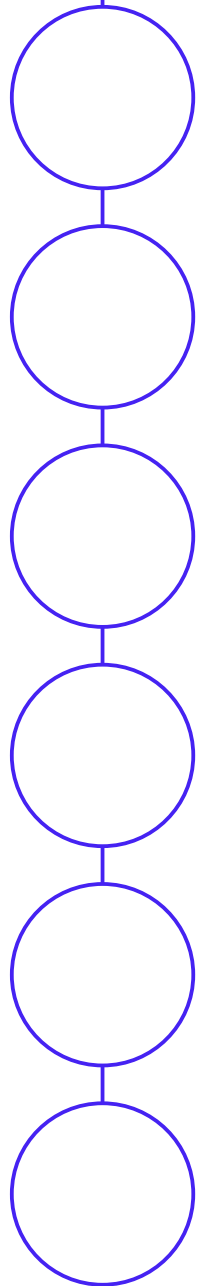
The Council expects an applicant to provide details of the pre-application engagement undertaken; including a list of the organisations, bodies and people who engaged with the consultation, a summary of their responses and an explanation of how they have taken account of any relevant issues raised as well as how the developer has amended their scheme to take account of them. This should also be presented within the appropriate policy context, relevant national and local policies and links to local strategies.

Every planning application is individual therefore the scale of community consultation and techniques used will vary. The Council's Development Management and Policy Teams can advise of the relevant issues and suggest ways to involve and inform the community.

A number of bodies can advise and provide training to communities on a range of planning issues including pre-application engagement, representations to planning applications and planning policy consultations. Planning Aid England provides a range of advice and support to individuals and communities. See their web site for more information: <http://www.rtpi.org.uk/planning-aid>. The Planning Portal also provides information on the planning system to individuals, developers and Councils: <http://www.planningportal.gov.uk>.

## Application (for the Council)

When an application is received it will be registered and checked to make sure that all the information the Council expects is submitted. When it has been validated it will be included on the weekly application register. The register as well as all information and correspondence pertaining to the application will be put on the case file. This will be available on the Council's website: [www.tauntondeane.gov.uk/planning](http://www.tauntondeane.gov.uk/planning). Paper copies of current planning applications will also be available to view on request at Deane House Planning Reception.





# Community Involvement in Development Management

## Who we will consult

The Town and Country Planning (Development Management Procedure) (England) Order 2010 requires the Council to consult the community. For certain types of application TDBC is also obliged to consult with specific groups and organisations, often referred to as statutory consultees, these are listed in Appendix B. Consultation will be proportionate to the application being considered.

## How we will consult

The Council has a duty to ensure applications and decisions are properly publicised in order that the public and stakeholders can meaningfully influence the process. The Council is required to publicise the application, either by site notice or by writing to neighbours. Site notice/s will be placed in a prominent position on or near the site. For some larger developments, applications contrary to the local plan and some statutory applications, such as those affecting Listed Buildings or Conservation Areas, a Public Notice will also be placed in that section of the local newspaper. <sup>(4)</sup>

The letter, notice or advert will contain details of the planning application and information on where plans and any supporting documents accompanying the application can be viewed. It will also explain where to make representations and when they have to be returned to the Council.

The Council has a Neighbourhood Leaflet with information on the Development Management process, the community's role in it and guidance on how to comment on applications. The leaflet is sent out with letters, available from Deane House Planning Reception and on the Council's website: [www.tauntondeane.gov.uk/planning](http://www.tauntondeane.gov.uk/planning).

Sometimes planning applications are revised after they have been submitted; this could be as a result of matters of concern or items raised in objections. In these cases, the Council may re-consult those people originally notified of the application to give them the opportunity to comment on the amendments. The Council has a statutory time limit within which TDBC has to determine most applications. Given this a 14 day response period will usually apply for re-consultation.

Parish Councils are consulted on the majority of applications in their area, other than those that are determined by them Under the Borough's Parish Delegation Scheme – Milverton, Pitminster and Wellington.

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4 Article 13 Town & Country Planning (Development Management Procedure) (England) Order 2010 (as amended), DMPO, and Regulation 5 Planning (Listed Building and Conservation Areas) Regulations 1990 (as amended), and Section 67 & 73 Planning (Listed Building and Conservation Areas) Act 1990 to be amended by the Planning and Compulsory Purchase Act 2004)



# Community Involvement in Development Management

## What we do with representations received

Representations received will be put in the case file and published on the Council's website. The Council will only be able to consider matters relating to planning and the planning application. The Council will not accept comments that are offensive, obscene, racist or illegal. We may pass such material to the Police.

Where appropriate, comments may result in changes to an application, conditions attached to an application decision to address particular issues or refusal of an application. There are nearly always differing views and competing interests, we are required to make informed decisions having regard to national and local planning policies, development impacts and what will be in the best interest of the community.

## Decisions

For most minor and householder applications decisions are made by the Planning and Development Manager under powers delegated from the Planning Committee.

For major, significant and controversial applications decisions are made by Councillors on the Planning Committee. The Development Management Officers prepare a report for committee outlining the proposal, issues raised and recommendations of either approval, approval with conditions or refusal.

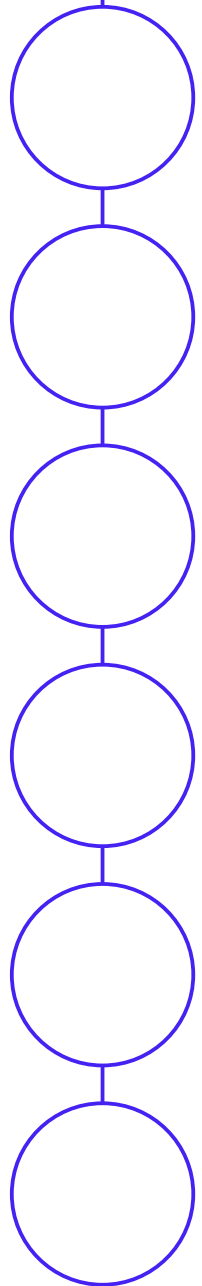
Any person who has made a representation will be notified when the application is to be reported to the Planning Committee for determination. The Council has written a Planning Committee Leaflet which explains the Planning Committee Process and how individuals are able to make representations at such meetings. This leaflet will be enclosed with the letters; available at The Deane House Planning Reception and on the Council's website.

On occasion the Secretary of State will call in an application rather than let the Local Authority decide. If this happens the Council will provide copies of all correspondence to the Secretary of State and publicise the call-in on its website.

## Post-application (the Council)

Once a decision has been made on an application, the Council will publish it on the weekly decision register and in the local newspaper. A copy of the decision notice for all applications since 1986 is also available on the Council's website.

Where an applicant is unhappy with the Council's decision they have the right to appeal. Applicants must lodge an appeal with the Planning Inspectorate who will determine its validity before initiating proceedings and setting a start date. When an appeal is accepted the Council has one week from the start date to notify all statutory consultees and interested persons. Statutory consultees and interested persons may have the opportunity to make any additional comments on the application. Within five weeks the Council will submit all relevant information, including further representations received, and an appeal statement to the Planning Inspectorate.



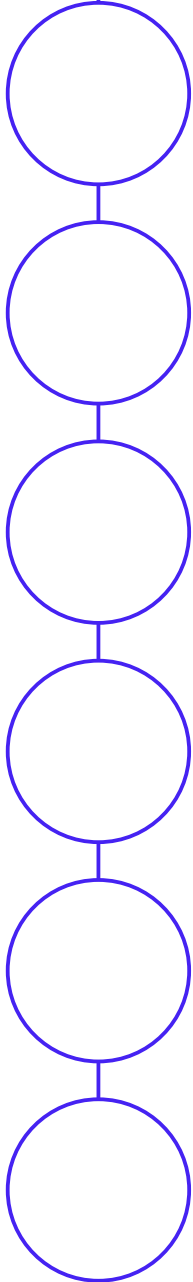
## Community Involvement in Development Management

The Inspectorate will re-evaluate the information and determine whether the Council's decision was correct or if it should be overturned. The Council will publish the decision on its website.

### **What we will do if you feel unfairly treated**

The level of service you can expect from the Council is set out in our Customer Charter. If a person is not happy with the service they have received they can make a formal complaint through the Council's Complaint Procedure. Details are available on the Council's web site: [www.tauntondeane.gov.uk/complaints](http://www.tauntondeane.gov.uk/complaints).

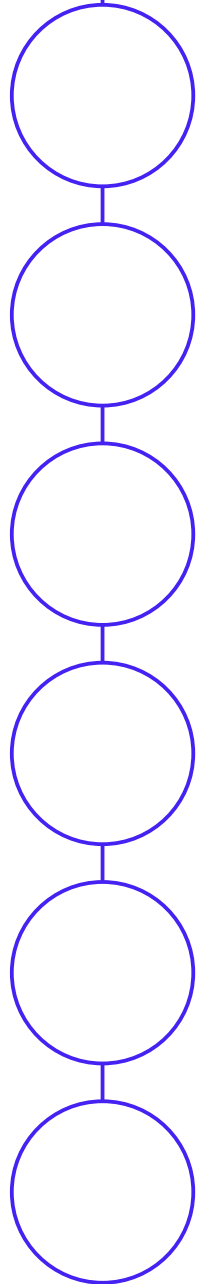
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## Monitoring and Review

The contents of the Statement of Community Involvement will be regularly reviewed in order to keep up to date with any changes in policy, to update consultee groups, where necessary, and to review the relative success of the various community involvement measures undertaken.

TDBC's online consultation portal allows for registered consultees to input equal opportunities monitoring data when signing up to the system. If completed, this will help us to monitor the effectiveness of our policies surrounding equal opportunities and make changes where required. In addition we may include an optional monitoring form alongside the consultation response form.



# Appendix A – Stakeholders to be involved in local planning policy

## Specific Consultation Bodies

The specific consultation bodies which the Regulations<sup>(5)</sup> require the Council to consult are:

- Town and Parish Councils in the Borough and adjacent to the Borough
- Adjacent District Councils (Sedgemoor, South Somerset, Mendip, West Somerset, East Devon, Mid Devon)
- County Councils (Somerset & Devon)
- Blackdown Hills AONB
- Quantocks AONB
- Exmoor National Park
- Avon and Somerset Constabulary
- Marine Management Organisation\*
- Natural England
- NHS Somerset and Primary Care Trust (from April 2013 these were replaced by Somerset Health & Wellbeing Board, NHS Clinical Commissioning Group and NHS Commissioning Board)
- Relevant communications companies (such as BT, Broadband Delivery UK, Mobile Network Companies, Mobile Operators Association)
- Relevant electricity and gas companies (such as National Grid, West & Wales, Western Power Distribution)
- Relevant sewerage and water undertakers (such as Wessex Water, Parrett Drainage Board, Somerset Drainage Board Consortium, South West Water)
- The Coal Authority\*
- The Environment Agency
- The Highways Agency
- The Historic Buildings and Monuments Commission for England (English Heritage)
- The Homes and Communities Agency

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

## Appendix A – Stakeholders to be involved in local planning policy

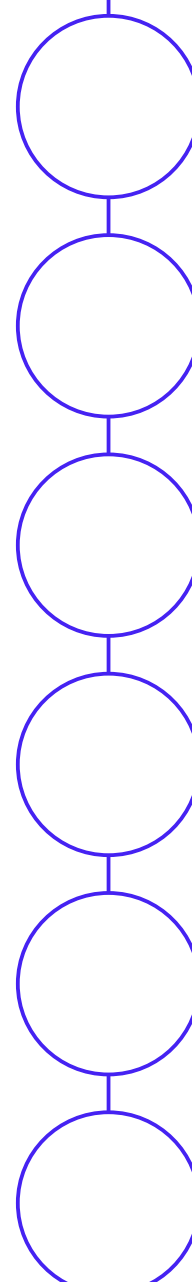
- Network Rail
- The Secretary of State for Transport

\*Unlikely to be relevant for Taunton Deane Borough Council.

### General Consultation Bodies

The Regulations also require the Council to consult general consultation bodies, where appropriate. For TDBC, these include:

- Community/resident groups (such as Friends of Wellington Park, Blackbrook and Holway Residents Association, Community Council for Somerset)
- Developers, house builders, the development industry and their agents
- Local business groups (including local business forums such as Somerset Chamber of Commerce, Wiveliscombe Business Group)
- Local community action groups (e.g. Transition Towns, Creech Local Action Team)
- Local community transport groups (such as Wive Link)
- Local disability groups (see hard to reach groups)
- Local education trusts and associations (such as Somerset College, Somerset Skills & Learning, Travellers Education Service)
- Local environmental groups (e.g. Somerset Ecological Record Centre, Somerset Wildlife Trust, Somerset Garden Trust, Somerset Hedge Group)
- Local health associations (such as Somerset Ambulance Trust, Taunton and Somerset NHS Foundation Trust, St Johns Ambulance)
- Local housing groups and associations (such as Taunton Deane Sheltered Housing Forum, Falcon Housing)
- Local history and conservation groups (e.g. Building Preservation Trust)
- Local leisure and sport groups (e.g. Tone Leisure, Wellington District Sports Federation, Somerset Cricket Board, Somerset Playing Field Association)
- Local racial, ethnic or national groups (see hard to reach groups)
- Local registered providers (such as Falcon Rural Housing, Raglan Housing Association)
- Local religious groups



## Appendix A – Stakeholders to be involved in local planning policy

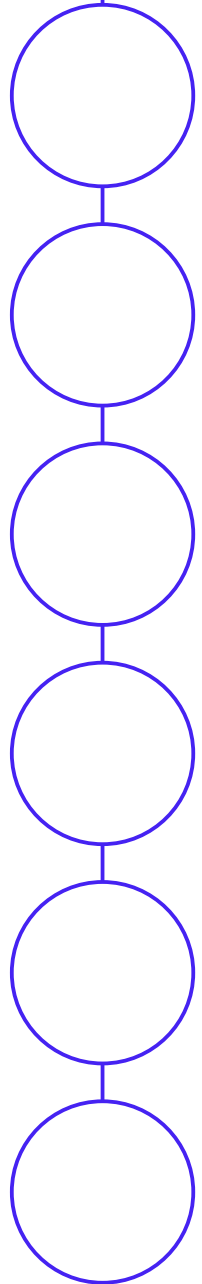
- Local resident associations
- Local retail associations
- Neighbourhood Watch groups (see hard to reach groups)
- Older persons groups (see hard to reach groups)
- Voluntary organisations (see hard to reach groups)
- Youth groups, schools and colleges

We will also involve local residents and the following organisations, where necessary:

- DCLG
- Home Office
- Department for Education
- Department for Environment, Food and Rural Affairs
- Department for Transport
- Department for Health
- Department of Business, Innovation and Skills
- Department for Culture, Media and Sport
- Department for Work and Pensions
- Ministry of Defence
- Ministry of Justice
- Office of Government Commerce
- Age UK
- Airport operators
- Chemical Business Association
- British Geological Survey
- Centre for Ecology and Hydrology
- British Chambers of Commerce

## Appendix A – Stakeholders to be involved in local planning policy

- Church Commissioners
- Civil Aviation Authority
- CABE and the Design Council
- Crown Estate office
- Diocesan Board of Finance
- Disabled Persons Transport Advisory Committee
- Environmental groups at national, regional and local level, including Council for the Protection of Rural England (CPRE), Friends of the Earth, Royal Society for the Protection of Birds (RSPB), the Woodland Trust and other Wildlife Trusts
- Equality and Human Rights Commission
- Fields in Trust
- Fire and rescue services
- Forestry Commission
- Freight Transport Association
- Gypsy Council
- Health and Safety Executive
- Home Builders Federation (HBF)
- Learning and Skills Council
- Local public transport operators
- Network Rail
- Rail companies and the Rail Freight Group
- Regional housing boards
- Road Haulage Association
- Sport England
- Tenancy Services Authority



## Appendix A – Stakeholders to be involved in local planning policy

- Gypsy and Traveller Law Reform Coalition
- Women’s National Commission

The Council retains a large consultation database of all interested groups and bodies allowing it to target consultation exercises accordingly.

### **Hard-to-Reach Groups**

The Council intends to specifically target and engage the following groups who represent hard-to-reach sectors of the community we have traditionally struggled to involve in the plan-making process. Please note, this is not an exclusive list (the Council will look to work with any other groups that come to light during consultation periods):

#### **Older people's groups:**

- Age UK (Somerset)
- Help the Aged
- Senior Citizens Association
- Taunton and District over 55's
- Taunton Old Peoples Housing Society
- Taunton and Wellington Pensioners Forum

#### **Young people's groups**

- Youth Centres (e.g. Trident Community Association)
- Connexion
- Somerset County Scout Association
- Somerset Youth – Youth Council
- Young Homeless Group
- Youth Council



## Appendix A – Stakeholders to be involved in local planning policy

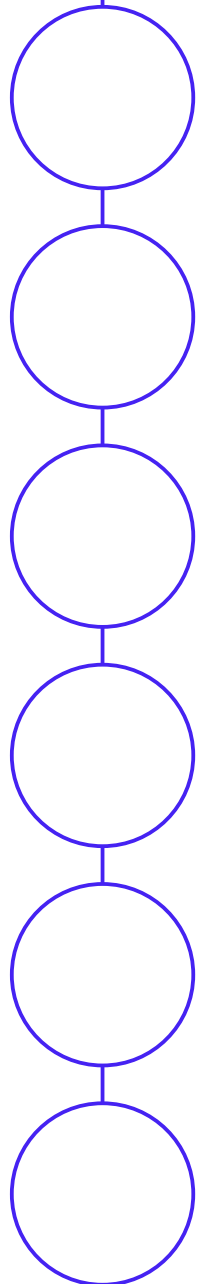
- Young Somerset
- YMCA

### **Disability groups:**

- Apple Disabled Sports Clubs
- Bridgwater & Taunton Deaf Club
- Conquest Centre for Disabled Riders
- Compass
- Disability Employees Network
- Learning Disabilities Service
- MENCAP
- MIND
- Sense
- Seeability
- Somerset Association for the Blind
- Somerset Access and Inclusion Network
- Somerset Tinnitus Support Group for Hard of Hearing
- Taunton Deane Disability Discussion Group

### **Women and men's groups:**

- Association Women's Refuge
- Men's Advice Line and Enquiries (MALE)
- Women's Resource Centre



## Appendix A – Stakeholders to be involved in local planning policy

### **Race, nationality and ethnicity groups:**

- Bangladesh Association Taunton and West Branch
- Black and Ethnic Employment Group
- Chinese Association
- Friends and Families of Gypsies and Travellers
- Polish Somerset
- Showmen's Guild of Great Britain (Western Section)

### **Equalities groups:**

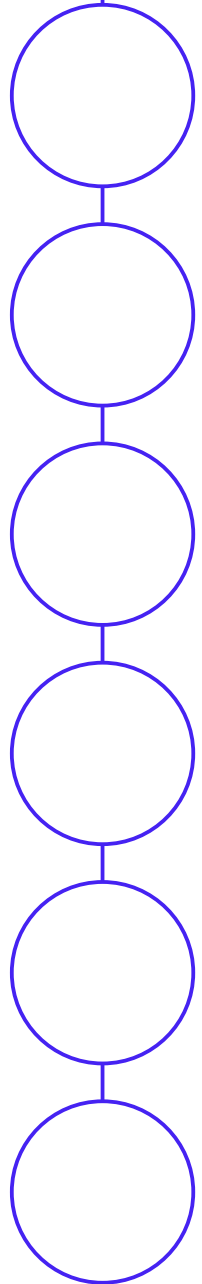
- Gay, Lesbian, Bisexual and Transgender (LGB&T) groups
- Forum for Equality and Diversity in Somerset (FEDS)
- Gay Community
- Jehovah's Witness South West Region
- Somerset Racial Equalities Council
- Taunton Christians Together
- Taunton Townswomen's Guild
- Taunton Vale Gospel Hall Trust
- Temple Methodist
- 2bu - Somerset
- World Forum for Ethnic Communities

### **Other groups:**

- Alzheimer's Society
- Avon & Somerset Independent Custody Visitors Scheme
- Citizen's Advice Bureau
- CVS
- Motor Neurone Disease Association

## Appendix A – Stakeholders to be involved in local planning policy

- MS Society Taunton and District Branch,
- Depression Alliance Somerset
- POhWER
- Somerset Association for the Care and Resettlement of Offenders
- Somerset Carers Network
- Relate – Taunton, Wiveliscombe and Wellington
- Haven



## Appendix B – Stakeholders to be involved in development management

The Regulations<sup>(6)</sup> require the Council to consult specific consultation bodies when considering some planning applications.

The statutory consultees for Development Management include:

Local highway authorities

Local planning authorities

Natural England

Parish councils

Rail network operators

Regional development agencies

The British Waterways Board

The Coal Authority

The English Sports Council

The Environment Agency

The Health and Safety Executive

The Historic Buildings and Monuments Commission for England

The National Park Authority

The Secretary of State for the Environment, Food and Rural Affairs

The Secretary of State for Transport

The Theatres Trust

The statutory consultees which need to be consulted vary depending on the type of application submitted, and the specific site circumstances. Therefore, the detailed table within Schedule 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 should be referred to for more detailed information.

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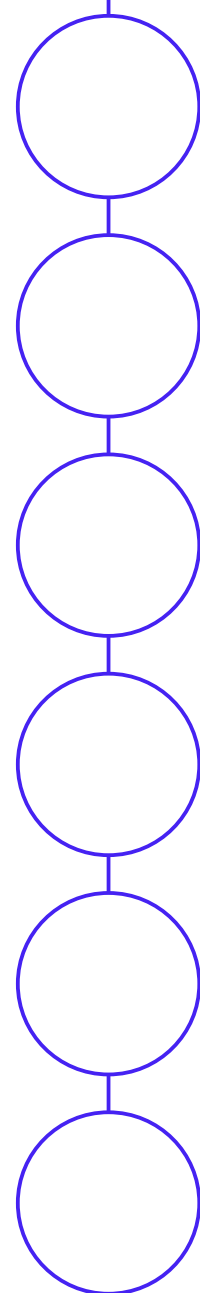
6 Article 16 of The Town and Country Planning (Development Management Procedure) (England) Order 2010

## Appendix C - Corporate Consultation Policy

The Council's Corporate Consultation Policy identifies Core Values by which Taunton Deane aims to be a Council for the Community. This policy unpacks the practical implementation of these values in relation to consultation with the public.

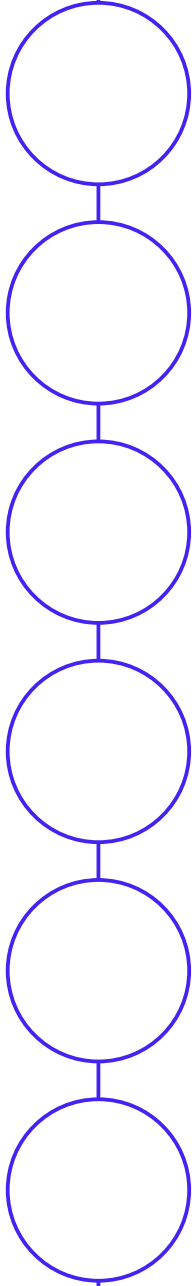
**Table .1**

<b>Core Values</b>	<b>Commitment</b>	<b>Action within the Council</b>
<b>Listening and responding to the needs of local people</b>	We will aim for the highest standards of consultation practice	A work programme of improving the quality of consultation and research across the Council will be implemented and will be regularly monitored and evaluated
<b>Providing leadership in the community.</b>	The Council will seek the community's views as an essential part of the evidence base for its decision-making	The public will be invited to be actively involved in community planning, best value reviews and other key Council processes, and will be informed how their views affected action in the community
<b>Paying particular attention to minority groups within the community who are at risk of social exclusion</b>	We will work toward full involvement of all elements of the community and recognize different viewpoints via appropriate consultation techniques	As part of the Council's overall Equality Review, good practice on how to gain the views of hard to reach groups will be made widely available and implemented
<b>Making our services more accessible, to more people, at more convenient times</b>	We will have a flexible approach to seeking views and diverse ways of consulting and involving the public	A review of the tools used for consultation and research will be conducted, and further use of information technology and other innovative tools will be examined
<b>Delivering efficient and high quality services to all who live in, work in or visit Taunton Deane</b>	We will target our planning of our services by sharing information on the established needs and aspirations of the community	Consultation and research information will be shared amongst staff via the Council Intranet and will inform performance management processes and front line service delivery
<b>Working in close partnership with other agencies and</b>	We will add value to our efforts by sharing information and	The Council will continue to invest in Somerset Influence, and other countywide initiatives for information sharing, seeking



# Appendix C - Corporate Consultation Policy

Core Values	Commitment	Action within the Council
<b>community organisations</b>	resources across partner agencies	opportunities for joint resourcing and training
<b>Investing in our staff and elected members - empowering them to help the community</b>	We will invest in building the skills of our staff as researchers and consultation experts	A full training programme to equip staff with appropriate high-level consultation and research skills will be designed and implemented. Regular updates on consultations will be issued to members



## Appendix D - Definition of application type

The following is a general guide. As sites and applications are uniquely individual there may be deviations from these categories.

Application type	Description	Examples
<b>Significant applications</b>	Applications where there are considerable issues of scale and controversy	<ul style="list-style-type: none"> <li>• Strategic Site Allocations</li> <li>• Large scale retail or residential development, i.e.                             <ul style="list-style-type: none"> <li>• 10 or more dwellings or where the site is more than 0.5 hectares;</li> <li>• All uses where floor space is more than 1,000m<sup>2</sup> or the site is more than 1 hectare.</li> </ul> </li> <li>• Applications requiring a full transport assessment</li> <li>• Proposals to remove community facilities – such as development on playing fields</li> <li>• Schedule 1 and 2 developments under Environmental Impact Assessment Regulations <sup>(7)</sup></li> <li>• Applications are normally determined within 13 weeks</li> </ul>
<b>Departure applications</b>	Applications contrary to or out of line with the Development Plan	<ul style="list-style-type: none"> <li>• Applications considered to be in breach of and/or may significantly compromise the delivery of Local Planning Policy, i.e.                             <ul style="list-style-type: none"> <li>• Core Strategy;</li> <li>• Local Plan;</li> </ul> </li> </ul>

7 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

## Appendix D - Definition of application type

		<ul style="list-style-type: none"> <li>• Site Allocations and Development Management Plan;</li> <li>• Town Centre Area Action Plan.</li> <li>• Applications which must be submitted to DCLG for their consideration</li> </ul>
<b>Small Scale applications</b>	Applications for sites that are of local significance or are sensitive to development pressures and allocated sites that have not generated significant objection in the Development Plan Document process.	<ul style="list-style-type: none"> <li>• Less than 10 dwellings</li> <li>• For all other uses where floor space is less than 1,000m<sup>2</sup></li> <li>• Normally determined within 8 weeks</li> </ul>
<b>Other minor applications</b>	Applications for minor items which are of local significance or are sensitive to development pressures and allocated sites that have not generated significant objection in the Development Plan Document process.	<ul style="list-style-type: none"> <li>• Applications which impact on a local landmark</li> <li>• Applications in the Area of Outstanding Natural Beauty (AONB) or Site of Special Scientific Interest (SSSI)</li> <li>• Applications which propose the loss of a community facility - such as post office, public house</li> <li>• Applications for: <ul style="list-style-type: none"> <li>○ Advertising consent</li> <li>○ Tree works</li> <li>○ Conservation Area Consent</li> <li>○ Listed Building Consent</li> <li>○ Householder applications</li> <li>○ Change of use for non-major developments where no building or engineering works are proposed</li> </ul> </li> <li>• Normally determined within 8 weeks</li> </ul>



# Appendix E – Glossary of Town and Planning terms

## Glossary of town planning terms and acronyms

This appendix is not an exhaustive anthology of all terminology used within the town and country planning process. It is a short, non-technical summary of terms and acronyms widely used in the preparation of development plans or in determining planning applications. More detailed and technical information from legally competent, authoritative and academic sources is widely available in libraries and on the Internet.

**Adoption:** The formal adoption, by Council, of a local plan (cf) or Development Plan Document following public examination and receipt of a positive report from the Planning Inspectorate is the final formal stage in the evolution of a statutory planning document. Once a plan is adopted it has full legal weight in the determination of planning applications.

**Allocation:** Formal identification of a land parcel for a specific use through a development plan. Most commonly associated with housing allocations.

**Amenity:** A positive element, or elements, that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity.

**Ancillary use:** Where a building or plot of land is in a variety of uses (as defined by the Use Classes Order), the principal use will be the defined use of the land in planning law terms. For example, a factory may have a storage building, offices, a staff restaurant and over-the-counter sales to the public. All of the other uses are ancillary to the predominant use of the factory falling within Use Class B2. If there is no one dominant use a mixed use will exist. Changes in the balance of uses in both instances may constitute a material change of use (cf) and, therefore, require planning permission.

**Authorities Monitoring Report (AMR):** This measures how the Council is progressing with the timetable set out in the Local Development Scheme (cf). It also assesses the effectiveness of the various policies contained in the Development Plan Documents and monitors key indicators, such as house-building, employment land take-up, etc.... The Localism Act will remove the statutory requirement to produce this document.

**Appeal:** Within a set time of a planning application being determined, or if the Council has failed to determine the application within the statutory timeframe, an aggrieved applicant may ask for a decision to be (re)considered by the Planning Inspectorate. The appeal may be conducted (i) in writing, (ii) by an informal discussion led by the Inspector or (iii) by a formal public inquiry, with cross-examination of witnesses and perhaps barristers to present the respective parties' cases. The Planning Inspectorate decision is binding (but may be challenged by judicial review).

**Application form:** Each planning application must be accompanied by a formal application form. These forms follow a national standard and include the name and address of the applicant, the location of the development and details of the proposal. Must be accompanied by: a signed ownership certificate; a plan of the proposal at

## Appendix E – Glossary of Town and Planning terms

an appropriate and recognised scale; and usually by a variety of other information i.e. Design and Access Statement, an Environmental Impact Assessment, Ecological Surveys, Transport Assessments, etc.

**Approved plans:** A plan at a recognised scale that shows the development permitted by a grant of planning permission. Any significant variation in the built form from that shown on the approved plans may require a further planning application or may lead to enforcement action, which could include the demolition of the offending buildings or cessation of the aberrant use(s). See also 'Decision Notice'.

**Area Action Plan (AAP):** These provide the planning framework for areas where significant change or conservation is needed or anticipated. These plans have Ordnance Survey based maps, which will act as insets to the main proposals map. The Council has the Taunton Town Centre Area Action Plan (TTCAAP). AAPs will effectively cease to have statutory support once the related provisions of the Localism Act come into force.

**Biodiversity:** The 1992 United Nations Earth Summit defined biological diversity or biodiversity as "the variability among living organisms from all sources, including, 'inter alia', the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems terrestrial, , and other , and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems marine, and other , and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems aquatic ecosystems, and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems". The term covers species diversity; ecosystem diversity; genetic diversity; and molecular diversity. Many industrial materials derive directly from biological sources. Biodiversity is also important to the security of resources such as water, timber, paper and food. As a result, biodiversity loss is considered to be a significant risk factor. Consequently, it is a pertinent consideration in planning matters. A Biodiversity Action Plan (BAP) for Taunton Deane was created in 2008.

**Blight:** The reduction, or perceived reduction, in value of a building or piece of land as the result of a planning decision.

**Brownfield land:** Land which has been previously developed. Often associated with urban land but equally relates to previously developed land in the countryside. May be contaminated by pollutants which require remediation before re-use and redevelopment occur.

**Building control/regulations:** An entirely separate and distinct regime from planning, with its own procedures, fees and decision-making process. Many forms of development do not require express planning permission but will require building control approval. The national Building Regulations ensure that buildings are safe, fuel and energy efficient, reduce CO2 emissions and provide access for people with disabilities. Building Control exists in both public and private sectors (the latter being known as Approved Inspectors), with the two sectors competing for business. Local authorities are required to provide a Building Control service for use by the public.

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**Call-in:** Some planning applications must be notified to the Secretary of State to give her/him the opportunity to ‘call-in’ an application for her/his own determination. The Secretary of State also has powers to call-in any application and may direct us to hand it over to them. The application is considered at a public inquiry by one or more members of the Planning Inspectorate (cf) who make recommendations to the Secretary of State, who decides whether or not to allow the application.

**Capacity study:** A study designed to identify what capacity or ‘headroom’ there is for a particular form of development. Uses population projections and other statistical data/assumptions to identify whether there is a gap between the current amount of provision and the level of provision projected as being necessary (usually at some point in the future). Most commonly associated with retail capacity studies, where a developer wants to show that there is the capacity for a new store that will not undermine existing stores. But see also ‘Urban capacity study’.

**Carbon emissions/footprint:** See ‘Greenhouse effect’.

**Carbon neutral:** Has a nil-net effect on carbon emissions. See also ‘Greenhouse effect’.

**Carbon offsetting/trading:** A reduction in emissions of carbon dioxide or greenhouse gases made to compensate for, or to offset, an emission made elsewhere. There are two markets for carbon offsets. In the compliance market, companies, governments, or similar buy carbon offsets in order to comply with caps on the total amount of carbon dioxide they are allowed to emit. This market exists in order to achieve compliance with obligations under the Kyoto Protocol. In the voluntary market, individuals, companies, or governments purchase carbon offsets to mitigate their own greenhouse gas emissions. Offsets are typically achieved through financial support of projects that reduce the emission of greenhouse gases in the short- or long-term. The most common project is renewable energy, such as wind farms, biomass energy (burning biological material from living, or recently living organisms or solid municipal waste), or hydro-electric dams. Other examples include large-scale tree planting schemes in Third World countries.

**Change of use:** Planning permission is usually required to change the use of a building or land to another use class. Intensification of a use may constitute a change of use.

**Climate change:** See ‘Greenhouse effect’.

**Code for Sustainable Homes:** A national standard for sustainable design and construction of new homes. It aims to reduce carbon emissions and promote higher standards of sustainable design above the minimal set out in the Building Regulations. The code awards new homes a star rating from 1 to 6, based on their performance against nine sustainability criteria which are combined to assess the overall environmental impact. Six stars are the highest achievable score, reflecting exemplary developments. Code level 3 compliance became mandatory in September 2010 for new-build residences, currently compliance with higher levels of the Code is voluntary.

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**Community Infrastructure Levy (CIL):** A new means of securing planning obligations for Borough wide infrastructure projects through a flat rate levy. How the levy is calculated and apportioned to the various infrastructure projects is set out in publicly available documents on the Council's website. Individually negotiated Section 106 agreements will still be used across the Borough for on site items such as Affordable Housing and Children's Play.

**Comparison shopping:** Shopping for non-essential items, generally of a higher value (such as furniture and electrical goods) but also extends to clothing, books, cosmetics, etc. Comparison shopping has traditionally been conducted in town centres, but since the 1980s has also been carried out in retail [warehouse] parks and, most recently, on-line. See also: 'Convenience shopping' and 'Town centres first'.

**Compulsory Purchase Order (CPO):** An Order issued by the government, or a local authority, for the enforced acquisition of land or buildings for public interest purposes. For example, for the construction of a major road or the redevelopment of certain brownfield sites. The purchasing authority needs to be capable of demonstrating that they have tried to acquire the property by negotiation before a CPO can be issued. Most CPOs are preceded by a CPO Inquiry conducted by a member of the Planning Inspectorate, who will either confirm or reject the Order.

**Conditions:** Planning permission is usually granted subject to conditions, all of which must be complied with. Conditions should only be imposed when permission would otherwise have to be refused. It is the responsibility of the developer to ensure that the terms of all conditions are met.

**Conservation area:** A defined area, designated by a local council, which is to be preserved or enhanced because of its special architectural or historic interest. There are 41 conservation areas in Taunton Deane. A special planning regime operates in conservation areas.

**Conservation Area consent:** Alterations to buildings (including total or substantial demolition), advertising and trees cannot be undertaken in conservation areas (cf) without permission from the Council. No planning fee is charged for such applications but pre-application discussions attract a flat fee.

**Convenience shopping:** Shopping for goods of an essential day-to-day nature, such as food, newspapers, tobacco, etc.

**Decision notice:** The official document, issued by the Local Planning Authority, Planning Inspectorate or the Secretary of State, that grants or refuses planning permission. Development may not legally begin before the decision notice has been issued. Reasons for permitting or refusing development, and for any conditions imposed on a permission, are always given. In conjunction with the approved plans, this is the definitive statement of the development that has been granted or refused permission.

**Design Guides, Statements or Codes:** A document which focuses of the visual character of a place and how it might be protected or enhanced.

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**Delegation/delegated decision:** Decisions on planning applications where officers make decisions rather than an elected planning committee. The overwhelming majority of decisions are made in this way, provided that there are no complex issues, or the proposal is wholly acceptable in planning terms. It is also used for refusal when an application is clearly not in accordance with planning policies or practice.

**Demolition:** Requires planning permission only in certain circumstances (such as homes), but planning permission is normally required to rebuild on the site. Demolition of listed buildings requires Listed Building Consent and special provisions apply in conservation areas.

**Density:** In the case of residential development, a measurement of either the number of habitable rooms (any room used or intended to be used for sleeping, cooking, living or eating purposes i.e. not bathrooms, hallways, utility rooms) per hectare or the number of dwellings per hectare [dph].

**Department for Communities and Local Government (DCLG):** Government department responsible for, inter alia, preparing primary and secondary legislation on town planning and for preparing guidance to direct and assist in the day-to-day interpretation and operation of the statutory town planning system, such as the National Planning Policy Framework. Also determines called-in or recovered planning applications.

**Departure:** A proposed development that is not in accordance with the adopted development plan, but for which the Local Planning Authority proposes to grant planning permission subject to no intervention from the government.

**Design & Access Statement:** Prepared by applicants for planning permission. Describes the development and explains how the design was arrived at, what local planning policies have been observed, how any public engagement has been reflected in the design, and how relevant principles of good design have contributed to the proposal. This document enables the lay public to understand how the finished proposal was arrived at, and acts as a check upon the quality of the decision-making process which led to that proposal by the developer concerned.

**Detailed application/'Details':** A planning application seeking full permission for a development proposal, with no matters reserved for later planning approval. **Antithesis:** outline application development: Defined in the 1990 Act as “the carrying out of building, engineering, mining or other operations in, on, over or under land” (known as operational development) or “the making of any material change of use of any buildings or other land”. Not all development requires planning permission - see ‘Permitted development’.

**Development Brief:** See ‘Masterplan’.

**Development Management:** The new name for development control. The act of determining planning applications (and similar) in conformity with the development plan and material considerations.



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**Development Plan Document (DPD):** Statutory documents produced by LPAs that must be taken into account in determining planning applications. Currently, planning permission must be granted in accordance with these documents unless material considerations indicate otherwise. Development Plan Documents must be subjected to examination by a member of the Planning Inspectorate before being adopted. The Core Strategy is the principal DPD under the 2004 Act, Site Allocations and Development Management DPD's providing additional details. Under the Localism Act these documents will be combined into a single Local Plan.

**Ecology:** The scientific study of the relations that living organisms have with respect to each other and their natural environment. Variables of interest to ecologists include the composition, distribution, amount (biomass), number, and changing states of organisms within and among ecosystems.

**Ecosystems:** Ecosystems are functional units in a given area consisting of: (i) living things, (ii) the non-living chemical and (iii) physical factors of their environment, all linked together through (iv) the nutrient cycle and by (v) energy flows. Central to the ecosystem concept is the idea that living organisms interact with every other element in their local environment. Ecosystems are sustained by the biodiversity within them. Because the impact of development on ecosystems and biodiversity can be unpredictable, even when assessed through an Environmental Impact Assessment, many people advocate the use of the precautionary principle when determining planning applications.

**Edge of centre:** A location that is within easy walking distance of the primary shopping area.

**Enabling development:** Development that is usually contrary to established planning policies but which is exceptionally permitted because it has been demonstrated to be necessary to generate funds to enable the conservation of a Listed Building or its setting and where the indirect benefit of the enabling development clearly outweighs any direct harm that it would cause.

**Enforcement:** The investigation and resolution of alleged breaches in planning control, usually undertaking development without permission or failing to observe conditions. An otherwise acceptable breach of planning control can be corrected by a retrospective planning application. Formal enforcement action, which could include issuing of an Enforcement Notice to require the demolition of any offending buildings/structures or cessation of any aberrant use, may only be undertaken if the development would not be permitted and it is considered "expedient" to take action. Can ultimately lead to action in the County Court against the defaulting party if negotiation and service of an Enforcement Notice fails to remedy the breach of planning control.

**English Heritage:** National Body responsible for overseeing the historic built environment of England, advising local authorities on such matters and acting on behalf of the government (the Department for Culture, Media and Sport) in matters such as registering listed buildings.

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**Environment Agency (EA):** National Body, established in 1973, to protect and improve the environment and to promote sustainable development. Has a particular focus on climate change, water, land and air quality. Has roles as a regulator, operator, monitor and advisor. A key consultee.

**Environmental Impact Assessment (EIA):** Likely to be required for nationally defined large-scale developments. Undertaken by the developer when applying for planning permission, the EIA assesses the social, economic and environmental impacts of the development and identifies what remedial measures may be necessary to counter any negative impacts. Used as an informative to decision-making rather than a determinant of whether permission should be granted.

**Environmental Information Regulations 2005 (EIR):** Provide a statutory right of access to environmental information held by public authorities. Covers information about air, water, soil, land, flora and fauna, energy, noise, waste, emissions and information about decisions, policies and activities that affect the environment.

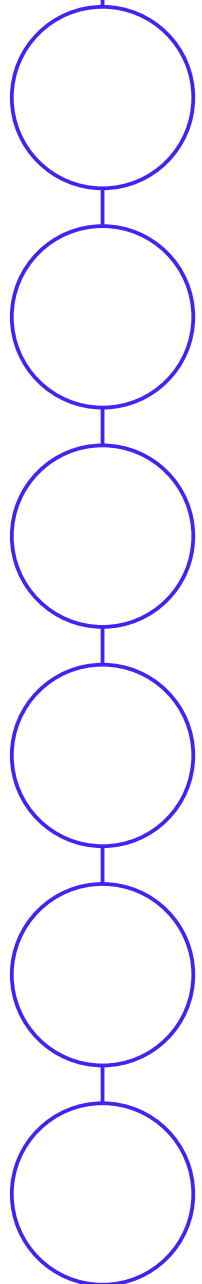
**Examination:** See 'Public examination'.

**Fee:** Nationally set fees are required for a planning application to be determined. Locally-set fees are payable for pre-application discussions and advice. In both cases, the fees vary depending upon the scale and nature of the development being proposed. The fee income is kept by the Borough Council and offset against the costs of providing the planning service. There are limited exemptions from paying planning application fees, including householder applications by registered disabled persons.

**Fossil fuels:** Carbon-rich fuel (coal, oil and natural gas) formed from the remains of ancient animals and plants. Their combustion is considered to contribute to the 'greenhouse effect'.

**Freedom of Information (Fol) request:** The Freedom of Information Act 2000 creates a general right of access, on request, to information held by public authorities. On receipt of a freedom of information claim a public authority has two corresponding duties. First, a duty to inform a member of the public whether or not it holds the information requested, and second if it does hold that information, to communicate it to the person making that request. However, there are numerous exemptions. Some of these are absolute bars to disclosure; some are qualified. Most planning information is covered by the Environmental Information Regulations, rather than Fol.

**General Permitted Development Order (GPDO):** The Town and Country Planning (General Permitted Development) Order 1995 allows for the extension of, or changes to, a property without the need for express planning permission, within certain guidelines. This includes small domestic extensions which comply with pre-determined measurements.



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**Grampian-type condition:** A negative condition imposed on a planning permission barring development from happening until a particular action on another piece of land not owned by the applicant has been performed (usually highways works). Named after a court case involving Grampian Regional Council in 1984.

**Green Belt:** Green Belts are specifically designated areas to prevent urban sprawl by keeping land permanently open. In the green belt there is a general presumption against inappropriate development, unless very special circumstances can be demonstrated to show that the benefits of the development will outweigh the harm caused to the green belt. The NPPF sets out what would constitute appropriate development in the green belt. There is no Green Belt land in the Borough of Taunton Deane.

**Greenfield land:** Land which has not previously been developed (hence antithesis: brownfield land). Most commonly associated with land in the countryside but could equally apply to an undeveloped site within an urban area.

**Greenhouse effect:** A process by which thermal radiation from Earth's surface is absorbed by atmospheric greenhouse gases, and is re-radiated in all directions, including back towards the surface. As a result, the surface temperature is higher than it would be if direct heating by solar radiation were the only warming mechanism. Since the beginning of the Industrial Revolution, the burning of fossil fuels (wood, coal, gas, oil) has contributed to the increase in carbon dioxide in the atmosphere from 280ppm to 390ppm. If this process continues, many ecosystems will be damaged and become uninhabitable for Mankind. As a part of sustainable development there is a current drive towards reducing carbon emissions. Hence terms such as "reducing the carbon footprint" and "zero carbon homes".

**Highways Agency:** National Body responsible for operating, maintaining and improving England's motorways and strategic A roads on behalf of the Department for Transport. The HA is responsible for the M5 and A303 in the Borough. A statutory consultee on planning applications and in the preparation of DPDs.

**Highways Authority:** The County Council is the Highway Authority for Somerset. They are charged with the statutory responsibility of adopting, maintaining, designing, making safe and constructing all roads, footways and public rights of way which are not the responsibility of the Highways Agency (see above). A major consultee on planning applications and in the preparation of DPDs.

**Homes and Communities Agency (HCA):** National Body that is the national housing and regeneration agency. Founded in December 2008, superseding English Partnerships and the Housing Corporation. Its role is to create opportunity for people to live in high quality, sustainable places. They provide funding for affordable housing, bring land back into productive use and improve quality of life by raising standards for the physical and social environment.



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Householder application: A, generally smaller-scale, application to alter or enlarge a house, including works within the garden of a house which are not permitted development. Nationally these form the majority (60%) of the applications received by LPAs.

Infrastructure deficit: Infrastructure is the basic physical and organizational structures needed for the operation of a society. The term typically refers to the technical structures such as roads, water supply, sewers, gas and electrical grids, telecommunications, etc. Hence, if it is perceived that there is a shortfall in the infrastructure provision, there is said to be an infrastructure deficit. The TDBC Infrastructure Delivery Plan identified the scale and nature of the infrastructure required to meet the Borough's Growth and the level and nature of the investment needed to deliver this.

Inquiry: See 'Appeal'.

Judicial Review (JR): A challenge to the High Court by any aggrieved and affected party against a decision made by, for instance, the Council, the Planning Inspectorate or the Secretary of State. Can only be made on points of law (viz, not planning judgments) and must be made "expeditiously" after the decision to be challenged has been made. This means that applications for JR must be made within 3 months, at most.

Landbank: A stock of land (for housing, for example) which has planning permission but has yet to be developed. Housebuilders commonly have considerable landbanks, which bolster their value on the Stock Exchange.

Lawful Development Certificate (LDC): A specialist type of application that determines: (i) whether the existing use of land or buildings is lawful for planning purposes or (ii) confirms that a proposal does not require express planning permission. Often necessary to confirm that the use, operation or activity named in it is lawful when land or property is placed on the market for sale. A fee is charged for an LDC. Is not the same as a planning permission. Sometimes used in enforcement cases.

Listed Building: A building or structure on the Statutory List of Buildings of Special Architectural or Historic Interest run by English Heritage. Listing began in 1950 and currently protects 500,000 across England and Wales. By reason of their significance, Listed Buildings fall into three categories of descending importance: Grade I, Grade II\* and Grade II, of which the majority - over 90% - are Grade II. A listed building may not be demolished, extended or altered without permission from the Local Planning Authority. No fee is charged for such Listed Building Consent but a flat fee is charged for pre-application discussions. Enabling development may be contemplated in order to secure the preservation of a Listed Building.

Local Development Framework (LDF): The collective terms given to a collection of planning and plan related documents, prepared by LPAs.

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**Local Development Scheme (LDS):** This document sets out which documents are part of the Local Development Framework and the timetable for their review and the preparation of new documents. This is a statutory document.

**Local Plan:** A document produced under the pre-2004 planning system that set out all the Council's policies on the development and change of use of land and buildings. The Localism Act has reintroduced the term to the planning system, replacing the separate tiered documents of Core Strategy, Site Allocations, Development Management Plan, etc introduced in 2004.

**Local Planning Authority (LPA):** A local authority charged by central Government with the statutory duty to prepare development plan documents and undertake other duties under the Planning Acts. District Councils, sometimes styled as Borough or City Councils, have planning powers for all development in their administrative areas with the exceptions of minerals and waste. County Councils have planning powers for minerals and waste proposals within their administrative areas.

**Localism Act:** Contains many changes to the planning system, including the revocation of regional strategies, the return of local plans and the introduction of neighbourhood plans. Enacted 15 November 2011.

**Major application:** Involves any one or more of the following: (i) mineral deposits; (ii) waste development; (iii) a site for 10 or more new homes or where the site area for new homes is 0.5ha or more; (iv) the provision of a building or buildings where the floorspace to be created is 1,000m<sup>2</sup> or more; or (v) any other development carried out on a site with an area of 1 hectare or more.

**Masterplan:** A widely used and abused term. Usually applied to a comprehensive written and/or cartographic representation of a potential development scheme. Sometimes a masterplan may be SPD or it may be submitted with a planning application. Alternatively, land-owners or developers often prepare masterplans to guide their own, or other party's, development. It is always best to inquire as to the status and intent of a masterplan in order to ascertain how much weight to place upon it. A good masterplan sets out constraints and opportunities presented by a site and the principles of the type, form, layout and look of development for it.

**Material considerations:** Factors considered in the determination of applications for planning permission, alongside the statutory development plan. Includes residential amenity, highway safety, traffic, noise, smell, design and appearance, conservation and listed buildings and any relevant planning comments made by consultees. In order to be material a consideration must relate to the use and development of land and to the planning merits of the development in question. Non-planning comments and the number of objections received are not material considerations. What is considered to be material may be subject to appeal and/or judicial review but the weight to be attached to a material consideration is solely for the decision-maker and will not be challenged by the courts.

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**Minerals Local Plan/LDF:** A statutory long-term development plan framework for mineral extraction and associated development (such as railheads and storage facilities). Covers oil, coal, gas, sand, gravel, crushed rock and chalk. All minerals planning powers (plan-preparation and development management) reside with County Council in Somerset.

**National Land Use Database (NLUD):** National database, compiled annually as a government initiative from various public sources (including local authorities), to provide information on the amount of brownfield land (cf) that may be available for development.

**National Planning Policy Framework (NPPF):** From 1 April 2012 this 50 page document will replace 2,000+ pages of national government policy, advice and guidance contained in Planning Policy Statements and Planning Policy Guidance Notes and their annexes. Until up-to-date local plans [or LDFs] are put in place, planning applications must be determined in accordance with the presumption in favour of sustainable development contained within the NPPF.

**Natural England:** National Body responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils, are protected and improved.

**Neighbourhood plans:** Introduced under the planning provisions of the Localism Act. Parish Councils (or authorised groups of local individuals in unparished areas) are able to prepare statutory development plans against which planning applications will have to be assessed. These Plans must be in general conformity with the strategic policies of the local plan. After public examination, if found sound, must be subject to a local referendum before being adopted by the LPA.

**Net migration:** Takes into account natural change in the population (births and deaths) and also those people who have moved into, and out of, the locality. Stevenage has seen net out migration in recent years as more people have moved out of the town than have moved into it: this is unusual as one would normally expect in-migrants to exceed out-migrants. A well accepted population projection model. See also: 'Nil-net migration' and 'Population projections'.

**Nil-net migration:** Takes into account natural change in the population (births and deaths) but not those people who have moved into, and out of, the locality. In this model in-migrants are mathematically forced to equal out-migrants. A controversial basis for population projection modelling. See also: 'Net migration' and 'Population projections'.

**Non-determination:** If the Council fails to make a decision on a planning application within the set time, the applicant may appeal to the Planning Inspectorate who then make the decision, rather than the Council.

**Objections:** Representations received by the Local Planning Authority or any other determining body in respect of either a planning application or a development plan which opposes all or part of the proposals. In order for the objections to be considered

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and given weight they must raise legitimate planning matters (see 'Material considerations'). The number of objections received is not a legitimate ground for refusing planning permission.

**Off-setting:** Where the negative impact of a development or activity in one location is off-set or traded against a positive impact or activity implemented elsewhere, usually to obtain a nil-net effect. Most widely used in carbon trading (cf) but now spreading to the fields of biodiversity and ecology more generally.

**Outline application:** An application for planning permission primarily designed to establish that a development is acceptable in principle, subject to subsequent approval of detailed matters. Usually applies to major developments where it is either uncertain whether the proposal is in conformity with the development plan or where the scale of the development is such that it is inappropriate to be exact in every detail at the time of applying for planning permission.

**Out of centre:** In retailing terms, a location that is clearly separate from the primary shopping area of a town centre but not outside the urban area.

**Out of town:** In retailing terms, a location clearly outside the current urban boundary.

**Overbearing:** A term used to describe the impact of a development or building on its surroundings, particularly a neighbouring property, in terms of its scale, massing and general dominating effect.

**Over-development:** An often pejorative term describing an amount of development (for example, the quantity of buildings or intensity of use) that is considered excessive in terms of demands on infrastructure and services, or impact on local amenity and character.

**Overlooking:** A term used to describe the effect when a development or building affords an outlook over adjoining land or property, often causing loss of privacy.

**Overshadowing:** The effect of a development or building on the amount of natural light presently enjoyed by a neighbouring property, resulting in a shadow being cast over that neighbouring property.

**Performance targets:** Local Planning Authorities have nationally set performance targets to meet, principally revolving around the time taken to determine different types of planning applications. These were originally set as Best Value Performance targets.

**Permitted development:** Building works and uses as defined by the General Permitted Development Order and Use Classes Order that can be undertaken without the need for express planning permission from the Local Planning Authority.

**Planning Acts:** The first Planning Act was in 1909 but the modern planning system was introduced by the Town and Country Planning Act of 1947. There have been a series of further Acts over the succeeding years, with the main ones in use today being the four 1990 Acts, the Planning and Compulsory Purchase Acts of 1991 and

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2004 and the Planning Act of 2008. To these will be added the planning provisions of the Localism Act (which may not be commenced). Supplementing the Acts are various circulars, statutory instruments (such as the Development Plans (England) Regulations), guidance notes, policy statements, ministerial announcements and, from 1 April 2012, the National Planning Policy Framework.

**Planning Advisory Service (PAS):** A part of the LG Group that advises Local Planning Authorities how to improve their planning service. Includes peer review, best practice notes, etc.

**Planning Aid:** A government-subsidised service, offered by the RTPI, that provides free and independent advice and support to community groups and individuals unable to afford to employ a planning consultant.

**Planning application:** A planning application is necessary in order to secure express planning permission from the relevant Local Planning Authority for development that is not otherwise permitted development. See also 'Application form'.

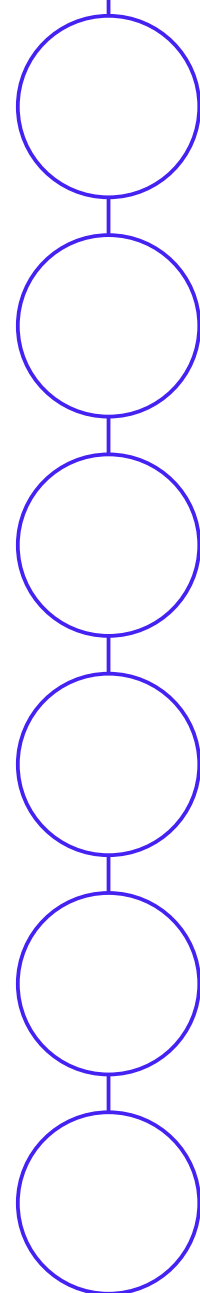
**Planning for Real:** A term broadly, and inappropriately, used to refer to any consultation method involving creative exercises (for example, the use of maps and model buildings) to engage the public in plan-making and place-shaping. The term is commercially copyrighted and licensed: it should not be confused with similar consultation methodologies not provided by the copyrighted owners of the term.

**Planning Obligations:** Securing the delivery of community benefits by legal agreement following negotiation with applicants for planning permission, without which any development would be unacceptable. May include the physical construction of facilities, the provision of land or the payment of a fee in lieu of on-site provision. The building of affordable housing and the provision of new children's play areas are examples. Also known as Section 106 agreements. May not be used to remedy existing infrastructure deficiencies: may only be used to meet the needs generated by the development being permitted. To be largely replaced by the Community Infrastructure Levy (cf).

**Planning Inspectorate (PINS):** National Body that undertakes planning and enforcement appeals (usually against Local Planning Authority refusal of permission or non-determination of planning applications). As of 2012 it also determines nationally important infrastructure projects. Holds evidence-gathering, quasi-judicial examinations into both planning applications and local plans and DPDs. PINS decisions on planning applications are binding on all parties except Government, but all of its decisions may be overturned by the courts on limited technical grounds following judicial review.

**Planning Officers' Society (POS):** Body that represents senior professionals and managers of planning functions in the public sector serving the English Local Planning Authorities (cf). Provides advice, best practice and training opportunities.

**Planning Permission:** The consent given by the Local Planning Authority, the Planning Inspectorate or the Secretary of State for development. Usually given with conditions and with a time limit for the beginning of development. May be subject to planning





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obligations. Reasons for permission will be given on the decision notice. Will be closely based on the information given in the planning application form and the ancillary information supplied by the applicant.

Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's): Prepared by Department of Communities and Local Government arm of Government. Designed to set national planning policy, explain the Planning Acts and to provide national guidance on the intended interpretation of planning policies. LPA's must take their content into account when preparing DPD's and determining planning applications. PPG's began to be issued in 1988; and started to be superseded by PPS's in 2004. The National Planning Policy Framework purported to replace PPS' and PPG's in 2012. Government have subsequently issued guidance on the NPPF.

Planning Portal: A Government sponsored web-site from which much useful generic information about the statutory town and country planning and building control systems can be gathered. Most LPA's are connected to the Planning Portal via hyperlink, such that it acts as a 'one stop shop' for developers and the public wishing to gain access to the planning pages of their local authority's web-site. Many local authorities, including the Borough Council, offer electronic submission of planning applications and the payment of fees via the Planning Portal.

Population projections: The principal basis of determining the future development needs of an area when preparing a development plan. A number of different models of population projection are available, including net-migration and nil-net migration. Alternatives to population-based projections are economic-derived models, although these are less widely used, projecting past performance, assessing affordable housing needs and policy-led models (in which planning policy constraints are overlaid, generally to constrain the housing requirement). The antithesis of using population projections or other demand-led projections as a basis for determining development levels is the urban capacity model.

Pre-application discussions/fees: An opportunity for councils and developers to work together to achieve developments that deliver benefits to the community and the economy. These discussions are provided for a fee, for officer time, but in the long-term they can save time, costs and frustration and optimise the potential of a site.

Precautionary principle: If an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of a scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking the action. The principle implies that there is a responsibility to protect the public from exposure to harm when scientific investigation has found a credible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result. Underpins much EU environmental policy but the application of the precautionary principle is not enshrined in UK planning law.

Presumption in favour of (sustainable) development: The Planning Acts have included a presumption in favour of development since 1947, as this was part of the post-war 'quid pro quo' that saw land and property owners' rights to develop their property as

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they wished nationalised without compensation. The presumption was amended to include the term 'sustainable development' following the work of the UN's Brundtland Commission.

Previously Developed Land (PDL): See 'Brownfield land'.

Primary Shopping Area (or Primary Shopping Frontage): A designated area where the number of Use Class A1 shops is most concentrated in a town centre. Beyond the primary shopping area will lie secondary and tertiary shopping areas, where shop uses become more diluted by other A-use classes (such as pubs, restaurants, banks) and other town-centre type uses (such as assembly and leisure uses).

Prior Approval: A procedure where permission is deemed granted if the Local Planning Authority does not respond to the developer's application within a certain time. Often relating to telecommunication or agricultural developments. Public examination: An interrogatory process led by one or more members of the Planning Inspectorate, held to examine the soundness of a DPD. Similar to an informal hearing: see 'Appeal'.

Public [local] inquiry (PLI): See 'Appeal'.

Refusal of planning permission: The guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will "cause demonstrable harm to interests of acknowledged importance". The person making the decision will issue a decision notice detailing the reasons for refusal. Within a set time, aggrieved applicants have the right to appeal against the refusal of planning permission.

Regional Strategy (RS): This is the successor to both the non-statutory Regional Planning Guidance and to the statutory Structure Plan. It sets the strategic context for development across the region, including setting the level of new housing to be accommodated. The South West Regional Spatial Strategy set a regional planning context for the South West. It was revoked under the Localism Act and ceases to have any relevance in planning.

Retrospective planning application: Occasionally a Local Planning Authority may receive, or in some enforcement cases encourage, those parties that have undertaken unauthorised development to submit a planning application to regularise the situation. Attempting to sell land or buildings upon which unauthorised development has occurred can lengthen the process and reduce the price received.

Royal Town Planning Institute (RTPI): Professional body representing town and country planners. Members of the RTPI must have a qualification recognised by the body and suitable post-qualification practical experience. Members are required to continually update their professional knowledge and skills by undertaking (and keeping a record of) Continuing Professional Development throughout their careers.

## Appendix E – Glossary of Town and Planning terms

**Saved policies:** Policies within a development plan that the Secretary of State has allowed to continue to have legal force, following passage of the 2004 Act, during the production of replacement Development Plan Documents. The non-saved policies – which replicated national and regional policies in force at December 2007 - are no longer in use.

**Secretary of State:** Head of the Government's Department for Communities and Local Government or another government department.

**Section 106 agreements:** See 'Planning gain/obligations'.

**Sequential test:** The process of demonstrating that development is to occur on the most preferable location for the appropriate use. Most commonly associated with the 'town centres first' policy and the 'brown before green' test for housing development (wherein brownfield sites have to be used before greenfield ones).

**Site Notice:** Statutory notice posted on, or close to, a development site for at least 21 days, providing public notice of the existence of a planning application on the site. Usually accompanied by the publication of the same notice in a newspaper circulating in the locality.

**Soundness, tests of:** At a public examination held by one or more members of the Planning Inspectorate, local plans are checked against four tests of soundness - whether they have been positively prepared, are justified, effective and consistent with national policy - and whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements. Neighbourhood plans will be tested against fewer tests. These criteria are established in the National Planning Policy Framework.

**Statement of Community Involvement (SCI):** This sets out the Council's policy on involving the community in policy-making and major planning applications.

**Stop Notice:** Notice served by an LPA on a land-owner where there is a breach of planning control that requires to be stopped. Serving a stop notice must follow an enforcement notice. Does not come into force for three days and gives reasons why the stop notice is necessary.

**Strategic Environmental Assessment (SEA):** Required to be prepared for plans and policies under the terms of the European directive 2001/42/EC for "environmental assessment of certain plans and programmes". Undertaken in conjunction with the Sustainability Appraisal. All but the least important of planning documents now have to be subject to SA/SEA.

**Strategic Flood Risk Assessment (SFRA):** Study to provide a reference and policy document to inform the local plan; and to ensure that the Council meets its legal obligation to keep new development (especially housing) from being built in areas of (serious) flood risk.



## Appendix E – Glossary of Town and Planning terms

**Strategic Housing Land Availability Assessment (SHLAA):** Study to determine the availability and viability of possible future housing sites. Usually undertaken every year.

**Strategic Housing Market Assessment (SHMA):** Study to provide evidence on the types of housing that are needed to meet current and future demand. Used to inform both the local plan and development management decisions. Usually undertaken every 2-3 years.

**Structure Plan:** Documents produced by County Councils under the planning system pre-2004. Superseded by Regional Strategies. The few remaining residual policies of the Structure Plan 1998 were revoked under provisions of the Localism Act.

**Sui generis use:** A use in, and of, itself not falling within any Use Class (cf). Any change of use requires express planning permission.

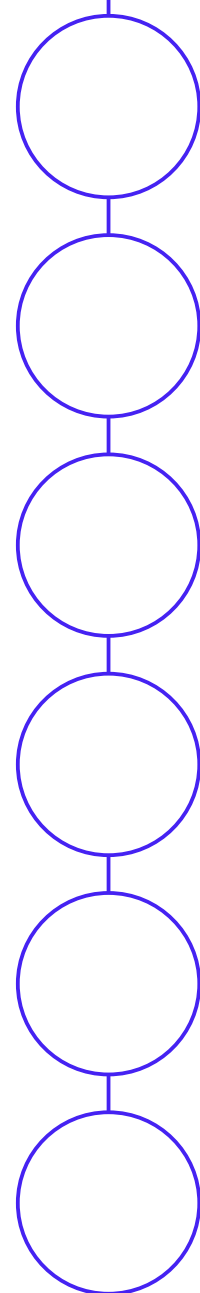
**Supplementary Planning Document (SPD):** There is no legal requirement to take these documents into account in determining planning applications, so their nature is to provide guidance to applicants wishing to develop land. The community will be involved in their preparation, but there is no independent examination of the document. Under the NPPF councils are discouraged from producing an SPD unless it will speed up the development process and not add to the costs of development.

**Sustainability Appraisal (SA):** An assessment of the impact the proposals contained within a DPD would have on the environment, economy and society. It is carried out in conjunction with the Strategic Environmental Assessment.

**Sustainable Development:** Although there are several definitions in use, the one most widely applied in planning is the definition of the Brundtland Commission “Our Common Future”, the United Nations World Commission on Environment and Development, published in 1987. This states that sustainable development is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” This continues to appear in the National Planning Policy Framework.

**Temporary Stop Notice:** Served by an LPA on a landowner where a breach of planning control needs to be stopped immediately. Lasts for 28 days, during which the LPA must decide whether to issue an Enforcement Notice. Must specify the activity to be halted. See also ‘Stop Notice’.

**Third party rights of appeal:** The right of an aggrieved party, other than the applicant, to appeal to an independent body against the grant of planning permission by a Local Planning Authority. There are third party rights of appeal in Eire but not in the UK. A judicial review of the decision (which could see the permission over-turned) or a complaint to the Local Government Ombudsman on the grounds of maladministration (which would not see the decision over-turned) are the usual means open to an aggrieved third party in the UK.



## Appendix E – Glossary of Town and Planning terms

Town and Country Planning Association (TCPA): Founded by Sir Ebenezer Howard in 1899 to promote the idea of the Garden City, the TCPA is Britain's oldest charity concerned with planning, housing and the environment. Now a limited company with corporate and individual membership, it campaigns for the reform of the UK's planning system to make it more responsive to people's needs and aspirations and to promote sustainable development.

'Town centres first': A sequential locational test that developers and LPAs have to demonstrate has been followed in the placing of new shopping, leisure and office developments. The preferred order in the sequential test is: town centre; edge of centre; out of centre; out of town. Only if it can be clearly demonstrated that the development cannot be placed in a location higher in the preferential scale can the development be placed in a less favoured location lower in the hierarchy.

Town, Parish or Village Plan's: A community led document which helps an area determine its future. It sets out a vision and outlines how that can be achieved. It can contain land-use and/or social items. Its influence on local planning documents or weight in determining planning applications is limited to land-use matters and by the timescale of local planning documents, the robustness of its evidence base and consultation undertaken during its development.

Tree Preservation Order (TPO): A means of securing the preservation of a single or a group of trees of acknowledged amenity value. A tree subject to a Tree Preservation Order may not normally be topped, lopped or felled without the consent of the Local Planning Authority. Trees on publicly owned land are not usually subject to TPOs as LPAs are considered to exercise good land husbandry.

Ultra vires: A Latin term meaning an action (usually of a Local Planning Authority, the Planning Inspectorate or the Secretary of State) which it is outside the legal power of the decision-maker to take. In planning, usually refers either to the issuing of a permission or the imposition of one or more conditions. Whether something is ultra vires will be determined by the courts through a judicial review.

Unauthorised development: Development that requires planning permission but which does not have it. Once unauthorised development comes to the attention of the Local Planning Authority an enforcement investigation will be begun. Unauthorised development can be regularised by a retrospective planning application in some instances or it may be beyond the time limits for enforcement action (four years for operational development or ten years for a change of use or breach of a planning condition). A Lawful Development Certificate is sometimes applied for to regularise the situation.

Use Classes [Order]: Government statutory instrument that sets out broad classes of similar uses. Currently there are 15 different use classes. Within each class, planning permission is not required to change from one use to another e.g. changing from a butcher's shop to an internet café does not require planning permission as both fall within the same use class (A1 - shops). There are also certain changes of use from one class to another that do not require planning permission e.g. from a pub (class A4) to a shop (class A1).

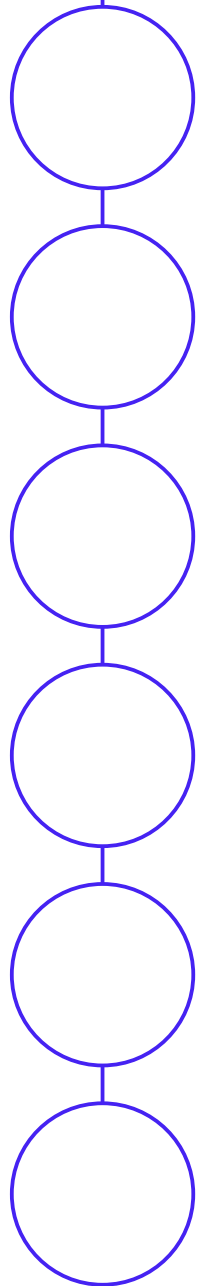
## Appendix E – Glossary of Town and Planning terms

**Validation:** The initial process carried out by the Local Planning Authority upon receipt of a planning application. Checks are undertaken to ensure that all of the necessary information has been supplied with the application form and that the appropriate planning application fee has been paid. Only once this process has been completed will: an application be registered as valid; be given a unique reference number; be allocated to a specific planning officer (known as the case officer) to process and determine; and be added on to the weekly list. The necessary consultation letters will be sent out only after validation is completed.

**Waste Local Plan/LDF:** A statutory long-term development plan framework for managing and disposing of waste. All waste planning powers reside with county or unitary councils (i.e. not with district councils) - both plan-preparation and development management.

**Weekly list:** A compendium of all new valid planning applications received by the Local Planning Authority in the preceding seven days. Gives limited details including the application reference number, the address of the development, a brief description of the proposals and the name of the case officer. Available to view free of charge or to purchase.

**Weight:** The weight to be attached to an issue in the determination of a planning application is a matter for the decision-maker and will not usually be challenged by the courts. See also 'Material considerations'.



## Equality Impact Assessment – pro-forma

<b>Responsible person</b>	<b>Ann Rhodes</b>	<b>Job Title: Planning Policy Officer</b>
<b>Why are you completing the Equality Impact Assessment? (Please mark as appropriate)</b>	Proposed new policy/service	
	Change to Policy/service: <b>Statement of Community Involvement (SCI)</b>	<b>Review of 2007 document</b>
	Budget/Financial decision – MTFP	
	Part of timetable	
<b>What are you completing the Equality Impact Assessment on (which, service, MTFP proposal)</b>	<b>Statement of Community Involvement</b>	
<b>Section One – Scope of the assessment</b>		
What are the main purposes/aims of the policy/decision/service?	<b>To inform interested persons when and how the Council will consult and notify those people in the preparation of Planning Policy Documents and Development Management Applications</b>	
Which protected groups are targeted by the policy/decision/service?	<b>Anyone effected by planning and development and planning applications in the Borough of Taunton Deane</b>	
What evidence has been used in the assessment - data, engagement undertaken – please list each source that has been used  The information can be found on....	<ol style="list-style-type: none"> <li>1. Previous SCI which had extensive consultation</li> <li>2. Planning and Compulsory Purchase Act (2004), the Localism Act (2011), the (1990) Town and Country Planning Act and recent (2012) Neighbourhood Planning Regulations</li> <li>3. LDF Steering Group approved the document for wider consultation (August 2013). At this point it was sent to equalities groups on our consultation data base who were asked if there are any issues, feedback will be considered and if relevant incorporated.</li> <li>4. Taunton Deane Partnership Community Planning Working Group (September 2013)</li> <li>5. Public Consultation – six weeks consultation including stakeholder, general public and equalities groups - (October 2013)</li> </ol>	

**Section two – Conclusion drawn** about the impact of service/policy/function/change on different groups highlighting negative impact, unequal outcomes or missed opportunities for promoting equality

The Equality Act (2010) defines nine “protected characteristics”: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council will aim to ensure that these characteristics do not effect people’s ability to respond to our consultation and have their views heard.

**Age:** neutral, a range of consultation options for the planning policy plans means that there are no barriers to accessing and commenting on information, which can be done in public or private. Consultation materials will be available from inspection points: Parish Councils, Libraries, Community Centres and Deane House as well as on the Councils Website and at exhibitions in the areas where development is proposed. 20% of the Boroughs population is over the age of 65 (2013 Equalities Report), multiple ways to receive and comment on information, particularly local exhibitions will assist those who may be less mobile. Children under the age of 15 make up 18.25% of the Boroughs population (2013 Equalities Report). They can engage directly with consultation and parents are able to comment of behalf of their children if they do not wish to comment themselves. Exhibitions will be held in the areas where development is proposed, enabling all ages to attend. Development Management notify of applications via the weekly list and letter, it is expected that for major developments applicant will need to demonstrate their wide reaching engagement has taken account of age.

**Disability:** 18.3% of the Borough have some degree of limiting long term illness (2013 Equalities Report). Consultation materials can be produced, on request, in large print and brail. The Council can offer 1-2-1 meetings to discuss the consultation materials and take consultation responses. DDA compliant venues will be booked for consultations to provide good disabled access, hearing loops, etc. We will ensure that materials advertising the consultation provide contact details so that those with disabilities can be supported. People can bring someone to events and meetings to support them with interpretation, responses and understanding content of consultation. Where appropriate presentations to particular groups and organisations can be arranged and help provided to respond to the consultation. Development Management notify of applications via the weekly list and letter, all material is available online or at Deane House, allowing access of information from home or in person. Written material may hinder some disabled people though the leaflets are available in large print and brail on request, it is expected that for major developments applicant will need to demonstrate their wide reaching engagement has taken account of access to that information by disabled persons who are interested in attending consultation.

**Gender:** neutral, a range of consultation options means that there are no barriers to accessing and commenting on information, which can be done in public or private. All genders are able to access information and comment of the documentation. There is some evidence that women are still the primary carers. Exhibition opening times for planning policy consultation will coincide with the end of the school day. We will also send leaflets to schools, for children’s homework bags to help with publicity of the event.

Sex and Sexual orientation: neutral, a range of consultation options means that there are no barriers to accessing and commenting on information, which can be done in public or private. In relations to comments received during consultation the SCI is clear that homophobic or abusive comments are not acceptable and may be passed onto the police for them to investigate.

Marriage or Civil Partnerships: neutral, there are no barriers to accessing and commenting on information.

Pregnancy or Maternity: neutral, a range of consultation options means that there are no barriers to accessing and commenting on information, which can be done in public or private.

Race: 2.9% pf the Boroughs population are BME (2013 Equalities Report). Whist this is a low figure there is evidence that certain populations (Indian, Pakistan, Bangladesh) are more likely to be relatively disadvantaged compared to white, living in overcrowded, poor accommodation and therefore likely to need new housing (BME Housing, Harrison & Philips, ODPM 2003). The Consultation will provide the opportunity for organisations which represent BME's to highlight any additional matters to the Council its policy could take account of. For those for whom English is not their first language, consultation materials can be produced, on request, in other languages. The 2001 census also highlighted that 99% of school children in the Borough spoke English for 96.4% it was their main language. Children in households where English is not the first language will be able to assist other family members. The Council can offer 1-2-1 meetings to discuss the consultation materials and take consultation responses. At the moment G&T will have difficulty being notified of development in their area, due to high levels of illiteracy amongst the community. We have no other way of getting information on alternative formats other than posters, leaflets, e-mails or letters. Perhaps we need to ask effective groups how we will effectively consult them. Invite representatives to come and chat through the SCI and consultation methods. In terms of comments on planning applications we are aware of a disproportionate number of comments received for applications for Gypsy & Traveller uses; due to a lack of understanding of the cultural way of life. There is possibly a role for the Council in explaining and addressing this. Council policy is clear that racist or abusive comments are not acceptable and may be passed onto the police for them to investigate. Development Management notify of applications via the weekly list and letter, translations are available on request. At present 1-2-1 meetings are by request though there is no formal procedure for assisting people comment on an application where there may be cultural or language barriers. The Council can look into this. It is expected that for major developments applicant will need to demonstrate their wide reaching engagement has taken account of any protected characteristics.

Religion or Belief: there are a variety of religions and beliefs in Taunton Deane (in descending order: Christian, Buddhist, Hindu, Jew and Muslin) representatives of faith groups will be consulted, we will also send them information on the exhibitions and as if they could publicise them with their members. Religion and Belief should not be a hindrance for those wishing to comment on Development Management Applications.

Other items: The Borough has pockets of deprivation where illiteracy is higher than the average (Priorswood, Halcon and some rural areas). In addition all of the

above may not understand how development will affect them. Therefore exhibition boards need to aid understanding of how development might affect different sections of society, visual aids are effective at conveying information. All letters, e-mails and exhibition material must be run through the Plain English Software; the TDBC website is compliant with Plain English guidance. At present development management leaflets with guidance on commenting on applications are not on line. The council will look to review the leaflets content and location.

It is recognised that some groups are harder to engage with than others. These can include: those for whom English is not their first language, people with disabilities, children and young people, older people, gypsies & travellers, ethnic minorities, and the homeless. This is not an exhaustive list, it provides an indication of the breadth of harder to reach groups. Such groups may not be engaged by or may be unable or unwilling to engage in traditional consultation methods.

The Council will endeavour to take account of barriers faced by these groups and try to overcome these by using alternative methods of consultation, or by asking affected groups or individuals how they would like to be involved.

Using expertise and networks of communication already established throughout different areas of the Council to engage such groups. Where appropriate; meetings or presentations will be held at a mutually convenient time and venue with such groups.

Appendix A of the document provides a list of some of the key community and voluntary organisations in Taunton Deane with links to equality and diversity groups to assist with consultation and engagement. This is not an exhaustive list.

**I have concluded that there is/should be:**

No major change - no adverse equality impact identified	No major change at present. The SCI states the Council will continually review the way it consults and amend the document as required.
Adjust the policy/decision/service	
Continue with the policy/decision/service	
Stop and remove the policy/decision/service	

Reasons and documentation to support conclusions: **See above**

<b>Section four – Implementation – timescale for implementation</b>	
Adoption and implementation of the SCI spring 2014.	
<b>Section Five – Sign off</b>	
Responsible officer Date 14 <sup>th</sup> March 2014	Management Team Date
<b>Section six – Publication and monitoring</b>	
Published on: 12 <sup>th</sup> August 2013 for Local Development Framework Steering Group consultation 26 <sup>th</sup> September 2013 for Community Planning Working Group consultation 31 <sup>st</sup> October 2013 for Public Consultation (including equalities groups) 17 <sup>th</sup> March 2014 for Community Scrutiny Meeting	
Next review date: Review as required.	Date logged on Covalent

### Action Planning

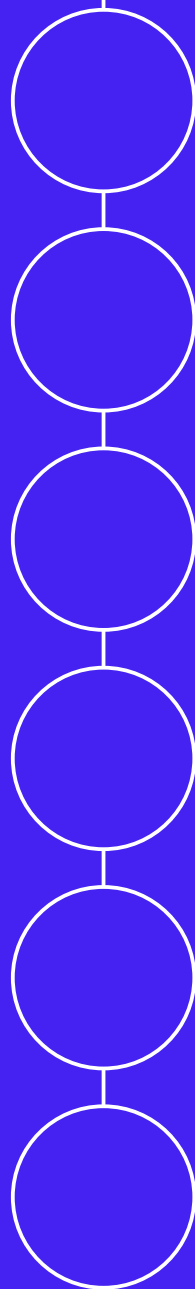
The table should be completed with all actions identified to mitigate the effects concluded.

Actions table					
Service area	Planning and Development			Date	25 <sup>th</sup> September 2013
Identified issue drawn from your conclusions	Actions needed	Who is responsible?	By when?	How will this be monitored?	Expected outcomes from carrying out actions
See Section 2	See Section 2	Policy Team and	On going, as	Through the Statement of	Continued improvement to accessibility and availability of consultation material



		Development Management Team	resources allow	Community Involvement, Planning Policy Teams post consultation Review and Development managements Business Plan.	to wide section of people, organisations and bodies.

# Report of Public Consultation - Statement of Community Involvement





# Report of Public Consultation - Statement of Community Involvement

1

The Council has a legal duty to consult in the preparation of local planning documents and on planning applications. The Statement of Community Involvement (SCI) sets out how the Council will consult with the construction industry, local communities and stakeholders to produce effective and robust planning policy and development management decisions.

Public consultation on the draft SCI took place between 31<sup>st</sup> October and 12<sup>th</sup> December 2013. Prior to this a draft was submitted to the Local Development Framework Steering Group and Community Planning Working Group for comment.

10 representations have been received in response to the consultation.

## **Does the SCI provide clear information on how to get involved in Plan preparation?**

Yes - 1

No -

No comment - 9

## **Does the SCI provide clear information on how to be informed of and comment on planning applications?**

Yes - 1

No -

No comment - 9

## **Is there anything the Council should consider doing which would help you be aware of and get involved with Plan Preparation?**

The attitude towards Parish Plans is unprofessional.

### **Council's Initial Response**

Parish Plans are advisory documents because they have no statutory weight under planning law. As advisory documents their weight is determined by their robustness in terms of evidence and consultation. The SCI sets out the hierarchy of documents.

### **Action**

A section will be added to the SCI on advisory documents – i.e. Parish Plans and Community Plans – explaining their weight in decision making and providing information on robustness of consultation for them.

# Report of Public Consultation - Statement of Community Involvement

The Councils SADMP merely presented the Councils proposals and did not include the Parish choosing the development sites. The views expressed by the Parish Council's consultation have been disregarded. Whilst there is no legal basis for the Parish's Plan it is widely recognised and valued and receives solid support.

## Council's Initial Response

The Parish Council's Plan was a representation and considered as part of the SADMP Issues & Options consultation. This is not an SCI issue. Comments will be considered about how the Council clearly explains such items during consultation.

## Action

See comment under Action above.

## Other Comments

Representations were made questioning the weight that the Council attached to non-statutory plans such as Community Plans and Parish Plans. It was felt that the Borough has disregarded consultation undertaken by North Curry Parish Council in relation to the selection of sites within the village.

## Council's Initial Response

Parish and Community Plans are non-statutory and consequently they are generally afforded only quite limited weight.

## Action

The Council will clarify links to NP Regulations and related Acts. The SCI will make clear that it is only concerned with matters of consultation relating to NP's.

Natural England, Wessex Water and Network Rail were supportive of the role of the SCI.

## Council's Initial Response

Noted

# Report of Public Consultation - Statement of Community Involvement

## Action

Request from rail operators for consultation of them to extend to sites adjoining or in close proximity to the railway will be passed to Development Management.

A planning consultancy supported the identification of Registered Providers as key stakeholder, as well as the use of pre-application advice and consultation proportionate to the proposed development. However, the set definition of 10 or more dwellings fails to reflect local and site characteristics. The scale of consultation should be decided based on an assessment of an individual proposal.

Whilst pre-application consultation and advice is desirable there is no policy basis for requiring either. The Council should encourage both but should an application come forward that has undertaken neither it should still be assessed on its planning merits.

## Council's Initial Response

The Council categorises applications as Significant and Departure or Small Scale and Minor. The SCI states that every application is individual and appropriate consultation techniques used to consult the community will vary. The SCI sets standards the Council would expect an applicant to follow prior to making an application. Appendix C uses examples to help members of the general public understand the definitions.

## Action

The Council will look into either adding a sentence will be added to Appendix C clarifying this is a rough guide as all sites and applications are uniquely individual therefore may deviate from the examples given or incorporating this information into the main body of the document.

There were some suggestions that the Council's technical documentation used to support Development Plans was jargonistic and difficult for non-planners to understand. Consultation documents are overly long and complex and the Council's website is difficult to negotiate. Public exhibitions are poorly attended.

# Report of Public Consultation - Statement of Community Involvement

## Council's Initial Response

The aim of the SCI is to explain in plain English when and how the council will consult on planning policy and planning applications. The Council recognises that some methods of consultation may not suite everybody, however it is hoped that the variety of methods will enable a wide range of people to get involved in the consultation process. A householder guide to commenting on applications has been produced by the Council to help people with commenting on planning applications.

A range of support, including training, is available for Parish Councils on Planning Policy and Development Management through the Council, Planning Aid, Planning Advisory Service and other organisations.

Supporting documents prepared to inform Development Plans are often quite lengthy and technical. The Council takes every care to ensure documents are written in Plain English and can be understood by a non-technical audience.

## Actions

The Council will continue to review its consultation methods.

West Monkton PC comments the document is very worthy and Appendix D very useful. However, the implementation and experience of consultation events is very difficult. General public are not aware of Town Planning procedures and implications. Its essential that as many means as possible are used to engage. TDBC needs to consider mail shots, advertising in local newsletters, large road signs, exhibitions from 8am to 8pm.

There needs to be much more overt and open statements as well as explanations about possible outcomes of decisions that are being consulted on. Consider drafting a generic statement for key policies or changes for Parish Council websites and magazines which makes clear all information and what it is trying to achieve.

There is much information missing for an informed decision to be made. The public must have all the facts clearly communicated. It would be helpful to inform the public of what changes were made as a result of consultation.

Is there a community engagement panel or similar for people to comment on policy?

# Report of Public Consultation - Statement of Community Involvement

## Council's Initial Response

As the SCI explains the Council endeavours to go beyond its statutory requirements when consulting on planning policy; although it must be mindful of the resources available.

Feedback on previous consultation is valuable, enabling the Council to improve on what it does.

The supporting and evidence base for planning applications and proposed planning policy respectively is published on the Council's website or portal.

The Council publishes a report of Consultation after each stage of planning policy. This contains the council's response to the representations received and any actions, including changes.

The Council has a Community Planning Working Group which provides input into the formulation of Council planning policy.

## Actions

Ask the Taunton Deane Partnership Community Planning Working Group if they would like to invite West Monkton P.C. to join the group.

The Council took the opportunity to discuss the contents of the SCI with the Taunton Deane Partnership (TDP) Community Planning Working Group (CPWG). The Group made a number of suggestions and observations as listed below.

CPWG highlighted the dilemma of Parish Councils and Area of Outstanding Natural Beauty Authorities meeting with developers and perceived predetermination of applications. Concern views of community groups being miss-represented and that developer consultation doesn't take advantage of parish/village media, publications and knowledge to reach wide number of residents.

Suggested adding reference about predetermination and fettering of discretion, add Parish Councils advice note to appendix and comment about effective use of local knowledge in advertising consultation.

Recommended strengthening wording: must be public consultation which is open to the general public, meeting Parish Council at public meetings.

CPWG supported public exhibitions and displays as an effective way of engaging.



## Report of Public Consultation - Statement of Community Involvement

Concern process for notifying of amendments/revisions to planning applications is confusing. Time scale of 14 days is also very tight. Consider notifying Parish Council of any amendments, consider including definition of amendments. Do amendments go on weekly list? Appeals don't appear on weekly list; it's important that notification of appeals go to all who commented.

### **Council's Initial Response**

The Council has a statutory time limit to respond to applications, this dictates the 14 day response time for consultation on amendments and revisions. Decisions to re-advertise/re-consult depend on a combination of factors, including, inter alia, is it a significant change to the character or description of the proposed development, are any neighbours affected, are amendments likely to impact on the previous response from a consultee.

Local Authorities are required to notify interested parties of an appeal within 1 week.

### **Action**

The Council will consider adding an appendix of guidance on predetermination and amending text to refer to open public consultation and advantages of utilising local media, publications and public knowledge to engage with a wide range of residents.