

# Consultation report on the Statement of Community Involvement public consultation – July and August 2011

## Introduction

To help form a draft Statement for public consultation, work was undertaken in May and June 2011, by the Statement of Community Involvement Member Working Group<sup>1</sup>. This included hearing evidence from the community, including representations made to the Council prior to the setting up of this Group<sup>2</sup>.

46 written responses were received as a result of the wider public consultation work held in July and August 2011<sup>3</sup>. Although the number of responses was relatively low, a number of Parish Councils responded, as did a range of individuals, local community groups and statutory organisations. This report details how these responses have been used to inform the final version of the Statement of Community Involvement proposed for adoption.

Section 1 summarises the key issues made during this consultation<sup>4</sup>. Section 2 provides more detailed considerations of the response received for each component part of the Statement of Community Involvement. Section 3 includes issues that cannot be addressed as part of the Statement of Community Involvement review.

## Section 1 - Summary of key issues

The overall message given by those responding is to welcome the Council's intention to seek better community involvement and make the Statement of Community Involvement simpler and more accessible. The response from the Parish Councils was positive overall including support for the principles, but they did highlight some concerns. A number of local community groups wrote in to support the comments of two of their representative organisations that also raised concerns.

- Some responses state that the draft Statement of Community Involvement is now not prescriptive enough although the intention to make it more flexible and shorter was welcomed and supported by other responses.
- Some of the responses indicated that significant and additional resources should be made available in order to undertake consultation effectively.
- Some responses were concerned whether Community Involvement Plans will have the effect that they are intended to. Some community groups responding would also like to have the opportunity be consulted on the Community Involvement Plan.
- Responses suggest that the Council should be clear about where the community has the opportunity to influence the outcome of the consultation.
- Suggestions have been made to alter the way in which the Council monitors and measure the success of the Statement of Community Involvement and Community Involvement Plans, including through external audit.
- A number of responses raise concerns that by only consulting a cross-section of the community, people will be missed and that the Council has a responsibility to identify all those who are potentially affected by a proposal.

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<sup>1</sup> Consisting of five elected Councillors (politically balanced)

<sup>2</sup> Further details on the early public consultation work undertaken are available in the Consultation Report May/June 2011 available at [www.midsussex.gov.uk/sci](http://www.midsussex.gov.uk/sci)

<sup>3</sup> List of respondents available in Appendix ii

<sup>4</sup> Further information on how the wider public consultation was undertaken is available in the Community Involvement Plan available at [www.midsussex.gov.uk/sci](http://www.midsussex.gov.uk/sci)

- Some of the responses consider the scope of the Statement of Community Involvement is now too wide and will result in a strain on other Council resources.
- A number of comments were received requesting that the Council should exceed its statutory obligations for the community to respond to planning applications and to Local Development Framework consultations. They would also like the opportunity to comment on more documents including the Council's responses to strategic plans or other proposals from neighbouring planning authorities.

## Section 2 – Consideration of responses received

### Mid Sussex's Code of Practice and Statement of Community Involvement

#### General issues

1. Appendices should be included as an integral part of the Document. They should not be added to or amended when required (concern that they will be amended without further consultation).

*The proposed format allows flexibility to update or add to the Statement when required. This is particularly important as for example; the planning system is currently undergoing significant changes. The scale of consultation will depend on the scale of any amendments that need to be made. It is envisaged that minor changes to the appendices will be publicised through via an email alert with consultation for significant amendments if necessary.*

2. Document should be more concise. Difficult to read and follow the message that is being presented. Should be more relevant, giving clear examples of what is proposed to involve the local community.

*Clear examples of when and how the community will be involved, will be provided by Community Involvement Plans.*

3. Staff at consultation points (the example given is libraries), need briefing on purpose of documents.

*It is proposed to make reference in the Community Involvement Plans template to highlight contact details for advice and the existence of executive summaries/ frequently asked question sheets where available. This will be communicated to the consultation points.*

4. Should focus on planning/ be more prescriptive in planning matters. Not efficient to expect it to cover other services in addition to planning (no legal obligation to do so).

*Noted. A corporate wide standard is required for consultation and the Statement of Community Involvement represents the best means to achieve this.*

5. Wider community involvement already catered for by the Council's External Communications Strategy and its Mid Sussex Consultation Strategy.

*There is no corporate standard currently in force.*

6. Commitment to community engagement has been lost.

*The commitment to effective and efficient community engagement is highlighted by the Principles and promoted through the use of Community Involvement Plans that clearly define the commitment and process of engaging with the community.*

7. Document should list all plans, proposals and documents it will apply to.

*The Planning Appendix contains a general list of documents it will apply to. It is not possible to provide an exhaustive list of documents, as these are subject change/ additions.*

8. Role of elected Councillors should be utilised. Should be conduits and involved in the discussion and presentation to the public and other bodies therefore able to collate views and feed these into the process. Councillor surgeries should be better used as a two way information event.

*The Statement of Community Involvement highlights the important role Councillors make in community engagement and it is proposed to include an additional reference to Councillor surgeries.*

## What is the Council's overall goal in promoting community involvement?

9. Should clearly state that the first objective in using public engagement is to "shape a proposal" not just 'to be heard' (example given 'to secure the best practical outcome consistent with sustainable planning rules').

*A minor amendment to the wording of the overall goal is proposed.*

## Principles

### Principle 1: Be timely

10. Too vague. Should set requirement to specify when and with whom prior to preparation of Local Development Documents, Planning Performance Agreements and Pre-application advice with developers.

*The commitment to effective and efficient community engagement is highlighted by the Principles and promoted through the use of Community Involvement Plans that clearly define the commitment and process of engaging with the community.*

*The Planning Appendix contains a general list of documents it will apply to.*

11. The Council should commit to engaging at an early stage with affected communities and their representatives (should state when and with whom), prior to the preparation of Local Development Documents and prior to finalising Planning Performance Agreements and other pre-application agreements with developers.

*The principle is seeking to achieve the above. With regard to engaging with community representatives (when and whom), these are requirements of the Community Involvement Plan. Community representatives are listed within the 'key contacts'<sup>5</sup> initiative.*

12. Consultation should be at the earliest opportunity to provide time for Parish Councils to consult with their residents and consider their response within regular meeting schedule.

*As much forewarning as possible is given to the Parish Councils. Many of the consultation periods for Local Development Framework documents are extended beyond statutory timescales where possible.*

13. Before formal consultation periods are announced, public meetings should be held to enable interested persons and local bodies to hear what may be planned.

*It is proposed to include a reference to the distribution of information about proposals at the earliest opportunity, in the Community Involvement Plan template.*

14. Council should consider doubling minimum statutory minimum time periods (twelve week for Local Development Documents and six weeks for planning applications).

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<sup>5</sup> Available at [www.midsussex.gov.uk/sci](http://www.midsussex.gov.uk/sci)

*The Council is not seeking to amend 'statutory obligations' (as outlined in the Community Involvement Plan for the Statement of Community Involvement) and this includes minimum time periods for consultation. Many of the consultation periods for Local Development Framework documents are extended beyond statutory timescales where possible.*

15. Realistic consultation periods with service providers need to be taken account of in the preparation of the Local Development Documents i.e. need time to model infrastructure systems.

*Many of the consultation periods for Local Development Framework documents are extended beyond statutory timescales where possible. Service providers are also sent Local Development Framework email alerts regarding the process to make them aware of the forthcoming consultation.*

16. Advanced warning of public consultations (15 days prior by post and media announcements 15 days prior to start of consultation period).

*Committee reports already include work programmes and Community Involvement Programmes will include timetables for the proposed consultation. There is also a Local Development Framework email alert process, which can be used to update subscribers to upcoming consultation events,<sup>6</sup> a service can be widened out to other Council services if required. The Council makes wide use of press releases.*

17. 3 week local consultation period to be required for Development Management pre-application consultation.

*Developers are encouraged to undertake pre-application consultation and it is a 'local' validation requirement set by the Council for planning applications.*

18. No public consultation to be held during summer school holidays and Christmas and New Year. If unavoidable period should be longer.

*Many of the consultation periods for Local Development Framework documents are extended beyond statutory timescales where possible. It is proposed to include a reference to this within the Statement of Community Involvement.*

19. Long term strategic planning requires long term engagement process. On-going dialogue/ sharing of information throughout process is essential.

*Noted. The commitment to effective and efficient community engagement is highlighted by the Principles and promoted through the use of Community Involvement Plans that clearly define the commitment and process of engaging with the community.*

## Principle 2: Be inclusive

20. Local people are a resource to be used to effect good planning.

*Noted. The commitment to effective and efficient community engagement is highlighted by the Principles and promoted through the use of Community Involvement Plans that clearly define the commitment and process of engaging with the community.*

21. Too vague. The Council should say what it will do rather than what should be done.

*It is not proposed to make the principles too detailed. The Statement of Community Involvement promotes flexibility to achieve the most effective and efficient means of community engagement through the Community Involvement Plan.*

22. Council's use of workshops and forums as key consultation tools has in the past been frustrating and ineffective. More likely to limit participation and stifle debate than encourage

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<sup>6</sup> To subscribe see [www.midsussex.gov.uk/sci](http://www.midsussex.gov.uk/sci)

and develop new ideas, except where they are used to facilitate discussion on how best to deal with a particular issue.

*The best means to engage with the community will be considered through the Community Involvement Plans.*

23. All those who are liable to be affected by given proposal, including those who are hard to contact should be identified. It is not proper to assume job of self selecting representative cross section of community (reference to 'a representative cross-section of the community' should be deleted from Principle). Leaves it up to individuals to identify themselves as interested.

*It is not possible to identify all who will be affected by a decision. The Council has a 'key contacts' initiative to contact community representatives, groups and organisations and for planning, there is a Local Development Framework email service available to keep individuals and organisations up to date.*

*People are free to submit their details at any time to the 'key contacts' and Local Development Framework email alert lists. The Statement of Community Involvement also endorses the use of Equalities Assessments to support reaching out to seldom heard groups (many representative groups are listed within the list of 'key contacts').*

24. The Council should try and ensure everyone (groups/individuals) invited to take are approached in a positive manner.

*Noted. The Statement of Community Involvement aims to do this.*

25. Open and on-going, regular dialogue is essential.

*Noted. The commitment to effective and efficient community engagement is highlighted by the Principles and promoted through the use of Community Involvement Plans that clearly define the commitment and process of engaging with the community.*

26. Public should shape the process of consultation (length, participants, information provided).

*It is proposed that the Statement sets out that Community Involvement Plans should be made available to allow the community to view them at the earliest opportunity.*

27. Ensure those taking part are given the means to enable them to contribute properly (time and understanding).

*Noted. This requires an understanding of the issues, often highlighted through the use of Equalities Assessments, which would be incorporated into Community Involvement Plans.*

### Principle 3: Be transparent

28. Neither this Principle nor the Community Involvement Plan detail what information will be made available to consultees. The Council should provide all information required that is relevant to the planning proposal (including material available under the Freedom of Information Act).

*It is proposed to add a reference to the early provision of information where practical, in Community Involvement Plan Template.*

29. Document should include detail to how the Council would go about building the community's capacity to contribute to an effective planning process for instance, awareness, understanding, empowering and making all information required by stakeholders to provide fully informed input to the proposal.

*Noted. This requires an understanding of the issues, often highlighted through the use of Equalities Assessments, which can be are incorporated into Community Involvement Plans. It is proposed to add a reference in the Community Involvement Plans Template to; highlight*

*contact details for advice and the existence of executive summaries/ frequently asked question sheets where available and that this will be communicated to the consultation points and; to the early provision of information where possible.*

30. Needs to be made clear what can be influenced and changed by the participant's suggestions and comments and explain any legal and planning constraints that affect the proposal and limit the scope to change it. This will remove the implication that the Council has pre-determined issues before consultation has begun.

*Considered too detailed for the principle but it is proposed that the Community Involvement Plan Template be amended to refer to this point.*

31. Ultimately decisions are based on policies and if a particular proposal ticks the policy boxes, even though there may be overwhelming opposition, then it'll happen anyway. There is little point in having Public Consultation/ Community Involvement in cases like this.

*Many decisions are made within a policy and/ or legislative framework which should be appreciated by all those involved in the decision making process. It is proposed that the Community Involvement Plan Template be amended to refer to this point.*

*There are elements where the community can inform proposals within this framework and this will be set out within Community Involvement Plans.*

#### Principle 4: Be respectful of each other's views

32. There needs to be trust in those who will be affected long-term by the plan. Recognition that community can contribute but may need the Council's help.

*The Principles and methodology outlined in the Statement of Community Involvement recognise the role of the community.*

#### Principle 5: Be efficient

33. Although consultation should be proportionate to subject matter, this or financial reasons should not be an excuse for inadequate engagement.

*Noted. Community Involvement Plans will establish the most efficient/ effective ways of engaging with the community to be employed. It is proposed to include a reference to the Community Involvement Template to outline when there are formal consultation requirements that need to be met.*

34. Drive for efficiency may result in too narrow a consultation and skew the results. There should be a minimum publication criteria that should be followed i.e. website, local newspapers and on notice boards.

*The Community Involvement Plans should state where there are formal consultation requirements to be met. It is proposed to amend the Community Involvement Plans Template to reflect this point.*

#### Principle 6: Be clear about results

35. Results of consultation should be done promptly.

*Noted. The timing of publication of results is dependent on the level and nature of response received.*

#### Additional suggested principles

36. Additional principle - any Community Involvement Plan should be formulated with the primary purpose of achieving the Council's stated overall goals of the Document.

*It is not proposed to add another principle to the Statement, as this is essentially what Community Involvement Plans are trying to achieve. However, it is proposed to emphasise this point within Community Involvement Plans section.*

37. Additional principle - "Be Informative". The Council have an obligation to accurately inform the public of its statutory obligation for any consultation to set out the context otherwise this would significantly under value the community engagement process as representation would be made out of context.

*The context of the policy and/ or legislative framework should be outlined and this could be set out within Community Involvement Plans. It is proposed to amend the Community Involvement Plans Template to reflect this point.*

## What are Community Involvement Plans?

38. Provide people with an opportunity to influence the Community Involvement Plan.

*It is proposed that the Statement sets out that Community Involvement Plans should be made available to allow the community to view them at the earliest opportunity.*

39. Should create basic Community Involvement Plan templates for each type of Local Development Document at the start of the process to save time and Council resources later.

*One of the aims of the production of Community Involvement Plans is the ability to remain flexible to take account of what stage a proposal is at, the results of previous stages and the resources available.*

40. If the Council decides which groups/ persons will be involved - will there be an appeal /request procedure if this list is not seen as acceptable?

*It is proposed that the Statement sets out that Community Involvement Plans should be made available to allow the community to view them, and will include groups or persons to be involved. The Council will often draw on contacts from the 'key contacts' initiative. People can request to add their details to the list of 'key contacts'.*

41. Not a clear definition of the term 'significant consultation exercises' (note for which the Statement states a Community Involvement Plan should be completed for).

*Community Involvement Plans should be completed by the Council for all Local Development Framework documents.*

*For planning applications, applicants should complete a Community Involvement Plan for all 'major' planning applications (defined in the Council's Local Validation criteria checklist as residential dwellings of 10 or more units, of sites of 0.5 hectares and above and for all telecommunications applications and for commercial applications of 1,000 square metres and above and on sites of 1 hectare or more). It is proposed to amend the document to reflect this.*

42. Community Involvement Plans should be available for a predetermined notice periods (rather than term 'available in good time').

*Noted. The Statement sets out that Community Involvement Plans should be made available to allow the community to view them at the earliest opportunity.*

## Community Involvement Plan Template

### General issues

43. The Community Involvement template should include a section which requires identification of all documents and evidence relevant to the issue being consulted on and how and where this is publicly available.

*A reference to the provision of information is proposed to be added to the Community Involvement Plan Template.*

#### Who is to be involved?

44. The Statement of Community Involvement rather than the Community Involvement Plan should state when it will be appropriate for information to be treated as confidential and confirm which items or circumstances are confidential.

*This point refers to information that for instance, is likely to be subject to the Data Protection Act, confidential information that is likely to be of a commercially sensitive nature. A reference to this is proposed to be added to the Community Involvement Template.*

#### Why people are being involved?

45. This section should include the legal and planning constraints affecting the proposal which the community cannot comment on.

*The context of the policy and/ or legislative framework should be set out within Community Involvement Plans. The Community Involvement Plan Template is proposed to be amended to refer to this point.*

#### When people will be involved?

46. No reference to 'front loading'. Suggest reference is made to undertaking early engagement with the community. Council should undertake early engagement with its communities in order to identify issues and options of interest to communities.

*The 'Be Timely' principle seeks to achieve this.*

#### What happens to the results?

47. Where the Council decides not to use proposals and ideas put forward by key stakeholders and significant numbers of consultees the Council should give clear explanation to why has not used them.

*The 'Be clear about results' Principle seeks to achieve this. Community Involvement Plans and the process of producing Consultation Reports already seek to address this and the Community Involvement Plan Template is proposed to be amended to refer to this point.*

#### What consultation methods will be used?

48. Residents should be targeted rather than relying on general methods if an issue is very localised

*Noted. Development Management already undertakes targeted consultation for example neighbour letters and site notices.*

49. Need more clarity as to implications of different consultation methods and when each method will be used.

*The Statement of Community Involvement proposed approach is one of flexibility therefore there is no prescription over which method will be used.*

50. Should consider use of social media

*The Council is currently considering the use of social media.*

51. Should include more formal consultation methods i.e. libraries, Council offices.

*Additional references are proposed in the Statement of Community Involvement.*

52. Should include possibility of one-to-one meetings.

*This is already included as a suggested method for consideration in the Statement of Community Involvement.*

53. Briefing of Town and Parish Councils welcomed as can help with the passing of information.

*Noted. This is included as a suggested method for consideration in the Statement of Community Involvement.*

54. Community groups have found use of workshops and forums as key consultation tools ineffective for establishing consensus. More use to facilitate discussion on how best to deal with a particular issue.

*The Statement of Community Involvement proposed approach is one of flexibility therefore there is no prescription over which method will be used. The implications of using each method will depend on when and what they are used for and feedback received from previous consultation periods (such as feedback received from the Statement of Community Involvement consultation).*

55. Workshops and forums should be held outside of work hours. For example 7pm onwards.

*The draft Statement of Community Involvement states that methods should meet the needs of particular people being consulted. This is an issue that Community Involvement Plans would consider.*

56. Should use focus groups / citizen panels to identify issues and shape options. Consider extending this to consulting people.

*Noted. The Community Involvement Plan will incorporate relevant methods to be used.*

57. Council should commit to sit down (with community) at an early stage, before any proposal has been drafted and on an on-going basis to develop mutual understanding of the implications of potential proposals (for strategic plans and major individual developments) and to discuss how to address issues.

*Noted. Noted. The commitment to effective and efficient community engagement is highlighted by the Principles and promoted through the use of Community Involvement Plans that clearly define the commitment and process of engaging with the community.*

## Is this Statement making a difference?

58. The Annual Monitoring Report is not an effective tool for reporting Document compliance.

*Noted (see below).*

59. The Council's performance on consultation should be independently measured and publicly reported on. Ideally should be an external audit.

*For statutory consultations for Development Plan Documents, such as the District Plan, the Council will be independently assessed by a Planning Inspector including whether consultation has been undertaken in accordance with the Statement of Community Involvement. It is also proposed to monitor each consultation exercise via a simple monitoring form.*

60. If a performance evaluation is confined to the Annual Monitoring Report then there should be community input into its preparation to provide public credibility.

*It is proposed to monitor each consultation exercise via a simple monitoring form.*

61. The Annual Monitoring Report should not just be available on the Council's website.

*A paper copy of the Annual Monitoring Report is distributed to all the District help points and libraries.*

62. Council should be open about complaints on its consultation and the way it responds to them. There should be a register of complaints about community involvement issues, showing complaints in full and departmental responses to those complaints in full. Community Involvement should be a performance parameter for every department covered by the Document, so complaint levels relating to community involvement should be monitored by the Performance and Scrutiny Committee.

*The Council has a formal complaints procedure and an annual report is made to the Performance and Scrutiny Committee regarding number and nature of complaints. However, it is unlikely to be possible to set out the complaint and response in full, to respect the privacy of complainant.*

63. Stating where amendments have been made to plans or idea to consultation would be a better way to demonstrate effectiveness of consultation and allow the identification of groups or individuals who effectively contribute.

*Consultation Reports should summarise which points have been made and changes that have been made and if not why. The 'key contacts' list includes a number of key representatives including those who have contributed in the past and further groups can be added to the list on request or where representatives are identified.*

64. Should be wary of high expense of systems and checks – should be robust and simple.

*Noted. A simple system of monitoring is proposed (see above).*

65. Should be a self testing scheme/ suggest adoption of 'Challenge Question Certification' (along lines of Planning Advisory Service Plan Making Manual) for which each Local Development Document can be reviewed for compliance – not just a tick box exercise but a review to improve. The document could show; what went well and how to repeat such success; what could be improved and; what should be done next time to improve.

*The monitoring proposed for consultation and the Community Involvement Plans /Consultation Report process should fulfil this.*

66. Need a transparent quality control process to the production of each Local Development Document before it is presented to any Council committees for their consideration.

*The monitoring proposed for the Community Involvement Plans /Consultation Reports should pick up any issues.*

## Glossary

*A number of minor changes/additional terms were suggested which have been taken into account and the Glossary has been amended accordingly.*

# How we involve you in making planning decisions - An Appendix to Mid Sussex's Code of Practice and Statement of Community Involvement

## General issues

67. Useful if all of the different policies and documents that are available to assist with planning applications/ development and consultation were drawn together in one place or on the website – needs up to date index or content rather than a 'list of' documents.

*Noted. There is information available on the Council's website. This includes a 'national' and 'local' validation checklist that details the supporting material that should be submitted with a planning application and a Development Plan evidence base web page that gives details on evidence base documents<sup>7</sup>.*

68. Should be greater collaboration with the Town and Parish Council, the Planning Authority and county Council on studies of commissioned evidence research – i.e. Neighbourhood Plans.

*Noted. This is an issue that will need to be explored during the development of Neighbourhood Plans.*

69. Decisions often made - asking the community for their input is purely to be seen to be involving the community.

*The revised Statement of Community Involvement sets out how the community will be involved and how responses are considered for planning applications and on Local Development Documents. Material planning considerations can be taken into account and the weight applied to these material planning considerations is a matter for the decision-maker.*

70. Suggest specifically naming all documents that the Council should consult on. These should be Development Plan Document, Supplementary Planning Documents, Scoping reports for Sustainability Appraisals/ Environmental Impact Assessments, Planning Performance Agreements, Development Briefs, Master Plans, Council input to strategic plans or other proposals from neighbouring planning authorities which would materially affect Mid Sussex, the Statement of Community Involvement and its appendices and the Sustainable Communities Strategy.

*The Planning Appendix contains a general list of documents it will apply to. It is not possible to provide an exhaustive list of documents as these are subject to change and/or additions.*

## Creating a Local Development Framework document

### Stage 1 - Preparation (early engagement)

71. Decide content of draft document and provide feedback on reasons to those involved in early engagement.

*The Community Involvement Plans Template outlines the need to provide feedback on the results of consultation to communities.*

### Stage 2 – Publication

72. Should be minimum 12 weeks to allow adequate time. 12 weeks is best practice.

*The Council already extends many of its consultation periods for Local Development Framework documents beyond statutory requirements and will continue to consider this where possible. As outlined in the Community Involvement Plan for the Statement of*

<sup>7</sup> Available at <http://www.midsussex.gov.uk/8301.htm>

*Community Involvement, we are not seeking to amend 'statutory obligations' and this includes minimum time periods for consultation.*

## Involvement in planning applications

### Pre-application consultation (by developers)

73. Developers should aim to undertake pre-application consultation to encourage discussion with the communities that will be affected by their proposed development, before a formal application is made.

*Although the Council cannot currently statutorily oblige developers to undertake pre-application consultation, this is something the Council encourages them to do and there is a 'local' validation requirement set by the Council for planning applications. The Council will also continue to encourage pre-application discussions as guided by the Council's Constitution<sup>8</sup>.*

74. The Council should expect Developers to engage with all local residents who will be affected by the development and their residents' associations. Should include requirement of submitting documentation of these meetings demonstrating that consultation has been at an appropriate scale and that appropriate methods of communication have been used.

*Although the Council cannot currently statutorily oblige developers to undertake pre-application consultation, this is something that they are encouraged them to do and there is a 'local' validation requirement set by the Council for planning applications. The Council expect developers to demonstrate that the pre-application consultation has been effectively undertaken, including with as many people as possible. The Statement of Community Involvement also endorses the use of Equalities Assessments to support reaching out to seldom heard groups (many representative groups are listed within the list of 'key contacts'). Reference added to reflect above in document.*

75. The minutes and notes of all pre-application meetings between Councillors, Council officers and developers should be published along with the planning application when it has been validated.

*The Council's Constitution states that within 10 days of pre-application meetings, notes of the meeting are circulated to attendees for approval then are sent to the applicant. Any scope to extend the circulation of these notes are largely at the discretion of the applicant, as they are 'owned' by the applicant, who pays a fee for the service, and may contain commercially sensitive information which potentially may not be disclosed under the Freedom of Information Act.*

76. The scoping approach and methodologies for consultations should be specified in the Statement of Community Involvement. It should be made clear in the Statement of Community Involvement that failure to comply with the Council's scoping and methodology requirements may result in refusal to validate the application and that developers will be asked to repeat their consultations until they do comply.

*The Council cannot currently statutorily oblige developers to undertake pre-application consultation, although this is something that they are encouraged to do and is a 'local' validation requirement set by the Council for planning applications. The Council will also continue to encourage pre-application consultation guided by the principles and Community Involvement Plan Template set out in the Statement.*

### Application consultation (by the Council)

77. Pre-application process needs strengthening. This should not be a cursory meeting before submission. Should consider introducing regular practice of offering to meet representatives

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<sup>8</sup> Part 5 – Codes and Protocols

of people affected by a planning application to discuss its implications and planning options before planning applications are determined and in relation to any planning appeal.

*Noted. The community already have the opportunity to submit representations on a planning application and can raise issues at the pre-application stage with their Ward Councillor if necessary.*

78. Public involvement in strategic and larger schemes must be at an earlier stage and on-going.

*The Principles of the Statement of Community Involvement and the Community Involvement Plan Template encourage early involvement in the process of decision-making.*

*Although the Council cannot currently statutorily oblige developers to undertake pre-application consultation, developers are expected to follow the principles of the Statement of Community Involvement and undertake Community Involvement Plans that promote early and on-going engagement.*

79. All information/ documents must be made available to all parties and robust evidence needs to be available to support decisions.

*All submitted document/information is available via the Online Planning Register.*

80. Regular information, dialogue and public participation will ensure The Council's planning decisions are easier to implement and more chance of success at legal challenge.

*Noted –the Statement of Community Involvement ultimately aims to achieve better public engagement.*

81. Parish Council and the residents need to be confident that their views are being considered/ local views very important – should be given more weight.

*All comments are important and are considered. Comments that raise material planning considerations can be taken into account and the weight applied to these material planning considerations is a matter for the decision-maker.*

82. Plans should not progress unless all documents presented and validated – should be a simple checklist to prevent this.

*The Council has a validation checklist. See [www.midsussex.gov.uk/8082.htm](http://www.midsussex.gov.uk/8082.htm).*

## Who makes the decisions?

83. Process for deciding which planning applications are to be delegated lacks clarity - confusing for all parties.

*A leaflet explaining the process is referenced in the Planning Appendix and it is proposed to add a summary explanatory box to the Appendix for clarity.*

### Validation

84. Should state how many days after validation the public can expect to see details of applications/pre-application information on website. Should state who will be notified directly, when and where information is available and how, to those who do not have internet.

*The Council normally makes application information available on its website 3 days after sending out neighbour notification letters which are sent as soon as possible after the application is validated. Press notices are also issued by which time the information should be available. Both methods include details of how the applications can be inspected including at the Council offices.*

## How we involve you in Planning Performance Agreements - an Appendix to Mid Sussex's Code of Practice and Statement of Community Involvement

### Planning Performance Agreement Charter

85. Allows developers too much freedom to constrain consultation in the interest of limiting objections and to develop sites in a manner unconstrained by effective development management mechanisms.

*Planning Performance Agreements are essentially a project management process including community engagement. A formal planning application is still required to be submitted. By entering into a Planning Performance Agreement, this does not prejudice any decision the Council may make on the planning application/s.*

86. It is unclear about the scoping and methodologies that would be appropriate with pre-application consultation.

*Noted. Applicants are required to ensure that any pre-application consultation with the community is meaningful. This will be demonstrated through a Community Involvement Plan. The document is proposed to be amended to ensure applicant can demonstrate that pre-application consultation has been effectively undertaken.*

87. The Partner Organisation Commitment should include a first step in consultation with the Parish and/or Town Council where a large scale development would be sited.

*Noted. Applicants are required to ensure that any pre-application consultation with the community is meaningful. This will be demonstrated through their Community Involvement Plan. The document is proposed to be amended to ensure applicant can demonstrate that pre-application consultation has been effectively undertaken.*

88. Third party reports should be produced to investigate the impact on environment/ infrastructure (financed by potential developer).

*The Planning Performance Agreement appendix includes an expectation that applicants will fund the production of technical reports.*

89. Developers should be required to speak at Town and Parish meetings as a formal first step.

*Noted. This is a matter for the Community Involvement Plans to establish. It is a requirement that the applicant can demonstrate that pre-application consultation has been effectively undertaken and that all parties will agree to the Community Involvement Plan at an early stage.*

90. Large scale development is subjective term i.e. 50 homes in a village is very large.

*Given the resources required to undertake a Planning Performance Agreement, it is only envisaged to enter into Planning Performance Agreements for complicated schemes that are strategic in nature (i.e. central to the delivery of the District's strategic requirements).*

91. Process must be as open as possible otherwise risk of suspicions of collusion in the public mind.

*Noted. The principle of Planning Performance Agreements is that they are a collaborative process and this includes community involvement.*

92. Should be used in conjunction with and not as a substitute for development briefs.

*Like a development brief, Planning Performance Agreements will establish the principles for development in collaboration with partner organisations ahead of a formal planning application. Development Briefs may still be produced where relevant.*

## Development Qualifying for a Planning Performance Agreement

93. The Council has in the past become involved with developers at an early stage and become tied long-term to a project before its suitability is established and with developers not willing/able to deliver a detailed brief acceptable to the Council.

*A Planning Performance Agreement is about the project management of a planning application before it is submitted to the Council and does not prejudice any decision the Council may make on the formal planning application. Development Briefs may still be produced where relevant.*

94. Needs to be clearer about what the Council's views on use of Planning Performance Agreements are. Are they mandatory for large scale and complex proposals, actively promoted or will the Council simply respond positively if a developer wishes to pursue a Planning Performance Agreement?

*Noted. Given the resources required to undertake a Planning Performance Agreement, it is only envisaged to enter into Planning Performance Agreements for complicated schemes that are strategic in nature (i.e. central to the delivery of the District's strategic requirements). This has been clarified in the Appendix.*

95. Suggest that a Planning Performance Agreement should only be signed if:

- In accordance with Local Development Framework

*The Council would not normally enter into a Planning Performance Agreement which is not acceptable in policy terms unless there were clear positive outcomes for the community from such proposals.*

- Site is identified as potentially suitable for type and scale of development proposed after a development brief for the site has been agreed so objectives are clear and agreed by stakeholders.

*Like a development brief, Planning Performance Agreements will effectively establish the principles for development in collaboration with partner organisations ahead of a formal planning application. Development Briefs may still be produced where relevant.*

- That the development proposal is the one likely to be most suitable against alternatives identified through consultation.

*Noted.*

- The Council has received suitable and sufficient assurance of developer's ability to meet financial commitments.

*Noted.*

## Proposed Process for a Planning Performance Agreement

96. Could be more specific about corporate project team and how this team/ the project manager will liaise with an applicant i.e. regular meetings with key officers/project manager.

*Noted. It is proposed to amend the document with information about the responsibility for signing off an agreement.*

97. Could refer to degree of corporate high level buy in that will underpin major projects with Planning Performance Agreement.

*Noted.*

98. Will there be reference to the charging policy here for pre-application fees – will there be a different charging schedule for major sites?

*Noted. The Council may negotiate pre-application fees and secure other resources to assist with the timely delivery of the project, as part of the agreement. The document is proposed to be amended to address this.*

99. Planning Performance Agreement charter should include costs that are to be paid for by developer and all financial arrangements between the developer and the Council and default financial condition events that allow the Council and or developer to withdraw

*The Planning Performance Agreement process does not financially tie the Council to the proposal or the applicant. The Planning Performance Agreement Charter sets out that the Council expects applicants to fund the application material, production of technical reports, and all community engagement activity.*

100. Charter should establish evidence required to support proposal as a client of the Council at the expense of the developer.

*The Planning Performance Agreement Charter sets out that the Council expects applicants to fund the application material and the production of technical reports.*

101. Charter should specify which individuals within council, and at what level, have the authority to approve the detailed terms of an individual Planning Performance Agreement and whether that authority is limited by amount or in some other way (e.g. if the Planning Performance Agreement is to contain unusual provision or omit standard charter requirements).

*The Planning Performance Agreement process does not financially tie the Council to the proposal or the applicant. It is expected that the Head of Economic Promotion and Planning will approve the Planning Performance Agreement on behalf of the Council.*

## Partner Organisation Commitment

102. Local communities should be defined as a stakeholder.

*The Appendix refers to Councillors and the local community as being stakeholders. Applicants are required to ensure that any pre-application consultation with the community is effectively undertaken, demonstrated through a Community Involvement Plan.*

## Community Engagement

103. Developers should consult with Parish Councils throughout process.

*Applicants are required to ensure that any pre-application consultation with the community is effectively undertaken, demonstrated through a Community Involvement Plan.*

104. Effective community involvement must not be delegated by Council governed by Statement of Community Involvement. Council should require developer to get its community engagement pre-vetted

*Planning Performance Agreements will contain a Community Involvement Plan that all parties will agree to at an early stage.*

105. Copies of all correspondence between Council and developers should be made available on the council's website

*Noted. Planning Performance Agreements are essentially a collaborative project management process subject to the Data Protection Act and Freedom of Information Act.*

## Councillor Involvement

106. Councillors involved with Planning Performance Agreements should not have any financial or other interest in the project and avoid receiving hospitality and gifts.

*Councillors are governed by the Council's Constitution on this matter.*

107. Councillors should proactively meet with community groups and other stakeholders.

*Noted. The important role that Councillors have in planning is set out in the Statement of Community Involvement.*

108. Any presentations by developers at public meetings should be advertised via the website to those identified via the Statement of Community Involvement.

*Applicants are required to demonstrate that any community involvement is meaningful. This can include presentations to the public and should be detailed in their Community Involvement Plan.*

## Planning Performance Agreements: Process Requirements

109. Who will prepare the Planning Performance Agreement itself – the applicant, MSDC project manager or working together? Will they be an inception day/ meeting to start the process off and/ or agree content of Planning Performance Agreement?

*The Planning Performance agreement will be developed jointly by the Council and the applicant. It is expected that an inception day/ meeting is scheduled in the work programme (added to document).*

## **Related issues made during consultation outside the scope of the Statement of Community Involvement review:**

- People need more time to talk at planning committees - hard if the public do not have experience of speaking at a planning committee.
- Training for officers and Members.
- Regular meetings with statutory consultees such as infrastructure providers (outside of specific consultation periods).
- Comments about unsuitability of relocation of planning committees to Haywards Heath (should be in local community)
- Public Council Committee meetings - agenda and papers should be made available 10 working days prior to committee and the minutes made available within 14 days.
- Comment regarding enforcement action needs to be more robust
- There is a greater need to address the 'breaches of planning condition covering all planning applications

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# Appendix i – Response form analysis

## Background

This appendix provides a breakdown of the responses received to the Statement of Community Involvement consultation July/August 2011 from those who used the response form issued by Mid Sussex District Council.

Responses received on response form issued by Mid Sussex District Council – 18 out of 46 responses (39%)

### Responders:

Parish Councils – 9 out of 18 responses (50%)

Organisations – 5/18 responses (28%)

Individuals – 4/18 responses (22%)

### Code of Practice and Statement of Community Involvement

- 1) Do you agree with the general approach to engaging with the community set out in the draft document?

Agree	15	83%
Disagree	1	6%
Don't know/ didn't answer	2	11%

- 2) Do you agree with the six principles for community engagement (page 3 in the Code of Practice and Statement of Community Involvement)?

Be Timely	Agree	15 (83%)	Disagree	0	Don't know / didn't answer	3 (17%)
Be Inclusive	Agree	16 (89%)	Disagree	0	Don't know / didn't answer	2 (11%)
Be Transparent	Agree	16	Disagree	0	Don't know / didn't answer	2
Be Respectful of each other's views	Agree	16	Disagree	0	Don't know / didn't answer	2
Be efficient	Agree	16	Disagree	0	Don't know / didn't answer	2
Be clear about results	Agree	16	Disagree	0	Don't know / didn't answer	2

- 3) Do you agree with the use of Community Involvement Plans, as suggested by the draft Statement (page 4 in the Code of Practice and Statement of Community Involvement)?

Agree	14	78%
Disagree	0	
Don't know/ didn't answer	4	22%

- 4) Do you agree with the suggested method of monitoring outlined in the draft Statement (page 5 in the Code of Practice and Statement of Community Involvement)?

Agree	15	83%
Disagree	0	
Don't know / didn't answer	3	17%

## Appendix 1: 'How we involve you in making planning decisions'

This part of the Statement gives an overview of how the planning process works in Mid Sussex and how the community can get involved with it.

- 1) Does the information in this part of the document give clear and easy guidance to how the planning process works at Mid Sussex?

Yes	12	67%
No	1	6%
Don't know / didn't answer	5	28%

## Appendix 2: 'How we involve you in Planning Performance Agreements'

This part of the Statement sets out how the Council will work with developers, the community and other organisations to bring forward large, complex planning applications.

- 1) Do you think the criteria (page 1 in 'How we involve you in Planning Performance Agreements') for deciding the kinds of applications that could be subject to a Planning Performance Agreement is right?

Agree	11	61%
Disagree	1	6%
Don't know / didn't answer	6	33%

- 2) Do you think the expectations being put on partner organisations/applicants (pages 2 and 3 in 'How we involve you in Planning Performance Agreements') in this section are:

Too demanding?	0	
Not demanding enough?	0	
About right?	8	44%
Don't know / didn't answer	10	56%

- 3) Do you agree with the proposals for community engagement (page 2 in 'How we involve you in Planning Performance Agreements')?

Agree	11	61%
Disagree	0	
Don't know / didn't answer	7	39%

- 4) Do you agree with the proposed process requirements for a Planning Performance Agreement (page 3 in 'How we involve you in Planning Performance Agreements')?

Agree	9	50%
Disagree	0	
Don't know / didn't answer	9	50%

## Appendix ii – List of respondents to Consultation

Ardingly Parish Council
Ashurstwood Parish Council
Association of Imberhorne Residents
Mrs P Bloomfield
BNP Paribas Real Estate
Bolney Parish Council
Ms E Bolton
Coal Authority
Courtley Consultants Ltd
Crawley Borough Council
Cuckfield Parish Council
East Grinstead Post Referendum Campaign
East Grinstead Society
East Grinstead Town Council
East Sussex County Council
Ms M Ellis
English Heritage
Environment Agency
Fox Hill Association
Gardenwood Resident Company Ltd
Greenfield Guardians
Haywards Heath Society
Haywards Heath Town Council
Hillreed Homes
Mrs I M Holloway
Homes & Communities Agency – Advisory Team for Large Applications (ATLAS)
Horsted Keynes Parish Council
Hurstpierpoint and Sayers Common Parish Council
Lindfield Parish Council
Lindfield Preservation Society
Lindfield Rural Parish Council
Mid Sussex Council for the Protection of Rural England (CPRE)
National Trust
Natural England
Mr J Newton
Mr C Nunn
Mr R Powell
Poynings Parish Council

Mr S Pryor
South East Water
Southern Water
Thames Water
The Old Convent Estate Residents Ltd
The Theatres Trust
Mr R Ticehurst
Turners Hill Parish Council

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