

# Mid Sussex



## How we involve you in making planning decisions

### **An Appendix to Mid Sussex District Council's Code of Practice and Statement of Community Involvement**

Draft for public consultation



July 2011

This document sets out the how the District Council will seek to involve residents, businesses and other local organisations in making decisions on planning

## Involving the community in planning

Planning affects all our lives - where we live, work and relax. The homes we live in, the roads we travel on and the open spaces we enjoy are all the results of planning decisions.

This Statement sets out how the planning service at Mid Sussex District Council – Planning Policy and Development Management - will implement the principles set out in the 'Code of Practice' to involve people in making decisions on forming plans and planning applications.

The Statement includes a brief explanation of the planning system and when and what you can expect when you get involved. It should be read as an appendix to 'Consulting with you – Mid Sussex's Code of Practice and Statement of Community Involvement'.

This Statement is a legal requirement, as set out in the Planning and Compulsory Purchase Act 2004.

## The Planning Service at Mid Sussex District Council

### Planning Policy

Planning Policy is responsible for preparing planning documents used to shape the future development of the District. Together, these documents are known as the Local Development Framework. The policies within these documents need to take into account local, regional and national policies, needs and interests.

The Statement of Community Involvement is an important part of Mid Sussex's Local Development Framework.



Planning Policy is responsible for preparing planning documents used to shape the future of the District. Development management is responsible for processing and determining planning applications.

### Development Management

Development Management is responsible for processing and determining planning applications and other related applications such as listed buildings, trees, and advertisement consent. It is at the planning application stage where specific, detailed decisions are made about what happens to piece of land or a building. Applications are all considered using the Local Development Framework, planning documents and other advice and information.

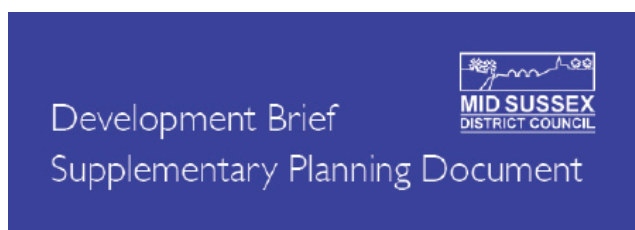
Development Management also has a role in investigating breaches of planning control and making sure that developments are carried out with the necessary consents.

## Local Development Framework

The Local Development Framework sets out how the District will develop in the future. It is a set of planning documents, collectively known as Local Development Documents, which consist of Development Plan Documents and Supplementary Planning Documents.

### Development Plan Documents

These contain the policies and proposals of the Local Development Framework and are subject to a rigorous statutory process, including community involvement. They are required to carry out a Sustainability Appraisal. Both are subject to independent examination and Council agreement before adoption.



### Supplementary Planning Documents

These give further explanation and detail to Development Plan Document policies. They are subject to a statutory process including, community involvement and a Sustainability Appraisal, where required. Supplementary Planning Documents are not subject to independent examination, but require Council agreement before adoption.

**Other planning documents** - can include for instance master plans prepared for specific sites by the Council or by the landowner/developer. The community should also be involved in the preparation of these documents at an early stage.

**Sustainability Appraisals** are an assessment of the economic, social and environmental impacts of a plan to promote sustainable development. They are published for consultation alongside draft and final Development Plan Documents and Supplementary Planning Documents.

### Timetable for producing the Local Development Framework

The Local Development Scheme provides clear information about when the Council will be looking to involve the community.

At any given time, the Council may be preparing or revising a range of documents for the Local Development Framework. The Local Development Scheme describes the timetable for producing these in more detail. It links with the Statement of Community Involvement because it provides information about when the Council will be looking to involve the community in the preparation of the Local Development Framework.

Local Development Scheme can be viewed on the Council website at [www.midsussex.gov.uk/lds](http://www.midsussex.gov.uk/lds).


### Producing a document for the LDF

Planning Policy will implement the six principles set out in the 'Code of Practice' to involve people in making decisions on forming plans.

Planning legislation sets out the preparation and consultation stages and periods for the production of the Local Development Framework. There are four main stages to the preparation of a Development Plan Document and three main stages for a Supplementary Planning Document.

The Council will produce a Community Involvement Plan for each Local Development Document to set out how it will be produced, how and when community involvement will take place and what happens to the results of community involvement in taking decisions.

## Creating a Local Development Framework document

	<b>Inform</b>	<b>Involve</b>	<b>Stage 1 - Preparation (early engagement)</b>
			<ul style="list-style-type: none"> <li>Collecting evidence through various sources</li> <li>Notify and work with groups, organisations and residents</li> <li>Consider issues and alternatives</li> </ul>
		<b>Consult</b>	<b>Stage 2 - Publication</b>
			<ul style="list-style-type: none"> <li>Statutory stage - 6 weeks (minimum) to comment on plan, sustainability appraisal and supporting evidence</li> <li>Documents made available for inspection including on the Council's website</li> </ul>
	<b>Inspect</b>	<b>Stage 3 – Submission for Independent Examination</b>	<ul style="list-style-type: none"> <li>Representations received at Stage 2 summarised and made publicly available through appropriate channels with feedback</li> <li>'Statement of Compliance' produced to demonstrate the Statement of Community Involvement has been followed</li> <li>Development Plan Documents submitted to Secretary of State for independent examination (Supplementary Planning Documents to Council for adoption)</li> <li>Independent examination</li> <li>Planning Inspector issues binding report. Adopted by Council if agreed as 'sound' by Inspector</li> </ul>
	<b>Monitor</b>	<ul style="list-style-type: none"> <li>Final plan is regularly monitored where possible, to make sure plan is achieving its aims</li> <li>Plan may be reviewed where necessary</li> </ul>	

## Statutory requirements for the publication and submission of Local Development Framework documents

Planning Regulations<sup>1</sup> contain minimum requirements for consulting on Development Plan Documents and Supplementary Planning Documents.

A range of methods to involve, consult and inform will be used throughout the plan making process.

All consultation and submission documents must be made available at the Council Offices and other places (such as public libraries) for a set period of time. Documents and supporting information need to be published on the Council's website, which will include information about where and when the document can be viewed. As well as sending documents to the 'specific consultation bodies' and the 'general consultation bodies' considered to have an interest in the subject, a notice needs to be placed in the local newspaper/s with detailed information on the consultation period and where comments can be sent.

There is a range of supporting documents produced by the Council that support the Local Development Framework is used to inform and guide planning applications. These documents include development briefs and master plans.

### Statutory bodies

Legislation<sup>2</sup> identifies specific consultation bodies that the Council must consult. These include West Sussex County Council, Town and Parish Councils, relevant adjoining Local Authorities, service providers and government agencies, such as the Environment Agency and Natural England (or successor bodies).

### Other organisations, groups and individuals

There are many other organisations, groups and individuals that may have an interest in the Local Development Framework. These organisations, groups and individuals cover a range of interests and can provide relevant expertise and knowledge on a wide range of subjects. They include Members of the Local Strategic Partnership, residents associations, housing associations, local businesses and business groups, countryside and conservation groups, the development industry, disability groups, youth groups and groups which represent the interests of minority groups in the District.

A detailed and regularly updated list of all the statutory bodies and groups organisations is available on the Council's website at [www.midsussex.gov.uk/sci](http://www.midsussex.gov.uk/sci). Organisations, groups and individuals who wish to be added or change their details can do so by going to the same web address or by contacting Planning Policy and Economic Development (details available at the end of this document).

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<sup>1/2</sup> The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)

## Council, Cabinet and 'Better' groups

**Council** - Public meetings which consists all elected Councillors who approve documents produced for the Local Development Framework

**Cabinet** - consists of the Leader of the Council and Councillors (with specific responsibility for Council services) will be consulted at a number of stages in the production of Local Development Framework documents. Cabinet also approve any amendments to the Local Development Scheme.

**'Better' groups** – Public committees which consist of nominated Councillors. For planning this will primarily be the Better Environment Advisory Group and will make recommendations to Cabinet or Council. If required, other 'Better' groups will be consulted

### Internal consultation

Formal and informal consultation and discussion will take place where relevant with officers across the Council. Every effort is made to update and include officers across the Council.

### 'Seldom heard' groups

We are committed to providing fair and equal access to planning services. Resources will be directed towards those 'seldom heard' groups identified in Equality Impact Assessments to ensure those affected by plans have a chance to be involved, and to ensure we are meeting our statutory obligations under equalities legislation.

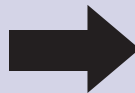
## Involvement in planning applications

Development Management will implement the 6 principles set out in the 'Code of Practice' to involve people in making decisions on planning applications.

There are two distinct stages for community involvement in planning applications: **pre-application and application consultation.**

### Developer

Pre-application consultation: this is consultation undertaken by the developer before submitting a formal application. The Council expects that this should be carried out for any major or significant application.



### Council

Application consultation: when a planning application has been formally submitted, the Council is responsible for carrying out consultation through statutory publicity and notification.

### Pre-application consultation (by developers)

The aim of developer's undertaking pre-application consultation is to encourage discussion before a formal application is made enabling communities to have real influence over proposals before they are finalised. The process can help to identify improvements and overcome objections at a later stage.

Developers undertaking pre-application consultation on major or significant applications are

strongly advised to conform to the principles set out in the Council's 'Code of Practice' and to provide the Council with the results of the consultation.

Developers should also include elected Councillors in early discussion of their proposals guided by the Council's constitution<sup>3</sup>.

### **Using the results of Pre-Application Consultation**

The Council will use the results of pre-application consultation to help decide the planning application alongside planning policies and other information.

Further information is available in the 'Code of Practice for Handling Planning Applications' leaflet<sup>4</sup>.

### **Application consultation (by the Council)**

When a planning application has been submitted, the Council is responsible for carrying out consultation through statutory<sup>5</sup> publicity and notification. The Council often does more than it is formally required to.

Comments should consider 'material' planning considerations. Examples include:

- Loss of light or overshadowing
- Overlooking/loss of privacy
- Transport problems
- Noise and disturbance resulting from use
- Hazardous materials
- Smells
- Loss of trees
- Effect on listed building and Conservation Areas
- Layout and density of building
- Design, appearance and materials
- Planning policy (for example the LDF, national policies)
- Previous planning decisions
- Nature conservations
- Archaeology

Examples of issues that are not material planning considerations include the loss of value on a property or the loss of a person's private view.

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<sup>3</sup> See part 5 of the Council's constitution – Codes and Protocols [www.midsussex.gov.uk/page.cfm?pageID=2163](http://www.midsussex.gov.uk/page.cfm?pageID=2163)

<sup>4</sup> Code of Practice for Handling Planning Applications available at [www.midsussex.gov.uk/Nimoi/sites/msdcpublish/resources/PL1%2Epdf](http://www.midsussex.gov.uk/Nimoi/sites/msdcpublish/resources/PL1%2Epdf)

<sup>5</sup> As set out in Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and Sections 67 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- There is a statutory consultation period of 21 days<sup>6</sup>.
- The Council will publish applications on its website via the Online Planning Register<sup>7</sup>. Applications can also be viewed at District, Town and Parish Council offices.
- The application will be advertised on the Council website. A site notice or neighbour letter and press advert will be undertaken if required and as appropriate.
- The Council will consult various specialists and relevant organisations. This includes statutory consultees<sup>8</sup>, such as Town and Parish Councils, the Environment Agency and Natural England and other organisations when appropriate such as local authorities and Town and Parish Councils adjacent to the district
- All comments must be received in writing within the specified consultation period. Comments can be submitted either by letter or email.
- Comments made outside of the formal consultation period will only be considered if circumstances allow.

Applications, plans, drawings and documents are available to view on-line and at the planning reception at Mid Sussex District Council Planning Office. Tel. 01444 477461 **planninginfo@midsex.gov.uk**

## Planning Obligations

The impact of proposals, sometimes identified through consultation, can often create the need for additional infrastructure or improved community service and facilities. These can be dealt with through amendments to the design or layout of the original proposal and through the use of planning conditions. Sometimes, there is the need to provide affordable housing, transport changes and other community benefits. These are called planning obligations or Section 106<sup>9</sup> agreements.

The requirements for infrastructure contributions are currently set out in the Mid Sussex Local Plan and the Development and Infrastructure Supplementary Planning Document<sup>10</sup>. The Council is in the process of introducing the Community Infrastructure Levy<sup>11</sup> which will partially replace Section 106 agreements.

Planning Committees - there are three Area Planning Committees - each comprise of 12 Councillors. There is also a District Planning Committee which deals with very large applications consisting of 18 Councillors. Planning Committees are public meetings with the opportunity for people to voice their views. Further information is available in the 'Public Involvement in Planning' leaflet<sup>12</sup>.

<sup>6</sup> 28 days for planning application affecting a Site of Special Scientific Interest (SSSI) or in an SSSI consultation area in accordance with Section 28 of the Wildlife and Countryside Act 1981 as amended by Section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000.

<sup>7</sup> Online Planning Register available at <http://pa.midsussex.gov.uk/online-applications/>

<sup>8</sup> As set out in Article 16 and 18 of the Town and Country Planning (Development Management Procedure) (England) Order (see Section 5)

<sup>9</sup> Section 106 of the Town and Planning Country Act 1990

<sup>10</sup> Development and Infrastructure Supplementary Planning Document available at [www.midsussex.gov.uk/page.cfm?pageID=4614](http://www.midsussex.gov.uk/page.cfm?pageID=4614)

<sup>11</sup> An additional appendix to the Statement of Community Involvement may be added at the appropriate time to detail how the community can get involved in the Community Infrastructure Levy should this be felt necessary.

<sup>12</sup> Public Involvement in Planning available at: [www.midsussex.gov.uk/Nimoi/sites/msdcpublic/resources/PL21%2Epdf](http://www.midsussex.gov.uk/Nimoi/sites/msdcpublic/resources/PL21%2Epdf)

## Who makes the decisions?

Once the consultation period is complete, the planning officer makes a recommendation on the planning application. The final decision is then made in accordance with the Council's Delegation scheme<sup>13</sup> either by the Head of Economic Promotion and Planning or by Planning Committee. In some cases, a refused application may go to appeal where an independent Planning Inspector makes the final decision.

### Summary of planning application stages

<b>Pre-application Consultation (by developers on major or significant applications)</b>		
Agree process	<ul style="list-style-type: none"> <li>• Council offers pre-application advice service</li> <li>• Developers asked to follow Mid Sussex's Statement of Community Involvement</li> <li>• Developer produces a 'Community Involvement Programme'.</li> </ul>	Failure to adequately consult or submit a Community Involvement Programme may result in an invalid application.
Consult	<ul style="list-style-type: none"> <li>• Developers consult with relevant communities, organisations, Councillors and Council representatives.</li> </ul>	
Report	<ul style="list-style-type: none"> <li>• Developers produce report detailing what consultation they have done, the issues raised and how those issues have been considered in the final application.</li> </ul>	
<b>Validation</b> Application is validated and available for public to view		

<b>Application Consultation (by the Council and statutory for all planning applications)</b>		
Consult	<ul style="list-style-type: none"> <li>• Application is publicised (site notice or neighbour letter, press advert as required)</li> <li>• The Council publicises the application on the website.</li> <li>• 21 days to make written comment.</li> </ul>	
Review	<ul style="list-style-type: none"> <li>• The Council examines all material planning considerations including comments made.</li> <li>• If an application significantly changes it will be re-advertised. Such changes may result from negotiations with applicants and from the views of local communities. Local residents and groups who have commented on the original application will be notified.</li> </ul>	
Decision	<ul style="list-style-type: none"> <li>• A delegated decision is usually made by the Head of Economic Promotion and Planning (for about 90% of applications); otherwise the decision is made by a Planning Committee (see text box above).</li> </ul>	
<b>Decision made</b>		

<sup>13</sup> How we decide on Planning Applications (Delegation Scheme) available at [www.midsussex.gov.uk/Nimoi/sites/msdcpublic/resources/PL11-2.pdf](http://www.midsussex.gov.uk/Nimoi/sites/msdcpublic/resources/PL11-2.pdf)

Inform	<ul style="list-style-type: none"> <li>Information about the decision published on the 'Online Planning Register'.</li> <li>A report accompanying the decision will set out the reasons for granting or refusing permission. It will set out the issues raised during consultation and how these have influenced the decision.</li> <li>If significant revisions are made to the proposal after permission has been granted, a new planning application will be necessary subject to a fresh round of consultation. Only very minor changes would be allowed that would in effect not need planning permission.</li> </ul>	
<p>Please note: Appeals against the decision or conditions may be made to the Planning Inspectorate . The Council will notify those who commented so further comments can be made. The Planning Inspectorate decides whether or not to allow or dismiss the appeal. The Inspectorate notifies interested parties on the decision.</p>		

## Planning Performance Agreements

A Planning Performance Agreement is an agreement between a developer and the Council at the beginning of discussions on certain major schemes. It sets out the commitments of both parties for the effective processing of the planning application and will include a programme of community engagement.

Planning Performance Agreements can help reduce uncertainties for developers and local communities.

Any Planning Performance Agreements entered into by the Council will commit developers to involve communities and stakeholders at an early stage of the process in accordance with the Statement of Community Involvement.

The Council's approach to Planning Performance Agreements is set out in the 'Planning Performance Agreement Charter' an appendix to the Statement of Community Involvement.

## Further information and advice

### Planning Aid

Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees.

Planning Aid England can help you to:

- Understand and take part in the planning system
- Take part in the preparation of plans
- Comment on planning applications
- Apply for planning permission
- Appeal against a decision
- Represent yourself at appeals or public enquiries



Planning Aid England – an advice line can be contacted on (0330) 123 9244 or by email [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk).

The website is available to view at [www.rtpi.org.uk/planningaid](http://www.rtpi.org.uk/planningaid)

## Planning Portal

The Planning Portal is the Government's website that offers clear guidance on the planning system.

The website can be viewed at [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

## Contact Information

Planning Policy and Economic Development  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

Web: [www.midsussex.gov.uk/ldf](http://www.midsussex.gov.uk/ldf)  
Email: [planningpolicy@midsussex.gov.uk](mailto:planningpolicy@midsussex.gov.uk)  
Tel: 01444 477053

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