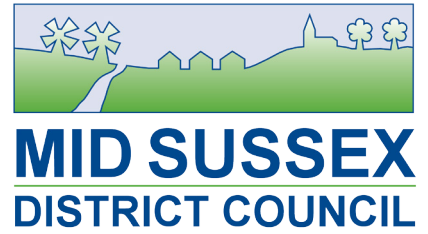


# Mid Sussex District Council



## Statement of Community Involvement (SCI) 2018

**Draft for consultation**



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## **Background to The Statement of Community Involvement (SCI)**

### **Introduction**

The Mid Sussex District Plan was adopted in March 2018 and will direct development in the District in the years to 2031. The Plan seeks to deliver the Vision set out in the *Mid Sussex Sustainable Communities Strategy (2012)*:

“A thriving and attractive District, a desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental well being of our District and the quality of life for all, now and in the future”.

Mid Sussex District Council believes that effective and transparent community involvement can help achieve this Vision. In order to do so, the Council must actively seek to understand the needs and aspirations of all the different communities across the District. This is particularly important when decisions are difficult, resources are limited and where people disagree on the best way forward. Effective and transparent community involvement will help elected Councillors balance competing pressures and make better decisions.

The Council is always looking for ways for the community to become more engaged in planning matters. We aim to make it simple for local people to contribute to the planning process and hope to involve as many local people as we can in decisions which affect the communities they live in. At the Council, we appreciate how vital local knowledge is for ensuring the sustainable development of Mid Sussex and to the improvement of local communities .

This Statement of Community Involvement (SCI) is a ‘code of practice’ setting out policies for the Council to adopt in engaging people in planning processes. This will provide access for people to the preliminary stages of plan-making and planning applications. It describes how and when the Council will seek to engage with residents, businesses and other local organisations in the preparation of planning policy documents, in the determination of planning applications and in other key elements of the planning process in the District. It is for anyone interested in playing a part in improving the future of Mid Sussex. In line with national guidance, it stresses the importance of ‘front-loading’ engagement by communities in planning processes.

The Council must comply with the SCI in preparing any development plan document, or when determining a planning application.

### **Status of the SCI**

This statement acts as a guide and benchmark for all Council services to use when involving communities in planning and in designing Community Involvement Plans. As such, it sets out key principles that need to be met when engaging with the public.

It will supersede the previously adopted Statement of Community Involvement (2011) and will become a statutory document of the Council’s Planning Policy documents.

### **Legal Requirements**

The Council recognises that in some areas of its work there are minimum legal standards for public consultation and these will always be adhered to.

The legal requirements for consultation and community involvement in plan-making and planning applications are set out by Government in legislation including that in the box overleaf:

**Plan-making**

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

The Regulations set out the procedure to be followed by local planning authorities in relation to the preparation of local plans and supplementary planning documents including who is to be consulted and which documents must be made available at each stage of the process.

**Planning applications**

*The Town and Country Planning (Development Management (Procedure) (England) Order 2015.*

This sets out the steps local authorities must take with regard to the processing and administration of planning applications from the point where an application is made through to the way in which decisions are recorded.

The requirement to prepare a SCI is set out in the Planning and Compulsory Purchase Act (2004). Mid Sussex District Council first published an SCI in 2011 to explain how the council engage and involve local people and communities in the planning process. Since 2011 there have been a number of important changes to national planning policy and subsequently, the Council is acting to ensure its SCI remains useful to local people. Moving forward, legislation now requires SCIs to be updated at least every 5 years and has amplified the range of issues SCIs should contain, including that they set out how the authority will support neighbourhood planning groups in reviewing neighbourhood plans. The SCI has been reviewed in this context and will continue to be reviewed every five years.

**How is the Planning Service at Mid Sussex District Council structured?****Planning Policy and Economy**

The Section is responsible for preparing planning documents used to shape the future development of the District. The overarching document is the recently adopted District Plan. There are a number of Development Plan Documents that sit beneath it and more will follow. The policies within the 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 policy framework.

The Section also produces the District's Economic Development Strategy 2018-2013 as launched in June 2018.

**Development Management**

The Development Management service 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 a piece of land or a building. Applications are all considered using the District Plan, Neighbourhood Plans, planning policy documents and other advice and information. The Section also has a role in investigating breaches of planning control and making sure that developments are carried out with the necessary consents.

## **Six General Principles for Community Engagement: The Code of Practice**

### ***Principle 1: Be timely***

The community should be involved as early as possible in the decision-making process when there is more potential to make a difference. Usually it is best to 'front load' consultation activity and use it to identify potential issues and options. However, consultation can be effectively used to confirm the level of support for particular courses of action too. Reasonable timescales should be given to the distribution of information and for responses to consultation. Potential participants should be given some notice of an impending community involvement exercise that could affect them, wherever possible.

### ***Principle 2: Be inclusive***

A key principle of community involvement is that it should be accessible to all those who wish to take part. This may well vary according to the nature of the matter being looked at. Reasonable effort must be made to ensure a representative cross-section of the community is involved including seldom heard groups and groups defined as having protected characteristics under Equalities Legislation. In designing each exercise, the Council will endeavour to understand and accommodate the different ways people want to get involved, including online and via social media, where possible.

### ***Principle 3: Be transparent***

The quality of information provided to potential consultees must be clear, honest, accurate and unbiased. All written materials should use plain English and be jargon free. It is also important that the material makes it very clear what can be influenced and changed by the participant's suggestions and comments. Likewise, it needs to explain how and when decisions will be made, following the end of the consultation period.

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

Community involvement exercises will usually uncover a range of views, some of which are in conflict or contradictory. The Council will listen to all the views it receives and seek to balance their relative merits, drawing on other information from the evidence base where that is available. Where the opinion being put forward is not clear it will seek to better understand what is being said. However, it is for all participants in the process to respect the views of other people and encourage a variety of contributions.

### ***Principle 5: Be efficient***

The Council will work with other organisations, where possible, to streamline consultation processes. Likewise, it will look to use existing networks to save time and resources, and to reduce duplication and 'consultation fatigue'. Town and Parish Councils can have a particularly important role in this. It is also important to ensure that community involvement exercises are proportionate to the scale and importance of the issue/matter under consideration (there is no 'off the shelf' way of conducting such exercises that can be applied to all matters). This will ensure that the Council's limited resources are spent as wisely as possible.

### ***Principle 6: Be clear about results***

It is essential that those who have contributed to a community involvement exercise are informed in a timely way about the results of the consultation and kept informed of further opportunities for being involved. This will often be in summary form, but it must be clear and objective in its presentation. Similarly, the Council will publicise the decision(s) it came to and, where this differs from the results of the consultation, it will explain why. In this way, it will demonstrate how the consultation exercise has affected the decision at hand.

## Community Involvement Plans

A Community Involvement Plan, based on the template below, should be completed for all planning policy documents and for applicants submitting all 'major' applications<sup>1</sup>. It should be written in plain English, should reflect the six principles outlined above, and be made publicly available in good time to view before the consultation exercise is due to commence, and for Council consultations, on the Council's website at [www.midsussex.gov.uk/consultation](http://www.midsussex.gov.uk/consultation).

### Community Involvement Plan Template

#### Who is to be involved?

- List who will be asked for their views. This may be only those directly affected by a potential decision or it could be a wide consultation in which anybody can come forward. A list of those groups and organisations that the Council may consider involving is available at [www.midsussex.gov.uk/sci](http://www.midsussex.gov.uk/sci).
- Confirm how information will be treated confidentially, for instance where this raises issues with data protection or commercial confidentiality. Note the requirements of the EU's General Data Protection Regulation 2016 in this respect.
- Show how opportunities to work with other organisations and make involvement more comprehensive, or to share resources, have been used.

#### Why people are being involved?

- Describe why people are being asked for their views.
- Indicate clearly what decision(s) is being made based on their involvement, including what can and cannot be changed. This may include, where relevant, a simple overview of the legal and/or policy framework or other constraints.
- Show how reasonable efforts are being made to ensure people are properly informed of the facts, background and purpose of the project before being asked for their view, including making available as much information as possible (including where it can be found) at an early stage.

#### When people will be involved?

- Indicate clearly the length of the consultation and how comments and views can be submitted (including any statutory requirements that need to be met).
- Consultation should be undertaken as early as possible, be open for as long as possible, unless there are clear reasons not to or statutory guidelines state otherwise.

#### How people will be involved?

- Describe how information will be provided to people and how the consultation will maximise the number of people who can participate in it. For example, meeting venues should be as accessible as possible and be arranged for times that enable a cross-section of people to attend.
- Consider and highlight the availability of contact details for queries or supporting material such as summaries/ support material for consultation point staff.
- Set out what methods are to be employed to inform, consult and involve people (see table on page [5]) including online and social media. This should pay particular attention to encouraging participation by so-called 'seldom heard' groups. Where

<sup>1</sup> A 'major' application is, for example, a scheme of more than 10 houses or a building on a site larger than 1 hectare.

necessary, an Equality Assessment will identify this for particular groups defined as having 'protected characteristics' by Equalities legislation.

- Indicate how consultees should provide their comments.

#### **What happens to the results?**

- Explain how the results will be reported and when. For example, this will often be in a summary rather than a word-for-word presentation of every submission.
- Describe how the results of the consultation will be fed back to those who took part and how they will be used to influence decisions. Where this differs from the results of the consultation, it should be explained why.

#### **Who is running the exercise?**

- State clearly who the consultee should contact if they wish to raise any queries about the exercise or if and how they can make a complaint about it.

#### **What consultation methods will be used?**

This table lists some of the activities and methods to consider when putting together a Community Involvement Plan. As previously stated, the methods used should be tailored to suit the scale and nature of impact of the decision to be made and the particular needs of people being consulted. Please note, this table is not intended to be an exhaustive list of suitable methods. The approaches taken to public consultation are constantly changing and new methods should be used, when they are suitable.

<b>Informing people (letting people know about it)</b>	<b>Consulting people (asking for views and evidence)</b>
Advertise locally	Key stakeholder discussions and forums
Create and update web pages	On-line consultation and social media
Brief Town and Parish Councils and District Councillors	Documents/information sent directly to stakeholders
Place articles in local newspapers/magazines and District, Town and Parish Council publications	Structured feedback forms included with documents
Use notice boards in prominent places including those belonging to District, Town and Parish Councils and at public information points where possible.	Public meetings (for example planning area committees or Councillor surgeries)
Use posters, fliers and promotion	Public workshops
Deliver newsletters, leaflets, summary sheets	Questionnaire / surveys including online such as 'Survey Monkey'
Organise exhibition stands in relevant and/or prominent locations when deemed appropriate and proportionate in use of staff resources	Material made available in Council offices (District, Town and Parish Councils), libraries and on-line (lengthy documentation should be supplied with a summary).



Use email or text message notifications and social media where relevant	
Provide briefings	Exhibitions
<b>Involving people (discussions to develop ideas together)</b>	
Workshops/ forums / focus groups / citizen panels to identify issues and shape options/ Councillor surgeries	
Meetings with community groups/ key stakeholders	
On-line discussion forums and social media	

Note: The use of social media can be an effective and inclusive way of engaging with people and communities, allowing people to input at a time and in a way that suits them. However, careful thought should be given to how the consultation is structured to prevent inappropriate use and ‘trolling’ by, for example, requiring approval of comments by a moderator or similar mechanisms.

## Community Involvement in Plan-Making

### Planning Policy

Planning decisions on proposed new development are judged using policies found in a number of planning documents. All local planning authorities must produce a local plan and regularly review and update it. This document may be supported by other planning policy documents that will be used collectively to guide sustainable development in the area.

The current local plan for the area produced by the council, the *Mid Sussex District Plan*, was adopted in 2018 with a time horizon to 2031. It largely replaced the *Mid Sussex Local Plan* which dated to 2004. The District Plan has been prepared in the context of the Localism Act, the National Planning Policy Framework and National Planning Policy Guidance. It reflects the aspirations of Central Government and the District Council to give local people more ownership and control over the planning of their area so that development is seen as a positive thing that can help communities maintain a high quality of life, increase economic prosperity and protect the environment to meet current needs and the needs of future generations.

The District Plan sets out a vision for how Mid Sussex wants to evolve and a delivery strategy for how that will be achieved. It enshrines the National Planning Policy Framework's 'presumption in favour of sustainable development'. As such, it sets out broad guidance on the distribution and quality of development in the form of 'higher level' strategic policies. It also provides the framework for all subsequent planning documents, including Neighbourhood Plans.

Along with this local plan, other supporting planning documents which require public consultation include:

#### ***Development Plan Documents (DPDs)***

These contain the detailed policies and proposals of the Local Plan and are subject to a rigorous statutory process, including community involvement. They are required to carry out a Sustainability Appraisal and are subject to independent examination and Council agreement before adoption. In Mid Sussex, the Sites Allocation DPD will be used to allocate residential sites larger than five and commercial development sites (larger than 0.25ha or 500m<sup>2</sup> of floorspace) for the period to 2031.

#### ***Supplementary Planning Documents (SPDs)***

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

#### ***Other planning documents***

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

#### ***Community Infrastructure Levy (CIL)***

The Community Infrastructure Levy was introduced by the Planning Act 2008 and came into force in 2010. The Levy is a fixed, non-negotiable charge on development, relative to the size, and allows Local Authorities to levy planning charges on new building projects classed as 'chargeable development'. The Council is currently working towards the adoption of the CIL, and when completed, this will be used to help fund a wide range of infrastructure to support development across Mid Sussex.

### ***Sustainability Appraisals***

These 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 some Supplementary Planning Documents.

### **Timetable for producing plan documents**

The Local Development Scheme sets out a timetable for the preparation and review of local plan documents. The current LDS for Mid Sussex covers the period from 2017 to 2020<sup>2</sup>. It provides information about the Mid Sussex District Plan 2031 and related documents including the Site Allocations DPD.

At any given time, the Council may be preparing or revising a range of documents for the local plan. The LDS provides timelines for their completion. It links with the SCI because it also provides information about when the Council will be looking to involve the community in the preparation of local plan documents.

The LDS has two purposes, both of which have community involvement in mind:

- it provides the starting point for the local community to find out what the planning policies for their area are; and
- it sets out the programme for the preparation of Development Plan Documents, including timetables which tell people about the various stages of preparation of any particular document.

Although there is no requirement for public consultation on the LDS, the Council is required to state in the SCI its policy on the involvement of people and communities in fulfilling its responsibilities relating to the LDS. Mid Sussex District Council will continue to update the LDS on a regular basis and will widely publicise each update including on our website.

### **Producing a document for the local plan**

Mid Sussex District Council will implement the six principles set out in the 'Code of Practice'<sup>3</sup> to involve people in making decisions on forming plans.

Planning legislation sets out the preparation and consultation stages and periods for the production of local plan documents. There are four main stages to the preparation of a Development Plan Document (DPD) and three main stages for a Supplementary Planning Document (SPD).

The Council will produce a Community Involvement Plan for each planning policy 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.

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<sup>2</sup> <https://www.midsussex.gov.uk/media/2696/local-development-scheme.pdf>

<sup>3</sup> See page [6] above

## Production of a planning policy 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 and publicise at an appropriate early stage in the process</li> <li>Notify and work with groups, organisations and residents</li> <li>Consider issues and alternatives</li> <li>Prepare content of draft document and provide feedback where possible</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<sup>4</sup></li> <li>Documents (including evidence base) 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 (please note that the Council is required to provide a summary of the issues made).</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 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, to ensure that the plan is achieving its aims</li> <li>Plan may be reviewed where necessary</li> </ul>	

### Statutory requirements for the publication and submission of planning policy documents

Planning regulations<sup>5</sup> contain minimum requirements for consulting on DPDs and SPDs.

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 at submission stage, a notice needs to be placed in the local newspaper/s with detailed information on the consultation period and where comments can be sent.

<sup>4</sup> The Council will always consider extending consultation periods beyond the minimum statutory period where possible and where timetables allow.

<sup>5</sup> The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)

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

The Council is required by legislation and Planning Practice Guidance to state in its SCI how it will give people and communities opportunities to be involved in understanding how the Council keeps under review matters which may affect the development of its area or the planning of its development. This is the 'survey' stage of producing plans. The Council undertakes this activity in a variety of different ways including the following:

- In the evidence base for planning policy documents, which will always be published on our website at an early stage in the process of producing them;
- Through the Council's SHELAA (Strategic Housing & Employment Land Availability Assessment) process whereby information on sites proposed for housing and employment development will be assessed and those assessments published on the Council's website at the earliest available opportunity; and
- Through the Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) which is undertaken for each emerging plan and programme which proposes the allocation of land in the District.

### **Statutory bodies**

Legislation<sup>6</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, Historic / Highways / Natural England (or their successor bodies).

### **Other organisations, groups and individuals**

There are many other organisations, groups and individuals that may have an interest in the local plan. 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 Mid Sussex Partnership, residents associations, registered housing providers, local businesses and business groups, countryside and conservation groups, the development industry, disability groups, youth groups and those which represent the interests of minority groups in the District.

A detailed and regularly updated list of all the statutory bodies and groups organisations ('key contacts') 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 the Planning Policy and Economic Development Team.

Individuals can subscribe to the local plan e-mail alert to be kept in touch with progress on the local plan.

### **Council, Cabinet and Scrutiny Committee**

#### ***Council***

Public meeting, which consists of all elected Councillors. Will approve the main planning policy documents.

#### ***Cabinet***

Consists of the Leader of the Council and Councillors with specific responsibility for

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<sup>6</sup> The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)

portfolios of Council services. Will be consulted at a number of stages in the production of planning policy documents. Cabinet also approves any amendments to the Local Development Scheme. Will recommend planning policy documents for final approval by Council.

### ***Scrutiny Committee for Community, Housing and Planning***

Scrutiny committees consist of nominated Councillors to examine wide ranging issues impacting on Council decision-making and budgetary impacts. For planning this is primarily be the Scrutiny Committee for Community, Housing and Planning, drawing in other Scrutiny Committees where necessary. It makes recommendations to Cabinet or Council.

### **Other consultation**

#### ***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 who all receive Council services and can act as champions or ambassadors for MSDC.

#### ***'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.

#### ***Online engagement and use of social media***

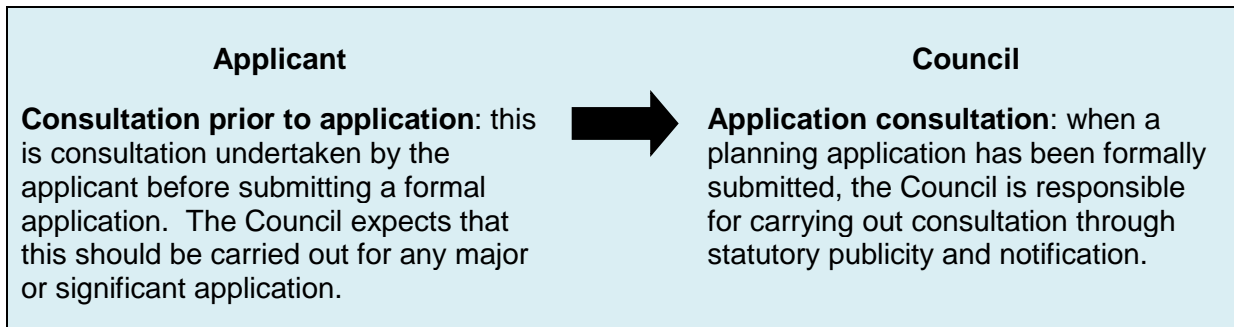
The Council recognises that many people wish to engage with consultation exercises at a time and in a manner which is convenient to them. This includes online methods. Social media can also be helpful but requires active management by Council officers to ensure effective use of a variety of online sites and applications<sup>7</sup>.

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<sup>7</sup> See note on page[9] on use of social media

## Community Involvement in Planning Applications

The District Council will implement the six 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.



### Consultation prior to application (by applicants)

The aim of consultation at this stage is to 'front-load' the process by encouraging discussion before a formal planning application is made. It should enable 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.

Applicants undertaking consultation on major or significant developments are strongly advised to conform to the principles set out in the Council's Code of Practice<sup>8</sup>, to demonstrate that the consultation prior to application has been effectively undertaken and to provide the Council with the results of the process.

Applicants should also include elected Councillors in early discussion of their proposals as guided by the Council's constitution<sup>9</sup>.

Applications for major development should include a Community Involvement Plan including report of consultation as part of the submission material.

### Using the results of consultation prior to application

The Council will use the results consultation undertaken prior to application to help determine the planning application alongside planning policies and other information.

### Application consultation (by the Council)

When a planning application has been submitted, the Council is responsible for carrying out consultation through statutory<sup>10</sup> publicity and notification. The Council often does more than it is formally required to.

- There is a statutory consultation period of 21 days<sup>11</sup>.

<sup>8</sup> See page [6] above

<sup>9</sup> See part 5 of the Council's constitution – Codes and Protocols <http://mid-sussex.cmis.uk.com/mid-sussex/Constitution.aspx>

<sup>10</sup> A helpful current breakdown of the relevant legislation covering the requirements for public consultation is set out in the NPPG at <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

<sup>11</sup> This may be different in certain circumstances: for example 28 days for planning applications affecting a Site of Special Scientific Interest (SSSI) or in an SSSI consultation area and 14 days for applications under the Permission in Principle procedure brought into force in June 2018.

- The Council will publish applications on its website via the Online Planning Register<sup>12</sup>. Applications can also be viewed at District, Town and Parish Council offices.
- The application will be advertised on the Council website<sup>13</sup>. 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>14</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@midsussex.gov.uk](mailto:planninginfo@midsussex.gov.uk).

### **Comments on planning applications**

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

- Loss of light or overshadowing
- Overlooking/loss of privacy
- Traffic and transport problems
- Noise and disturbance resulting from proposed use
- Hazardous materials
- Smells
- Loss of trees
- Effect on listed buildings and conservation areas
- Layout and density of building(s) proposed
- Design, appearance and materials
- Planning policy (for example the District Plan or national policies)
- Previous planning decisions
- Nature conservation impacts
- 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.

### **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 either by the Divisional Leader for Planning and Economy or by Planning Committee. In some cases, an applicant may decide to appeal and in that case an independent Planning Inspector (or the Secretary of State in certain very large or significant cases) makes the final decision.

<sup>12</sup> Online Planning Register available at <http://pa.midsussex.gov.uk/online-applications/>

<sup>13</sup> <https://www.midsussex.gov.uk/planning-building/view-and-comment-on-planning-applications/>

<sup>14</sup> As set out in Article 16 and 18 of the Town and Country Planning (Development Management Procedure) (England) Order (see Section 5)



## **The Council's Delegation Scheme**

- Allows the Divisional Leader for Planning and Economy to determine applications without having to refer the proposal to a planning committee and the discretion to refer an application to a Planning Committee.

The Divisional Leader for Planning and Economy cannot determine any application if:

- They are applications from the Chief Executive, Heads of Service, or staff involved in the planning process, or their partners, or Councillors or their partners.
- Proposals involving the District Council or the County Council as applicant or landowner.
- Cases where two Councillors have made, within the representation period, written requests for the matter to be considered by a Planning Committee.
- Cases where the recommendation would result in a decision contrary to the Council's adopted policies.
- Applications for planning permission (not reserved matters) for more than five houses which are recommended for permission.
- Major variations to Section 106 Agreements.
- Non-urgent Article 4 Directions must be referred to the Area Planning Committee for determination.
- Agents, interested parties, local Town and Parish councils and consultees do not have a right to request that a particular application is referred to a Planning Committee.
- Further details are available in the Council's Constitution which is available on the MSDC website<sup>15</sup>.

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<sup>15</sup> At <http://mid-sussex.cmis.uk.com/mid-sussex/Constitution.aspx>

## Summary of planning application stages

<b>Pre-application Consultation (by applicants on major or significant applications)</b>		
<b>Agree process</b>	<ul style="list-style-type: none"> <li>• Council offers pre-application advice service</li> <li>• Applicants asked to follow Mid Sussex's Statement of Community Involvement</li> <li>• Applicant produces a 'Community Involvement Plan'</li> </ul>	Failure to adequately consult or submit a Community Involvement Plan and report of consultation may result in an invalid application.
<b>Consult</b>	<ul style="list-style-type: none"> <li>• Applicant consults with relevant communities, organisations, Councillors and Council representatives</li> </ul>	
<b>Report</b>	<ul style="list-style-type: none"> <li>• Applicant produce a 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 information is made available for public to view as soon as possible on the Council's website <sup>16</sup> and at its offices.		
<b>Application Consultation (by the Council and statutory for all planning applications)</b>		
<b>Consult</b>	<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>• Normally 21 days to make written comment<sup>17</sup></li> </ul>	
<b>Review</b>	<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 notified</li> </ul>	
<b>Decision</b>	<ul style="list-style-type: none"> <li>• A delegated decision is usually made by the Divisional Leader for Planning and Economy (for about 90% of applications); otherwise the decision is made by a Planning Committee</li> </ul>	
<b>Decision made</b>		

<sup>16</sup> [www.midsussex.gov.uk/8085.htm](http://www.midsussex.gov.uk/8085.htm)

<sup>17</sup> See footnote 11 on page 15 for some of the circumstances when a different timescale may apply

<p><b>Inform</b></p>	<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<sup>18</sup>. The Council will notify those who commented so further comments can be made. Except where the Secretary of State him/herself makes the decision, the Planning Inspector decides whether or not to allow or dismiss the appeal. The Inspectorate notifies interested parties on the decision.</p>		

<sup>18</sup> [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

## Neighbourhood Planning

The Government's preference is that the location and nature of additional development should be identified through Neighbourhood Plans. This reflects the localism agenda, and its view that giving power and responsibility to local communities will give them the confidence to accept appropriate development and the corresponding benefits that can come with it. This view is set out in the National Planning Policy Framework (paragraph 16), which suggests that neighbourhoods should "develop plans that support the strategic development set out in Local Plans... and plan positively to support local development".

Since the Localism Act introduced Neighbourhood Planning in 2011, almost all Town & Parish Councils in Mid Sussex have prepared a Neighbourhood Plan. The District Council will continue to provide support to those Town and Parish Councils which wish to review their Plans. The Council has set up a webpage<sup>19</sup> to help Town and Parish Councils prepare and review Neighbourhood Plans. It includes advice and information provided by the District Council, and links to other sources of information. In addition, the District Council will continue to provide regular briefings for Town and Parish Councils on the preparation of the Site Allocations DPD and other planning policy documents.

Town or Parish Councils may decide that they wish to draw up a Neighbourhood Development Order, which would grant planning permission for specified developments in an area. There is a formal process set out by legislation including public consultation and a referendum as is the case with neighbourhood plans.

Should any Town or Parish Council be considering producing a Neighbourhood Development Order, the District Council strongly encourages early engagement with the Council to explore how the process can best be supported and facilitated.

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<sup>19</sup> <https://www.midsussex.gov.uk/planning-building/neighbourhood-plans/>

## Duty to Cooperate

Section 10 of the Localism Act (2011) introduces a Duty to Co-operate which requires planning authorities and other public bodies to actively engage and work jointly on strategic matters.

The ongoing cooperation between local authorities in the area has been positive and effective during the preparation of the District Plan, as evidenced in the Council's 'Duty to Cooperate Statement'. These relationships and joint working practices will need to continue to be effective and constructive on an ongoing basis to address the very significant challenges for the wider area in meeting housing and other development needs. The main mechanisms for this cooperation will be the Gatwick Diamond Initiative and the Coastal West Sussex and Greater Brighton Strategic Planning Board. The outcomes from these discussions and any underpinning technical work will be taken into account in planning policy documents. Mid Sussex District Council is fully committed to continuing to work positively and proactively with partners to plan strategically for the wider area in the longer term.

The *Duty to Cooperate Framework* published by Mid Sussex District Council in September 2015 established a robust and transparent process to enable cooperation with the relevant local authorities and organisations. It also enabled cooperation to be documented and monitored in terms of the strategic issues to be addressed, the outcomes achieved and the frequency of engagement with the relevant authorities/public bodies. In particular it enabled the Council to demonstrate that engagement has been:

- constructive
- active
- ongoing
- collaborative
- diligent and
- of mutual benefit.

Principles for cooperation were agreed by the West Sussex local authority Chief Executives in February 2014 and subsequently discussed with Brighton & Hove City Council and Lewes District Council. These principles:

- emphasise the importance of strengthening liaison between local authorities and working together on the duty to cooperate in a spirit of positive and collaborative joint working
- stipulate that work must be overseen at the highest levels within the local authorities with outcomes clearly recorded and signed off by Chief Executives and Leaders
- seek to avoid creating additional layers of bureaucracy
- recognise existing partnerships and the economic geography of the area; and
- state that arrangements must be consistent with the principles of localism.

## Resources and Monitoring

The effectiveness of the Statement of Community Involvement will be monitored for each consultation exercise. This will be covered in the respective consultation report and as part of the Annual Monitoring Report to ensure it remains appropriate and meets the needs of the community and the Council.

The Annual Monitoring Report will provide a summary evaluation of the effectiveness of the Council's consultation activity carried out over the year. This might include reporting on how successful consultations were and what respondents thought about their consultation experiences. It will use the key principles outlined in this guide as the basis for that review.

The Annual Monitoring Report may indicate that there is a need to review the Statement of Community Involvement. The Annual Monitoring Report will be available on the Council's web site at <https://www.midsussex.gov.uk/planning-building/consultation-monitoring/>.

## 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)

## Concerned about Community Involvement?

If you wish to raise issues related to planning, in the first instance you should directly contact the organisation that was involved in making the decision your question relates to. An example might be when an organisation does not properly inform you of the decision being made and what processes are being used to make the decision or if they do not adequately publicise results or feedback.

If you have a comment or concern with your experience of a Council led community involvement exercise, you should in the first instance, contact the officer detailed in the Community Involvement Plan.

Alternatively, you can contact the Customer Services and Communications Team by phone on 01444 477478 or by writing to Customer Services and Communications, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS.

Alternatively, you can use the Council's formal complaint procedure. The details of the procedure can be found on the Council's website at [www.midsussex.gov.uk/complaints](http://www.midsussex.gov.uk/complaints)

If your concern is about whether or not the Council has followed a statutory procedure, there may be a specific stage of the decision making process where these concerns can be made.