



Sefton Council



Statement of Community Involvement

March 2018

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1. Introduction

What is a Statement of Community Involvement?

1.1 A Statement of Community Involvement (SCI) is a document that Councils are required to produce that sets out what consultation will take place with the community on Planning Policy documents and planning applications. An SCI states who the Council will consult with, when and how.

1.2 The National Planning Practice Guidance states that:

“Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The Statement of Community Involvement should be published on the local planning authority’s website.” (Planning Practise Guidance 15-004-20140306) (06.03.14)

1.3 The SCI provides clarity on the extent of community involvement that will take place. It sets out clear consultation procedures and standards that the Council will follow when undertaking consultations on draft planning policy documents and when planning applications are received.

Why is Sefton Council producing a new SCI?

1.4 Sefton Council’s adopted its existing SCI in 2011. Since then there have been major changes to the planning system including the publication of the National Planning Policy Framework (NPPF), the transition from Local Development Frameworks to Local Plans and the introduction of Neighbourhood Planning. As a result of these significant changes an up to date SCI is required.

1.5 Sefton Council will review its SCI as and when required in order to ensure it remains up to date.

What consultation will take place on the SCI?

1.6 The draft Statement of Community Involvement will be subject to the same consultation procedures as draft Supplementary Planning Documents. Further information is provided in Chapter 5.

2. Sefton's consultation approach

Sefton's Consultation Approach

2.1 Sefton Council attaches great importance to undertaking effective consultation with the community. Before any consultation activity is undertaken on planning policy documents, the proposed consultation methods are reviewed by the Consultation and Engagement Panel. The Panel assesses the proposals and makes suggestions to increase the effectiveness of the consultation. Details of the Consultation and Engagement Panel can be found at: <https://www.sefton.gov.uk/your-council/consultations,-complaints-feedback/consultations-your-sefton-your-say.aspx>

Planning Applications

2.2 As part of notifying the community when planning applications are received, the Council will ensure there is appropriate publicity to enable members of the public to comment on proposals. Further information on how the Council will consult on planning applications is set out in Part 2 of this SCI.

Planning Policy

2.3 As part of involving the community in the preparation of planning policy documents Sefton Council will maintain an up to date consultation database so that anyone or any organisation who wishes to be informed of the progress of planning policy documents is directly consulted when a document goes out for consultation. Further information on how the Council will work with the community on Planning Policy documents is set out in Part 1 of this SCI. Anyone wishing to be added to the database can do so by emailing: Local.Plan@sefton.gov.uk

2.4 Once consultation has taken place on draft policy documents, a consultation summary will be produced which will summarise the key points made and provide a response to the issues raised before the document is finalised. This will be published on the Council's website.

Duty to Co-operate

2.5 As part of the statutory Duty to Co-operate, neighbouring councils and other relevant organisations must work together across boundaries on strategic planning issues that affect them all. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, Sefton Council will work together on strategic planning issues with the following organisations:

Duty to Co-operate Bodies

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Environment Agency 2. English Heritage 3. Natural England 4. Civil Aviation Authority. 5. Homes and Communities Agency 6. Clinical Commissioning Groups. 7. NHS England 8. Office of the Rail Regulator | <ol style="list-style-type: none"> 9. Highways Agency 10. Integrated Transport Authorities 11. Highway Authorities 12. Marine Management Organisation 13. Local Enterprise Partnerships 14. Neighbouring Local Authorities 15. The Liverpool City Region Combined Authority. |
|---|---|

2.6 In addition to the above, the Council is required to consult ‘specific’ and ‘general’ consultation bodies and other consultees including the community, business and third sector groups when consulting on planning policy documents. The following list of organisations will be informed of any consultation being undertaken, as appropriate.

| Specific Consultation Bodies | General Consultation Bodies |
|---|--|
| Adjoining Local Authorities All parish councils within and adjoining the boundary of Sefton Council Merseyside Constabulary The Coal Authority The Environment Agency Historic England Natural England The Secretary of State for Transport Electronic Communications Operators Telephone Operators Electricity Operators Gas Undertakers Sewage Undertakers Water Undertakers The Homes and Communities Agency Marine Management Organisation Network Rail Highways England Public Health England Electricity and Gas Companies Peel Ports Group (Statutory Harbour Authority) | Voluntary Bodies Ethnic/Racial/National Groups Religious Groups and Churches Disabled Groups Local Businesses Business Support Agencies <b style="background-color: #0070C0; color: white; padding: 2px;">Other Consultees Health Agencies Learning Agencies Schools Transport Bodies and Groups Sports Clubs/Bodies Recreation Bodies Infrastructure and Service Providers Design/Townscape/Urban Conservation Bodies Nature Conservation/ Countryside Bodies Environmental Groups Planning Consultants and Agents The Development Industry Other miscellaneous bodies The Canal & River Trust |

2.7 Sefton Council will make sufficient resources available in order to meet its statutory responsibilities and the procedures and standards contained within this SCI.

3. Local Plan

What is a Local Plan?

3.1 The Local Plan is the main planning policy document produced by the Council; it contains policies to guide the development of an area and includes allocations that indicate where development will take place over a 15 year period from the adoption of the Plan. As required by national planning policy, the Local Plan should be drawn up by the local planning authority in consultation with the community.

3.2 The Local Plan forms part of the Development Plan (along with 'made' Neighbourhood Plans). Planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

Consultation Methods

3.3 The following table sets out a summary of the consultation stages and methods that Sefton Council will use when consulting on a Local Plan.

| Local Plan Stage | Consultation Duration | Consultation Methods |
|--|--|--|
| Scoping Consultation (Regulation 18- Town and Country Planning Regulations (Local Planning) 2012) | Minimum of 6 weeks (excluding Bank Holidays) | <ul style="list-style-type: none"> • Written/Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments and; • Consultation document available on the Council's website and hard copies available at the Council offices and libraries and; • Inviting representation on the document through press advertisements and a notice on the Council's website and; • Public consultation events (at Scoping and Preferred Option stages). |
| Preferred Option Consultation (Regulation 18- Town and Country Planning Regulations (Local Planning) 2012) | Minimum of 6 weeks (excluding Bank Holidays) | |
| Publication version Consultation (Regulation 19/20- Town and Country Planning Regulations (Local Planning) 2012) | Minimum of 6 weeks (excluding Bank Holidays) | |

3.4 Sefton Council will provide details of any emerging Local Plan (including any review) on its website at www.sefton.gov.uk/localplan.

4. Supplementary Planning Documents

What are Supplementary Planning Documents?

4.1 Supplementary Planning Documents (SPDs) are documents that expand upon the level of detail provided in the Local Plan and provide more detailed guidance on particular issues.

Consultation Methods

4.2 When preparing Supplementary Planning Documents and SCI's Sefton Council will use the following methods to engage with the local community.

| SPD Stage | Consultation Duration | Consultation Methods |
|------------------------|--|--|
| Scoping Consultation | Minimum of 4 weeks (excluding Bank Holidays) | <ul style="list-style-type: none">• Written/Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments; |
| Draft SPD Consultation | Minimum of 6 weeks (excluding Bank Holidays) | <ul style="list-style-type: none">• Making the Consultation document available on the Council's website and hard copies available at the Council Planning offices and libraries; and• Inviting representation on the document through press advertisements and a notice on the Council's website. |

4.3 In addition to the above, the Council will provide details of the progress of emerging Supplementary Planning Documents on its website at the following address:

<http://www.sefton.gov.uk/emergingspd>

4.4 In addition, any information notes that we produced will also be subject to public consultation.

5. Neighbourhood Development Plans

What is a Neighbourhood Development Plan?

5.1 A Neighbourhood Development Plan (NDP) is a Planning Policy document that sets out policies for the area in question and can be used to influence the shape and form of development that will take place in the Neighbourhood Plan area. An NDP can also allocate sites for development including land for housing and employment.

Consultation Methods

5.2 Consultation on the early stages of the Neighbourhood Plan preparation is carried out by the Neighbourhood Forum, Town or Parish Council preparing the Neighbourhood Plan. A Statement has to be submitted along with the draft Plan indicating what consultation has been carried out and how it has informed the preparation of the draft Plan.

5.3 Once the Neighbourhood Plan is submitted, Sefton Council is required to consult on the draft Neighbourhood Development Plan as set out below.

5.4 Following receipt of the Examiner's report and before the Neighbourhood Plan can be 'made' by the Council, a referendum must be held for the community to approve the Plan in its final form. A simple majority of the votes is required before Sefton Council can formally 'make' the Plan so that it becomes part of the Development Plan.

| Neighbourhood Plan Stage | Consultation Duration | Consultation Methods |
|--|--|---|
| Neighbourhood Area Designation consultation | Minimum of 6 weeks | <ul style="list-style-type: none"> • Written/Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments; • Consultation document available on the Council's website and hard copies available at the Council offices, and libraries; and • Inviting representation on the document through press advertisements and a notice on the Council's website. |
| Neighbourhood Forum Designation consultation | Minimum of 6 weeks | |
| Submission Consultation & Publicity of a plan proposal | Minimum of 6 weeks (excluding Bank Holidays) | |

5.5 The pre-submission consultation and publicity is carried out by the Parish/Town council or Neighbourhood forum.

5.6 Sefton Council will publish any decision notices relating to the designation of a Neighbourhood Plan area, or the creation of a Neighbourhood Plan Forum, as well as all Examiner's reports on its website www.sefton.gov.uk/neighbourhoodplanning and in such other manner as it considers likely to bring to the attention of those who live and work or carry on business in the area once a decision has been made.

5.7 Where known, Sefton Council will update details of the progress of each Neighbourhood Development Plan (including details of examination or referendum arrangements) on its website on the above website. However, the main point of contact should be via the relevant Neighbourhood Forum, Town Council or Parish Council website.

Support for Neighbourhood Planning

5.8 Sefton Council will undertake its duty to support the production of Neighbourhood Plans by undertaking the following:

- Explaining the different stages involved with a Neighbourhood Plan.
- Directing the relevant body towards information relevant to the Neighbourhood Plan.
- Highlighting potential issues around compliance with the Local Plan and national policy.
- Providing feedback in the form of comments on draft Neighbourhood Plans.
- When a Plan is submitted assessing the documents compliance with statutory requirements.
- Consulting for a minimum of 6 weeks on the submitted neighbourhood plan.
- Arranging the appointment of the Neighbourhood Plan Examiner.
- Making arrangements for the referendum and (if approved) for making (adopting) the plan.

6. Planning Applications

Before Submitting a Planning Application

6.1 Before submitting a planning application applicants are recommended to consult with immediate neighbours and people who may be affected by proposals. For major applications (such as housing schemes of 10 or more dwellings) and fracking applications we strongly recommend additional measures to engage with the local community. Such measures could include:

- A. Consultation events with the local community
- B. Consultation with elected members, town and parish councillors
- C. Making detailed plans available for public view (including online on a website)
- D. Press notices/leaflets or letters to nearby residents.

Planning Application consultations

6.2 Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. Local Planning Authorities notify the community and consult statutory consultees and other stakeholders before determining applications for planning permission and consider any comments made.

Who we will consult directly?

6.3 We will:

- A. Inform the public - including neighbouring residents and community groups as set out in paragraph 6.8.
- B. Consult all relevant Statutory Consultees.
- C. Consult relevant non-statutory consultees who may have an interest in the proposed development.

How to view planning applications and comment

6.4 All Planning Applications are available to view:

- A. online at the following webpage: www.sefton.gov.uk/planapps
- B. at Sefton Council Planning Offices (by appointment only)

6.5 Anyone can comment on planning applications; however representations can only be taken into account that relate with planning matters. All representations received will be open to public view and cannot remain confidential. Generally there is a deadline of 21 days (excluding Bank Holidays) in which to make comments. However, there will be an additional

day of consultation for each bank and public holiday (from 1 June 2018). Comments can be submitted online.

Planning Application consultation methods

6.6 Details of minimum publicity requirements for planning applications and a list of when statutory consultees are required to be consulted are provided in the Planning Practice Guidance tables 1-3

<http://planningguidance.planningportal.gov.uk/blog/guidance/consultation-and-pre-decision-matters/>.

6.7 Sefton Council will notify people and organisations on planning applications in line with the following:

1. House extensions, domestic structures, new vehicular accesses
Notify any owner/occupier sharing a common boundary. For front and first floor side extensions and any other structures forward of principal elevation, notify any owner/occupier opposite whose boundary aligns or part aligns with that of the application site.
2. Minor new build housing/conversions (<10 units)
Notify any owner/occupier sharing a common boundary or any property opposite whose boundary aligns or part aligns with that of the application site.
3. Changes of use to A3, A4 and A5, or other sui generis uses such as night clubs, casinos, amusement centres, betting offices, pay day loan shops
Notify all owners/occupiers within 30 metre radius. A site notice may also be displayed either at front of property and / or in other locations dependent on site characteristics.
4. All major applications
Notify any owner/occupier sharing a common boundary or any property opposite the application site and/or proposed access/construction access.
5. Other minor development / changes of use other than (2) and (3) above
No notification - site notice at front of the property with other notices displayed dependent on site characteristics.
6. Advertisements
Site notice only, unless the proposal involves large freestanding sign/totem signs, in which case neighbours will be notified.

7. Certificates of Lawfulness for existing development
Notify any neighbouring owner/occupier in connection to the lawfulness being sought (e.g. if lawfulness sought for A3/A4/A5 all owners/occupiers within 30 metre radius will be notified and a site notice may also be displayed).
8. Certificates of Lawfulness for proposed development
No notification.
9. Listed building consent
No notification for internal works only.
If external works are proposed, any owner/occupier sharing a common boundary will be notified.
10. Tree works
Any owner/occupier sharing a common boundary will be notified.
11. Telecommunications development
Notify all schools and colleges (including grounds) within 200 metres of equipment.
Notify all other properties within 100 metres of equipment.
12. Non-material amendments
No notification.
13. Discharge of conditions
No notification.
14. Prior notification applications for householders
Notify each adjoining owner/occupier.
15. Prior notification applications under Class C (A3 uses), Class M (A1/A2 to C3 uses), Class N (casino/amusements to C3 use), Class Q (agricultural building to C3)
No notification but a site notice will be placed at front of property, together with further notices dependent on the site characteristics.
16. Prior notification applications **other than** those referenced by 11, 14 and 15.
No notification unless such notification is a statutory requirement.
17. All other applications to the LPA not referenced above
No notification unless such notification is a statutory requirement.

Minimum Legal Requirements

6.8 Article 15 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 sets out the statutory framework for publicity for applications for planning permission. This requires certain specified types of application to be publicised by way of a site notice and newspaper advertisement and in some cases also by way of notification to adjoining owners or occupiers. This is in addition to a general requirement for information relating to all applications to be available on the Council's website.

6.9 In all other cases the Council has the option of either displaying site notices or serving a notice on adjoining owners and occupiers.

Sefton's Procedure

6.10 In addition to advertising specific applications in a local newspaper when required under Article 15, the Council will also advertise applications that the Council considers to be of 'wider interest' by this means.

6.11 The Council will, with effect from the adoption of the SCI, carry out publicity as set out above. Where the Council considers it to be appropriate because of the wider interest of the application, the Council may also notify local groups and amenity societies and specialist organisations.

6.12 The timeframe for responding is generally 21 days unless the notice specifies otherwise. Regardless of where you hear about a proposal, anyone can submit comments to us. Comments received are "public documents", although personal details will be redacted.

Amended Plans

6.13 When amended plans are received for an application. Sefton Council will consider the following when determining whether re-notification is required. Any measures will be proportionate to the changes proposed.

- a. Whether the total number of houses/ floorspace has increased.
- b. For mixed use development, whether the floorspace of any of the uses has changed by more than 10%.
- c. For House Extensions,
 - i. Whether the extension would be larger or would be located nearer to a neighbour's house.
 - ii. Whether additional windows would be added.
 - iii. Whether the changes would make the application permitted development (in which case no-re notification will take place).

7. Determining Applications

Who decides planning applications?

7.1 Decisions on planning applications submitted to the Council are, unless in the rare instances when an application is 'called in' by the Secretary of State, made by either:

- A. Planning Officers
- B. Planning Committee

7.2 More information on the Council's scheme of delegation for planning applications is available in the Council's constitution at the following webpage.

<http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13370&path=0>

Applications determined by Planning Officers

7.3 For applications dealt with by planning officers we will produce a report which will be published online. This will contain a summary of the comments received together with our assessment of each application.

Applications determined by Planning Committee

7.4 For applications considered by Planning Committee, Planning Officers will summarise comments received in a report which will be available to view on our website. Residents can also ask Councillors to refer applications so they can be considered at Planning Committee. To assist Councillors in making decisions, an officer's report is produced with a recommendation; site visits may also be arranged. Details and decisions of meetings are available online at the following address:

<http://modgov.sefton.gov.uk/moderngov/ieListMeetings.aspx?Committeeld=134>

7.5 Residents objecting or supporting an application are entitled to address the committee for a maximum of 5 minutes where all of the following criteria have been met.

- A. A petition contains the names of 25 residents of the borough and;
- B. The petition is submitted by a councillor who is not a member of Planning Committee and;
- C. The petition is received by 10am on the Friday prior to the meeting of Planning Committee.

7.6 When a petition against a development is received a representative of the person or organisation promoting the development (usually the applicant/agent) will also have 5 minutes to respond. Further information is available on the link below.

<https://www.sefton.gov.uk/your-council/councillors,-meetings,-decisions/petitions.aspx>

Decisions on Planning Applications

7.7 Consultation and notification responses will be taken into account when determining planning applications. However decisions on planning applications must be made in accordance with the development plan unless material considerations dictate otherwise.

7.8 Public opposition or support (following notification) by itself is not a valid reason to refuse or approve a planning application. For a list of what are (and are not) material considerations please see the following webpage:

www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf

Planning decision time limits

7.9 The statutory time limits to determine planning applications are 13 weeks for applications for major development (unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies). The time for most other types of development is eight weeks.

Notification of decisions

7.10 Following a decision on an application, the decision is sent to the applicant/agent advising them of the decision that has been made, including details of conditions imposed. All decisions are available to view on Sefton Council's website, and notices of decisions may be sent out on request, at a small cost to cover administration. If the decision is made by Planning Committee, then the decision is also published in the minutes of the meeting on the Council's website.

8. Planning Appeals

Planning Appeals

8.1 If a planning application is refused, or the decision is not made within the statutory time limits, the applicant may decide to appeal against the Local Authority's decision if they feel the decision made is unreasonable or if a decision has not been made within the set time period. Applicants can also appeal against a planning condition.

8.2 Appeals are determined by the Planning Inspectorate or in cases of significant national importance by the Secretary of State. There are time limits to appeal decisions, more details on the appeal process are available on the links below.

- <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess>
- <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>
- <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

8.3 If an appeal is submitted, the Council will notify any interested parties of the appeal, including those who made representations before the application was determined. These representations will be sent to the Planning Inspectorate and the appellant and will be considered by the Inspector when determining the appeal.

8.4 Interested parties will be informed that any further written representations should be sent to the Planning Inspectorate within 5 weeks of the start date of the appeal. However interested persons cannot make representations on a householder appeal due to the 'fast track' appeal process. In this instance, only representations received during the planning application consultation process will be considered by the Inspector.

8.5 Planning Appeals are determined by one of 3 methods:

- A. Written Representations- These are determined by an exchange of written statements and where necessary, a site visit by an Inspector from the Planning Inspectorate:
- B. Informal Hearings – these are a discussion between the appellant and the Council about the merits of the case and are chaired by an Inspector from the Planning Inspectorate; and
- C. Public Inquiries – these are often used for major cases and are much more formal.

8.6 The Inspector will make a decision to dismiss or allow the appeal, or send a report to the Secretary of State. A copy of the decision notice will be sent to the appellant, the Council and any interested person who has requested a copy. It will also be available to view on the Planning Inspectorate website at: <https://acp.planninginspectorate.gov.uk/CaseSearch.aspx>

Appendix A: Further Information

Legislation

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

<http://www.legislation.gov.uk/uksi/2012/767/contents/made>

Neighbourhood Planning (General) Regulations 2012

http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf

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

2015 <http://www.legislation.gov.uk/uksi/2015/595/contents/made>

National Policy/Guidance

National Planning Policy Framework and Planning Practice Guidance.

<http://planningguidance.planningportal.gov.uk/>

Plain English Guide to the Planning System

<https://www.gov.uk/government/publications/plain-english-guide-to-the-planning-system>

Planning Aid

<http://www.rtpi.org.uk/planning-aid/>

Planning Portal

<http://www.planningportal.gov.uk>

Sefton

Planning and Building Control Webpage

<https://www.sefton.gov.uk/planning-building-control.aspx>

Planning Guide

<http://www.planningguide.co.uk/sefton/>

Local Plan Team
Sefton Council
Magdalen House
Trinity Road
Bootle L20 3NJ
Website: www.sefton.gov.uk/localplan
Email: Local.Plan@sefton.gov.uk