

# Statement of Community Involvement



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## Why get involved in planning decisions?

- 1.1 Planning affects us all. The homes we live in, the places we work, the open spaces where we relax, and the roads we travel on are all a result of planning decisions.
- 1.2 The way that Chichester District, excluding the area within the South Downs National Park, develops in the future will be affected by planning, and it is important that local people are able to put across their views by participating in planning decisions.
- 1.3 This Statement of Community Involvement sets out how the council will involve people in planning decisions. It provides brief guidance to explain how the planning system works and advises on how you can participate in planning decisions, and what you can expect if you choose to get involved.

## How does the planning system work?

- 1.4 There are two key parts to the local planning system - Planning Policy and Development Management.
- 1.5 **Planning Policy** is concerned with producing the local planning documents and policies that are used to guide development in Chichester District<sup>1</sup>. These documents must conform to relevant government guidance, and there are specific regulatory procedures which must be followed during their preparation.
- 1.6 **Development Management** is responsible for processing and determining planning applications, along with other applications including works to trees, and consents regarding advertisements and listed buildings. The Development Management team provides pre-application planning advice, and the Enforcement Team investigates and takes appropriate action in respect of breaches of planning control.
- 1.7 The Planning Inspectorate (on behalf of the Secretary of State for Communities and Local Government) is responsible for examining local plan-making and deciding planning and enforcement appeals.
- 1.8 On 1 April 2011 the South Downs National Park Authority (SDNPA) became responsible for all planning in the South Downs National Park. The SDNPA produces its own Statement of Community Involvement and local planning documents. The Chichester District Council Development Management team operates an agency arrangement with the SDNPA and determines the majority of planning applications within the national park which fall within Chichester District.

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<sup>1</sup> Excluding the area within the South Downs National Park

## Local planning documents

- 2.1** The council has a strategic vision for Chichester District<sup>2</sup>, and the Planning Policy team produces documents containing the planning policies to achieve it.
- 2.2** They consider a range of different issues such as the provision of new housing, and the delivery of employment, retail and open space, seeking to ensure that these are delivered in the right place at the right time.
- 2.3** There are two main types of planning document produced by the council; **Development Plan Documents (the Local Plan)** and **Supplementary Planning Documents**.
- 2.4** **Development Plan Documents** are formal plans that set out policies for a particular geographical area. They are subject to public consultation and a Sustainability Appraisal, which is an assessment of the economic, social and environmental impacts of a plan. They must also be considered at independent examination and obtain Full Council approval before they can be adopted.
- 2.5** **Supplementary Planning Documents** can expand upon a particular theme covered in a Development Plan Document to provide additional detail and guidance. These are also subject to consultation and may sometimes require a Sustainability Appraisal. Although Supplementary Planning Documents are not subject to independent examination, they need to obtain approval at Full Council.
- 2.6** The Chichester District Local Plan, together with the housing and employment requirements identified therein, relate to the part of the district that does not fall within the park authority boundary. The South Downs National Park Authority produces its own Local Plan. Their current Plan was adopted in July 2019.

## Producing a planning document

- 2.7** From time to time, the council will need to produce new planning documents, or update existing documents. The timetable for drafting and consulting on the plans is kept up to date and published on the council's website. Full details are found in the Local Development Scheme. This can be accessed at: <http://www.chichester.gov.uk/article/24662/Timetable---Local-Development-Scheme>
- 2.8** Depending on whether we are working to produce a Development Plan Document or a Supplementary Planning Document, there will be different preparation and consultation stages to undertake. We will involve people as early as possible and invite feedback on the draft documents. We will also ensure that people are kept informed throughout the document drafting process. The steps involved in Development Plan Document production, and opportunities to participate are summarised on the next page.
- 2.9** The process for preparing a Supplementary Planning Document is similar to a Development Plan Document, however, they are not subject to independent examination by the Planning Inspectorate.

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<sup>2</sup> Excluding the area within the South Downs National Park

### **Stage 1 – Preparation – Issues and Options (early engagement)**

- Collecting evidence through various sources
- Notify and work with groups, organisations and residents. Consider issues and alternatives
- Prepare content of draft document and provide feedback where possible

### **Stage 2 – Preparation - Preferred Approach (Regulation 18)**

- Statutory stage – 6 weeks (minimum) to comment on plan, sustainability appraisal and supporting evidence
- Documents made available for inspection on the council's website
- Representations received at Stage 2 summarised and made publicly available through appropriate channels
- Consideration of representations made

### **Stage 3 – Publication of Pre-submission Document (Regulation 19)**

- Publication of Pre-submission document and request for submission of representations (limited to matters of soundness, legal compliance and the duty to cooperate)
- Statutory stage – 6 weeks (minimum) to comment on document, Sustainability Appraisal and supporting evidence
- Documents made available for inspection on the council's website

### **Stage 4 – Submission and Examination (Regulation 22)**

- Development Plan Documents and representations received submitted to Secretary of State for independent examination
- 'Statement of Consultation' produced to demonstrate the Statement of Community Involvement has been followed
- Independent examination (parties can engage within hearing sessions held by the Inspector)
- Further consultation on any 'main modifications' – 6 week period

### **Stage 5 – Inspector's Report and Adoption**

- Planning Inspector issues report
- Document is adopted by Council if found 'sound' by Inspector and agreed by Council

### **Stage 6 – Monitor**

- The Plan is regularly monitored, to make sure it is achieving its aims
- The Plan may be reviewed, where necessary

**3.1** When the council consults people and organisations on a planning document, we will be guided by the following five engagement commitments:

- 1. Be clear about what we're doing** - From the outset we will ensure that people understand why we are consulting and engaging them, and how their comments will help to inform or influence decisions. Clear timescales will help people understand when and how their input will be used.
- 2. Be inclusive** - We will provide opportunities for people to engage with us to ensure that our plans and processes reflect the diverse and varied communities that make up our district. We will actively work to remove barriers to participation.
- 3. Be accessible** - We will ensure that people have opportunities to take part and are made aware of consultation exercises as early as possible, so they are able to participate at the right time in the process to influence decision-making.
- 4. Be transparent** - We will make clear how the decision-making process will work and how consultation feedback will be used, giving people the confidence that their input and involvement is actively being used to help shape decisions that affect them. This will mean being clear in stating who makes the decisions and when the decision will be made. At the end of each consultation period, we will undertake an analysis of all the responses received. This will be included in a summary report published on the council's website, outlining the actions that we propose to take.
- 5. Be accountable** - We will let people know how we have reached decisions. This will involve making clear the different types and sources of information that have been considered in reaching a final decision.

**3.2** By using a range of methods to inform, consult and involve people at the right time, we will enable them to influence the future planning of the Chichester Local Plan Area. The methods are flexible in order to tailor the consultation methods to the individual circumstances and different audiences we are targeting.

**3.3** We also have to meet the statutory consultation requirements of the Planning Regulations. To meet these requirements, we will:

- Make all consultation documents available to view at council offices during normal office hours. For a Development Plan Document, the statutory consultation stage is a minimum six-week period. For Supplementary Planning Documents, consultation lasts a minimum of four weeks.
- Publish documents and supporting information, including details of where and when copies of the documents can be viewed, and how people can comment, on the council's website: <https://www.chichester.gov.uk/localplan>

### Who do we involve?

**3.4** When preparing planning policy documents the council consults various organisations, known as ‘Specific Consultation Bodies’<sup>3</sup> or statutory consultees, depending upon the nature of the consultation being undertaken. These organisations include (but are not restricted to):

- Environment Agency
- Natural England
- Historic England
- Coal Authority
- Network Rail
- National Highways
- Adjoining local authorities (Havant, East Hampshire, Horsham, Waverley, Arun, South Downs National Park)
- Parish councils (including those which adjoin the district in neighbouring local authority areas)
- Relevant county authorities (West Sussex County Council, Hampshire County Council, Surrey County Council)
- NHS Sussex
- Sussex Police
- Homes England
- Sport England
- The Marine Management Organisation
- Relevant electronic communication companies
- Relevant electricity and gas companies
- Relevant sewerage and water undertakers, such as Thames Water, Southern Water and Portsmouth Water

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<sup>3</sup> As defined in the Town and Country Planning (Local Planning) (England) Regulations 2012



- 3.5** The Council consults with many other people, groups and organisations who have particular interests or local involvement, and are able to offer a variety of perspectives, contributing knowledge and expertise across a range of subject areas. These include 'General Consultation Bodies' representing the interests of different racial, ethnic, disability and faith groups or local businesses, or whose activities benefit the Local Plan area. Other parties might include local residents, residents' associations and members of the development industry.
- 3.6** To ensure seldom heard groups are represented, the council will work closely with relevant organisations that have experience in a particular matter to find the best means of consulting with these groups.
- 3.7** If you are interested in finding out more about consultation on planning policy documents, you can email your contact details to us at [planningpolicy@chichester.gov.uk](mailto:planningpolicy@chichester.gov.uk), or call us on 01243 785166 and we will add you to our database so that you are automatically notified of any new consultations.
- 3.8** Before a Development Plan Document can be adopted, it must be submitted to the Secretary of State for independent examination by the Planning Inspectorate. The examination considers whether the document is sound and legally compliant. The procedure used, either written form or to be heard in person by the Inspector, will depend on the issue and evidence that the Inspector is dealing with, and the nature of the representations.
- 3.9** All written comments made in the six-week consultation period at the pre-submission, undertaken within Stage 3, will be considered fully by the Inspector in deciding on the main matters and issues for all types of examination. You will only be able to appear in front of the Inspector if you are seeking a change to the document being examined.

### Adopting a planning document

- 3.10** The last stage in producing a planning document is to present it to the relevant decision makers, who will consider its adoption as council policy. The decision to adopt will be taken by the Full Council.
- 3.11** Full Council is made up of all 36 Councillors in the district. It is responsible for making all major policy decisions including approval of all statutory documents produced for the Local Plan. Members of the public are able to attend meetings of the Full Council and can ask questions at the start of the meeting.
- 3.12** If you would like to know more about asking questions at council, further information can be found on our website at <https://chichester.moderngov.co.uk/mgGeneric.aspx?MD=mgpublicspeakingatmeetings>.

### Neighbourhood Planning

- 3.13** Neighbourhood Plans are community-produced statutory planning documents that enable people to take a more direct role in shaping the places where they live.
- 3.14** A Neighbourhood Plan can build upon the broader policies set out in the council's local planning documents and represents a chance for people to influence the location, appearance and type of development that comes forward in a neighbourhood/parish.
- 3.15** The Government encourages communities to get involved in plan production and consultation, by responding to Local Plan consultations and/or by producing a Neighbourhood Plan. This is recognised as requiring a significant commitment from those involved in drafting and producing a neighbourhood plan in terms of time and resources.
- 3.16** In an area like Chichester District, it is usually the parish or town council who prepares a Neighbourhood Plan. It can cover all or part of the parish and in some cases may involve a number of parishes. In some areas, resident associations or other bodies may be interested in drawing up a Neighbourhood Plan and act as a forum. However, this will need to be carried out with the parish/town/city council who initiate and support the project.
- 3.17** The council will seek to provide support and advice on a range of issues, including consultation and the process of document production. Further information on this can be found at:

<http://www.chichester.gov.uk/neighbourhoodplan>.

### What is Development Management?

- 4.1** Development Management is the stage at which decisions are made on proposals for the use and development of land and buildings. It is an enabling process involving a positive, problem-solving approach taken by the council to shape and decide proposals for new development. The Development Management Service is responsible for determining the planning applications we receive.
- 4.2** Decisions on planning applications must be made in accordance with the development plan, including made Neighbourhood Plans (where these exist), unless other material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Where the development plan is silent, or its policies are out of date, the NPPF states that planning permission should be granted unless the development conflicts with the policies within the framework or adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies within the framework.

### Consulting on planning applications

- 4.3** The council undertakes consultation with statutory and other consultees on the majority of planning applications that are received. Statutory consultees are under a duty to provide a 'substantive response'<sup>4</sup> and include, for example, West Sussex County Council, Historic England, Natural England and National Highways. Pre-application consultation may also be undertaken by developers.

### Developer-led pre-application consultation

- 4.4** This applies to consultation undertaken by a developer before a planning application is submitted, usually for major schemes. It can be a helpful in identifying potential problems or improvements that could be made to proposals at an early stage. This can benefit local communities by enabling their input into the design of proposals to help ensure development is acceptable and can also assist developers by reducing the scope for objections at a later stage.
- 4.5** The Development Management Service strongly recommends that developers undertake pre-application consultation with local residents and other consultees, in addition to that undertaken with the council, prior to submitting any planning application for significant development. Developers undertaking pre-application consultation are asked to address the commitments identified in this document (para 3.1). In particular, we would ask developers undertaking pre-application consultation to:
- Set clear objectives and agree the consultation approach with Development Management, including who will be consulted;
  - Let people know what the application is proposing and be clear about what they can influence by making comments;

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<sup>4</sup> As defined by Article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

- Use a range of engagement methods to maximise opportunities for people to influence the proposals. Particular steps should be taken to involve any seldom heard groups that could be affected by a proposal;
- Submit a statement alongside the final planning application outlining the community involvement work that has been undertaken. This should include a summary of any responses received at consultation and should explain how feedback has influenced the proposals.

### Application publicity

**4.6** When a planning application is registered there is a statutory period of 21 days during which anyone can comment on the proposal. It is the council's responsibility to publicise planning applications in accordance with legislative requirements. Our approach to notification of planning applications will be to:

- Publish details of planning applications online. You can view details of planning applications at the council's website at <http://www.chichester.gov.uk/viewplanningapplications>. This can be used to see which planning applications have been registered and to access plans and supporting information relating to both current applications and historic planning decisions. Applications can be searched by address or by an individual planning reference.
- Undertake appropriate notification. This will vary according to the type of application and so we will undertake notification as considered necessary and proportionate. This could involve writing to individual neighbours, displaying a site notice, and/or a press advertisement.
- Parish and town councils and the city council are consulted on all planning applications in their parish or city as statutory consultees.

### Commenting on a planning application

**4.7** If you would like to comment on a planning application, your comments must be submitted to the council in writing and should be within the 21 day consultation period, although representations received after this will be taken into account up until the point that a decision is made. You will need to provide details of your name and address, which will appear with your comments on the council's website. If you wish for your comments to be anonymous, you should be aware that they will be given reduced weight as their relevance to the planning decision may be unclear or unknown. Otherwise, provided your comments relate to planning matters, they will be taken into account by the council in determining the application.

- 4.8** The easiest way to comment on a planning application is to search for it at the council's website at <http://www.chichester.gov.uk/viewplanningapplications>. You can search for an application by address or by its planning reference number and submit your comments online. You can also view any comments that other people have submitted in this way. You can also write to the Director of Planning and the Environment, or email us at [dcplanning@chichester.gov.uk](mailto:dcplanning@chichester.gov.uk).
- 4.9** The comments we receive in response to planning applications are a matter of public record. This means that we cannot treat comments as confidential, and they will be made available to view on the council's website alongside the name and address of the person making the comment. We will not publish telephone numbers, private email addresses or signatures. We reserve the right not to publish any comments or parts of comments that are not considered suitable for public view, including comments that are offensive, personal or defamatory.

### What can I comment on?

- 4.10** If you comment on a planning application it is important that your comments relate to planning matters, as it is only these matters that can be taken into account by the council when making a decision. Some of the issues that are considered to be planning matters include:
- external appearance and design
  - impact on the street scene or character of the local area
  - issues of noise, privacy, disturbance and amenity
  - loss of trees or impact on conservation issues
  - drainage
  - highway safety, traffic and parking issues
  - loss of light or overshadowing.

**This list is not exhaustive. There may be other relevant issues that you wish to comment on.**

- 4.11** Some issues are not normally regarded as planning matters and are not usually taken account of when reaching a planning decision. These include:
- loss of private view
  - property value
  - other private property matters such as boundary and ownership disputes, or private rights of way
  - moral issues or applicant's motives
  - possible future uses outside the scope of the application

- matters covered by other legislation, such as building regulations, licensing or restrictive covenants
- personal matters relating to the identity of the applicant

### **Making a decision**

**4.12** There are two main ways in which the council will reach a decision on a planning application. These are by designated senior officers of the council (a delegated decision), or by the Planning Committee, or exceptionally by the Council.

### **Delegated decisions**

**4.13** Once the consultation period has been completed, the planning case officer will take into account all material considerations, including relevant local planning policies and national planning guidance. The reasoning behind the case officer's recommendation will be set out in a short report. A decision will then be made in accordance with the council's Scheme of Delegation by authorised senior officers on behalf of the Director of Planning and the Environment.

### **Planning Committee (Development Management)**

**4.14** In some cases, a decision cannot be made under delegated powers and must instead be decided by Councillors at a Planning Committee. The main reasons for referral of a planning application to a Planning Committee are where:

- The officer recommendation is contrary to an objection made by a statutory consultee or the relevant parish council (other than for certain minor types of application).
- A District Councillor requests that the application be determined by the Committee.
- The decision would significantly conflict with the council's planning policy.
- The applicant is a Councillor or council employee.

**4.15 Please note this is a simplified list** – the full text is available in the council's Constitution on our website at:

<https://chichester.moderngov.co.uk/ieListMeetings.aspx?CId=280&info=1&MD=TheConstitution>.

**4.16** Anyone can speak at Planning Committee meetings, provided that they have registered that they or a person acting on their behalf want to do so by no later than 12 noon on the day before the meeting.

**4.17** You can register by contacting the Democratic Services Team at East Pallant House, Chichester on 01243 534684 or 01243 534674 or by email at [democraticservices@chichester.gov.uk](mailto:democraticservices@chichester.gov.uk).

**4.18** Further information on public speaking at Planning Committee meetings can be found on our website at:

<https://chichester.moderngov.co.uk/mgCommitteeDetails.aspx?ID=134>.

**4.19** The council publishes a list of Committee dates and those applications to be considered by the next relevant Committee on the council's website.

### Appeals

**4.20** In circumstances where a planning application is refused, or a decision is not made within specified time limits, the applicant may choose to appeal. Where this happens, an independent planning inspector or the Secretary of State will make a final decision on the application, and there may be a further opportunity for public involvement in the process.

### How can I find out about planning decisions?

**4.21** Once a decision has been made, a decision notice is sent to the applicant and/or agent to inform them of the decision. All planning decisions are published on a public register, which is available to view online at <http://www.chichester.gov.uk/viewplanningapplications>.

**4.22** If there is a planning application-related issue that you would like to discuss, you can contact the Development Management Service on 01243 785166 or by email at [dcplanning@chichester.gov.uk](mailto:dcplanning@chichester.gov.uk).

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